If convicted, the executives and officials each face up to 54 years in prison: 45 years of that sentence would be related to the homicide and nine would be linked to environmental crimes. The companies also face fines.

Samarco, Vale, and BHP Billiton declined to comment to Bloomberg BNA on the ruling suspending criminal proceedings.

This criminal case is unrelated to civil lawsuits against Samarco and its co-owners seeking billions of dollars. Last month, another Minas Gerais federal judge gave Samarco and its co-owners until Oct. 30 to finalize a settlement-for-damages agreement that would dismiss both civil suits.

Shale Drillers Spend Less, Produce More in Glut-Gorging Push

Posted August 09, 2017, 7:58 A.M. ET

By Joe Carroll, Giacomo Tognini and Alex Nussbaum

Shale drillers are greeting the fourth year of a historic oil-market slump in a curious fashion, promising to generate even more price-killing production as 2017 progresses.

Second-quarter reports in the last two weeks show producers led by ConocoPhillips, EOG Resources Inc. and Diamondback Energy Inc. plan to pump 50,000 barrels a day more than prior forecasts, easily offsetting modest production cuts by other peers. At the same time, full-year drilling budgets were largely curbed, some by hundreds of millions of dollars.

Investors, though, were unimpressed, erasing as much as 11 percent from an index of Permian shale explorers since the updates began on July 26. Meanwhile, crude futures, once seemingly ready to breach $50 a barrel in New York on OPEC-led cutbacks, are up just 0.8 percent.

Here are three charts on production forecasts, capital expenditures and hedging showing the status of U.S.-based drillers heading into the second half:

Apache Corp. was an outlier among shale players, cutting its production forecast for the year by 30,000 barrels a day to adjust for its exit from Canada. The producer sold its assets there earlier this year, choosing to focus on operations in the U.S., U.K., and Egypt.

Overall, the companies said they would cut about $1.25 billion from their capital expenditures for 2017. The reasons varied company-by-company, with some executives citing shortages of fracking crews in some regions that will delay some planned wells until early 2018. At least seven more companies were due to disclose quarterly earnings this week.

“This is reflective of cautious capital budgeting, continued operational efficiencies in the field, and perhaps in some cases, service costs not meeting inflation expectations built into budgets,” David Tameron, an analyst at Wells Fargo Securities LLC, said in a note to clients. “In addition, capex reductions are also a nice tag line for companies to address Street concerns about capital discipline.”

One reason drillers have been sanguine about pumping more crude even as an existing glut weighs on prices is that they’ve been able to lock in profits for future barrels with hedging instruments such as swaps and options.

Pioneer Natural Resources Co., Devon Energy Corp. and Antero Resources Corp.are among the shale drillers amassing hedges that protect their future proceeds as far out as 2023, according to data compiled by Bloomberg. With U.S. crude futures getting closer to a new bull market, the pace of hedging by energy producers is poised to accelerate.

One of the most-active drillers in the Permian Basin, Pioneer has been closely following Energy Information Administration tallies of crude inventories that are released every Wednesday. Recently, the data has been lifting prices, and Pioneer's risk-management team has been swooping in to lock in the upticks, said Chief Executive Officer Tim Dove. So far, about half of the oil Pioneer expects to pump next year is covered.

"I'm pleased about that, of course," Dove said in a conference call. "We'll look to do more hedges in 2018 as we look for attractive opportunities to do so in the next few months, to actually be significantly higher than 50 percent."

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Gas Sellers Warn Hard-Bargaining Buyers: Market Is Turning

Posted August 09, 2017, 8:36 A.M. ET

By Naureen S. Malik

A worldwide glut of natural gas has buyers of the fuel driving hard bargains and pushing for shorter supply contracts. The only problem with that, according to their sellers: The market's about to turn against them.

Gas buyers have become too focused on the short-term, turning away from long-term contracts, said Greg Vesey, chief executive officer of Liquefied Natural Gas Ltd., an Australian developer of terminals that liquefy and export gas. If they keep it up and don't lock in enough contracts next year to encourage the construction of more export terminals, the market could end up short supplies as soon as 2021, he said.

"Things come to a head in late 2018," Vesey said in an interview at Bloomberg's headquarters in New York Aug. 8. "By the end of 2018, people will realize they have to make a decision."

The global glut of LNG supplies and an ensuing plunge in prices have already killed plans for export terminals around the world. Just last month, Malaysia's Petroliam Nasional Bhd. decided to scrap a $27 billion export complex in Canada, citing low prices. And more could follow as buyers take advantage of excess supplies to renegotiate contracts.

"The reality is that a new facility needs to be backed by a 20-year contract," Kathleen Eisbrenner, chief executive officer of export terminal developer NextDecade Corp., said in an interview late Tuesday. "There is starting to be a realization that, if those contracts aren't signed soon, we will go into a shortage."

There is an appetite among some buyers, such as large Asian utilities, for 20-year contracts, with one counter-party interested in a 25-year deal, she said.

And yet Anatol Feygin, chief commercial officer of Cheniere Energy Inc., the U.S. shale gas exporter searching for long-term contracts to back an export terminal in Texas, noted a "good appetite"

among buyers to lock in supplies for three to seven years rather than 20. He said in a call with investors Aug. 8 that "market conditions continue to be challenging for long-term deals."

Spot LNG in Northeast Asia, the biggest LNG-buying region, tumbled about 70 percent from its peak in February 2014, according to industry publication World Gas Intelligence.

Cut-Rate Prices

Increasing volumes of gas from Australia to America's shale gas formations have hit the water in recent years, inundating the market with so much supply that analysts say demand may not catch up until the next decade. Raymond James said last month that export projects will probably continue to be shelved.

That has escalated the competition among LNG suppliers to score the long-term contracts they need to expand capacity, and some sellers are trying to entice buyers with cut-rate prices, Vesey said.

They are putting "ridiculously low prices out there" with the hopes of raising them in future contracts, he said. Liquefied Natural Gas is developing an export project in Louisiana that has already gained regulatory approval but needs supply agreements.

"There is a disruptive nature to what's happening," Vesey said.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 9/27/2017 8:09:08 PM
Subject: Sep. 27 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Hurricane Maria May Be Preview of Climate-Fueled Migration

Posted September 27, 2017, 9:42 A.M. ET

By Christopher Flavelle

Hurricane Maria's devastation of Puerto Rico may offer a preview for Americans of one of the most jarring potential consequences of global warming: the movement of large numbers of people pushed out of their homes by the effects of climate change.

The storm, which destroyed houses, washed away roads, and cut off power to the commonwealth's 3.4 million residents, risks accelerating an exodus that's already under way as people flee economic stagnation and rising taxes brought on by a fiscal and debt crisis.

On Sept. 26, Puerto Rico Governor Ricardo Rossello warned that without "unprecedented relief" from the U.S. government, "thousands if not millions" of residents could leave the island for the mainland. That would strain housing and job markets in the cities that received those people, as well as local government services.

In Puerto Rico, a further drop in population would make it harder to reverse its economic decline. The commonwealth declared bankruptcy in May and has stopped making payments on much of its more than $70 billion in debt. Fewer residents would mean less economic activity, further reducing tax revenue and leaving officials even less able to repay Puerto Rico's loans.

Scientists say higher water and air temperatures, as well as rising sea levels, increase the intensity and destructive power of hurricanes, a trend that will continue as the concentration of greenhouse gases in the atmosphere increases.

Migration Underway

Researchers at the International Monetary Fund, in a report released Sept. 27, looked at the links between extreme weather and emigration in more than 100 countries over three decades. They found that "a rise in temperature and greater incidence of weather-related disasters increase out-

migration," according to Petia Topalova, the IMF researcher and lead author of the report.

It describes migration as an "adaptation strategy for households hurt by weather shocks" and predicts that "substantial migration flows, potentially spilling across country borders, could arise if climate change causes a significant rise in sea levels."

In some parts of the world, that's already happening.

In Africa, climate change forced an estimated 1 million people to leave their homes in 2015; in the Pacific, the World Bank has urged Australia and New Zealand to open their doors to residents forced off small island nations such as Tuvalu and Kiribati. Even in Syria, internal migration sparked by a historic drought contributed to the civil war, which has added to the wave of people trying to enter Europe in recent years.

Maria, which struck Puerto Rico Sept. 20, could expose the U.S. to a similar dynamic. The scale of destruction on the island, combined with its large population and Puerto Ricans' legal right to move anywhere in the U.S., could prompt migration on a larger scale than other natural disasters.

East Coast Influx

That raises questions about the country's ability to handle such a movement of people. The housing market in those cities may not be able to accommodate that kind of influx, according to Jesse Keenan, an expert on climate adaptation at Harvard University.

"Let's say just 350,000 leave," Keenan said. Of those, he added, "let's say just half end up in cities. It's a major housing crisis. We don't have that much slack in housing inventory."

Keenan used the example of New York, which has the largest concentration of Puerto Ricans outside of the island. The city's traditionally Puerto Rican neighborhoods, where new arrivals might settle—East Harlem, Bushwick, parts of the Bronx—already have low vacancy rates and high rental costs, Keenan said.

"The city of New York right now needs to set up a plan to house these people," he said. If they're forced to stay with friends or relatives, "you're talking about housing being burdened by having too many people legally in the unit," Keenan said, leading to fire risks, domestic strife and other problems.

Large numbers of newcomers also would place "a tremendous burden on social service delivery, at least for a couple of years," Keenan said.

Climate Migration

Topalova, the IMF researcher, said that people who leave Puerto Rico because of Maria may have a harder time finding their feet in their new homes.

"Previous IMF work suggests that people who were forced to depart their home country due to various events outside their control may be different, in terms of demographics and skills, than economic migrants," she said. "They may face greater challenges integrating in the job market relative to economic migrants who—by definition—chose their destination to maximize employment outcomes."

With enough planning and foresight, the U.S. "will be able to absorb and put to good work a wave of climate refugees," said Giovanni Peri, an economist at the University of California, Davis, who studies climate migration.

Natasha Lycia Ora Bannan, an associate counsel at LatinoJustice, an advocacy group in New York, got a call Tuesday from a friend on the island, asking if she could help him find a job in the city. She described him as "somebody I never imagined asking that."

For those who feel they need to leave the island, "this promise of economic opportunity elsewhere often does not lead to a job, or the job that they thought they would encounter," she said. "I call it the forced migration."

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Debt-Ridden, Maria-Menaced Puerto Rico Faces Environmental Crisis

Posted September 27, 2017, 10:27 A.M. ET

By Adam Allington and David Schultz

Days after Hurricane Maria ripped through Puerto Rico, a severe reality is settling in: Food and gasoline are scarce, the island's electric grid is decimated, and nearly half of the population lacks access to clean drinking water.

"In previous hurricanes, like Hugo [in 1989] and Georges [in 1998], people in rural areas or poor communities went to rivers and springs to get water," said Alan Covich, an ecologist studying natural disturbances at the University of Georgia.

But Maria knocked down trees on mountain hillsides, making them susceptible to landslides and muddy waters, Covich told Bloomberg BNA. "When all of that sediment and debris makes its way into the river, it could contaminate the water, but it's also going to create problems for treatment plants further downstream," he said.

In the coming days and weeks, Covich said there will be a tremendous need for water purification kits across the U.S. territory, especially in rural areas. Without those kits, people will be drinking contaminated, stagnant water and face greater exposure to mosquito-borne diseases like Zika and Dengue fever, he said.

In a statement provided to Bloomberg BNA Sept. 26, the Federal Emergency Management Agency said it has delivered 6 million liters of water, 4 million meals, 300 infant and toddler kits, and 70,000 tarps to the U.S. Virgin Islands and Puerto Rico since Hurricane Maria's Sept. 20 landfall, which brought 150 mph winds.

"An additional 7 million meals and 4 million liters of water are en route by barge," said FEMA.

According to the Department of Defense and others that are assisting in the humanitarian response, about 44 percent of Puerto Rico's 3.4 million residents are without clean drinking water.

And the destruction that Maria caused also could compound environmental risks in certain neighborhoods—particularly in low-income and rural areas.

Compromised Water Utility

Hurricane Maria's devastating landfall came just two weeks after another powerful hurricane, Irma, skirted the island, leaving 1 million without power.

But even before the twin storms, the Puerto Rico Aqueduct and Sewer Authority (PRASA), was facing criticism for systems operating in violation of the Safe Drinking Water Act.

And the island's main water utility was hamstrung by $4 billion in outstanding debt, rendering the agency effectively unable to fund much-needed infrastructure upgrades.

Under a 2015 settlement with the U.S. Department of Justice and the Environmental Protection Agency, PRASA agreed to undertake major upgrades, improve inspections, and prioritize island-wide capital improvement projects. In recognition of the financial conditions in Puerto Rico, the U.S. government agreed to waive payment of civil penalties.

But tropical storms and hurricanes put so much stress on infrastructure that it can be difficult to fortify them, even when money isn't tight, civil engineers said. And, compared to most municipal water authorities, Puerto Rico's PRASA is much, much larger.

"PRASA has eight dams and reservoirs and 114 water-treatment plants," said Melissa Pomales, a civil engineer for Arcadis, based in Puerto Rico. "They also have 51 waste water treatment plants and over 20,000 miles of water and sewer pipes."

Between 2005 and 2015, PRASA invested about $3 billion in capital improvements to bring itself back into regulatory compliance, Pomales said.

"But since 2015, the government hasn't had access to the financial markets to lend them the money," she told Bloomberg BNA.

The main problem now, said Pomales, is simply getting gasoline and wireless communications necessary to conduct damage assessments before treatment plants can resume pumping water.

'All Been Blown Away'

Puerto Rico declared a form of bankruptcy in May, facing a crushing multi-billion-dollar debt load following years of financial mismanagement. For the past decade, the government hasn't had the funds to pay its creditors or improve its aging infrastructure, let alone deal with the consequences of a major hurricane.

"Many times, when public utilities get into trouble, they quit funding maintenance and Puerto Rico has been failing to fund infrastructure for about 15 years now," said Brookings Institution Economist Barry Bosworth.

"I think they were starting to at least develop a plan to reduce costs and prioritize new spending," Bosworth told Bloomberg BNA, "but that's all been blown away now."

The extended public debt crises had already cast a pall over the island's economic future. But Bosworth notes that none of that should factor into providing people with the aid they need to survive and start to rebuild.

Island Isolation

Yet, even with FEMA able to provide an infusion of capital and equipment, the problem going forward might turn on whether people are willing to come to assist with the recovery, according to Bosworth.

"Think about what happens when we see hurricanes hit the mainland," he said. "Utility companies from states all across the country send in resources and workers—those companies might be hesitant to send their staff down to Puerto Rico to help, because they're worried they might not get paid back for that work."

Under normal circumstances, municipalities might split the cost of disaster recovery 25–75 percent, with the government picking up the larger share, he said.

In the case of Puerto Rico, the only realistic way forward now is for the U.S. government to simply give the island the money to rebuild, no strings attached, according to Bosworth.

Appropriation From Congress

The momentum for an emergency funding bill for Puerto Rico is growing on Capitol Hill. Republicans in both chambers said Congress will have to act quickly to respond to the widespread destruction the hurricane caused.

GOP leaders in the House are preparing a bill similar to the one that was passed earlier this summer to help mainland U.S. communities in response to Hurricanes Harvey and Irma, according to Rep. Bob Gibbs (R-Ohio). He also told Bloomberg BNA that congressional leaders are waiting to hear from FEMA and other federal agencies about what types of aid will be needed on Puerto Rico.

That process is being complicated, however, by the massive logistical problems the storm triggered on the island including gasoline shortages and damaged roads. For example, disaster specialists from the Army Corps of Engineers have had a difficult time responding to congressional inquires because of downed communications infrastructure, according to Rep. Brian Mast (R-Fla.).

'Between a Rock and a Hard Place'

Mast also told Bloomberg BNA that the Coast Guard is having trouble sending flights to Puerto Rico as "we can't even get on the ground because they're worried about places where martial law is in place."

Sen. Marco Rubio (R-Fla.), floated the idea of extending ultra-low interest loans to the island. But it's unclear how much capacity the local government has to take on more debt at any interest rate.

"Puerto Rico, its government, and its people are between a rock and a hard place," Sen. Tom Carper, (D-Del.), told Bloomberg BNA. "They deserve our help and we need to provide it."

Sen. Charles Schumer (D-N.Y.), the Democratic leader in the Senate, said Congress should be talking about grants, not loans.

"Low-interest loans are down the road," he told reporters. "They need help now."

—With assistance from Dean Scott

Broader Look at Chemical Uses Needed in EPA Rules, Groups to Say

Posted September 27, 2017, 03:54 P.M. ET

By Pat Rizzuto

The EPA is not casting a wide enough net in considering how people are exposed to certain chemicals, environmental and health groups plan to argue in lawsuits challenging two of its regulations. By ignoring certain pathways of exposure to particular chemicals, the Environmental Protection Agency is effectively narrowing how carefully it regulates these products, Andy Igrejas, the founder of the Safer Chemicals, Healthy Families coalition, told Bloomberg BNA. His group and others, including the Environmental Defense Fund and the Alliance of Nurses for Healthy Environments, are challenging two rules intended to implement the 2016 amendments to the Toxic Substances Control Act, saying the agency unlawfully allows itself to exclude chemical uses from its risk evaluation.

"EPA's position that it can ignore known and foreseeable uses violates the text of the law," wrote the Environmental Defense Fund in comments it recently submitted to the EPA about the agency's preliminary plans to determine whether 10 chemicals pose risks to people or the environment.

The range of uses and exposures the EPA considers could determine whether companies as diverse as the Occidental Chemical Corp., Tiffany & Co., and General Motors could face restrictions on their products. Regulations to control risks are required under TSCA if the agency evaluations conclude a chemical or its specific uses pose an unreasonable risk to people or the environment.

The narrower the scope of the EPA's assessments, the fewer the companies that would be subject to resulting regulations if the EPA concludes a chemical or its particular uses pose an unreasonable risk. A broader scope means more of a company's use or manufacture of chemicals could be regulated.

Rationale

The two rules being challenged describe how the EPA will go about prioritizing chemicals for risk evaluation and the procedures it will use for those reviews. The risk evaluation rule summarizes the agency's rationale for excluding uses.

The EPA may exclude chemical uses "in order to focus its analytical efforts on those exposures that are likely to present the greatest concern, and consequently merit an unreasonable risk determination," the agency said.

Companies and trade associations supported that rationale in comments and public meetings that proceeded the final rule. No company or trade association would discuss legal arguments to be raised in the upcoming lawsuits, but the American Chemistry Council and more than a dozen other trade associations asked the courts to allow them to intervene in the lawsuits supporting the EPA.

"Some stakeholders claimed that EPA is required to examine all conditions of use, all vulnerable subpopulations, aggregate risks, continuing exposures to legacy contamination, intended and actual uses (even misuses), and incidental and cumulative exposures," the chemistry council wrote in comments on the agency's plans to evaluate the risks of asbestos, pigment violet 29, seven solvents, and a cluster of three related flame retardants.

"ACC is concerned that such a comprehensive approach is neither legally required nor practical," it said. The American Public Health Association said the agency should look at exposures from all current and legacy uses and consider them together to do an adequate assessment and risk characterization.

"Asbestos is widely prevalent in the environment due largely to legacy uses and risk evaluations that assess only exposures from current uses will fail to characterize the risks these chemicals pose," wrote Georges Benjamin, a physician and executive director of the health association.

Lawmakers Eye Common Ground on Wildfires, Forest Management

Posted September 27, 2017, 6:33 A.M. ET

By Alan Kovski

Congress is stepping up action on forest management and wildfire funding bills, with potential for disagreements over streamlining environmental analyses but notable areas of agreement, too—especially in the case of a court decision that has entangled forest managers and logging projects.

A decision by the U.S. Court of Appeals for the Ninth Circuit that frustrated the Obama administration, as well as members of Congress, is on the chopping block. Lawmakers may make changes in the law to override the Cottonwood decision, as it is known, to make it easier for forest managers to approve projects such as logging in the federal forests.

Wider-ranging legislation may have a tougher time. Environmental advocates and many Democrats usually are strongly opposed to streamlining of environmental review requirements or most ideas about restraining litigation.

The bills are important to logging and sawmill companies in many rural parts of the West, to communities dependent on those business activities or threatened by wildfires, and to many environmental activists. Wildfires in 2017 have burned more than 8 million acres.

Sen. John Barrasso (R-Wyo.), chairman of the Senate Environment and Public Works Committee, presided over a Sept. 27 hearing on three bills concerning forest management strategies for reducing the risk of wildfires. Barrasso told reporters he intended to advance bills out of committee this year. Forest management has been a contentious subject for several years because of arguments over logging, environmental analyses, and litigation relief, but Congress gets a little closer each year to passing legislation, according to Sen. Steve Daines (R-Mont.).

Cottonwood Decision Targeted

Daines is the author of the Litigation Relief for Forest Management Projects Act (S. 605). It targets the Cottonwood decision and has the support of Sen. Jon Tester (D-Mont.). It is mirrored by a House bill (H.R. 1483) that also has bipartisan support.

The bill also received support from Collin O'Mara, president of the National Wildlife Federation, during the Senate hearing that Barrasso chaired.

The 2015 Cottonwood decision by the Ninth Circuit said forest managers must start new consultations with the U.S. Fish and Wildlife Service whenever new information indicates potential impacts on endangered species from federal agency decisions.

The U.S. Forest Service told Bloomberg BNA Sept. 26 that the Cottonwood decision has led to some extensive projects being halted by litigation in the service's Montana-based northern region. The stalled projects mean an estimated 99.6 million board feet of timber are waiting to be harvested and 1,539 associated full-time or part-time jobs are unfilled, the service said.

Much of the proposed work is to reduce the buildup of hazardous fuels that can contribute to wildfires, according to the service. The projects also are intended to help trees withstand insect infestation and disease, the service said.

The Cottonwood decision came about after the Fish and Wildlife Service revised the critical habitat of the endangered Canada lynx. Environmental activists argued forest managers should be required to restart consultations with the Fish and Wildlife Service and revise forest management plans as needed for the lynx.

The Cottonwood decision confronts national forest managers with the prospect of endless rounds of consultations on species, because new information is always coming up, U.S. Forest Chief Tom Tidwell said in June, two months before his retirement.

Money and Management

Bipartisan bills also have been proposed to revise federal funding of wildfire suppression. Rep. Mike Simpson (R-Idaho) in June proposed again a bill (H.R. 2862) to use budget cap adjustments to allow more funding of wildfire suppression. Sen. Ron Wyden (D-Ore.) introduced a companion bill (S. 1842) Sept. 19 in the Senate, where it was referred to the Senate Budget Committee.

Several lawmakers, including the Republican chairmen of the Senate Energy and Natural Resources Committee, the Senate Environment and Public Works Committee, and the Senate Agriculture, Nutrition, and Forestry Committee, have said it makes sense to enact changes in forest management policies along with wildfire funding because better management can reduce the frequency and severity of forest fires.

That is where environmental advocates and many Democrats dig in their heels. They worry that the revised forest management policies will lead to too much logging under the guise of forest "restoration" or forest "resilience."

"Timber companies would be the only winners if these terrible bills pass," Brett Hartl, government affairs director with the Center for Biological Diversity, said in a statement.

O'Mara of the National Wildlife Federation was less condemning, though he warned against short-changing environmental reviews. Congress could marry some changes in forest management to wildfire funding changes for a valuable package, he told the Senate committee.

Bills S. 1731 by Sen. John Thune (R-S.D.), S. 879 by Sen. John Barrasso (R-Wyo.), S. 1752 by Sen. Dean Heller (R-Nev.), and H.R. 2936 by Rep. Bruce Westerman (R-Ark.) all would mandate streamlining of National Environmental Policy Act procedures. Barrasso's bill also contains minimum annual acreage requirements for forest improvement projects, and it would require the establishment of an arbitration program as an alternative to judicial review.

The Environment and Public Works Committee discussed both Thune's and Daines' bills. After the hearing, Barrasso said he also had been talking to senators about wildfire funding, increasing the prospect of a legislative package combining forest management and funding changes.

Another Sept. 27 hearing, in a subcommittee of the House Natural Resources Committee, also looked at forest management strategies, although the full committee approved Westerman's bill in June.

Sen. Pat Roberts (R-Kan.), chairman of the Agriculture Committee, said this month he intended to work with Daines to develop a forest management bill in his committee, especially with ideas from Daines. Asked if the various committees of jurisdiction in the Senate would work well together to get a bill passed, he said, "That's a damn good question."

Maryland to Take EPA to Court Over Interstate Air Pollution

Posted September 27, 2017, 01:08 P.M. ET

By Leslie A. Pappas

Maryland is suing the EPA for failing to limit air pollution blowing in from others states, it announced Sept. 27.

Maryland Gov. Larry Hogan (R) directed state's Attorney General Brian Frosh to file a lawsuit against the Environmental Protection Agency for failing to act on a November 2016 petition that seeks new pollution controls on 19 coal-fired power plants in five upwind states.

Pollution from Indiana, Kentucky, Pennsylvania, Ohio and West Virginia impedes Maryland's ability to meet federal air quality standards, the state said. About 70 percent of Maryland's pollution problems come from emissions from those states, the state said.

Delaware and Connecticut also filed petitions with the EPA in 2016, targeting plants such as NRG Energy's Cheswick plant outside of Pittsburgh and Duke Energy's East Bend Generating Station in Kentucky.

S.C. Regulators Asked to Review Rate Hikes for Canceled Project

Posted September 27, 2017, 9:43 A.M. ET

By Jim Polson

South Carolina utility regulators are weighing a request to suspend previously approved rate increases for Scana Corp. related to its canceled V.C. Summer nuclear plant expansion.

The request by staff of the Public Service Commission of South Carolina cites a state attorney general's opinion that rate hikes for unfinished or abandoned power plant projects were approved under a "constitutionally suspect" state law. Customers may be due credits or refunds should the law be amended or deemed unconstitutional, according to the filing Tuesday. Scana will "vigorously contest the request," the Cayce, South Carolina-based utility owner said Sept. 27 in a separate filing.

Scana and its partner, state-owned utility Santee Cooper, halted construction on two new reactors at the Summer plant after costs ballooned to over $20 billion, a decision that leaves Southern Co. as the only utility building a nuclear plant in the U.S. Scana had asked utility regulators for permission to recover $4.9 billion in expenses for the project before withdrawing the request in August to give officials more time for review.

"This would be a severe, a huge financial blow to the utility," Kit Konolige, a New York-based utility analyst for Bloomberg Intelligence said by phone Wednesday. "My guess would be, the commission won't want to do that."

Scana shares fell 2.1 percent to $54.41 at 9:43 a.m. in New York.

The utility's South Carolina Electric & Gas utility is collecting about $445 million a year for the Summer project, Konolige said. Suspending rate hikes would save the average residential customer about $27.03 a month, according to the staff filing.

The commission staff also cited allegations that Scana failed to disclose information that would have appeared to provide a basis for challenging rate increases. The utility "should not be allowed to continue to benefit from nondisclosure," it said.

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Wal-Mart Steps Up Push to Remove Potentially Harmful Chemicals

Posted September 27, 2017, 9:46 A.M. ET

By Lauren Coleman-Lochner

Wal-Mart Stores Inc. is expanding its program to clean up the products it sells, setting a 2022 target for reducing potentially harmful substances and widening the list of chemicals it wants to avoid.

The world's largest retailer aims to reduce the chemicals in products such as household cleaners, cosmetics, skin care and infant items by 10 percent by then, according to a company statement Sept. 27. It's also added some fragrance allergens to its so-called priority list of substances it wants to remove from goods.

The new goal is the latest in the retailer's efforts to respond to consumers seeking greener products and more information about what's in them. Last year, Wal-Mart named eight high-priority chemicals it wants eliminated from the goods it sells, and it's on schedule to have the chemicals listed on its broader priority list labeled online and on packaging next year.

"We're trying to center around a broader approach that emphasizes three elements: building trust, delivering impact and really staying ahead of regulation," said Zach Freeze, Wal-Mart's senior director for strategic initiatives for sustainability.

Last month, Wal-Mart also started participating in the Chemical Footprint Project, which helps companies track and eliminate dangerous substances. The program gives Wal-Mart a tool to make further reductions, Freeze said. So far, its suppliers have removed 96 percent of high-priority chemicals by volume weight from consumables products sold in U.S. stores.

Wal-Mart announced in 2013 that it would ask suppliers to find safer alternatives for ingredients in personal care, cleaning and beauty products. Some of its suppliers have recently announced their own initiatives. Unilever and Procter & Gamble Co. both said this year they'll start labeling fragrance ingredients in their products, illuminating an area that's long been opaque.

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Climate Shocks May Cost U.S. $1 Billion a Day as Planet Heats Up

Posted September 27, 2017, 12:17 P.M. ET

By Joe Ryan

Stronger hurricanes, hotter heat waves, more frequent wildfires and more severe public-health issues are all adding to the costs of climate change, which will reach almost $1 billion a day in the U.S. within a decade, according to a report released Sept. 27.

Total costs to address the impact of rising temperatures will swell 50 percent by 2027, to $360 billion annually, according to the study from the Universal Ecological Fund. That equates to about 55 percent of expected economic growth in the U.S.

The report comes as the U.S. continues to reel from one of the costliest hurricane seasons in history. Hurricanes Harvey, Irma and Maria have inflicted an estimated $173 billion in damage in Texas, Florida, Puerto Rico, and the U.S. Virgin Islands. On the West Coast, record dry conditions and heat have triggered wildfires in nine states. Unless the U.S. cuts fossil fuel use, the economic toll from such events will continue to rise, the study concludes.

"The increasing damage from climate-change related storms, wild fires, human health, agriculture loss and the like are taxing the potential of economic growth," said James McCarthy, a Harvard University professor whose co-authors included Robert Watson, former chairman of the Intergovernmental Panel on Climate Change. The researchers weren't paid for their work.

The study's conclusion that fossil fuels exacerbate global warming and create a drag on economic growth runs counter to the view of the White House.

President Donald Trump, who has called climate change a hoax, has put oil, natural gas and coal production at the center of his economic agenda. Energy Secretary Rick Perry told a meeting of the National Petroleum Council Sept. 25 that fossil fuels are even saving lives in developing nations by increasing access to energy.

The economic toll of climate change is not limited to storms. Droughts in states including California, Texas and Oregon have led to $56 billion in crop losses since 2012, according to the study, which used data from the National Oceanic and Atmospheric Administration, the Centers for Disease Control and Prevention, and other federal agencies. If global warming goes unchecked, corn and soybean production may fall as much as 30 percent in the next three decades, costing farmers as much as $25 billion annually, according to the study.

For years, policy makers argued it was impossible to grow the economy without increasing fossil fuel use. Renewable energy has become more common, challenging that notion.

"That's no longer true," McCarthy said.

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Landfill Gas for Dinner? Scientists to Cook Food from Waste

Posted September 27, 2017, 9:49 A.M. ET

By Ann Koh

Imagine a world where gas emitted from landfills can be turned into edible protein that ends up on your plate as a burger or a steak.

That's what scientists are hoping for. Calysta Inc. in California and String Bio in the Indian city of Bengaluru are among biotechnology firms that have separately discovered ways to turn methane into protein. Bacteria found in soil are fed a liquid containing the gas, sparking a fermentation process similar to making beer. Instead of alcohol, protein is released into the water, which is then dried into a brown powder. The product is already being used in animal feed, the first step toward readying it for human consumption.

The companies are betting their products will help alleviate the strain of a growing global population on agricultural land and oceans while natural gas prices trade near the lowest level in almost two decades. String Bio, a start-up which won $200,000 in Indian government grants, and Calysta, backed by investors including Japan's Mitsui & Co. and Cargill Inc., hope methane-made protein will become a sustainable food of the future.

"It's way better to turn methane into food than burn it," said Calysta's chief executive officer, Alan Shaw, a Menlo Park-based chemist who led efforts to turn crop waste into fuels at his previous firm. "What better use for it than to turn it into protein and put it into the human food system, and take a lot of the pressure off?"

Landfills, sewage plants and farms all naturally produce methane when organic matter decomposes, which can be captured and transported to a facility, said Ezhil Subbian, the co-founder of String Bio in Bengaluru. Shaw says the amount of methane from such sources is too small to feed a large plant economically at the moment but Calysta is working on "scaling down" its technology. Subbian is optimistic that String Bio will be able to build plants using biogas methane in the next five years.

"We're working on a way to essentially be economic, but at a smaller scale," said Shaw. "That's not easy, but we do have some ideas and are working on it."

For now, Calysta will use natural gas from a pipeline at its $500 million Memphis, Tennessee facility instead of biogas. In May, the company received $40 million in funding from investors and expects to start operating in 2019, with the aim of having an annual capacity of 200,000 tons of protein. Global feed production broke above 1 billion tons, according to 2017 Alltech estimates. Mitsui & Co., one of the investors, saw a business opportunity given the growing demand for protein that can't be met through fishmeal, said Yuhei Saito, who oversees the nutri-science business at the Japanese trading house.

String Bio is still seeking funding from investors to commercialize its technology, and is producing a few kilograms a month at its pilot plant in Bengaluru. Local suppliers deliver canisters of methane that's fed to bacteria, which ferments to produce wet protein clumps that are dried and sent to poultry and fish farmers for testing.

"You just mix the protein with regular feed and feed it to animals," said Subbian, a synthetic biologist who worked on developing fuels and chemicals from plants. "I envision us purifying it further where it could be ready for human consumption."

By creating food from waste gas, the companies say they'll be able to feed emerging economies in Africa, South America and Asia, where arable land and ocean resources are declining. By 2050, the world population is expected to surge to 9.6 billion, leading to a 61 percent increase in food production, according to the Food and Agriculture Organization of the United Nations.

The market for gas and fishmeal has also turned in favor of the scientists. U.S. natural gas prices plummeted to $1.639 per million British thermal units in March last year, the lowest level since 1999. It's now trading at $2.923 as of 4 p.m. Singapore time, still about 80 percent below the December

2005 peak.

Meanwhile Peruvian fishmeal, a common source of protein for livestock and shrimps, has more than doubled from a record low $373.16 a ton in June 1993 to $1,092.07 a ton in June this year, according to data from the International Monetary Fund.

“Natural gas is transforming the world economy at the moment because of its relative cheapness to oil and other forms of carbon,” said Shaw. “You’re not going to stop people from using fishmeal, but you will be able to provide a sustainable replacement.”

Subbian shares Shaw’s vision for the future, and is trying to think of ways it can be shared at the dining table. The taste, she says, can be best described as similar to whey -- a protein derived from milk favored by body builders.

“We’d sell it to someone else who makes it into a steak-like product, or a fish-like product, or something like a tofu perhaps, that we could grill and eat,” she said. Laughing, she adds: “When it gets there, we’ll need to bring a good chef on board.”

—With assistance from Stephen Stapczynski.

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World’s First Green Exchange Lists $74 Billion in Its First Year

Posted September 27, 2017, 9:13 A.M. ET

By Anna Hirtenstein

The Luxembourg Green Exchange, the world’s first bourse for securities related to climate change, listed 63 billion euros ($74 billion) of bonds after one year.

“This far outstripped what we expected,” Jane Wilkinson, head of sustainable finance at the Luxembourg Stock Exchange, said in a phone interview. “It clearly outstrips the growth we’ve seen in Luxembourg on the regular market, which was stable.’’

The Luxembourg Green Exchange, also known as the LGX, was set up as a place where investors could be certain that what they were buying was really a green bond. The industry is unregulated to date, although issuers can voluntarily follow frameworks such as the Green Bond Principles or the Climate Bond Initiative. The LGX obliges its issuers to provide full documentation, both before and after issuance.

The 63 billion euros makes up about 1 percent of the Luxembourg Stock Exchange, in terms of value of listed assets, according to Wilkinson. The global green bond market reached $95 billion last year. After a record-breaking 2017 first half, Bloomberg New Energy Finance raised its 2017 forecast for issuance to $130 billion from $123 billion. Wilkinson said the figure could be as much as $140 billion.

The LGX receives as many as two to three questions and requests daily from parties such as treasury departments and law firms that are interested in issuing green bonds, according to Wilkinson.

“There’s definitely an increased interest by potential issuers,’’ Wilkinson said. “New players that are waking up and thinking this could be an interesting market for us and starting to do their homework.’’

There is rising interest in China, U.S. municipalities and Latin American financial institutions, she said. Corporate issuers are also getting more involved.

"It's still a bit of a nascent market, if you're a big company I feel like they should lead the way," Wilkinson said. "I understand that they don't need to list because they have enough interest, but that kind of issuer can use their influence."

Some large companies in the clean energy industry haven't labeled their bonds as green, even if they could, such as Tesla Inc.'s recent $1.8 billion offering. This may be because of the additional reporting that's generally expected from investors to prove that the funds raised are only being used for environmentally-focused projects, Wilkinson said.

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Now One of the World's Energy Powerhouses Has a Coal Squeeze

Posted September 27, 2017, 10:14 A.M. ET

By Perry Williams and Ben Sharples

Australia's energy crisis keeps getting stranger.

The world's second-biggest seller of liquefied natural gas is already threatening producers with export curbs as it struggles to find enough supply for its own use. Now the country that ships more thermal coal overseas than almost any other is scrambling to replenish stockpiles at some power plants after they dwindled following a surge in demand and constrained supply.

It's the latest twist in the saga of how a global energy powerhouse is struggling to sustain reliable and affordable electricity for its own population. Power price spikes and gas shortages have already frustrated businesses and homes across the nation and put pressure on the government and generators to prioritize domestic customers over sometimes more lucrative export markets.

Coal inventories at Australia's three largest electricity providers—AGL Energy Ltd., Origin Energy Ltd. and CLP Holdings Ltd.'s EnergyAustralia—have shrunk over winter as they use more of the fuel to compensate for natural gas shortages. The closure of the Hazelwood coal-fired power plant in Victoria state also put further pressure on the nation's remaining generators to produce more power, eating through their stockpiles at a faster pace.

Against this backdrop, the power producers have struggled to get sufficient supplies as they compete with overseas buyers for lower-quality coal that was once considered too poor to export. Miners in Australia can command higher prices for coal known as high ash in China, South Korea and India.

"The high ash market has developed in North Asia over a number of years and that has caused complications for some power stations," said Robin Griffin, a research director at Wood Mackenzie Ltd. in Brisbane. "It means that miners can actually sell a much lower quality product into the export market."

Griffin estimates miners can probably sell coal to international customers at double the price sold to domestic utilities. Australia exported 116.1 million metric tons of thermal coal during the first seven months this year, compared with 114.4 million in the same period last year, according to government data.

"The local power producers have got a set delivery amount and they may be asking for more coal," he said. "It's going to be very difficult to convince miners to sell coal at a lower price to domestic utilities, it's just a no-brainer."

Strong Chinese imports and the price gap Australian producers can achieve by exporting coal rather than selling to local plants was a factor contributing to low stockpiles, according to Gavin Wendt, a senior resource analyst at MineLife Pty.

There's growing concern power supply disruptions may trigger blackouts during the peak summer demand period. Three of the biggest LNG producers on Wednesday guaranteed to supply more of the fuel to alleviate domestic shortages and lower spiraling prices after Prime Minister Malcolm Turnbull threatened to impose export curbs from their projects.

Australia has been scrambling to find additional sources of electricity since the national market operator said in March that gas-fired power shortfalls may be possible next year. The warning spurred Turnbull to propose rules to restrict gas exports in the eastern state of Queensland amid concern outbound shipments had contributed to supplies being crimped and a tripling of Australia's wholesale gas price in the past two years.

'Historic Lows'

Coal accounts for 76 percent of Australia's power generation. Stockpiles at AGL's Liddell and Bayswater plants in New South Wales state fell to "historic lows" over winter as consumption rose due to limited natural gas supplies and the loss of power from the Engie SA-owned Hazelwood, an AGL spokesperson said in an emailed statement. International coal demand has also placed pressure on the rail lines that thread through the Hunter Valley region of the state, adding to constraints.

EnergyAustralia and Origin have struggled to procure sufficient quantities of the fossil fuel. The Mt. Piper power station, which supplies 15 percent of electricity demand in New South Wales, only has stockpiles to operate at "very low production levels" for a few months due to a legal dispute impacting mine supplies, EnergyAustralia said in an emailed statement.

Origin said its Eraring power station in the state "ran very hard" to meet demand over winter that created an issue with coal stockpiles, which now "needs to be managed." It has since sourced additional supply to replenish stocks and expects record coal to be delivered by rail to Eraring in September, according to Origin's general manager for energy supply and operations, Greg Jarvis.

The New South Wales government is working with the Australian Energy Market Operator to ensure there is sufficient fuel supplies this summer while also looking at how it may reduce demand on the power grid during heatwaves.

"There are many parallels with what is happening in the gas space and what's happening in the coal space right now and I think it's taken the market by surprise," MineLife's Wendt said in an interview Sept. 27.

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Amazon.Com for Fuel Is How China Oil Wolves Battle State Tigers

Posted September 27, 2017, 8:18 A.M. ET

By Alfred Cang and Serene Cheong

China's oil-industry "wolves" want to help fuel buyers get rid of paperwork, and instead provide them with the Amazon.com experience.

Dongming Petrochemical Group, the biggest of China's private refiners in the eastern province of Shandong, has set up a website where traders, factories and pump stations within a 300 kilometer radius can ask for fuel to be delivered within 12 hours. They can also choose to place orders via an app or even through instant messaging service WeChat. There's a digital wallet payment option too. Chambroad Petrochemicals Co., another independent processor in the region, also has a similar service.

The strategy is part of their plan to take on more powerful state-owned refining giants such as Sinopec amid increased competition in the domestic market, while fuel demand is threatened by everything from electric vehicles to shared bikes. Moreover, while the state behemoths have government approval to export their oil products, the private companies, known as teapots, don't—meaning they can't access overseas markets for their merchandise.

Dongming says it's having to sell fuel to its bigger state rivals at a discount of 1,200-1,500 yuan ($180-$226) per metric ton to market prices. Other private refiners outside Shandong province, such as Rongsheng Petrochemical Co., are also seeking to make their mark and are posing a threat to the independent processors within the region. Dongming will be part of a new $5 billion group that's banding together to better take on rivals and have support from the regional government.

"Independent refiners in Shandong think of themselves as wolves, alongside tigers that are the national oil companies," Zhang Liucheng, vice president of Dongming Petrochemical, said in an interview in Singapore during the S&P Global Platts APPEC conference. "But with the emergence of other bigger independents that will soon bring new capacity online, they will become the wolves, while the tigers remain, and we will be the sheep in their presence."

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China's New Silk Road Seen as Spur for Electric Cars in Europe

Posted September 27, 2017, 02:16 P.M. ET

By Jonathan Tirone

China's new silk road stretching into the heart of Europe may be what ultimately delivers more climate-friendly technologies like batteries and electric cars.

The trade route known in Beijing as the Belt and Road Initiative is spurring $1 trillion of investment on rail, highways and ports linking Europe and Asia. China's renewable-energy companies already are using the initiative to open new markets in southern Asia, the Middle East and Africa, according to Bloomberg New Energy Finance.

Austrian executives gathered outside Vienna to discuss the future of energy are banking on similar market-making effects in Europe. They anticipate the scale of manufacturing from China and quicker market access through the Belt and Road links to drive down the costs of electric cars and energy storage technologies in Europe.

"It's not a question of if but when, because it's happening," Verbund AG Chief Executive Officer Wolfgang Anzengruber said Sept. 27 at a green energy conference in the small Alpine town of Fuschl, Austria. "If China says it, it is so."

China's market-making role in Europe extends beyond developing EVs and is striking at the heart of traditional European businesses, according to Wolfgang Hesoun, chief executive officer of Siemens AG's Austrian unit, which employs 2,500 workers making trains and trolleys.

"The best ideas come from outside," Ramon Vullings told the energy executives gathered in Austria. The Dutch consultant said he traveled China's ancient silk road for 1 1/2 years in a bid to bring back new ideas to help Europe's companies deal with transition to renewables.

European companies will only be able to challenge Chinese companies by developing "locally-oriented" supply chains that cultivate customer loyalty, Hesoun said at the event a day after Siemens merged its rail unit with Alstom SA.

Similarly, just how quickly European companies can develop things like the lithium-ion batteries—used in electric cars and grid-balancing systems— depends on how much demand there is for those things consumers in China at the other end of the Belt and Road.

Automakers who employ 300,000 in Austria—and supply German giants Volkswagen AG and Daimler AG—are looking for ways to use electric cars to tap into China's market of 1.4 billion people.

"We need to start developing these technologies because if we don't, others will," World Energy Institute Secretary General Christoph Frei said, adding that China's huge market is leading the green energy shift.

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Brazil Gets $3.8 Billion Boost to Budget from Power Auction

Posted September 27, 2017, 02:28 P.M. ET

By Vanessa Dezem and Rachel Gamarski

Brazil raked in 12.1 billion reais ($3.8 billion) in revenue from a power plant auction that was key for efforts to hit a closely-watched budget goal.

The government sold concessions to operate four hydroelectric plants previously run by state-owned utility Cemig in an auction Sept. 27 that lasted less than an hour and beat policy makers' expectations of 11 billion reais in revenue. A separate auction for 287 oil exploration blocks is also underway, with that sale seen raising around 500 million reais.

The power auction results boost chances that President Michel Temer's administration will deliver its 2017 fiscal goal of a 159 billion reais deficit. Even after announcing plans to target a wider budget gap than previously forecast, policy makers are facing an up-hill battle as Latin America's largest economy recovers slowly from recession.

"In the short-term, the income will help deliver the target," Leonardo Costa, an economist at Rosenberg Associados, said in an interview. "But the pressure continues."

Since assuming the presidency last year, Temer has placed fiscal responsibility at the center of his strategy to woo back investors and spark growth. His government has cut spending, announced plans to postpone civil servant pay raises and said it will sell other assets including a lottery service run by state-controlled bank Caixa Economica.

Still, a series of corruption allegations against Temer have hindered the agenda. Lawmakers are now focused on voting on the second round of charges against the president, which will likely further delay deliberations on his flagship pension reform.

After the results were announced, Temer said on his Twitter account confidence in Brazil has been recovered. The government will use additional funds from the sale to help compensate any future disappointment in tax income, according to an official with direct knowledge of the matter.

The government expected to raise at least 11.05 billion reais with auction, while analysts from Goldman Sachs had an estimated range of 14.45 billion reais to 17.99 billion reais

China's State Power Investment Corp., known as SPIC, won the rights to operate the biggest of the hydroelectric dams being auctioned, Sao Simao. The bid was 7.18 billion reais, 6.51 percent above the set minimum

Engie SA won the contracts for Jaguara and Miranda plants, paying 2.171 billion reais and 1.36 billion reais, respectively. The company paid the highest premiums for the assets in the auction

Enel SpA, Italy's biggest utility, had the winning bid on the Volta Grande dam for 1.419 billion reais

The plants have a combined 2,922 megawatts of installed capacity and are located in the states of Minas Gerais, Goias, and Sao Paulo. They were previously operated by Cia. Energetica de Minas Gerais, a state-run utility known as Cemig

—With assistance from Ana Carolina Siedschlag.

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U.K. Opposition Steps Up Push to Nationalize Energy Companies

Posted September 27, 2017, 01:14 P.M. ET

By Jessica Shankleman

Jeremy Corbyn's Labour Party is talking more about nationalizing Britain's energy companies, suggesting it could "take control" of major utilities like SSE Plc and Centrica Plc if the opposition wins the next election.

Key figures at the party's conference in Brighton the week of Sept. 25 hinted that Labour is poised to go beyond its current pledges of renationalizing local grid networks, a move they say would bring down costs for consumers and expand clean energy supplies.

To a standing ovation, Corbyn pledged "to take utilities back into public ownership" during his speech to the party conference Sept. 27. Shadow Chancellor John McDonnell on Sept. 26 vowed to bring energy companies under the "ownership and control" of "the people who use and work in them."

Their promises are broader than the manifesto pledge published in May to only change the licensing arrangements for regional grids in order to take them into public ownership and to make new publicly-owned grid companies that would compete with the Big Six utilities.

Rebecca Long-Bailey, the party's lawmaker who speaks on business, energy, and industrial

strategy, explained some of these details at a energy-policy meeting on the sidelines of the conference. The party leadership may be banking on many members confusing the finer points of the manifesto with more popular pledges made on stage.

"We've said we want to set up regionally owned energy companies to rival the 'Big Six' energy companies and create competition in the market. But that's not the only thing we want them to do," Long-Bailey said. "In time we want them to be able to harness the ability to generate electricity on a local level alongside other business in the area."

CBI business group, which represents British industry, bristled at the idea.

"Forced nationalization of large parts of British industry will send investors running for the hills and puts misplaced nostalgia ahead of progressive vision," said Carolyn Fairbairn, the CBI's director-general.

The Conservative Party said Labour's entire nationalization plan of rail, mail, water, and energy networks listed in the manifesto could add at least 134 billion pounds ($180 billion) to the public debt, citing figures from the non-partisan Institute for Fiscal Studies.

Chi Onwurah, a Labour lawmaker speaking on industrial strategy, said nationalizing energy companies wasn't "a backward step."

"What isn't working is what we have now," Onwurah said at an event at the conference on Monday. "Where we have private sector generation and distribution and a market which is supposed to be competitive but isn't."

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Daily Environment Report for EPA

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Sent: Tue 8/15/2017 8:40:38 PM
Subject: Your request 'Trip from Washington to Mexico City' was approved.

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Sent: Fri 10/13/2017 10:48:58 AM
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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

October 13, 2017

Latest News

Toxics Chief Seeks Input From OPPT Staff On Reorganization Proposals

EPA's career toxics chief is requesting input from staff within the Office of Pollution Prevention and Toxics (OPPT) regarding a trio of proposals he has floated for reorganizing the office, options under consideration as part of the office's ongoing efforts to implement the one-year-old statute reforming the Toxic Substances Control Act (TSCA).

CPP Repeal's GHG Impact Unclear Amid Trump's Energy Policy Shifts

Despite recent analysis showing that EPA's move to repeal its Clean Power Plan (CPP) might do little to slow ongoing power sector greenhouse gas cuts, observers say the emissions dynamic is likely more nuanced, in part because of a host of other Trump administration efforts to change power sector economics.

Gulliford, Bush-Era Official, Returns To Prior Role As Region 7 Administrator

Jim Gulliford, who served at EPA during the Bush administration as its toxics chief and Region 7 administrator, is returning to lead the region in the Trump administration, a move that will again see him overseeing the Midwestern states of Iowa, Kansas, Missouri and Nebraska.

EPA Extends Deadline For Perchlorate Review, Forcing Request To Court

In response to industry requests, EPA is extending the public comment period on a report that will form the basis for a landmark drinking water standard it is required to set to regulate perchlorate, the widespread rocket fuel ingredient, though the extension will force the agency to miss a looming deadline and seek additional time from the court that is overseeing the long-delayed rulemaking.

Industry Groups Call On EPA To Reform NO2 Air Permitting, Relax NAAQS

Groups representing utilities, the petroleum sector and other industries are calling on EPA to reform its Clean Air Act permitting process to ease compliance with the 2010 nitrogen dioxide (NO2) national ambient air quality standards (NAAQS), and to

consider softening the one-hour NAAQS from the current 100 parts per billion (ppb) limit.

Daily Feed

CBD threatens ESA suit over EPA's utility ELG delay

The Center for Biological Diversity is planning to sue EPA for allegedly violating the Endangered Species Act by delaying certain compliance deadlines in an Obama-era utility effluent rule.

Rep. Smith seeks mechanism to correct IRIS assessments

The House science committee chairman is concerned that EPA has failed to amend risk findings when presented with new data.

Ewire: After CPP repeal plan, what about the NSPS?

In today's Ewire: After all the hoopla over the Clean Power Plan, what might happen to its companion rule for new power plants? Plus: Pollution fallout from recent hurricanes.

Environmentalists oppose EPA's bid to stay brick MACT suit

Environmentalists want a federal appeals court to proceed with Nov. 9 oral argument in a case over an Obama EPA rule setting air toxics limits for brick manufacturing.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Fri 8/18/2017 9:06:30 PM
Subject: Today on Climate Beat

August 18, 2017

Today on Climate Beat . . .

. . . we looked at the costs and benefits, reporting that several academic economists and legal experts are seeking to counter the Trump administration's rejection of the social cost of carbon climate damage estimates, arguing that the values represent the best available tool for calculating climate-related damages from greenhouse gas emissions.

On the climate risk front, we noted that EPA has updated its environmental justice screening tool with new water pollution data, though officials have not yet added promised features addressing flooding and other climate change risks.

We also highlighted some top stories from the past few days, covering automakers' hopes for federal vehicle fuel economy rules and diffusing tension with California, as well as legal drama over HFCs, oil and gas methane and NEPA reviews.

And our daily news roundup took another look at Democrats' efforts to push a carbon tax as the Trump administration tries to begin debate on a broad overhaul of the tax code.

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To: Maisano, Frank[frank.maisano@bracewell.com]
From: Maisano, Frank
Sent: Tue 9/12/2017 4:15:32 PM
Subject: SPECIAL UPDATE: Conservatives on Solar Tariff, Fed AV Policy Released, Hurricane Flooding Risks for HVAC Systems

Friends,

Some really important issues moving today, as well as an update for flooded HVAC Systems in light of the recent hurricanes. Finally, **REMEMBER today's 2 p.m. press briefing** at the National Press Club on steel tariff issues.

1) Conservative Groups Weigh In on Solar Tariff – Today, six conservative groups urged members of the US International Trade Commission to reject the relief requested by Suniva under rarely used but powerful statute, Section 201 petition in a letter today. I can send you pdf if you can't get the link or contact Clark Packard at R Street (cpackard@rstreet.org)

The groups said the tariffs and minimum price floors requested by Suniva and SolarWorld would double the cost of solar products in the United States, lead to retaliation by our trading partners and face a challenge at the World Trade Organization (WTO).

They also said while they oppose government policies that pick winners and losers in the energy marketplace, we are equally hostile to protectionist trade measures that distort markets and invite retaliation by our trading partners.

"We urge the ITC to reject an injury finding in this case. If the commission does find injury, we urge you to tailor your recommended relief narrowly by exempting imports from countries with which the United States has free-trade agreements."

Signers of the letter include R Street, the American Legislative Exchange Council, ALEC Action, Citizens for Responsible Energy Solutions Forum, the National Taxpayers Union and the Taxpayers Protection Alliance.

Finally, the Heritage Foundation also released a white paper that urges US ITC to Oppose the position: http://www.heritage.org/node/553152/print-display

2) DOT to Release Federal AV Policy – The Department of Transportation's National Highway Traffic Safety Administration (NHTSA) today releases the Federal Autonomous Vehicle Policy (FAVP) "2.0," streamlining and refining its inaugural autonomous vehicles (AV) policy. The new policy reflects the response to public comments, including those by SAFE.

Securing America's Future Energy (SAFE) applauded Secretary Elaine Chao and the impressive work by NHTSA staff for prioritizing AVs within DOT and responding to stakeholder calls by continually improving the foundation of these vital policies that will encourage innovation and maintain America's leadership.

Autonomous vehicles are a critical technology with the potential to spur some of the greatest improvements to society since the industrial revolution. SAFE will continue to work with policymakers and regulators to ensure a strong national framework is in place to allow the deployment of these vehicles of the road keeping America in the lead of this innovation.

"The on-time release of the FAVP 2.0 reemphasizes the commitment by DOT and NHTSA to quickly address and overcome the chances of a messy patchwork of state regulations," said Robbie Diamond, SAFE President and CEO. "SAFE looks forward to continuing to work with the agency on version 3.0 to keep ahead of this technology revolution and ensure driverless cars have the necessary flexibility to significantly enhance our nation's transportation, save tens of thousands of lives on our roads, expand mobility for millions of Americans and strengthen our national security through increased efficiency and fuel diversity."

SAFE continues to advocate for a unified, clear, modernized framework from Congress to allow for a safe and speedy deployment of AVs on public roadways for both cars and commercial vehicles. Please call Bridget Bartol (202-461-2361) or me if you have questions.

3) Flood Impact on HVAC Systems – Even though power in many cases still hasn't been restored to the hurricane zones, when it is, there are significant concerns that homeowners and businesses must consider as they return.

The Air-Conditioning, Heating and Refrigeration Institute (AHRI), the trade association representing HVAC and water heating equipment, offered a few important safety precautions after a flood or hurricane with regard to their heating and cooling equipment. AHRI says standing water can severely damage a home's heating and cooling equipment and recommends that flood-damaged HVAC equipment be replaced, rather than repaired.

If HVAC equipment has been submerged or damaged by flood water, it is recommended that all inspection and replacement work be done by a qualified contractor and not the homeowner. Furthermore, not only is gas equipment is at risk, but that risk includes units using oil and electricity as the power source should be left to professionals to inspect.

Please review the following information about home HVAC equipment and take necessary precautions to have that equipment inspected, as well as repaired or replaced by qualified professional contractors.

Heat Pumps and Air Conditioners:

Split air conditioning and heat pump systems have power and control wiring between the indoor and outdoor parts of the system, and piping through which refrigerant flows through the system. If flood water has caused either the outdoor or indoor units of a split system to become repositioned, even by a small amount, there is a potential for refrigerant leaks. The system will then require major repair or full replacement.

If the refrigerant system remains intact after the flood, the entire system should be cleaned, dried, and disinfected. Homeowners should have a contractor check the indoor and outdoor units' electrical and refrigeration connections, including all control circuits. The decision to repair or replace should be made after consultation with a qualified professional on a case-by-case basis.

Gas Furnaces and Boilers:

If there is any concern that flood water has reached a gas furnace or boiler, it should be inspected by a qualified HVAC contractor. Furnaces and boilers feature gas valves and controls that are particularly susceptible to water damage. While the damage might not be visible, corrosion begins inside the valves and controls, even if the outside appears to be clean and dry. At the very least, this damage can result in reliability issues.

Ductwork:

If a house that has incurred flood damage contains a central forced-air system, it is important to also closely inspect the ductwork. Duct insulation that has been in contact with flood water should not be salvaged as it is impossible to decontaminate. A qualified contractor can clean, dry and disinfect the ductwork; and a thorough job requires disassembling the ductwork all together.

Please make sure to have a qualified contractor inspect any HVAC equipment that has been submerged or damaged by flood. We also recommend that you contact any of the offices set up by the Federal Emergency Management Agency (FEMA) as government aid may be available to help flood victims finance the replacement of flood-damaged HVAC equipment.

Please visit www.fema.gov for information. You can also contact Francis Dietz (703-969-6444) or me if you have questions...

Frank Maisano

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Tue 8/1/2017 2:03:31 PM
Subject: POLITICO's Morning Transportation: Stepping on the gas — Cole stands against ATC overhaul — Kelly cleans house — Duncan peacing out

By Brianna Gurciullo and Stephanie Beasley | 08/01/2017 10:00 AM EDT

With help from Tanya Snyder and Annie Snider

STEPPING ON THE GAS: The Trump administration hopes the House will pass a tax code overhaul in October and the Senate will then clear it in November, leaving about a month left in the year for Congress to potentially move on an infrastructure package. Transportation Secretary Elaine Chao has said for months that we'll see a legislative proposal in the fall, but the chances of enacting a bill before year's end - especially when such a thing doesn't yet exist - look slim at the moment.

First things first: GOP lawmakers have long put overhauling the tax code before an infrastructure package on their to-do list (though, some have suggested they could be paired). Now, Republicans clearly want a legislative win after their unsuccessful effort to repeal Obamacare. And, as Pro Tax's Aaron Lorenzo reports, they're aiming to give the economy a boost through their tax code changes before the midterm elections. "So that, I think, is an aggressive schedule but that is our timetable," Marc Short, the White House's director of legislative affairs, said on Monday about the administration's expectations for October and November. "I think we're in for a long fall, legislative calendar-wise."

On the other side of Pennsylvania Avenue: White House press secretary Sarah Huckabee Sanders told reporters Monday that infrastructure is still very much on Trump's mind. "The president's been very outspoken on the need for a massive overhaul to the country's infrastructure system, and that's certainly still a priority - both legislative and in any capacity that he has the ability to carry that out," she said.

COLE STANDS AGAINST ATC OVERHAUL: Speaking of to-do lists, the House will have just 12 legislative days to reauthorize (or, more likely, extend) the FAA's expiring authorization when members come back in September. On Monday, Rep. Tom Cole, an Oklahoma Republican and appropriator, dedicated his "weekly column" to air traffic control, saying he thought last year's attempt to hand over air traffic control operations to a nonprofit corporation was "a terrible idea" then, and that he still disapproves.

Catching up with Cole: MT spoke with Cole before House lawmakers left town Friday, and he made it clear he would vote against severing air traffic control operations, as Rep. Bill Shuster (R-Pa.) has proposed. Cole said that "most" of his fellow Oklahoma lawmakers, including Rep. Steve Russell, also oppose Shuster's plan. Russell and several other Republicans are pushing their colleagues to reject the House Transportation chairman's legislation, H.R. 2997 (115).

Just one of those things: "It's another one of those cases where I think all the Democrats are against it. So given that, if you have much in the way of division on the Republican side, it

becomes pretty dicey. And right now, I know they're working it hard, and they may get there, but I don't think the votes are there in the House, let alone the Senate," Cole said. "I think it's going to be very hard, quite frankly." Last month, Cole signed onto a letter with Russell - as well as Reps. Ralph Abraham, Ron Estes and Walter Jones - asking leadership to "prohibit any provision to privatize air traffic control operations from consideration on the House floor."

IT'S TUESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Steph and Brianna are driving the MT train, so please send along tips, feedback and lyrics to sbeasley@politico.com or @Steph_Beasley and bgurciullo@politico.com or @brigurciullo.

"Mr. Driver, I hear the music playin' and I see the lights / Will you throw me a ride?"

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with tunes (picked by us and readers) that are all about flying, driving, commuting and sailing?

SATAN'S SUBWAY? This New Yorker cover prompted a cackle from your MT scribes.

FOR YOUR RADAR: Secretary of State Rex Tillerson will sit down today with "U.S. industry stakeholders" who asked to meet with him to talk about Open Skies and other issues, a State Department official told MT.

KELLY CLEANS HOUSE: Now-former Homeland Security Secretary John Kelly blasted into his first full day as White House chief of staff by ousting Communications Director Anthony Scaramucci, putting folks on alert that he is about business. Just hours after Kelly was sworn in, news broke that Trump had dismissed Scaramucci per Kelly's request. Sources had speculated that Trump would look to Kelly, a retired Marine general, to help rein in the in-fighting and drama at 1600 Penn. Earlier in the day, Trump commended Kelly not only for his "record shattering" (albeit brief) tenure at DHS but also for handling controversial issues like border security without creating much controversy. "I predict that Gen. Kelly will go down in terms of the position of chief of staff [as] one of the great[est] ever," Trump said.

Before I let go: Before Kelly started setting off White House fireworks, he sent one last email to the "tremendous group of selfless public servants" at DHS announcing personnel changes, POLITICO's Ted Hesson writes. Chip Fulghum, current acting undersecretary for management, will take over as deputy secretary now that Elaine Duke has assumed the role of acting secretary. And Duke's previous chief of staff, Chad Wolf, will be promoted to acting chief of staff for DHS. Kirstjen Nielsen surrendered her position as DHS chief of staff to follow Kelly to the White House.

DUNCAN PEACING OUT: Rep. John Duncan Jr. (R-Tenn.), a longtime member of the House Transportation Committee, won't campaign again to keep the seat he's had for almost three decades. "I have decided I wanted to spend less time in airports, airplanes, and traveling around the district and more time with my family, especially my nine grandchildren, who all live in Knoxville," Duncan told the Tennessean.

News comes amid controversy: Early last month, the Nashville Post reported that Duncan "doled out hundreds of thousands of dollars to his two sons, his niece, his son-in-law, his daughter-in-law and his sister for campaign work" over the course of the last 10 years. Pro Campaigns' Elena Schneider has more on Duncan's retirement plans.

BARLETTA EYES SENATE RUN: Rep. Lou Barletta (R-Pa.) is eyeing the Senate, The Associated Press reported Monday. The chairman of the House Transportation subcommittee on economic development wants to challenge Sen. Bob Casey (D-Pa.) next year. Barletta was once a contender to be Trump's secretary of Transportation. As Pro Campaigns' Kevin Robillard reports , Trump carried Pennsylvania in 2016 and has recommended that Barletta face off against Casey or Pennsylvania's governor, Democrat Tom Wolf.

LOOK OUT: NTSB sent out an alert Monday cautioning about relying on just a lookout to tell track workers about oncoming trains. "If a watchman/lookout does not devote his or her full attention to their duty of looking for approaching trains, they might not provide warning of an approaching train with sufficient time for their coworkers to clear the tracks," Robert Sumwalt, the acting chairman of NTSB, said in a release. An incident in which two employees died in South Dakota partially inspired the alert, NTSB said in the release. The docket for the probe into that January incident opened last week.

HIP PIPP HOORAY: DOT on Monday issued a notice of proposed rulemaking for "new, experimental procedures" to grow the use of public-private partnerships in transit projects. The newly proposed Private Investment Project Procedures (PIPP) would allow federal funding recipients to identify FTA regulations and practices "that may be an impediment" to the use of P3s or private investment and let them ask for a waiver of those requirements. The proposed rule was required by MAP-21.

'ALMOST' DOESN'T COUNT: States have ramped up their investment in bridge repair projects over the last decade, but it still isn't enough, according to a new analysis from the American Road and Transportation Builders Association. The group marked the 10-year anniversary of the I-35 bridge collapse in Minnesota by examining federal data that tracks investments in bridge work, finding that bridge construction had increased just 8 percent, from $54.6 billion in 2007 to $59.2 billion in 2016. At the current pace of investment it would take more than three decades to replace and repair every bridge that needs work, ARTBA Chief Economist Alison Premo Black said. The group said that "a long-term infrastructure package from Congress and a permanent revenue solution to the Highway Trust Fund would help states make greater progress."

CONTENTIOUS ASIAN CARP STUDY COMING NEXT WEEK: The Army Corps of Engineers has alerted lawmakers that it will release a draft plan for halting the spread of dangerous Asian carp into the Great Lakes on Aug. 7. The study was originally due out Feb. 28, but was put on hold by the Trump administration amid concerns from the barge industry that it could hamper navigation between Lake Michigan and the Mississippi River. Both Republican and Democratic lawmakers have been pushing for the study's swift release, including through policy riders inserted in pending appropriations measures.

SHIFTING GEARS: Valerie Jarrett, who was a senior adviser in the Obama administration, has become a member of Lyft's board of directors. Jarrett was previously Chicago's commissioner of planning and development and chairwoman of the Chicago Transit board, Pro Technology's Steven Overly reports.

THE AUTOBAHN:

- "Most automakers slow to fix dangerous airbags." The Associated Press.

- "Disabled travelers sue DOT to speed airline reporting about damaged wheelchairs." USA Today.

- "World's longest pedestrian suspension bridge opens in Switzerland." CNN.

- "Hyperloop will improve transportation and national security." The Baltimore Sun. (Op-Ed)

- "Driving Tesla's Model 3 changes everything." Bloomberg.

- "Child advocates urge back-seat alarms as 2 die in Arizona." The Associated Press.

- "VW secured EU money by fraud for Dieselgate engine: watchdog." POLITICO Europe.

- "Anthony Levandowski didn't make a deal with Uber until he was protected against possible lawsuits." Recode.

THE COUNTDOWN: DOT appropriations run out in 60 days. The FAA reauthorization expires in 60 days. Highway and transit policy is up for renewal in 1,156 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/08/01/stepping-on-the-gas-221640

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Wed 10/4/2017 2:08:07 PM
Subject: POLITICO's Morning Transportation: House FAA bill amendments due Thursday — Senate Commerce marking up self-driving car bill today — More infrastructure 'principles' coming soon?

By Brianna Gurciullo | 10/04/2017 10:00 AM EDT

With help from Lauren Gardner, Tanya Snyder, Stephanie Beasley and Adrienne Hurst

START YOUR PLANE ENGINES: House lawmakers have another chance to offer amendments to Rep. Bill Shuster's FAA reauthorization bill, with the Rules Committee setting a deadline of 3 p.m. Thursday for new filings. The panel "is likely to meet" next week to consider a rule to let some amendments come to the House floor for consideration, Chairman Pete Sessions said in a letter to colleagues. Shuster told reporters Tuesday that early this month is "absolutely" still the target for floor debate for his legislation (H.R. 2997 (115)), but it's unclear if the Transportation Committee chairman has enough votes in his corner. More for Pros here.

NOT TRUCKIN' AROUND: The self-driving car bill that the Senate Commerce Committee will mark up today (S. 1885 (115)) doesn't address trucks - the end result of a battle between Chairman John Thune (R-S.D.) and co-author Gary Peters (D-Mich.). But Sen. Jim Inhofe (R-Okla.) has filed an amendment to bring them back in. If it doesn't succeed, senators say they'll introduce a standalone bill dealing with trucks and buses instead. But lobbyists warn that could be an arduous path, as it puts employment and safety issues in the spotlight, all of which is easier to get through under the cover of a comprehensive bill. More for Pros.

Meanwhile: Sens. Ed Markey (D-Mass.) and Richard Blumenthal (D-Conn.) joined safety advocates Tuesday in drawing attention to provisions in the bill that they say could put the public in danger. For example, the bill seeks to exercise preemption over state and local laws without NHTSA taking regulatory action. The senators have offered an amendment to cut that language. Safety advocates also say the bill exempts too many vehicles from federal safety standards and lacks a mechanism to evaluate safety performance.

IT'S WEDNESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Send tips, feedback and lyrics to bgurciullo@politico.com or @brigurciullo.

"There's a shadow on the moon tonight / I swear I see your face up there with the satellites / Looking down from outer space / Me, I'm drifting home again / Headlights in my eyes / Fighting sleep with windows down / Worn out from long goodbyes."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

ALONE IN MY PRINCIPLES: Shuster indicated Tuesday that the White House's next tranche of infrastructure principles could be coming sooner rather than later. "We've seen their outline, but that's continuing to be adjusted, and we hope they're going to make it public in the next week

or so," the Pennsylvania Republican told reporters. "It'll be more of an outline or principles, so that we can move forward with sort of putting meat on the bone." A White House spokeswoman didn't respond to a request for comment

Principals on principles: Nick Ayers, Vice President Mike Pence's chief of staff, told GOP donors Tuesday that White House "principals" are meeting weekly on infrastructure. "Because if we pass a bill, it'll be years before states and frankly average people see the benefit, but I think it's something that could make a big difference for his reelect," Ayers said, according to an audio recording of his closed-door remarks obtained by POLITICO. "But we're hopeful that that's one of the topics, whether it's rolled into tax reform or not, that that's one topic we can keep beneath the radar, work with Democratic leadership and Republican leadership, and start passing infrastructure bills that actually fix our system." (During the same talk, Ayers urged wealthy party patrons to withhold their largesse from members who have pushed against President Donald Trump's agenda. More on that here.)

TWEET DU JOUR: FCC Chairman Ajit Pai (@AjitPaiFCC) tweeted: "Thanks for the Model X test-drive, @Tesla! Neat seeing the autonomous and connected capabilities of the car."

SENATORS GRILL MITNICK: DHS general counsel nominee John Mitnick said Tuesday that, if confirmed, he will do his best to make sure states are notified as early as possible if they don't qualify for an exemption from the impending REAL ID deadline. During a nomination hearing, Sen. James Lankford (R-Okla.) pressed Mitnick on the issue, saying that states should be notified well in advance of the Jan. 22, 2018, cutoff for them to switch to REAL ID-compliant driver's licenses. "The earlier those decisions can be made, the better," Lankford said. "Counsel at the last second is not as helpful as counsel a month ahead."

Other areas of interest: Lankford also told Mitnick to expect oversight inquiries regarding controversial phone inspections that U.S. Customs and Border Protection is conducting at ports of entry. CBP may be acting within its authority, but lawmakers want to ensure the agency is also abiding by U.S. citizens' privacy rights, he said. Meanwhile, Sen. Gary Peters sought assurances that the general counsel's office would respond to inquiries from members on both sides of the aisle. Mitnick said he was committed to "working cooperatively with individual members of Congress, including members in the minority," though he noted that there could be exceptions if the Trump administration exercised executive privilege.

MISSION READY: The Coast Guard's preparedness came into question Tuesday as House lawmakers focused on the under-resourced service's asset losses from three recent hurricanes. Members urged Coast Guard officials to push the Trump administration to include Coast Guard funds in its emergency supplemental request. Subcommittee Chairman Duncan Hunter (R-Calif.) said if they don't ask, more money is not going to be magically granted by their "fairy god-Congress."

PLAYING POLITICS WITH THE JONES ACT: At the same hearing, Hunter said he thought the administration had "political motives" for granting a brief waiver of the Jones Act for Puerto Rico. He claimed that Trump knew the waiver wouldn't help the island and that's why the administration only waived it for 10 days. Hunter said the move was "anti-American worker, anti-

American made" and "anti-Trump." Democrats agreed that the Jones Act was important to protecting the U.S. shipbuilding industry, which is considered a national defense necessity. Brian Schoeneman, the Seafarers International Union' political and legislative director, argued that proposals for long-term waivers or the permanent exclusion of Puerto Rico from the Jones Act are "foolhardy and misguided at best; blatantly un-American opportunism at worst."

HOMEWARD BOUND: The American Kennel Club was among several groups urging members of the House Homeland Security and Oversight committees to back a proposal for a domestic breeding program for bomb-sniffing dogs during a joint hearing Tuesday. Both the Department of Homeland Security and Department of Defense are over reliant on foreign breeders for dogs, AKC argued. Scott Smith, a lieutenant with the Orlando Police Department, said it's difficult to determine the health and age of foreign-bred dogs. Some dogs have been sold to U.S. agencies after they are beyond working age, he said.

How much is that doggy in the window? Lawmakers on both sides of the aisle have largely remained loyal to TSA's canine programs despite Trump's proposal to cut funding for programs that use dogs like Visible Intermodal Prevention and Response teams. Still, some committee members asked what the benefit-cost ratio would be for a domestic breeding program. After witnesses said the average cost of obtaining and training dogs could range from $9,000 to $13,000, Rep. Mike Rogers (R-Ala.) said he thought the success rate of a domestic program would need to be about 80 percent to 85 percent to make a good business case.

NOTHING'S FINE, I'M TORN: Maine Sen. Susan Collins is grappling with whether to make a bid for governor, missing her own Sept. 30 deadline to decide, POLITICO's Burgess Everett reports . "Given the contentious environment in Washington right now, my voice and vote matter a great deal," the chairwoman of the Senate's transportation appropriations panel said. "On the other hand, if I were fortunate enough to be elected governor, I could work more directly on job creation. ... That's why it's such a difficult decision to make. And I'm trying to figure out where I matter most."

MY LIPS ARE SEALED: The U.S. Trade Representative's office won't comment on whether it's considering changes to trucking access for Mexico as a part of NAFTA talks, Doug Palmer reports - the debate has split two U.S. trucking organizations. The Owner-Operator Independent Drivers Association sent a letter to Robert Lighthizer last week saying that "the original NAFTA trucking provision harms American small-business truckers and jeopardizes highway safety." But the American Trucking Associations also wrote to Lighthizer last week arguing that "NAFTA's trucking provisions help reduce border congestion."

TWO LEGAL CHALLENGES MOUNTED AGAINST TRAVEL BAN 3.0: Two lawsuits are taking aim at Trump's new travel ban. "The first lawsuit, filed by the nonprofit group Iranian Alliances Across Borders, argues the new restrictions will harm U.S. citizens and permanent residents who can't bring relatives or business associates into the country," Ted Hesson reports for Pro Employment & Immigration. "The second lawsuit, brought by the Brennan Center for Justice at New York University Law School, seeks the disclosure of an administration report that explains why certain countries were selected for the ban."

SHIFTING GEARS: Juan Reyes, a partner at Seyfarth Shaw, was named FRA chief counsel. He "concentrated his practice on land use, development, and permitting, with particular experience in zoning, planning, landmark and building code matters, and governmental approvals," and helped lead Seyfarth Shaw's public-private partnership practice, the firm said in a release Tuesday. ... Meanwhile, Bret Manley returned to Rep. Jeff Denham's office last month to serve as the California Republican's chief of staff. He most recently did government affairs work at the Association of American Railroads.

NOM ALERT: Trump is nominating former Rep. Lynn Westmoreland (R-Ga.) to Amtrak's board. For six years, Westmoreland was on the House Transportation Railroads Subcommittee. He now holds the title of principal at Westmoreland Strategies LLC.

MAKE AMERICA MOVE AGAIN? A bipartisan group of House lawmakers on unveiled a bill this week that would let states leverage public-private support for infrastructure projects by tapping into tax-exempt "Move America" bonds and tax credits. The bill (H.R. 3912 (115)) would "leverage $8 billion in federal funding into an estimated $226 billion worth of bond authority or $56 billion in tax credits over the next decade," according to a release. Sens. John Hoeven (R-N.D.) and Ron Wyden (D-Ore.) introduced the Senate version (S. 1229 (115)) in May.

MT MAILBAG - I'LL ASK AGAIN EDITION: Three House Democrats wrote to Trump this week requesting once more that he pull back Scott Garrett's nomination to be the Export-Import Bank's president. "He is controversial, unqualified, and, ultimately, un-confirmable," wrote House Minority Whip Steny Hoyer of Maryland as well as Reps. Gwen Moore of Wisconsin and Denny Heck of Washington. "There is no evidence to suggest that more time will change this situation; in fact, it is our understanding that Mr. Garrett's meetings with key senators have made them less likely to support his nomination."

NEVADA SENATORS REACH OUT TO AIRLINES: Nevada Sens. Dean Heller and Catherine Cortez Masto wrote to the CEOs of 10 airlines this week saying that after the deadly mass shooting in Las Vegas, they should look at "ensuring reasonable and economically sensitive airfares, expanding customer service, waiving costly fees, and promptly issuing refunds to the victims, their family, and friends to assist delivering them safely to one another." The senators, a Republican and Democrat, respectively, added: "In no way whatsoever should individuals and families be forced to delay or cancel their efforts to reach loved ones because of expensive tickets or the accumulation of costly fees." Allegiant Air and Southwest Airlines are giving families of the victims free flights, The Associated Press reports.

ICYMI: Former FRA Administrator Sarah Feinberg's birthday was Tuesday. Now the CEO of Feinberg Strategies, she told POLITICO Playbook's Daniel Lippman that the "lack of significant and sustained infrastructure investment over the last 20 years" should be in the national spotlight. "It's become an existential threat to our economy," Feinberg said. "Cities can't grow. Suburbs are four lanes of endless congestion. Companies are seeing recruiting problems because of long commute times. Productivity is significantly impacted. We're watching our national competitiveness disappear - and it is a completely fixable problem!" More here.

THE AUTOBAHN:

- "Report: Search for Malaysia 370 'almost certainly' flew over floating debris and missed it." USA Today.

- "European airports urge U.K. to give post-Brexit clarity for aviation." POLITICO Europe.

- "Buffett bets on truck stops, to buy majority of Pilot Flying J." Reuters.

- "Uber and TfL plan more talks after meeting fails to resolve London row." The Guardian.

- "Hedge fund billionaire flew top Mnuchin aide on private jet to Palm Beach." The Washington Post.

- "Cruise says SF's gnarly traffic helps school robot cars faster." The San Francisco Chronicle.

- "Alphabet successfully pushed back the trial date for its Uber lawsuit until Dec. 4." Recode.

- "Iris can't hold your hand, but she may ease your mind as you step into a driverless car." The Washington Post.

- "Ford to slash $14 billion in costs under new CEO." Bloomberg.

- "A hyperloop route between St. Louis and Kansas City is under serious consideration." The Verge.

THE COUNTDOWN: DOT appropriations run out in 66 days. The FAA reauthorization expires in 179 days. Highway and transit policy is up for renewal in 1,093 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/10/04/house-faa-bill-amendments-due-thursday-222644

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Tue 9/26/2017 2:04:09 PM
Subject: POLITICO's Morning Energy, presented by the U.S. Chamber's Global Energy Institute: Republicans eye budget process for ANWR opening — Highlights from Zinke, Perry's joint appearance — Democrats want faster action for Puerto Rico

By Anthony Adragna | 09/26/2017 10:00 AM EDT

With help from Esther Whieldon and Ben Lefebvre

AN OPENING FOR ANWR? Senate Republicans intend to use their fiscal 2018 budget blueprint to lay the groundwork for new energy production in the Arctic National Wildlife Refuge by using special rules that would allow them to avoid a Democratic filibuster, Pro's Ben Lefebvre and Sarah Ferris report, citing sources familiar with the process. While the budget document couldn't mandate specific policies, it would enable Senate Energy Chairman Lisa Murkowski to write legislation that would remove restrictions on drilling in ANWR that could be bundled into a massive tax reconciliation package that needs just 50 votes in the Senate.

Doing so would realize a long-standing goal of Republicans and oil companies, while attracting vehement opposition from environmental groups and virtually all Democrats. The U.S. Geological Survey estimates that part of ANWR, a wide swath of tundra on the northern Alaska coast, home to polar bears, porcupine caribou and a landscape that hasn't been touched in thousands of years, could hold up to 12 billion barrels of oil. But Senate Republicans have little margin for error since two members of their caucus - Sens. Susan Collins and John McCain - have opposed similar bills in the past, though they'd be forced to consider that provision as part of the broader tax effort. A McCain spokeswoman says he's open to a "full debate" on the subject despite his past opposition. Collins told ME Monday night that ANWR has been far from her mind recently. "I've been focused on health care," she said, just after coming out against the latest Obamacare repeal effort.

There are a number of key questions. Some wonder if Murkowski's prior breaks with GOP leadership and the White House will hamper her pursuit of other priorities. Current low oil prices might make opening ANWR less urgent than in the past and there's some question whether oil and gas companies would flock to the area at today's crude price of $50 a barrel (though that answer would likely depend on the company). Infrastructure is not likely to be a major barrier, though, with the biggest requirement a short pipeline to connect drilling wells in ANWR to the main Trans-Alaska Pipeline System pipeline. "A pipeline is not a big lift,' said one oil and gas company representative who asked to speak on background to discuss the matter. "If the oil is there like they think it is, it's not prohibitive."

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and API's Carrie Domnitch was the first (of many) to identify Sen. John McCain's cameo in "Wedding Crashers." For today: Way back on Season 2 of "Saturday Night Live," this future presidential candidate hosted an episode. Who was it? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

Pro Policy Summit Highlights: Don't miss the highlights from the 2017 Pro Policy Summit. The Pro newsroom has assembled must-read stories, scoops and video content from a day packed with breaking news and insightful policy discussion. Summit Highlights.

LOTSA GROUND COVERED: Energy Secretary Rick Perry and Interior Secretary Ryan Zinke covered a wide array of topics during a Monday appearance at the National Petroleum Council. Highlights from that event via Pro's Ben Lefebvre:

-**New infrastructure study coming:** DOE Deputy Secretary Dan Brouillette, in coordination with the National Petroleum Council, will lead a study on how to improve the permitting process for pipelines and other energy infrastructure, Perry announced. The former Texas governor also called on the group to study how to make carbon capture, utilization and storage infrastructure economically viable. More here.

-**Interior reorganization still under consideration:** Zinke expects to complete an evaluation of whether to combine the Bureau of Safety and Environmental Enforcement and Bureau of Ocean Energy Management within the next couple months. He's also mulling the possibility of establishing Interior offices according to 13 watershed areas and moving BLM and Bureau of Land Reclamation headquarters out West. More here.

-**Zinke's report on national monuments remains** under review by the White House. "We're working on it. Most people will find it to be a very reasoned approach," he said.

-**Perry touts benefits of energy industry:** After being interrupted several times by protesters, Perry launched an extended diatribe against environmentalists criticizing the industry's record on climate change. "If you want to talk to something that saves lives, it's energy across the globe. You're involved in an industry that saves lives, lots of them, every year, around the globe," he said.

-**On loyalty to the administration:** Zinke said about a third of his workforce remained loyal to the previous administration. "I know that when I assumed Interior that I have 30 percent of the crew that's not loyal to the flag," he said. "I had a Fish & Wildlife Service that hated people to a degree."

** **A message from the U.S. Chamber's Global Energy Institute:** Insightful analysis is an important part of our mission. From economic modeling of proposed policies to our groundbreaking energy security index, the Global Energy Institute's reports and analysis are helping to shape the discussion on energy policy. Click here to learn more: http://bit.ly/2huaJ4F **

DEMOCRATS CALL FOR FOCUS ON PUERTO RICO: FEMA Director Brock Long and Homeland Security adviser Tom Bossert arrived Monday on the devastated island, but congressional Democrats expressed concern the administration wasn't doing enough. "Puerto Rico has taken a serious punch to the gut and they need our help. They need it now," Senate Minority Leader Chuck Schumer said. "The administration must quickly prepare an appropriate aid package for Florida, Puerto Rico, the U.S. Virgin Islands and the Western States for

Congress to act on in the near future," he added. Speaker Paul Ryan said: "Our fellow citizens in Puerto Rico remain in our prayers as we make sure they have what they need."

Jones Act waiver sought: Seven House Democrats requested a one-year waiver from the Jones Act to expedite hurricane relief aid to Puerto Rico, Pro Transportation's Tanya Snyder reports. An Energy Department status report Monday found nearly all of the island remained without power.

POLITICO's Jacqueline Klimas reports from San Juan that political leaders on the island are once again afraid their needs are an afterthought in Washington. "The important part is to make sure it's not forgotten," Sen. Marco Rubio said. "We have a fundamental obligation to a U.S. territory and American citizens to respond to a hurricane there the way we would anywhere in the country."

Governor assumes dam will collapse: Puerto Rico Gov. Ricardo Rosselló said he's operating under the assumption the Guajataca Dam will collapse, a fear that led to the evacuation of tens of thousands of area residents. "Some of the dam has fallen apart," he told CNN Monday. "I'd rather be wrong on that front than do nothing and having it fail and costing people their lives."

The president tweets: "Texas & Florida are doing great but Puerto Rico, which was already suffering from broken infrastructure & massive debt, is in deep trouble," President Donald Trump said in a statement released via his Twitter account Monday night. "It's (sic) old electrical grid, which was in terrible shape, was devastated. Much of the Island was destroyed, with billions of dollars...owed to Wall Street and the banks which, sadly, must be dealt with. Food, water and medical are top priorities - and doing well." he added in a pair of follow-up tweets.

Trump's first words on Puerto Rico since Sept. 20 came after the White House forcefully defended his fixation with NFL players' protests, which generated more than a dozen tweets since Friday.

U-TURN ON CLIMATE RULE: Reversing course, DOT told a federal judge in New York in a letter it will publish a regulation requiring states to track emissions from highways and craft reduction goals, Pro's Alex Guillén reports . Once published, the regulation takes effect immediately. Environmental groups and Democratic attorneys general had sued Federal Highway Administration for placing the rule on hold indefinitely. "Our lawsuit held the Trump administration accountable for illegally halting a common-sense tool to curb carbon pollution from transportation," said the NRDC's Amanda Eaken in a statement. The regulation is expected to run in the Federal Register Sept. 28.

ZINKE, PERRY SPEAK AT NATIONAL CLEAN ENERGY WEEK: It's a day of events as National Clean Energy Week kicks off in earnest today with a breakfast discussion at 8 a.m. featuring Perry and Zinke (hosted by former GOP Sen. Kelly Ayotte). Also expected to speak throughout the day are Sen. Lindsey Graham, House Republican Conference Chair Cathy McMorris Rodgers and Reps. Derek Kilmer and Ryan Costello. Full details here.

But greens cry foul: Twelve environmental organizations sent a letter to Congress arguing that

technologies like biomass, carbon capture or nuclear energy should not be considered clean. "The sponsors of 'National Clean Energy Week' include some of the dirtiest actors in the energy industry," the groups, which include 350.org, Food & Water Watch and Oil Change International, wrote.

HEARING ROUNDUP - TWO DOE NOMINEES IN SPOTLIGHT: Murkowski's push to quickly advance agency nominees continues today as her committee examines Steven Winberg's nomination to be assistant Energy secretary for fossil energy and Bruce Walker's selection to be assistant Energy secretary for electricity, delivery and energy reliability. Winberg previously headed up research and development for CONSOL Energy and also was a member of DOE's National Coal Council, while Walker's resume includes stints at National Grid and Consolidated Edison. Things get going at 10 a.m. in Dirksen 366.

E&C LOOKS AT ADVANCED ENERGY TECHNOLOGIES: The House Energy and Commerce Energy Subcommittee holds the latest in its "Powering America" series of hearings today with an examination of "the role advanced energy technologies play in empowering the nation's electricity consumers." Witnesses include representatives from Advanced Energy Economy, Holy Cross Energy, ComEd and LO3 Energy, among others. The hearing is set for 10 a.m. in Rayburn 2123.

GATHERING INPUT ON WATER INFRASTRUCTURE NEEDS: The House Transportation and Infrastructure Subcommittee on Water Resources and Environment hosts a hearing at 10 a.m. today with a panel of public and private sector witnesses on what they'd like to see for water infrastructure in a forthcoming legislative package. The full list of witnesses for the hearing in Rayburn 2167 is available here.

MAIL CALL! CEQ VETERANS CALL OUT NEPA SHORTCUTS: Trump's efforts to streamline environmental reviews leave his administration's decisions more vulnerable to being overturned in court because they don't allow for enough input from the public, four veterans of the Council on Environmental Quality warned in a letter to the White House Monday. "Emphasizing speed over quality sends the wrong message to agencies and creates significant legal risk that future environmental reviews of federal actions will be rejected by the courts and need to be redone," wrote Katie McGinty, Nancy Sutley, Christy Goldfuss and Brenda Mallory, all of whom served in Democratic administrations.

STATE AGs DISCUSS TRUMP-ERA ENVIRONMENTAL LITIGATION: A session at 2:45 p.m. with three attorneys general - Maryland's Brian Frosh, Illinois' Lisa Madigan and New York's Eric Schneiderman - discussing ongoing environmental litigation fighting White House efforts to weaken environmental protections is among the highlights of the Institute for Policy Integrity's state climate action conference today. Follow along here.

DEMOCRATS SEEK INFORMATION ON MINE SAFETY PICK: Sens. Sheldon Whitehouse and Bob Casey released a letter Monday seeking information on Mine Safety and Health Administration's investigations into Rhino Resource Partners, which mine safety nominee David Zatezalo worked at in a variety of senior roles between 2007 and 2014. They asked for the records no later than Sept. 29.

FAA, FLOOD INSURANCE FLOPS: Democrats blocked a Republican push to fast-track an FAA extension that also included additional provisions on flood insurance and tax credits for victims of recent hurricanes, POLITICO's Heather Caygle and Lauren Gardner report. The chamber is expected to consider the measure again later this week under a rule, which requires a simple majority, unlike Monday's fast-track procedure that required a two-thirds vote.

STUDY: RAIL DAMPENING PIPELINE INVESTMENTS: New research out from the National Bureau of Economic Research finds the flexibility associated with crude-by-rail shipping has led to decreased investments in long-term pipeline projects given the high upfront costs of such infrastructure. "The ability to ramp rail shipments up and down is valuable to crude oil shippers, and it reduces incentives to make long-run investments in pipeline capacity," Ryan Kellogg, a professor at the Harris School of Public Policy who co-authored the study, said in a statement.

CHAMBER URGES REJECTION OF GARRETT: Count the U.S. Chamber of Commerce as the latest group urging senators to reject former Rep. Scott Garrett's nomination to head the Export-Import Bank, Pro Financial Services' Zachary Warmbrodt reports. In a Monday letter, senior executive vice president Suzanne Clark expressed concern Garrett could use his position to prevent the agency from properly functioning while voicing strong support for four other nominees: Kimberly Reed, Claudia Slacik, Judith Pryor and Spencer Bachus.

ZINKE SPENT $2.5K ON TRAVEL IN MARCH: Zinke spent $2,508 in flights, lodging and meals meet with members of the Blackfeet Nation, agency staff and toured national parks in Wyoming and his home state of Montana in his first month in office in March, according to public records the agency released Monday. Zinke stayed at his home in Whitefish for most of his first trip, according to the secretary's trip itinerary for March through July the agency released earlier this month. Unlike Health and Human Services Secretary Tom Price who POLITICO earlier reported took private jets, Zinke's flights were commercial.

GRID-CONNECTED BATTERIES TAKING OVER RESIDENTIAL STORAGE MARKET: Homeowners are increasingly installing electricity batteries that connect to the grid instead of closed systems that feed power only to the residence, GTM Research says in a report out today. The report does not cite a specific reason for the change but notes customers are looking for back-up power in case of electric outages and to save money, while utilities are encouraging adoption to mitigate the impacts of growing solar power. Grid-connected projects will make up 57 percent of annual deployments by the end of this year, the report says.

DOESN'T LOOK STRESSED: Murkowski doesn't look like the heated health care debate is getting to her in this picture with a pink polar bear she tweeted out Monday from her visit over the weekend to the Anchorage Museum.

ALL-TIME HIGH: Bolstered by more than 500,000 people who've joined since last November, the Natural Resources Defense Council tells ME it now has three million-plus members and online activists.

MOVER, SHAKER: Ann Bartuska has joined Resources for the Future as vice president in its newly formed land, water, and nature program. She comes after serving as deputy undersecretary for research, education and economics as well as chief scientist at USDA.

QUICK HITS

- In World's Hottest Oil Patch, Jitters Mount That a Bust Is Near. Bloomberg.

- After Hurricane Maria, what will it take to turn Puerto Rico's power back on? The Verge.

- OPEC's Efforts Pay Off: Oil is Back in Bull Market. Wall Street Journal.

- Companies building failed nuclear project 'were looking to cut corners' as state's top cop asked to investigate. The Post and Courier.

- FPL, JEA to shut down Jacksonville coal electric plant. Palm Beach Post.

THAT'S ALL FOR ME!

A message from the U.S. Chamber's Global Energy Institute: Today, America's diverse energy resources are providing abundant, reliable and affordable electricity that is critical to our economy. Unfortunately, that mix is at risk. A new report by IHS Markit cosponsored by the Global Energy Institute explains just how important a diverse set of resources really is. Our current energy mix, including nuclear and coal, is saving us $114 billion per year in electricity costs-lowering the average price by 27%. Without all of our resources, America could lose 1 million jobs within 3 years and $158 billion in GDP, and each American household could see a loss of up to $845 in income each year. To read the report and learn more about how a balanced set of electricity resources is key to our economy and security, click here: http://bit.ly/2huaJ4F
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Today's Playbook Power Briefing presented by PhRMA

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

COMING ATTRACTIONS -- EMAIL to the Washington press corps from Sen. Al Franken's (D-Minn.) office at 12:26 p.m.: "Wanted to let you know that Senator Franken will be making an announcement tomorrow. More details to come.

SENATE DEMOCRATS TOSS FRANKEN TO THE CURB -- Democratic Sens. **MAZIE HIRONO (HAWAII), KIRSTEN GILLIBRAND (N.Y.), CLAIRE MCCASKILL (MO.), MAGGIE HASSAN (N.H.), PATTY MURRAY (WASH.), KAMALA HARRIS (CALIF.), TAMMY BALDWIN (WISC.), HEIDI HEITKAMP (N.D.), DEBBIE STABENOW (MICH.), MARIA CANTWELL (WASH.)** have all called on Sen. Al Franken (D-Minn.) to step down after POLITICO's Heather Caygle reported on another allegation against Franken from a former Democratic congressional aide in 2006, when he was a radio host. **THE FIRST MAN** was **SEN. BOB CASEY (PA.),** followed by **SHERROD BROWN (OHIO), JOE DONNELLY (IND.), DICK DURBIN (ILL.), ED MARKEY (MASS)** and **MICHAEL BENNET (COLO.). DNC CHAIR TOM PEREZ** also called on Franken to resign.

-- HEATHER'S SCOOP: "A former Democratic congressional aide said Al Franken tried to forcibly kiss her after a taping of his radio show in 2006, three years before he became a U.S. senator. The aide, whose name POLITICO is withholding to protect her identity, said Franken (D-Minn.) pursued her after her boss had left the studio. She said she was gathering her belongings to follow her boss out of the room. When she turned around, Franken was in her face. The former staffer ducked to avoid Franken's lips. As she hastily left the room, she said, Franken told her: 'It's my right as an entertainer.'

"'He was between me and the door and he was coming at me to kiss me. It was very quick and I think my brain had to work really hard to be like 'Wait, what is happening?' But I knew whatever was happening was not right and I ducked,' the aide said in an interview. 'I was really startled by it and I just sort of booked it towards the door and he said, 'It's my right as an entertainer.'" ...

"Franken, who has been accused by six other women of groping or trying to forcibly kiss them, denied the accusation. 'This allegation is categorically not true and the idea

that I would claim this as my right as an entertainer is preposterous. I look forward to fully cooperating with the ongoing ethics committee investigation,' Franken said in a statement to POLITICO." http://politi.co/2BNoJQh

-- Gillibrand: "I have been shocked and disappointed to learn over the last few weeks that a colleague I am fond of personally has engaged in behavior towards women that is unacceptable. I consider Senator Franken to be a friend and have enjoyed working with him in the Senate in our shared fight to help American families.But this moment of reckoning about our friends and colleagues who have been accused of sexual misconduct is necessary, and it is painful. We must not lose sight that this watershed moment is bigger than any one industry, any one party, or any one person." *Full statement* http://bit.ly/2BPzK3l

MURRAY is a member of Senate Democratic leadership. It's tough to see how Franken hangs on now. **INTERESTING LINE FROM MURRAY'S STATEMENT:** "I believe service in politics and government is a noble pursuit, and all those who pursue it are flawed in some way. But I also believe public service demands higher standards - standards we choose to live by the moment we enter public life." *Full statement* http://bit.ly/2ktb9NO

-- @seungminkim: "Chris Coons reminds us, as he will about 47 times later today, that he is the vice chair of Ethics and can't comment on matters that may be pending before committee".

FAIR QUESTION: WHAT'S THE FREEDOM CAUCUS DOING? -- THE HOUSE FREEDOM CAUCUS , the group of 30 or so conservative Republican lawmakers who have outsized influence over the House floor, are asking leadership to plus up defense spending -- but leave domestic spending untouched. This is a non-starter, and many of them privately know this. But the Freedom Caucus wants the leadership to hold strong. This does not bode well for Washington's December.

-- BUT MARK YOUR CALENDARS: It is beginning to look like Congress will be here between Christmas and New Years.

AP'S KEN THOMAS (@KThomasDC): "I asked POTUS if we're going to have a shutdown. Trump: 'It could happen. The Democrats are really looking at something that is very dangerous to our country. They are looking at shutting down ... they want to have illegal immigrants pouring into our country.'"

Good Wednesday afternoon. DON'T FORGET to get your tickets to our first live podcast taping tomorrow at 7 p.m. at Sixth & I. Our guests include "The Daily" host Michael Barbaro, DCCC Executive Director Dan Sena and NRCC Executive Director John Rogers plus a panel of POLITICO stars Rachael Bade, Seung Min Kim and Annie Karni. ***On sale here*** http://bit.ly/2i1rlM4

SCOOP, from Jake and Rachael Bade **: SPEAKER PAUL RYAN** is transferring $2

million to the NRCC in November. Ryan has transferred $32 million to the NRCC this year.

FLYNN UPDATE -- "Flynn texted partners about nuclear plan during inauguration, whistleblower says," by Kyle Cheney: "Congressional Democrats said Wednesday they have evidence from a confidential whistleblower that within minutes of President Donald Trump's inauguration, then-national security adviser Michael Flynn sent assurances to former business partners that a plan to build nuclear reactors across the Middle East was 'good to go.' Democrats on the House oversight committee said in a letter dated Wednesday that the whistleblower reported attending an inauguration day event with Flynn's former business associate Alex Copson, the managing partner of ACU Strategic Partners." http://politi.co/2BQNX0j

HMM... -- "Romney and Trump spoke following trip to Utah, Conway says," by CNN's Maegan Vazquez: "White House counselor Kellyanne Conway said Wednesday that President Donald Trump and Mitt Romney spoke by phone following the President's trip to Utah on Monday. 'The President and Gov. Romney spoke, I don't know, 10 hours ago, less than 12 hours ago, and people should know that because otherwise there's speculation,' Conway told CNN's Chris Cuomo on CNN's 'New Day.' Conway said that the two have a 'great relationship' and discussed tax cuts and Trump's recent decision to shrink the Bears Ears monument." http://cnn.it/2AWcXW9

PAGING CORY GARDNER -- @BenSasse, quote-tweeting a report that the RNC transferred cash to the Alabama Republican Party to boost Roy Moore: "This is a bad decision and very sad day. I believe the women--and RNC previously did too. What's changed? Or is the party just indifferent? ... If the political committee that I'm a part of (the NRSC) decides to contribute here, I will no longer be a donor to or fund-raiser for it."

****** **A message from PhRMA**: A medicine's path from the biopharmaceutical company to the patient involves many entities across the supply chain. A new report examines how money flows through this system - which includes wholesalers, pharmacy benefit managers, pharmacies and insurers - and how that impacts what patients pay at the pharmacy. Read more. http://onphr.ma/2kgd6Nu ******

IT'S OFFICIAL -- @DHSgov: "Today, Kirstjen Nielsen was sworn-in as the sixth Secretary of Homeland Security." ***Pic -- with John Kelly holding the bible*** http://bit.ly/2BPK23Q

TIME'S PERSON OF THE YEAR -- "THE SILENCE BREAKERS" -- by Stephanie Zacharek, Eliana Dockterman and Haley Sweetland Edwards: "This reckoning appears to have sprung up overnight. But it has actually been simmering for years, decades, centuries. Women have had it with bosses and co-workers who not only cross boundaries but don't even seem to know that boundaries exist. They've had it with the fear of retaliation, of being blackballed, of being fired from a job they can't afford to lose. They've had it with the code of going along to get along. They've had it with men who

use their power to take what they want from women. These silence breakers have started a revolution of refusal, gathering strength by the day, and in the past two months alone, their collective anger has spurred immediate and shocking results: nearly every day, CEOs have been fired, moguls toppled, icons disgraced. In some cases, criminal charges have been brought." http://ti.me/2BMtF7P

ON THE WORLD STAGE -- THE MOSCOW TIMES: "Putin Announces 2018 Presidential Bid, Surprising No One": "Vladimir Putin on Wednesday announced he is running for the presidency in upcoming elections, seeking a fourth term next year that would extend his rule into 2024. The longtime president is practically guaranteed to win. A September poll by the independent Levada Center put his approval ratings at 83 percent. Next year's elections on March 18 are timed to coincide with the anniversary of Russia's annexation of Crimea from Ukraine - an event which largely consolidated Putin's popularity at home." http://bit.ly/2AWhFmI

DATA DIVE -- "We Got Government Data On 20 Years Of Workplace Sexual Harassment Claims. These Charts Break It Down," by BuzzFeed's Lam Thuy Vo: "BuzzFeed News received a trove of data on every sexual harassment claim filed between fiscal years 1995 and 2016 with the US Equal Employment Opportunity Commission, a federal agency that enforces laws meant to protect workers from discrimination. The more than 170,000 claims, which didn't include identifying details, represent just a sliver of the countless incidents in the everyday workplace that don't receive prominent attention or go unnoticed. Overall, women filed 83% of the claims; men filed 15%. The remaining 2% didn't specify a gender." http://bzfd.it/2BNFpHj

BEYOND THE BELTWAY -- California Republicans weather super PAC ads -- Massachusetts Republicans flip longtime Dem state Senate seat http://politi.co/2BM9WoW

-- "As Trump looms, Cuomo and Murphy tiptoe toward a perilous relationship," by POLITICO New York's Dana Rubinstein and Ryan Hutchins: "In their first press conference together -- a media call-cum-tirade against the Trump tax plan -- Gov. Andrew Cuomo of New York and Gov.-elect Phil Murphy of New Jersey expressed a chumminess that bordered on hokey. ... Their gestures of public affection belie a more precarious reality. As Cuomo tacks left in preparation for a potential presidential run in 2020, a Democrat is ascending to office in Cuomo's backyard with none of the baggage Cuomo carries from his seven years as a triangulating Democrat. ...

"If Murphy's expected, out-of-the-gate liberalism underscores Cuomo's own vulnerabilities on the progressive front, it's not the only potential pitfall in their formative relationship. There's also the state of the region's infrastructure and the limited pool of money available to address it. 'They're gonna kill each other,' said David Wildstein, the admitted mastermind of the George Washington Bridge scandal and a former Christie appointee at the Port Authority." http://politi.co/2AVlojd

VALLEYTALK -- "Inside Oracle's cloak-and-dagger political war with Google," by

Recode's Tony Romm: "For the past year, the software and cloud computing giant [Oracle] has mounted a cloak-and-dagger, take-no-prisoners lobbying campaign against Google, perhaps hoping to cause the company intense political and financial pain at a time when the two tech giants are also warring in federal court over allegations of stolen computer code.

"Since 2010, Oracle has accused Google of copying Java and using key portions of it in the making of Android. Google, for its part, has fought those claims vigorously. More recently, though, their standoff has intensified. And as a sign of the worsening rift between them, this summer Oracle tried to sell reporters on a story about the privacy pitfalls of Android, two sources confirmed to Recode. ... Still, Oracle's campaign is undeniable. In Washington, D.C., for example, it has devoted a slice of its $8.8 million in lobbying spending so far in 2017 to challenging Google in key policy debates. It has sought penalties against Google in Europe, meanwhile, and it even purchased billboard ads in Tennessee just to antagonize its tech peer, sources said." http://bit.ly/2kt70cl

SPORTS BLINK -- NYT'S JERE LONGMAN: "Did Russia Get Off Easy in Olympic Ban? Read the Fine Print": "Despite hyperbolic language that Russia had been barred from the 2018 Winter Olympics, in truth it may have gotten off fairly lightly for undermining the previous Winter Games, which it hosted, with systematic doping. Russian athletes will still be allowed to compete in February in South Korea if they can show they have passed rigorous drug screening protocols. And they will wear uniforms that identify them as an 'Olympic Athlete From Russia' instead of as an independent athlete.

"Yes, the Russian Olympic Committee has been suspended. And its athletes would not march under the Russian flag at the opening ceremony or hear the Russian anthem played if they win gold medals (they will hear the Olympic anthem). But the punishment would have been much harsher with a prohibition of all Russian athletes." http://nyti.ms/2AWghAw

PLAYBOOK METRO SECTION -- "Spies, Dossiers, and the Insane Lengths Restaurants Go to Track and Influence Food Critics," by Washingtonian's Jessica Sidman: "A vast and complex Underworld is devoted to identifying and understanding critics. Some of it is pretty obvious. You'll find photos of food writers plastered in restaurant kitchens or embedded in staff training manuals. Many restaurants go further, applying CIA-level tactics to tracking personal information and preferences of the people who might write about them. One dossier -- or 'critic bible' -- I reported on a few years ago noted that [WaPo critic Tom] Sietsema 'tends to get wrapped up in his conversations,' among other observations about the local food-writer set.

"The handbook went on to list likes, dislikes, and which type of server would be best matched to which writer ('most personable,' 'engaging but hands off'). It rated each journalist's writing skill and food-and-beverage knowledge. The dossier's creator, it turned out, came from politics -- he considered the information to be opposition research of sorts. 'When you're in a field where somebody's there to criticize you,' he told me,

'you need as much information about that person as you can get to understand their position.'" http://bit.ly/2BMQMz7

TRANSITIONS -- Mellody Hobson, Sharon Percy Rockefeller, and retired Adm. **James Stavridis** have been named to the Rockefeller Foundation board of trustees. ... **Kris Kitto** has started as a VP in the San Francisco office of Brooklyn-based PR firm Ditto where he will oversee West Coast account teams and help managing director Blain Rethmeier with business development. Kitto was most recently a director at SHIFT Communications. ... **Paris Dennard** has been named as a member of the President's Commission on White House Fellowships.

REMEMBERING MICKEY CARROLL -- The longtime journalist, professor and spokesman for the Quinnipiac Poll died today at his home in New Jersey after a short illness. A memorial mass will be held December 14, at 10:30 a.m. at St. Thomas More Roman Catholic Church in Morristown, NJ. ***Matt Friedman's obituary in POLITICO New Jersey*** http://politi.co/2kqrcvN

HOLIDAY PARTY WATCH -- VICE PRESIDENT MIKE PENCE will be the special guest at America First Action's Christmas party at the Trump International Hotel next Wednesday.

SPOTTED: Audrey Gelman at breakfast this morning with Giovanna Lockhart at the Four Seasons

SPOTTED at Third Way's annual holiday party last night at their new offices: Matt Bennett, Jim Kessler, and Nancy Hale, Jeremy Joseph, Elizabeth Falcone, James Leuschen, Izzy Klein, Mark Henson, Jason Rae, Jonathan Stahler, Jonathan Kott, Erin Simpson, Loren Schulman, Lauren Oppenheimer, Ben Chang, Eric Spiegelman.

SPOTTED at the U.S. Global Leadership Coalition's Tribute Dinner last night honoring U.N. Ambassador Nikki Haley, retired Gen. Tony Zinni and retired Adm. James Stavridis: Sens. Lindsey Graham (R-S.C.) and Todd Young (R-Ind.), Reps. Joaquin Castro (D-Texas), Steve Cohen (D-Tenn.), David Cicilline (D-R.I.) and Sheila Jackson Lee (D-Texas), David Abney, Sean Callahan, retired Gens. Michael Hayden and George Casey, retired Adms. James Loy, William Fallon and Eric Olson, Ambassador Deborah Birx, Kathy Calvin, Sherrie Westin, Joe Johns, Amanda Carpenter, Michelle Kosinski, Dan Reilly, Elise Labott, Matt Mowers, John Rader, Everett Eissenstat, Rob Blair, Rich Ashooh, Bill Steiger, Clete Willems, and Bill Inglee.

BONUS BIRTHDAY -- Evelyn Farkas, who is celebrating with a dinner party thrown by her friends ... Smyth Fleming, the pride of Public Citizen's Amanda Fleming and STG's Chris Fleming, is 13.

****** **A message from PhRMA** : In the competitive marketplace for medicines, negotiations between pharmacy benefit managers (PBMs) and biopharmaceutical companies result in substantial rebates and fees. According to a new report, in many

cases, this system often creates incentives for PBMs to prefer medicines with higher list prices and higher rebates. Read more about how money flows through the supply chain here: http://onphr.ma/2kgd6Nu ******

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Today's POLITICO Playbook presented by Chevron

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

BULLETIN -- CHICAGO TRIBUNE: "Richard Thaler of the University of Chicago wins Nobel for work in behavioral economics": "The Nobel Prize in economics has been awarded to Richard Thaler of the University of Chicago for research showing how people's choices on economic matters - whether on savings or game shows like 'Deal or No Deal' - are not always rational. The 9-million kronor ($1.1 million) prize was awarded to the academic for his 'understanding the psychology of economics,' Swedish Academy of Sciences secretary Goran Hansson said Monday." http://trib.in/2wI35tG

Good Monday morning and happy Columbus Day. **EXTRAORDINARY TIMES -- WHERE WE ARE --** The president tried to convince Chuck Schumer to repeal and replace Obamacare, and is in a war with Sen. Bob Corker, a Tennessee Republican key to his agenda. Jared Kushner and Ivanka Trump have been hosting dinners with some Senate Republicans and Democrats, with the quaint notion they can push an agenda that "should be above partisan politics," per Axios's Jonathan Swan. http://bit.ly/2y430EB

-- CORKER UNCORKED -- WHAT EVERYONE IS TALKING ABOUT: JONATHAN MARTIN and **MARK LANDLER** on **A1: "Bob Corker Says Trump's Recklessness Threatens 'World War III'":** "Senator Bob Corker, the Republican chairman of the Senate Foreign Relations Committee, charged in an interview on Sunday that President Trump was treating his office like 'a reality show,' with reckless threats toward other countries that could set the nation 'on the path to World War III.'

"In an extraordinary rebuke of a president of his own party, Mr. Corker said he was alarmed about a president who acts 'like he's doing 'The Apprentice' or something.' 'He concerns me,' Mr. Corker added. 'He would have to concern anyone who cares about

our nation.'" http://nyti.ms/2z8dY9V

-- OTHER KEY POINTS: "I know for a fact that every single day at the White House, it's a situation of trying to contain him."

-- "[Corker], who is close to Mr. Tillerson, invoked comments that the president made on Twitter last weekend in which he appeared to undercut Mr. Tillerson's negotiations with North Korea. 'A lot of people think that there is some kind of 'good cop, bad cop' act underway, but that's just not true,' Mr. Corker said. Without offering specifics, he said Mr. Trump had repeatedly undermined diplomacy with his Twitter fingers. 'I know he has hurt, in several instances, he's hurt us as it relates to negotiations that were underway by tweeting things out,' Mr. Corker said."

-- THIS WILL PROBABLY ANGER TRUMP: "'Look, except for a few people, the vast majority of our caucus understands what we're dealing with here,' he said, adding that 'of course they understand the volatility that we're dealing with and the tremendous amount of work that it takes by people around him to keep him in the middle of the road.'"

REAL TALK -- Corker is right in that many Republicans share these thoughts about Trump. No, it doesn't mean they're going to impeach him. It just means they feel like they can't deal with him on the level. That impacts things like tax reform, health care, etc.

THERE ARE 32 LEGISLATIVE DAYS left in 2017.

WHAT SENATE REPUBLICANS ARE BUZZING ABOUT -- IN THE LAST 24 HOURS , several very senior Senate Republicans have reached out to us with the following theory: The White House's top legislative priority -- tax reform -- fails. Republicans lose the House, and keep the Senate by a razor-thin margin at best. Trump blames Senate Republicans, who have not dismantled the Senate filibuster rules. He runs in 2020 against Senate Republicans, and uses Pelosi and Schumer as a foil.

TODAY AT 4:08 P.M. -- Nationals vs. Cubs in Chicago. On TBS. A terrific rainy-day, federal holiday activity.

CNN'S PHIL MATTINGLY -- "Puerto Rico Gov. asks Congress for more aid, citing 'unprecedented catastrophe'": "Puerto Rico Gov. Ricardo Rosselló, citing an 'unprecedented catastrophe,' is lobbying Capitol Hill for a significant new influx of money in the near term as the island sits on the brink of 'a massive liquidity crisis,' according to a letter obtained by CNN.

"In a three-page letter sent to congressional leaders , Rosselló is requesting more than $4 billion from various agencies and loan program to 'meet the immediate emergency needs of Puerto Rico.' 'We are grateful for the federal emergency assistance that has been provided so far,' Rosello wrote. 'However, absent extraordinary measures

to address the halt in economic activity in Puerto Rico, the humanitarian crisis will deepen, and the unmet basic needs of the American citizens of Puerto Rico will become even greater.'" http://cnn.it/2ySCjj5

BANNON WATCH -- "Bannon Plans to Back Challengers to Most GOP Senators," by Bloomberg's Jen Jacobs and Bill Allison: "Steve Bannon plans to back primary challengers to almost every Republican senator who runs for re-election next year in an effort to depose Majority Leader Mitch McConnell and streamline Senate voting procedures, three people familiar with his plans said. Only Senator Ted Cruz of Texas is safe from the nascent political organization led by Donald Trump's former chief strategist, the people said -- because Cruz is considered conservative enough and is thought to be moving toward the more populist approach Bannon favors. ...

"Bannon plans to support as many as 15 Republican Senate candidates in 2018, including several challengers to incumbents, the people said. He'll support only candidates who agree to two conditions: They will vote against McConnell as majority leader, and they will vote to end senators' ability to block legislation by filibustering." https://bloom.bg/2wIwILH

-- THE REPUBLICAN senators up for reelection next year are John Barrasso (Wyo.), Orrin Hatch (Utah), Ted Cruz (Texas), Dean Heller (Nev.), Deb Fischer (Neb.), Roger Wicker (Miss.) and Jeff Flake (Ariz.).

SUSAN GLASSER talks with **SEN. TOM COTTON (R-ARK.)** in the latest Global Politico podcast: **"Cotton to the Defense":** "This is a moment of truth for President Trump's national security team. He is set to overrule both his secretaries of State and Defense on the Iran nuclear deal this week, declaring it no longer in the U.S. 'national interest' in explicit contradiction to their public position. And if they don't like it, Senator Tom Cotton says, then they should get out.

"Their 'job is now to move out and execute,' Cotton, the Arkansas Republican and national security hawk who is one of Trump's closest remaining congressional advisers on foreign policy, says in a new interview for The Global Politico, our weekly podcast on world affairs. Or, 'if you feel strongly enough, then you have to resign.'

"Cotton, who has personally advised Trump in recent days about the new Iran strategy he is set to release this week, stopped short of saying either embattled Secretary of State Rex Tillerson or Defense Secretary Jim Mattis should in fact resign. But his comments were nonetheless a striking acknowledgement of the giant rift that has opened up in the midst of the Trump team over foreign policy." http://politi.co/2g4AjAj ... ***Subscribe to the podcast*** http://apple.co/2kAoZfH ... ***The full transcript*** http://politi.co/2z93mrg

WHAT BRAD PARSCALE IS READING -- "Trump's popularity is slipping in rural America: poll," by Reuters' Chris Kahn and Tim Reid: "[President Donald] Trump, who inspired millions of supporters last year in places like Morgan County, has been losing

his grip on rural America. According to the Reuters/Ipsos daily tracking poll, the Republican president's popularity is eroding in small towns and rural communities where 15 percent of the country's population lives. The poll of more than 15,000 adults in 'non-metro' areas shows that they are now as likely to disapprove of Trump as they are to approve of him.

"In September, 47 percent of people in non-metro areas approved of Trump while 47 percent disapproved. That is down from Trump's first four weeks in office, when 55 percent said they approved of the president while 39 percent disapproved. The poll found that Trump has lost support in rural areas among men, whites and people who never went to college. He lost support with rural Republicans and rural voters who supported him on Election Day." http://reut.rs/2xtCtw7

ABOUT THAT DACA DEAL ... -- "Trump lists immigration demands that could derail 'Dreamers' deal," by Seung Min Kim: "President Donald Trump laid out his immigration principles for Capitol Hill on Sunday - a list of hardline policies that could seriously complicate the prospects of striking a deal with Democrats over the future of hundreds of thousands of young undocumented immigrants. ... [S]ome of the key provisions run counter to an agreement Democratic leaders believed they'd struck with Trump during a White House dinner last month. On Sunday, Trump called on Congress to build a wall along the southern border - a centerpiece of his presidential campaign, which was premised on tougher immigration policies.

"But Democratic leaders left the dinner believing that Trump would not demand a border wall in exchange for signing legislation to provide legal status to immigrants who obtained protection from deportation and work permits under the Deferred Action for Childhood Arrivals program." http://politi.co/2g5HXdQ ... ***"The immigration principles and policies"*** http://politi.co/2y69AIt

-- THREAD: FWD.US'S TODD SCHULTE RESPONDS: http://bit.ly/2y3xiYa

****** **A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: http://politi.co/2y5XNvF ******

THE BIG READ -- NYT'S MATT FLEGENHEIMER in Santa Monica**: "Stephen Miller, the Powerful Survivor on the President's Right Flank:** Mr. Miller, who was a conservative trapped in a liberal California high school, has rocketed to the upper reaches of White House influence, especially on immigration": http://nyti.ms/2yaGs4s

THE NEVER-ENDING STRUGGLE -- "Republicans privately admit defeat on Obamacare repeal," by Jen Haberkorn: "For the first time, rank-and-file Republicans are acknowledging Obamacare may never be repealed. After multiple failures to repeal the law, the White House and many GOP lawmakers are publicly promising to try again in early 2018. But privately, both House and Senate Republicans acknowledge they may never be able to deliver on their seven-year vow to scrap the law.

"'Personally, I don't see it,' Rep. Phil Roe (R-Tenn.) said. 'I just don't know how you can reconcile a bill you've taken two whiffs at already and couldn't get the votes.' Some sound almost resigned to the new reality. 'I'd say it's 50-50,' Rep. Kevin Cramer (R-N.D.) said of the prospect the law will remain in place.

"Republicans are torn between the potency of their longtime rallying cry against Obamacare - so popular with GOP donors and their base that it helped flip both houses of Congress and the White House - and the reality they've wasted nine months of what is supposed to be the most productive time of a new administration failing to get it done. With few legislative accomplishments so far to show voters, failure on Obamacare repeal could prove to be a major liability in the 2018 midterm elections." http://politi.co/2y4Natf

ANOTHER JOSH DAWSEY SCOOP -- "White House believes Kelly's personal phone possibly compromised at transition office": "White House officials have homed in on President Donald Trump's Washington transition headquarters as a likely location where chief of staff John Kelly's personal cellphone could have been compromised in late 2016, two U.S. officials familiar with the matter said. Kelly ... reported the phone had stopped working properly in December after he entered the transition office space, which was made available by the General Services Administration ... Kelly said it functioned well before that time. ... Officials have tried to determine whether Kelly signed onto an insecure wireless network there or whether a hacker, foreign government or some other outside force could have accessed the phone there." http://politi.co/2yzmth1

-- THE JET BEAT: "Traveling in style: Trump's White House wrestles with Cabinet costs," by WaPo's Drew Harwell, Lisa Rein and Jack Gillum: "The Trump administration, one of the wealthiest in modern U.S. history, is facing widening criticism over travel expenditures among some of the billionaires, budget hawks and business executives who head federal agencies. Inspectors general have opened at least five investigations into charter or military flights by Cabinet officials amounting to millions in federal spending. Their decisions to veer away from cheaper commercial flights have led to criticism from Democrats in Congress and government accountability groups about a culture of entitlement in Trump's administration." http://wapo.st/2yavM6b

PROGRESS ON THE KOREAN PENINSULA -- "U.S. Pressure on North Korea's Global Ties Bears Fruit," by WSJ's Paul Sonne and Felicia Schwartz: "Over 20 nations have curbed the diplomatic or business operations of the North Korean government following a more-than-yearlong effort by the State Department, an indication of the kind of behind-the-scenes pressure the U.S. is using to tackle an emerging nuclear standoff. U.S. officials have asked countries to shut down businesses owned by the North Korean government, remove North Korean vessels from ship registries, end flights by the country's national air carrier and expel its ambassadors.

"At the Association of Southeast Asian Nations summit earlier this year, U.S.

diplomats made sure North Korea couldn't secure any bilateral meetings. Mexico, Peru, Spain and Kuwait all expelled their North Korean ambassadors after the U.S. warned that Pyongyang was using its embassies to ship contraband and possibly weapons components in diplomatic pouches and earn currency for the regime. Italy became the latest country to do so on Oct. 1. Kuwait and Qatar, among other countries, have agreed to reduce the presence of North Korean guest workers, according to U.S. officials and people familiar with the matter." http://on.wsj.com/2xs9wWg

THE LATEST ON NATE -- "Nate marches across U.S. East Coast, dumping heavy rains," by AP's Jeff Amy in Biloxi, Mississippi: "Nate slogged its way across the U.S. East Coast on Monday, dumping heavy rains and bringing gusty winds to inland states as a tropical depression, a day after Hurricane Nate brought a burst of flooding and power outages to the U.S. Gulf Coast. Nate spared the region the kind of catastrophic damage left by a series of hurricanes that hit the southern U.S. and Caribbean in recent weeks.

"Nate -- the first hurricane to make landfall in Mississippi since Katrina in 2005 -- quickly lost strength Sunday, with its winds diminishing to a tropical depression as it pushed northward into Alabama and Georgia with heavy rain. It was a Category 1 hurricane when it came ashore outside Biloxi early Sunday, its second landfall after initially hitting southeastern Louisiana on Saturday evening. ... By dawn, however, Nate's receding floodwaters didn't reveal any obvious signs of widespread damage in the city where Hurricane Katrina had leveled thousands of beachfront homes and businesses." http://bit.ly/2wHcstv

VALLEY TALK - "Russians in Silicon Valley Can't Shake Hacking's Shadow," by NYT's Nellie Bowles: "Pavel Cherkashin, a Russian investor based in this city, thought he had the perfect name for a Catholic church that he is spending $11.5 million converting into a tech palace. It would be called Hack Temple. But that was before the nearly daily deluge of news about Russian efforts to influence the 2016 presidential election ... Some Russian venture capitalists said start-ups were more wary about taking their funding, while several Russian-born engineers said they were being treated differently socially and in their companies. Lawyers also said some tech firms were installing tighter security measures restricting what data foreign-born coders can see." http://nyti.ms/2yyJ8Kq

-- WAPO'S ELIZABETH DWOSKIN in San Francisco and **ADAM ENTOUS: "Google uncovers Russian-bought ads on YouTube, Gmail and other platforms":** "Google for the first time has uncovered evidence that Russian operatives exploited the company's platforms in an attempt to interfere in the 2016 election, according to people familiar with the company's investigation.

"The Silicon Valley giant has found that tens of thousands of dollars were spent on ads by Russian agents who aimed to spread disinformation across Google's many products, which include YouTube, as well as advertising associated with Google search, Gmail, and the company's DoubleClick ad network, the people said, speaking on

condition of anonymity to discuss matters that have not been made public. Google runs the world's largest online advertising business, and YouTube is the world's largest online video site.

"The discovery by Google is also significant because the ads do not appear to be from the same Kremlin-affiliated troll farm that bought ads on Facebook -- a sign that the Russian effort to spread disinformation online may be a much broader problem than Silicon Valley companies have unearthed so far." http://wapo.st/2xtW9ES

ABOUT THAT PENCE TRIP -- AP: "Trump says VP 'long planned' attending NFL game": "President Donald Trump says Vice President Mike Pence's attendance at a 49ers-Colts game this weekend was 'long planned.'

"Trump's comment on Twitter Monday appears to respond to questions about whether Pence's brief attendance at the NFL game was a political stunt. Pence left the stadium after some San Francisco players took a knee during the national anthem. Trump tweets that Pence 'is receiving great praise for leaving game after the players showed such disrespect for country!'

"The former Indiana governor flew in to Indianapolis so he could watch Peyton Manning's jersey retirement ceremony. But he did not stay long. Around kickoff, Pence wrote on Twitter that he left because he would not 'dignify any event that disrespects our soldiers, our Flag, or our National Anthem.'" http://bit.ly/2yzFQXs

-- PENCE WORLD'S VIEW: The VP's inner circle also contends the trip had been planned for weeks and he was planning to stay through the game. He's now in California for a tax-reform event and fundraiser with House Majority Leader Kevin McCarthy.I

Playbook Reads

PHOTO DU JOUR: Vice President Mike Pence stands during the playing of the national anthem before a game between the Indianapolis Colts and the San Francisco 49ers, on Oct. 8 in Indianapolis. Pence later left the game early because some of the 49ers players kneeled in protest of injustice during the anthem. | Michael Conroy/AP Photo

GABE DEBENEDETTI in Birmingham, Alabama: **"Doug Jones' culture war conundrum":** http://politi.co/2yAfFzF

POSTCARD FROM THE NEW YORKER FESTIVAL - CHELSEA MANNING in a Q&A with Larissa MacFarquhar -- "You received incredible numbers of letters of support in prison." ... **MANNING:** "I know it was over 200,000. ... I don't have an exact count. It

could be more. It might be slightly less." **MACFARQUHAR:** "And you said a lot of them had glitter in them?" **MANNING:** "Oh, yeah. Oh, yeah. So some of them had glitter, yes." **MACFARQUHAR:** Which you had to clean up" ... **MANNING:** "They don't clean that up for you. You have to clean that up."

--**AI WEIWEI,** in a Q&A with Evan Osnos - on government censorship in China: "I don't know why they are so scared of people chatting or gossiping. ... Most of my friends, my colleagues, they had a good time on the Internet and are now in jail or on trial or we don't even know where they are." ... **OSNOS:** "Is Trump changing the way the rest of the world looks at the U.S.?" **WEIWEI:** "That's for certain. ... I think he makes the Chinese very happy. And I think he makes the Russians very happy." **OSNOS:** "Why is China happy?" **WEIWEI:** "I think any problem that happens in the United States, China is very happy. And will greatly benefit from it."

****** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2y5XNvF ******

HOLLYWOODLAND -- "Harvey Weinstein Forced Out of His Own Company," by Variety's Brent Lang: "The Weinstein Company's board of directors has voted to remove Weinstein from the studio, leaving control of the company in the hands of Weinstein's brother, Bob Weinstein, and chief operating officer David Glasser ... It is a stunning fall from power for the mogul, whose tenacity and ruthlessness put him at the nexus of Hollywood, Wall Street, and the Beltway. Not just a movie producer, Weinstein was also a political player and major force in New York City and Hollywood's cultural and corporate life. ... Weinstein did not agree to leave the company, and there is no financial settlement in place, according to an insider. He has been fired for cause after the board met on Sunday, having spent most of the weekend trying to hammer out a deal for Weinstein to leave." http://bit.ly/2wHcj9B

--"Harvey Weinstein Is the (Whispered) Talk of Hollywood," by NYT's Brooks Barnes: "Welcome to Hollywood, where people love to wag self-righteous fingers - over the past year, awards shows have become a platform for industry bigwigs to rail against the Trump administration - but run for cover whenever the topic casts show business in an unflattering light. From Thursday to Saturday, I called more than 40 entertainment industry players, and almost all refused to speak for the record. Some said it was because their companies (or publicists) needed to approve anything they would say, while others gave reasons that painted a picture of a community hobbled by fear, self-interest and hypocrisy." http://nyti.ms/2kzWD6z

Playbookers

SPOTTED: Wolf Blitzer on a JetBlue flight from DCA to Boston on Sunday morning - he and his wife sat in the middle of the plane ... Kelly Ayotte in the Admirals Club at DCA Monday morning.

AMY CHOZICK, a University of Texas alum, NYT political reporter and author of a forthcoming memoir to be published by HarperCollins, was awarded the "Outstanding Young Texas Exes" award on Saturday before kickoff of the Texas vs. Kansas State game. Previous recipients have included George P. Bush, Greg Abbott and Paul Begala. ***Pic of Amy on the jumbotron*** http://bit.ly/2y95AJ0

RAHM EMANUEL's new podcast -- Chicago Tribune: "Emanuel's podcast loosens up tightly scripted mayor" http://trib.in/2xrMa30 ... ***The podcast*** http://apple.co/2xtBCLS

ENGAGED -- Ryan Daniels, director at the Raben Group and an Obama WH alum, got engaged to **Evan Giesemann,** legislative assistant for Rep. Mark Pocan (D-Wis.), this weekend at Meridian Hill Park, the site of their first date three years ago. The couple celebrated at Vinoteca with friends. ***Pic*** http://bit.ly/2y8V58x

WEEKEND WEDDINGS -- CNN Tech space and science correspondent **Rachel Crane** this weekend married financier **Andrew Marks** of Freemark Partners at a gala on the French Riviera. Pool report: "The ceremony was conducted at the Villa Ephrussi de Rothschild estate on Cap Ferrat. ... Designer Michael Smith -- a long-time friend of the groom's family -- gave a stirring tribute, and magician David Blaine indulged a few eager guests with a card trick or two. The theme was 'love you to the moon and back' -- and after three-days of sun soaked Rose it may be hard for those attending to come back down to Earth. ... Rachel and Andrew grew up together in LA, and attended Harvard-Westlake one grade apart ... [and] reconnected two years ago." ***Instapic*** http://bit.ly/2y30LI9

SPOTTED: CNN bosses Ed O'Keefe, Chris Berend, Jason Farkas, and Sam Grobart, Cullen Daly, Molly Shiels, Vivek Kemp, Wendy Brundige, Bryce Urbany, Tawanda Scott, Sally Rosen, Allison Davis O'Keefe, and Daphne Oz.

--Sarah Rozier, longtime spokeswoman for Rep. Jeb Hensarling (R-Texas) and current communications director for the House Financial Services Committee, on Saturday married **Pauly Flaim,** a master mechanic from Brookville, Maryland, in Midlothian, Texas. "The Texas style reception was held in a modern barn with friends from D.C., Maryland, and Texas." ***Pics*** http://bit.ly/2fWLKGH ... http://bit.ly/2ySGfjE

SPOTTED: Jeb and Melissa Hensarling, Shannon McGahn, Kirsten Mork, Kyle Jackson, Sarah Makin and Tommy Acciani, Adam Scheidler, Jennifer and Craig Stalzer, Liz Hill and Mike Braun, Lexi Noruk, Rae Lynn and Dan Ziegler, and Catherine Costakos.

--Caroline Ross, deputy legislative director and military legislative assistant for Sen. Jerry Moran (R-Kan.), got married on Saturday to **Ryan Canfield,** OMB legislative

affairs liaison to the House and Senate Appropriations Committees and former legislative director to House Appropriations Chairman Hal Rogers, in a ceremony at the Hay-Adams. The couple on a Defense appropriations staff delegation trip. ***Instapic*** http://bit.ly/2kzelkZ

BIRTHDAY OF THE DAY: Trent Lott, former Senate majority leader now senior counsel and co-chair of Squire Patton Boggs' public policy practice, is 76. He's celebrating with his wife and two other couples in Athens, Greece. **How he thinks the Trump presidency is going:** "Not great. Too many problems with disasters and Congress." **Read his Playbook Plus Q&A:** http://politi.co/2wHKRbE

BIRTHWEEK (was yesterday): Dan Gallo, the Fox News embed who covered Cruz and Pence during 2016, turned 4-0 (hat tip: Matt Nussbaum) ... **(was Friday):** Patrick O'Connor of the U.S. Chamber and an NRSC alum

BIRTHDAYS: Amy Dacey, DNC, EMILY's List and Kerry alum, now EVP at MWWPR... Virginia Hume Onufer (h/ts Jon Haber) ... Shailagh Murray ... former Rep. Tom Perriello (D-Va.), now CEO of WinVA (h/t Ian Sams) ... C-SPAN founder Brian Lamb is 76 ... Justin Barasky, campaign manager for the Sherrod Brown reelect ... former British Prime Minister David Cameron is 51 ... Ryan Ramsey ... Vivek Kundra, COO of Outcome Health ... TNR alum Gabriel Snyder ... Aaron Blake, senior political reporter at WaPo's The Fix ... Juana Summers, senior writer for CNN Politics ... Chris Kofinis, CEO of Park Street Strategies ... Rachel Pearson ... Politico's Valerie Berg (h/t Stephanie Benedict) ... Jason Kaplan, NY press secretary for Senate Minority Leader Chuck Schumer (h/t Alysa James) ... Michael Marcialis ...

... Dr. Russell Moore, president of the Ethics & Religious Liberty Commission at the Southern Baptist Convention, is 46 ... E&E's Arianna Skibell ... ABC News' Justin Fishel (h/t Arlette Saenz) ... Kat Skiles, message mobilization director at the DNC ... Rob Caruso ... Miles Taylor ... Ben Rush ... Julia Schechter, associate at SKDK ... Tarresha Poindexter ... Clare Doody, principal at West Wing Writers ... Annastacia Langthorn ... Michael Tubman ... Elizabeth Shappell ... David Cohen, Obama WH alum and NYU Law grad ... Zack Hale ... Leah Fabel Young ... Bubba Sanderson ... Nicole Schlinger ... Vivian Myrtetus ... Becki Donatelli ... Michael Smith ... Dana Wolfe, ABC News alum and former EP of the Intelligence Squared debate series (h/t Su-Lin Nichols) ... Pon Hunter ... Tom Petrillo ... Lenny Speiller ... Monica Hinojos (h/ts Teresa Vilmain)

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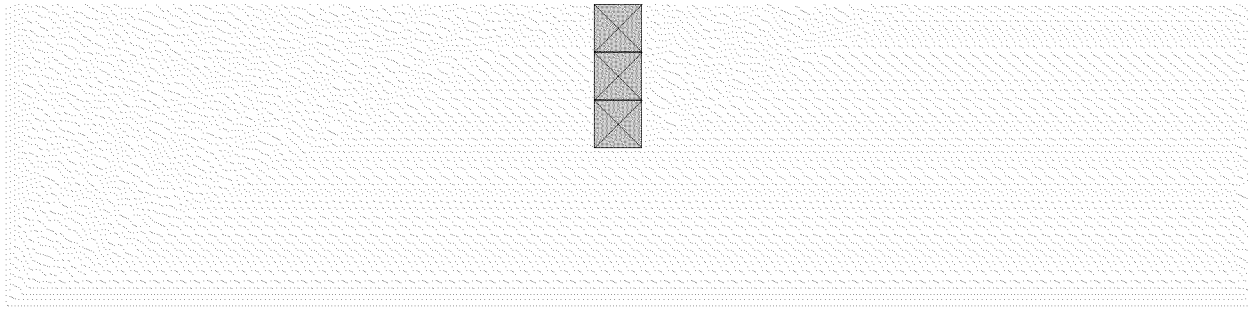
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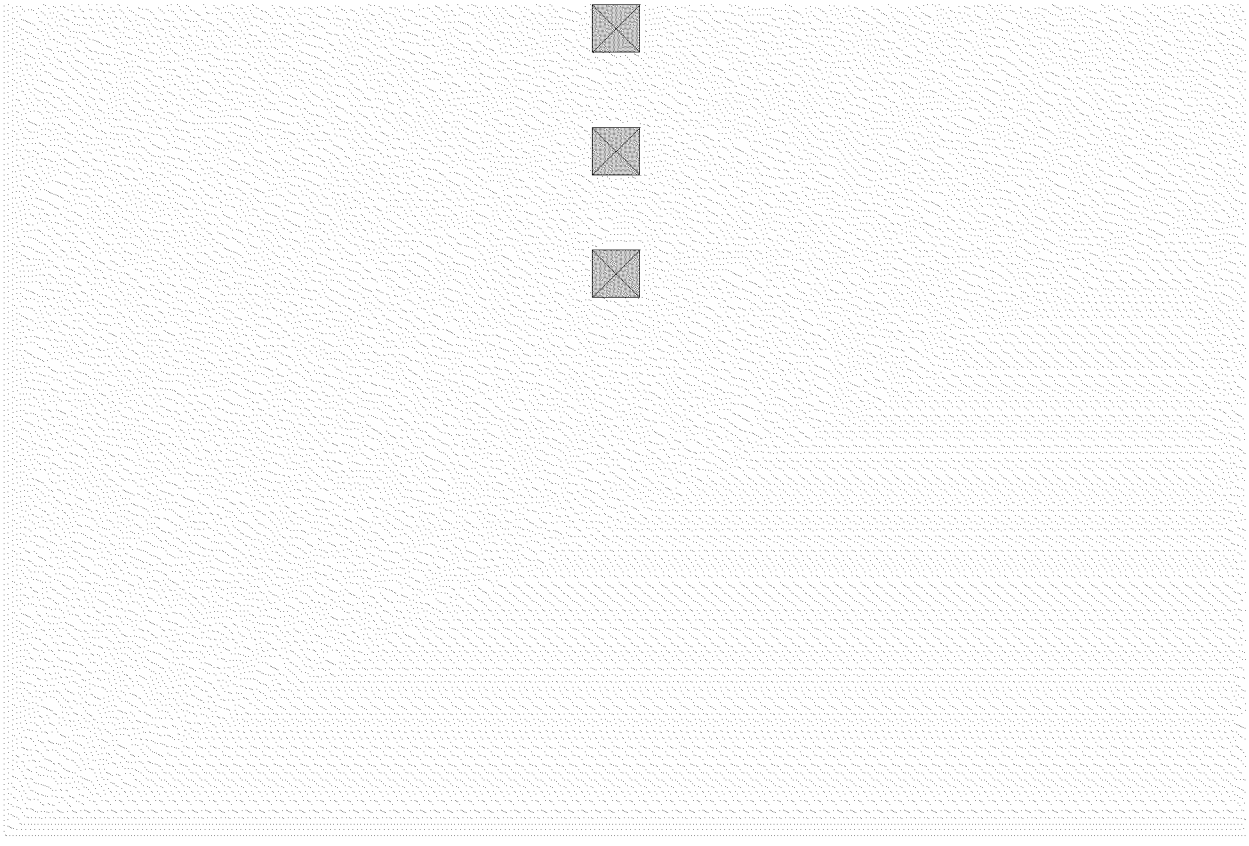
To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Tue 10/17/2017 11:02:55 AM
Subject: Stun Gun Fails Slain Officer, Auto Injury Detect, 'ASTORS', Guantanamo, Sputnik, 10 TSA Facts





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Thur 8/24/2017 11:01:08 AM
Subject: AST August 2017 *Fully Interactive * Digital Magazine





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Mon 8/14/2017 11:13:52 AM
Subject: The Morning Headlines from InsideEPA.com -- August 14, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 14, 2017

Latest News

Canada May Be Little-Noticed Wild Card In Battle Over Vehicle GHG Rules

Canada may be an under-appreciated wild card in the emerging battle over light-duty vehicle greenhouse standards -- as the nation that historically follows U.S. federal vehicle emissions standards grapples with a response to Trump administration plans that could weaken light-duty GHG standards Canada has already adopted.

California, Other Defenders Take Hard Line As EPA Re-Opens Vehicle Review

California, consumer advocates and other defenders of vehicle greenhouse gas limits are pouncing on EPA's formal re-opening of light-duty vehicle GHG standards -- including its move to expand the scope to possible changes in model year 2021 standards -- suggesting it could signal an unnecessary retreat from the standards that could cost consumers money and retard innovation in the sector while allowing higher GHG emissions.

9th Circuit Muddies Landscape On When CERCLA 113 Claims Are Viable

The U.S. Court of Appeals for the 9th Circuit, in a ruling of first impression, is adding to a circuit split on when potentially responsible parties may seek contribution claims under the Superfund law while also creating its own definition of when a potentially responsible party (PRP) resolves its liability that “falls in the middle” of other court's definitions.

Pruitt's Reluctance To Increase RFS Goals May Get Help From Court Ruling

EPA Administrator Scott Pruitt is signaling reluctance to increase future renewable fuel standard (RFS) production goals for advanced and cellulosic biofuels based off what he sees as limited infrastructure and demand for the fuels, and his position may get a boost from an appellate ruling backing EPA's method for setting some RFS targets.

EPA Urges 6th Circuit To Limit Reach Of High Court CWA 'Jurisdiction' Ruling

EPA is urging a federal appeals court to reject a Michigan road commission's suit

challenging the agency's objection to a proposed state-issued Clean Water Act (CWA) permit for a new road, saying the commission is wrong to claim that a Supreme Court ruling allowing judicial review of CWA jurisdiction findings extends to permit objections.

Daily Feed

D.C. Circuit rejects requests for en banc review of methane NSPS suit

In an 8-3 vote, the court rejected rehearing of its ruling vacating EPA's stay of methane limits on new drilling operations.

D.C. Circuit suspends briefing in suit over CSAPR update

The U.S. Court of Appeals for the District of Columbia Circuit has granted power companies' request to postpone litigation over Obama-era revisions to the Cross-State Air Pollution rule.

Environmentalists resist EPA bid to extend landfill-methane delay case

Any extension would allow EPA the “benefit” of continuing the rule's delay, environmentalists say.

Ewire: Surprise opposition to Pruitt's climate science review

In today’s Ewire: Some conservative and industry groups are questioning whether EPA Administrator Scott Pruitt’s “red-team, blue-team” exercise is a good idea. Plus: Utah seeking $1.9 billion over Gold King Mine spill.

Senate EPW Democrats seek immediate RMP implementation

Democratic members of the Senate environment committee say immediate implementation of the Risk Management Program revisions would help save lives.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/3/2017 2:22:03 PM
Subject: Senate energy panel sets September hearing for FERC, Interior nominees

By Darius Dixon

08/03/2017 10:17 AM EDT

The Senate Energy and Natural Resources Committee has scheduled a September hearing for President Donald Trump's next two FERC nominees, along with an official for the Interior Department.

The hearing for FERC nominees Rich Glick, a Democrat, and Kevin McIntyre, Trump's pick for the agency's chairmanship, has been set for Sept. 7 at 10 a.m.

Joseph Balash's nomination to be Interior assistant secretary for Land and Minerals Management will also testify at the hearing.

WHAT'S NEXT: Lawmakers in the Senate are negotiating a package of nominees to be confirmed before the recess, which may including two pending FERC nominees Neil Chatterjee and Rob Powelson, who have already cleared the energy committee.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/senate-energy-panel-sets-september-hearing-for-ferc-interior-nominees-091448

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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Subject: Aug. 4 -- Daily Environment Report - Afternoon Briefing



Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Peabody Mine Survival May Rest on Navajo Coal Gasification Plan

Posted August 04, 2017, 7:30 A.M. ET

By Stephen Lee

The biggest coal-fired generating station west of the Mississippi could be replaced by a coal gasification plant, raising concerns among environmentalists as well as questions from financial analysts about the economic costs and risks.

The tribe "has considered the development of potential energy industries, including [a] gasification plant," Navajo Nation presidential spokesman Mihio Manus told Bloomberg BNA Aug. 3. He added that the tribe hasn't committed to the technology, which chemically transforms the fossil fuel into synthetic natural gas.

Manus' remarks echo those of Navajo Nation President Russell Begaye, who indicated to local reporters in early July that the tribe wants to build a coal-to-gas generating station. "We'll have a new plant there that will take advantage of the price of natural gas, but still use coal," Begaye told Lake Powell Communications, a local news site in Lake Powell, Ariz.

Begaye did not respond to Bloomberg BNA's request for an interview.

The Navajo Generating Station, on tribal land near Page, Ariz., provides power to customers in Arizona and Nevada. The plant's owners—which include the Salt River Project, one of Arizona's largest utilities, and the Interior Department's Bureau of Reclamation—have a lease with the Navajo Nation that expires in 2019. That plant will shut down at the end of 2019 unless a new buyer steps forward to keep it running beyond then, a possibility that energy analysts say seems increasingly remote.

Should the gasification plans come to fruition, one beneficiary could be Peabody Energy, which operates the large Kayenta coal mine 78 miles to the southeast that employs many tribal members. Analysts, however, say they're skeptical a coal gasification plant will be realized because of a range of economic and technological challenges.

Peabody spokeswoman Beth Sutton told Bloomberg BNA in an email that the Navajo's coal gasification plan "seems speculative."

The Kayenta coal mine will likely shut down at the end of 2019, because it only serves the massive Navajo Generating Station. Further, no outside rail link can deliver the coal to other customers.

Duke's and Southern's Experiences

Two recent stumbles in the coal gasification industry serve to illustrate the economic risk the Navajo Nation would be courting by embracing the technology, said David Schlissel, director of resource planning analysis at the Institute for Energy Economics and Financial Analysis.

Duke Energy's Edwardsport coal gasification plant in Indiana has cost $1.5 billion more than originally planned and still doesn't run reliably, Schlissel said. More recently, Mississippi regulators concerned about the rising costs of Southern Co.'s Kemper plant ordered the company last month to transition the plant to natural gas.

"If Duke and Southern Co. couldn't do it, who is the Navajo Nation going to find who can do it?" Schlissel said. "There's no evidence that this can be done economically or reliably."

A coal gasification plant would generate power at roughly $100 per megawatt hour, but the Navajo Nation would only be able to sell it into the grid in Arizona or Nevada at $30 a megawatt hour, according to Schlissel.

"It doesn't make sense," he said. "You're quickly going to go down."

'Costly and Risky'

Similarly, Bill Corcoran, western campaign director for the Sierra Club's Beyond Coal campaign, told Bloomberg BNA that a "costly and risky coal gasification plant would only aggravate the underwater economics of coal-fueled power in the region. It's a loser for a tribe that can't afford a misstep in profiting from the ongoing transition of the energy market."

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the majority owner of Bloomberg L.P., parent of Bloomberg BNA.

"With natural gas prices at current levels, including the recent uptick, coal gasification can't be economic," added Vincent Brisini, director of environmental affairs at investment and management firm Olympus Power. "Too much energy is needed to gasify the coal, plus the price of the coal alone is already two-thirds the cost of natural gas."

Other options on the table for the Navajo Nation include a solar farm and the development of thermal energy, Manus said. Indeed, the tribe launched a 27-megawatt solar farm in June. Manus did not respond to questions about why the Navajo Nation was considering coal gasification technology given Southern Co.'s and Duke's experiences.

Interior Department spokesman Dan DuBray told Bloomberg BNA that he couldn't weigh in on the coal gasification question, or whether the agency would provide funding to help the tribe get any plans off the ground. Rather, DuBray said, the agency is "focused on helping [Navajo Generating Station] operate beyond 2019."

The tribe has flirted with coal gasification before. In 2012, for example, the Navajo agreed to work with Lawrence Livermore National Laboratory on developing the technology.

Two years later, the tribe won a $1 million Interior Department grant to study coal gasification's economic potential.

Duke Energy Ash Lawsuit Tossed Over 'Forum Shopping'

Posted August 04, 2017, 02:01 P.M. ET

By Andrew M. Ballard

A federal district judge in Virginia tossed a Duke Energy coal ash lawsuit over what he said is "strategic forum shopping" by the utility.

Duke Energy's effort to obtain a court ruling saying it was in compliance with the Clean Water Act at its Roxboro, N.C., facility would undercut potential contrary rulings by other jurisdictions and represent "an improper race to the courthouse," Norman K. Moon, U.S. District Court Judge for the Western District of Virginia, wrote in an order of dismissal filed Aug. 3 (Duke Energy Progress LLC v. Roanoke River Basin Assn., W.D. Va., No. 4:17-cv-00032, opinion 8/3/17).

Duke Energy filed its lawsuit in Virginia May 11, two days before a citizen suit could be filed in the Middle District of North Carolina. Case law shows that the North Carolina court "may have been a less favorable venue for Duke Energy to litigate these issues," Moon wrote.

Allowing the case to go forward would "render useless" a 60-day notice requirement for citizen suits, which gives state and federal regulators the option to supersede "the citizen suit with their own enforcement action," he said.

Citizens' Lawsuits

Frank Holleman, an attorney with the Southern Environmental Law Center (SELC) in Chapel Hill, told Bloomberg BNA Aug. 4 that Duke Energy sought to dismiss the claims pending in North Carolina because the action in Virginia was "first filed."

Holleman, who represents the plaintiffs in the case, said he expects the North Carolina jurisdiction to allow the Clean Water Act claims to proceed there now.

A Duke Energy representative told Bloomberg BNA that the conservation group's litigation was undermining the utility's effort to effectively manage its coal ash.

"While Duke Energy continues to work with its federal and state regulators to close ash basins in a manner that is fully protective of human health and the environment, SELC has filed a flurry of lawsuits across the Southeast aimed at disrupting those efforts and promoting their extreme agenda and 'draconian' remedies," said Danielle Peoples, a Duke Energy spokeswoman.

SELC recently filed a separate lawsuit alleging violations of the Resource Conservation and Recovery Act over coal ash management activities at the Roxboro facility, which is located in Person County.

Holleman said he believes that that lawsuit, along with a similar one filed against Duke Energy over activities at the Mayo Plant, also in Roxboro, are the only citizen suits seeking enforcement of the federal coal combustion residuals rule. Clean Water Act claims involving the Mayo facility also are pending, and coal ash management by Duke Energy is the subject of lawsuits in state court.

EPA Widens Superfund Cleanups Near Public Housing

Posted August 04, 2017, 9:16 A.M. ET

By Sylvia Carignan

The EPA's discovery of lead contamination near low-income public-housing units has expanded some investigations and broadened its collection of Superfund site location data.

The Environmental Protection Agency and Department of Housing and Urban Development prioritized 13 lead-contaminated sites following a data review late last year. The EPA is using that data to urge site project managers to identify potential contamination at HUD housing near Superfund sites, an EPA spokesperson told Bloomberg BNA Aug. 2.

The EPA has removed lead-contaminated dirt from low-income neighborhoods in Chicago, Indianapolis, and Chattanooga, Tenn. as a result of the review. In addition, the agencies prioritized 10 Superfund sites where nearby residents might be exposed to lead.

"Awareness of the proximity of public housing has enabled project managers at several sites—not just the top 10 priorities—to identify nearby public housing that needed to be prioritized for investigation or cleanup," the spokesperson said. At the majority of the sites, EPA said, HUD residents ultimately "were not at any elevated risk from their proximity to these sites." EPA has not yet provided details on where lead posed risks to residents.

Location, Location, Location

Many of those 10 locations, on a list obtained by Bloomberg BNA, are large Superfund sites where housing properties fall within the site's boundaries. Others had actions already planned to address contamination, according to the EPA. HUD chose the 10 sites in November as locations where lead exposure was likely, in order to ask EPA to collect more information on them.

Before the EPA and HUD partnership began in January, the agencies' investigations and assessments were often separate.

"When we asked our regions about this project, they said it was hard to get access to subsidized properties because of who handled them," Alicia Frame, an EPA biologist, said at a meeting of the EPA's Children's Health Protection Advisory Committee July 19.

But outside the Superfund program's assessments, contamination may go unrecognized. "If contamination near HUD housing is not on a Superfund site, there is no set policy for cleaning up that site," said Lauren Hayes, who represented HUD at the meeting.

Site Boundaries

The EPA decided to take action at low-income housing properties near lead-contaminated sites to reduce the chances of another public health crisis such as the problems in East Chicago, Ind. A

former industrial site there is contaminated with lead and arsenic. Public housing was built decades ago atop a lead smelter. In 2009, the site was added to the Superfund National Priorities List, which contains the most contaminated sites in the country.

Indiana Gov. Eric Holcomb (R) declared a disaster emergency at the site in February.

Debbie Chizewer, environmental advocate at the Northwestern University Pritzker School of Law's Environmental Advocacy Clinic, tracks progress at the East Chicago site. Chizewer told Bloomberg BNA that she has been concerned about lead contamination in similar neighborhoods around the country.

"There are many cases where the boundaries are not drawn correctly to start with, and East Chicago is a perfect example," Chizewer said.

According to Frame, the agency's only internal requirement for recording the locations of Superfund sites is latitude and longitude.

"Superfund does not have a national policy for the collection of geospatial data describing site boundaries," she said at the July 19 meeting.

Chizewer said EPA had not tested enough East Chicago homes for indoor and outdoor lead-based paint, lead in drinking water, or indoor lead dust. "The fact that that wasn't done in East Chicago makes me wonder if it's being done at other sites," she said. "They're missing a whole swath of exposure pathways."

The agencies' findings should lead to stricter health standards, said Emily A. Benfer, distinguished visiting scholar at Yale Law School's Solomon Center for Health Law & Policy. "At a minimum, children and pregnant women should not be exposed to elevated lead and arsenic levels in the soil at any of the identified sites," she told Bloomberg BNA.

New National Priorities

There are 1,390 proposed and finalized sites on the National Priorities List. Of those, 36 percent—or 505 sites—are within a mile of a HUD public housing building or HUD-subsidized multifamily building, according to the EPA.

"Superfund cannot sample public housing that is not expected to be impacted by a release, or threat of a release, but we can prioritize identifying and sampling housing that falls within our authorities," an EPA spokesperson told Bloomberg BNA.

Tom Neltner, chemicals policy director at the Environmental Defense Fund, notes that the EPA and HUD data review doesn't include people living near contaminated sites on housing vouchers, also known as Section 8 vouchers. Low-income individuals or families using the vouchers must find private owners willing to rent under the program.

"There's no easy inventory of them, but they're still important," he told Bloomberg BNA.

The EPA is working on a broader Superfund data review, in addition to its partnership with HUD. According to the agency, it will review National Priorities List sites to address gaps in data on contaminants, remedies, site size, and site location.

The agency also has begun to incorporate the size of local populations into its Superfund data, according to an EPA spokesperson.

Runway Expansion at Portland, Ore., Airport Upheld by Court

Posted August 04, 2017, 03:40 P.M. ET

By Paul Shukovsky

Federal aviation officials didn't act arbitrarily when they decided to forgo a full environmental impact statement on a third runway at a Portland, Ore.-area airport, a federal appeals court ruled.

Five individuals and the Oregon Aviation Watch, a non-profit group, challenged the Federal Aviation Administration's finding that the runway project at Hillsboro Airport wouldn't cause a significant impact (Barnes v. Federal Aviation Administration, 9th Cir. App., No. 14-71180, opinion 8/3/17).

The group and individuals said the FAA didn't take a "hard look" at the environmental impacts of the runway under requirements of the National Environmental Policy Act. Petitioners contended lead emissions from aviation operations were not adequately considered.

The Ninth Circuit Court of Appeals panel rejected those arguments and denied the petition for review, finding that "the FAA did not act in a manner that was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law," Judge Richard R. Clifton wrote in the panel's Aug. 3 opinion.

Petitioners also argued that the agency violated the Airport and Airway Improvement Act, which requires that before approving a project grant, the FAA must ensure the project is consistent with local public agency plans.

Waste Industry to Save Millions Under EPA Monitoring Proposal

Posted August 04, 2017, 10:45 A.M. ET

By Catherine Douglas Moran

Waste storage and processing facilities would save $28 million under an EPA proposal to ease air pollution monitoring requirements.

The Environmental Protection Agency's proposed changes (RIN:2060-AT48) would ease monitoring requirements for pressure relief devices on containers. The notice, to be published Aug. 7, said the action would "not substantially change the level of environmental protection" provided under the toxic air pollution standards for waste processors.

Those standards cover 49 facilities that store, treat, recover, or dispose of certain wastes, used oil, and used solvents. The agency projected that the existing monitoring requirements for containers require the average facility to make about $570,000 in capital investments to comply.

The EPA issued its proposal in response to a request from the Eastman Chemical Co. and the American Chemistry Council. The American Chemistry Council declined to comment to Bloomberg BNA. Eastman Chemical, a manufacturer of chemicals, fibers, and plastics that runs multiple facilities affected by the regulation, could not be reached for comment.

In May 2015, the two organizations jointly petitioned the EPA to reconsider certain provisions of the toxic pollutant emissions limits, including monitoring requirements for portable containers.

"It is extremely challenging, if not impossible for these facilities to design and implement a monitoring system for portable containers," the organizations said.

James Pew, a staff attorney for Earthjustice, told Bloomberg BNA that the proposal would weaken enforcement of the toxic pollutant standards by allowing facilities to conceal their emissions. States would have difficulty enforcing the standards because they won't know what the emissions are without monitoring, he said.

"The rule is really about letting these sources hide their actual emissions as much as it is about saving them money," Pew said.

Interior to Kill Obama Rule Raising Coal, Oil Royalties

Posted August 04, 2017, 11:25 A.M. ET

By Ari Natter

An Obama-era regulation governing how royalties are calculated for coal, natural gas and oil extracted on federal lands will be repealed by the Trump administration.

The Interior Department's Office of Natural Resources Revenue issued a public notice that it plans to scrap the valuation rule in a final rule set to be published Aug. 7 in the Federal Register, and it is set to go into effect 30 days after that. The agency proposed scrapping the rule in April, several months after it went into effect on Jan. 1.

The change would benefit coal companies that extract the fossil fuel on federal land, such as Cloud Peak Energy, which had lobbied against the regulation. It previously had been estimated to increase royalty collections by at least $78 million.

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U.K. Batteries for Residential Solar to Get Tax Discount

Posted August 04, 2017, 9:22 A.M. ET

By Jessica Shankleman

The U.K. government will offer a tax discount to homes installing batteries at the same time as solar panels, a move that could make renewable energy investments more attractive, according to an industry organization.

The Solar Trade Association lobbied Her Majesty's Revenue and Customs, the tax authority, to apply a value-added tax of 5 percent to energy storage systems used with solar, instead of the standard 20 percent rate.

The STA said it received an email from HMRC that confirmed the discount rate would apply to batteries and solar, if they are installed together. Batteries sold separately and added to existing

solar systems would have the standard 20 percent VAT, according to the email seen by Bloomberg News.

A spokesman for HMRC confirmed the decision by email, saying that it applies if all qualifying conditions are met. The British government is reviewing tax rates after the European Commission said discounts for certain energy-saving materials didn't comply with its VAT Directive.

"Reduced VAT on new systems will encourage homeowners to embrace storage technologies alongside solar," said Seb Berry, vice chairman at the STA and head of external affairs at Solar Century Holdings Ltd. The panel provider on Aug. 2 announced a partnership with IKEA of Sweden AB to sell battery packs alongside solar systems.

The U.K. recently announced a plan to invest 246 million pounds in battery technology research and changed a law to define energy storage as a form of generation in a bid to spur investment into the sector.

--With assistance from Anna Hirtenstein.

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Keystone XL Foes Avoid Climate in Red State Pipeline Battle

Posted August 04, 2017, 7:49 A.M. ET

By Meenal Vamburkar

You won't hear much about climate change coming from Keystone XL foes as they argue against TransCanada Corp.'s push to get the final state approval needed to build the pipeline.

Instead, they're spotlighting TransCanada's use of eminent domain, which Republicans traditionally oppose in support of landowner rights. Supporters, meanwhile, are pressing another issue close to Republican hearts: Jobs.

As Keystone XL faces its final hurdle in Nebraska, the starkly different political landscape under President Donald Trump versus Barack Obama is bringing new shape to a debate that will be overseen by the state's Republican-dominated Public Service Commission, set to hear a week of arguments starting Aug. 7. With Trump in the White House, a positive nod from Nebraska could remove the final regulatory barrier.

Property rights "might be the thing that stops this," said Art Tanderup, who owns farmland on the pipeline's route that's been in his wife's family for 100 years. Even some pipeline supporters say the company shouldn't be able to "take their land away," he said.

Still, the jobs issue carries weight among Republicans as well, particularly in the age of Trump, who has focused on the energy industry's ability to spark the U.S. economy. While the 2016 Republican platform says the Supreme Court's 2005 ruling in support of eminent domain undermines the Constitution's Fifth Amendment, Trump has in the past praised the decision.

Red State

Designed to carry 830,000 barrels of oil a day, the $8 billion Keystone XL pipeline will span 1,179

miles (1,897 kilometers), running through Montana, South Dakota and Nebraska. From there, the oil can flow south on existing lines to the Gulf Coast, which is an export hub and where refineries are built to process heavy crude.

Nebraska is a decisively red state: It hasn't voted for a Democratic president since 1964 and four of the last five governors have been Republican. Still, the state has been an impediment to progress on the project, with lawmakers and landowners challenging the route with legislation and lawsuits. The company eventually agreed to a PSC review instead of waging further court battles, setting up this month's hearing

Now, final approval will be decided by a commission board made up of four Republicans and a single Democrat.

"Before, knowing Obama's philosophy, we hoped it would be stopped" at the federal level, Tanderup said in a telephone interview. "But no longer can I write a letter to the president of the United States, because it will do absolutely nothing. No longer is there that hope."

Presidential Permit

In 2015, the Obama administration denied the presidential permit necessary for cross-border pipelines after a State Department review found Keystone didn't serve the national interest. But Trump, who came into office vowing to support the oil industry, quickly revived it.

Among proponents, the economic argument for jobs hasn't changed from the very start of the debate. TransCanada, the president and labor unions have long touted the project is a job creator that will help the state's economy. The state will benefit from 4,400-4,500 jobs, during the two-year construction period, and $12 million in property tax revenues, according to the Calgary-based company.

"We were very excited about it. It was an opportunity to get our people back to work," said Ron Kaminski, a member of the Laborers' International Union of North America. Kaminski, after running the local union in the state for about 10 years, shifted his focus to outreach.

In his view, this fight has revolved around the same facts and arguments for nine years: "There's nothing new."

Opponents, not surprisingly, disagree. They argue that many of the jobs promised by TransCanada are just temporary, and in the past have said that clean-energy projects can also carry the promise of added jobs.

'Not Main Thing'

Jane Kleeb, of activist group Bold Alliance, was a key figure in the first fight against Keystone, which centered around its potential to add to global warming. While Kleeb continues to support investment in clean energy, and voices concern about the tar sands oil that will come from Canada, she hasn't made it the focal point of the discussion.

"Climate has not been the main thing," she said in an interview.

She, alongside groups such as the Sierra Club and 350.org, have been working with landowners, highlighting the issue of eminent domain. They argue the pipeline isn't economic anymore, citing

speculation the company has had trouble securing customers. TransCanada counters that it still expects commercial support for the project, and has had discussions with existing and new shippers.

Canadian Natural Resources Ltd. President Steve Laut said the company has 150,000 barrels of space contracted on the line. Suncor Energy Inc. also said it will be a shipper on the project.

Pipelines in western Canada, which holds the world's third-largest oil reserves, can carry about 3.3 million barrels of crude a day, according to the Canadian Association of Petroleum Producers. The area's drillers are expected to produce 3.92 million barrels a day this year, rising to 4.2 million next year, which the industry says proves the need for more ways to get their product into the U.S. market.

Unfair Takeaways

Kleeb and others argue this urgency won't exist by the time the project comes online, roughly two years after the regulatory approvals. The result, they say, is that it's unnecessary and unfair to take private property for the pipeline using eminent domain, particularly given certain liability provisions the company is putting into landowner easements. TransCanada says 91 percent of landowners in the state have agreed to allow the project on their land, and the terms are consistent with industry standards.

"People do value private property," said David Corbin, vice-chair of state's Sierra Club, which is planning to testify before the PSC against the pipeline. "It's not a red or blue issue in Nebraska."

Nonetheless, the political climate is bound to make it an uphill battle for the activists, said Katie Bays, an analyst at Height Securities LLC in Washington D.C. The PSC leans conservative and the governor "has significant influence over the process from a political perspective, and he is a major advocate for the project," she said.

Even if the outcome favors TransCanada, opponents have vowed to keep litigating. The next step would be the state's court of appeals, said Kenneth Winston, an attorney working for Bold and the Sierra Club. While the company said it's taking the process step-by-step, any decision is likely to be appealed, according to the Sierra Club's Corbin.

"The longer it takes," Corbin said, the more the "economic argument is going to say: Why would we want this thing?"

—With assistance from Kevin Orland.

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Australian Prime Minister Calls Crisis Meeting with Power Bosses

Posted August 04, 2017, 8:50 A.M. ET

By Perry Williams

Australian Prime Minister Malcolm Turnbull has called a meeting with the nation's major power companies citing concerns over soaring electricity prices and a lack of transparency in the market.

Companies including the three largest retailers Origin Energy Ltd., AGL Energy Ltd. and EnergyAustralia have been asked to appear in Canberra on Aug. 9 to discuss whether consumers are receiving adequate information on costs and consumption in their bills. About half of residential customers haven't switched electricity retailers or changed usage plans in the past five years, according to the Australian Energy Market Commission.

"Australia is blessed with abundant energy so it is simply not good enough that some families and businesses cannot always afford to turn on their lights, heating and equipment," Turnbull said in a letter sent Aug. 3 to Energy Australia Managing Director Catherine Tanna. "The situation must be addressed urgently and directly."

AGL Chief Executive Officer Andy Vesey tweeted his support for the meeting with Turnbull, saying energy affordability was an issue that needs "urgent attention."

Consumers were last month slugged with annual increases in power bills of as much as 20 percent due to soaring gas prices and the closure of aging coal-fired power stations including Hazelwood in the state of Victoria. Turnbull convened a similar meeting with oil and gas executives in March where he extracted pledges to boost gas supplies for local use over concern exports were threatening the nation's domestic energy security.

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Week Ahead: Groundwater Group Hears EPA's Superfund Plans

Posted August 04, 2017, 12:29 P.M. ET

By Chuck McCutcheon

The National Ground Water Association, Ecological Society of America, and other groups are taking advantage of August's legislative lull in Washington to hold large-scale environment and energy events during the week of Aug. 7.

The Ground Water Association's Tuesday-Wednesday meeting in Arlington, Va., will feature a speech from James Woolford, director of the Environmental Protection Agency's Office of Superfund Remediation and Technology Innovation. Woolford is expected to discuss Superfund sites' remediation programs that protect groundwater by balancing regulation, science, and technology.

Another speaker will be Maureen Sullivan, the deputy assistant secretary of defense for environment, safety, and occupational health. Sullivan is expected to discuss new ways that federal agencies can work with others to address groundwater treatment.

One example Sullivan may cite is a Navy-California state government partnership to treat and manage groundwater that yielded roughly $60 million in savings. David Schultz will cover the meeting.

In Other News

Food and agricultural research: The National Academies of Sciences, Engineering and Medicine will hold a meeting and town hall on Tuesday and Wednesday in Washington in connection with a study that would identify research with high potential for scientific breakthrough in agriculture. Scheduled speakers include Pamela Starke-Reed of the Agriculture Department's Agricultural Research Service. Tiffany Stecker will cover.

Chemical dispersants: The academies also will hold a Monday-Tuesday meeting on how chemical dispersants can be used in treating oil spills. Dispersants are sprayed on oil slicks to break down oil into droplets that more readily mix with water.

Communicating science: The Ecological Society of America's annual meeting in Portland, Ore., which runs Sunday through Friday, focuses on training and connecting ecologists who seek to engage the public about climate change or other research. It will offer special sessions on case studies of successful engagement approaches. Rep. Suzanne Bonamici (D-Ore.) will speak on Monday.

Cap and trade webinar: The Center for Climate and Energy Solutions will hold a Thursday webinar on the California Legislature's recent decision to extend the state's greenhouse gas cap-and-trade program through 2030. Scheduled speakers include Aimee Barnes, a senior adviser to California Gov. Jerry Brown, and Katie Sullivan, managing director of the International Emissions Trading Association. Carolyn Whetzel will monitor.

Sage grouse review: An Interior Department review of land-use conservation plans for the greater sage grouse may be made public during the week. The greater sage grouse is protected by federal, state, and local land-use plans to keep it from being listed as threatened or endangered. Interior Secretary Ryan Zinke in early June ordered a review of federal policy on protecting it, specifically in regard to coordination with states. The review was scheduled to be completed in the first week of August. Alan Kovski will track.

Climate and coasts: Germany's Hamburg University of Applied Sciences, the International Climate Change Information Programme, and the Universite du Quebec a Montreal will hold a Thursday-Friday symposium in Montreal on how coastal areas can cope with the threat of climate change.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Why North Korea's latest ballistic missile test is worrisome

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Wed 11/8/2017 10:36:03 AM
Subject: Morning Media: NYT breaks with Boies over Weinstein spying -- Disney caves after media pressure -- 2020 Dems flock to glossy mags -- 280-character Twitter begins!

By Michael Calderone | 11/08/2017 05:34 AM EDT

"AS OUR FOUNDERS UNDERSTOOD, and as we know today, without a free press we can have no guarantees of our freedoms. Without a free press, we can have no guarantee of justice," David Boies told attendees at the Committee to Protect Journalists' 2012 International Press Freedom Awards. "And yet just as the free press is critical to justice, so is justice critical to a free press."

- The superstar lawyer best known for representing former Vice President Al Gore in Bush v. Gore and for helping lead the legal fight for marriage equality had also enjoyed a reputation as a press champion. That latter role has been called into question after The New Yorker reported how, as Harvey Weinstein's attorney, Boies contracted an Israeli intelligence firm in an attempt to squash a New York Times investigation into sexual misconduct allegations against the film mogul. Boies did this while his firm, Boies Schiller Flexner LLP, was representing The Times on a libel case.

- The Times ripped Boies on Monday for what it called his firm's "grave betrayal of trust," and officially severed ties on Tuesday night. "We never contemplated that the law firm would contract with an intelligence firm to conduct a secret spying operation aimed at our reporting and our reporters," The Times said in a statement. "Such an operation is reprehensible, and the Boies firm must have known that its existence would have been material to our decision whether to continue using the firm."

- Boies told employees Tuesday that he executed the contract for Weinstein's private investigators believing that the purpose was to ascertain the specific accusation against Weinstein "and to try to find facts that would prove the charge to be false and thereby stop the story." It seemed like "a reasonable accommodation for a longtime client," Boies wrote, although he now admits it was "a mistake." The famed attorney said he "would never knowingly participate in an effort to intimidate or silence women or anyone else. ... That is not who I am."

- Still, Boies' role in the Weinstein saga has opened him up to scrutiny over a couple of recent instances of working against the interests of the press. While representing Sony in 2014, he threatened news organizations reporting on leaked documents. And the following year, Boies, working on behalf of Theranos, led an "entourage of lawyers" into The Wall Street Journal's newsroom and threatened legal action against the paper in response to its dogged and award-winning reporting on the troubled company. Indeed, reporters at The Journal and later The Times did what Boies, as chairman of CPJ's 2012 dinner, praised journalists for doing: "to try to present the truth, to try to speak truth to power."

Good morning and welcome to Morning Media. Please send tips to mcalderone@politico.com and @mlcalderone. Daniel Lippman (@dlippman) contributed to the newsletter. Archives.

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ELECTION 2017: Democratic Lt. Gov. Ralph Northam won Virginia's gubernatorial race, the most watched of the night, and Democrat Phil Murphy will succeed Chris Christie as New Jersey's next governor. New York City Mayor Bill de Blasio won re-election. My colleagues at POLITICO have lots more on the big night in politics.

FOR MORE THAN A YEAR during the 2016 presidential race, Donald Trump's campaign barred reporters from several news organizations from attending his public events. HuffPost, BuzzFeed, Mother Jones, the Daily Beast, National Review and Univision were among the first outlets placed on the blacklist in late 2015 and early 2016. The group kept growing, with POLITICO and The Washington Post added in March and June 2016, respectively. Throughout, news organizations showed no solidarity in pushing back strongly against the Trump campaign's restrictions, the most draconian in U.S. presidential campaign history.

- It took just four days, however, for prominent film critics and news organizations to join together to pressure Disney into backing off its decision to bar the Los Angeles Times from advance film screenings in response to critical coverage. Washington Post critic Alyssa Rosenberg announced Monday that she would skip advance screenings, and the A.V. Club followed. On Tuesday, four prominent critics associations expressed solidarity with the Los Angeles Times, along with rival New York Times, which described Disney's move as "a dangerous precedent and not at all in the public interest."

- Soon after, Disney announced the ban was over. "We've had productive discussions with the newly installed leadership at the Los Angeles Times regarding our specific concerns, and as a result, we've agreed to restore access to advance screenings for their film critics," the company said in a statement.

SOUND BITES

"All the critics who stood together in solidarity with @latimes just won a huge victory." [Alyssa Rosenberg]

"Glad to hear. And love the show of solidarity. We 'enemies of the people' need to stand together, now more than ever!" [Leonard Pitts, Jr.]

"Disney case shows again how media can influence when they stand solid on what's right. and how often they dont bother to." [Oliver Willis]

"This kind of solidarity should happen on important political/govt stories too." [John Russell]

JACK SHAFER HAS ANOTHER VIEW: "Don't Be Fooled. Disney Won Its Fight With the Press."

RITUALS OF THE WHITE HOUSE PRESS CORPS: Snapchat's Peter Hamby argues that the Trump team knows how to play the press corps day to day. "For the American public, trying

to make sense of the most disruptive moment in American politics since Vietnam and Watergate, little is accomplished," he writes. "The oxygen rush of the 'news of the day'- and the constant need to get the White House to respond to what just happened - has always fueled the Washington press. It's a bad habit that's become a crisis under an administration that has perfected the art of the dodge and cares little about helping news organizations inform their audiences. Getting answers on the news of the day checks a box. Getting answers on what happened a month ago takes hard work."

BEHIND FORBES' WILBUR ROSS BOMBSHELL (AND FORBES): CNN's Tom Kludt reports on the Forbes scoop and raises questions about the methodology of the billionaires list. "The precise worth of billionaires is often shrouded in mystery, especially when a substantial portion of their money comes - as Ross' does - from private companies that do not have to provide public accountings of their finances," Kludt writes. "Rankings like The Forbes 400 are often taken with more than a few heaps of salt as a result."

THE 2020 GLOSSY PRIMARY IS UNDER WAY: National Journal's Hanna Trudo reports how Democratic politicians are engaging with glossy magazines a few years ahead of the next presidential race. "So far, the stack of national bylines in women's magazines reads like a 2020 watch list," she writes. "Former Vice President Joe Biden, along with New York Gov. Andrew Cuomo and Sens. Elizabeth Warren of Massachusetts, Kamala Harris of California, Kirsten Gillibrand of New York, and Cory Booker of New Jersey have written for a mix of Cosmopolitan, Essence, Glamour, Marie Claire, Refinery29, and Teen Vogue, among others."

- "One issue likely to matter to any potential female base voter is sexual assault," wrote Trudo, "which Biden and Gillibrand wrote about individually in Cosmopolitan months before a wave of misconduct allegations brought the issue into the national media's consciousness."

MEET JEFF GLOR: The Hollywood Reporter's Jeremy Barr profiles the new "CBS Evening News" anchor. "One of Glor's primary attributes is his age: 42. Since his appointment was announced, he's been compared to ABC World News anchor David Muir, who is 43 and had a comparably low national profile when picked for the big job. (ABC News does not think the comparison is particularly apt.)," he writes. "Asked in an interview whether he will consciously try to attract younger viewers to the broadcast, Glor told THR simply, 'We want as many people as possible.'"

REMNICK ON RONAN: Washington Post columnist Margaret Sullivan talks to The New Yorker's editor about Ronan Farrow's latest Weinstein bombshell. "David Remnick, editor of the New Yorker, told me that the 29-year-old Farrow has the qualities he looks for in an investigative reporter - including relentless drive, or what he termed 'obsession in the best sense.' And, Remnick said, Farrow offers a rare quality: 'Huge compassion, sympathy and patience' with those whose stories he wanted to tell. On occasions when he observed Farrow interacting with accusers, Remnick said, 'it was really quite moving.'"

EMBATTLED NPR CEO TAKES MEDICAL LEAVE: Jarl Mohn, still dealing with the fallout from a sexual harassment scandal that forced out top editor chief Michael Oreskes, told staff on Tuesday he would be out for at least a month. "[L]ast March I suffered a nearly fatal

ruptured aorta. I returned to work with the blessing of my physician with one important caveat - I cannot allow my blood pressure to rise," Mohn said in an email, according to NPR . "Regretfully, the hypertension has returned to a dangerous level, and I have been instructed to take medical leave until my health returns to normal, at a minimum of four weeks."

SAD NEWS: Wall Street Journal editor Sarah Portlock, who suffered a brain injury while pregnant in March, died suddenly on Monday, editor-in-chief Gerry Baker announced in a memo. "Our thoughts and prayers are with her husband, Sam, and daughter, Aviva, who is beautiful, healthy and home with her father," he wrote. "Aviva recently dressed as Cinderella for Halloween, a costume that I'm told Sarah helped to pick out." Friends and colleagues can support her family here.

VIA POLITICO'S MORNING EDUCATION: Articles are making the rounds online that cite a POLITICO Magazine profile of Education Secretary Betsy DeVos and claim that education "officials" expect her to step down. That is NOT what the POLITICO article said, and there's no reason to believe DeVos is on her way out. What the POLITICO article, written by Tim Alberta, did say: "Anyone betting against DeVos serving all four years of Trump's first term - which, she tells me, she plans to do - is underestimating the sense of duty and moral righteousness deeply embedded in someone who could be doing just about anything else right now."

- **The false reports have gained traction.** Randi Weingarten, the American Federation of Teachers president, who is a constant DeVos critic, tweeted one, calling it "breaking news." The posts appear to be built around a single quote in the POLITICO profile. Thomas Toch, the director of FutureEd, an independent education think tank at Georgetown's McCourt School of Public Policy - not an education "official," as many of the posts claim - said in the POLITICO piece that "in Washington education circles, the conversation is already about the post-DeVos landscape, because the assumption is she won't stay long. ..." Toch took to Twitter to clear the record: "Was tallying DeVos odds in @politico, not suggesting her plane's idling at National with a flight plan to Michigan. I give her a year."

REVOLVING DOOR

Daniel Sieberg is leaving Google News Lab after six years to become co-founder and head of journalism operations for Civil, a "decentralized newsmaking platform."

Tiffany Wu, who has spent nearly 20 years at Reuters in various roles, has been named regional editor, Americas.

Chris Mihal, most recently Variety's creative director, has joined Barron's as editorial design director.

EXTRAS

- Poynter's Daniel Funke reports that at least 20 sites registered to late "fake news" publisher Paul Horner have gone offline.

- Fox News wins the week with a new prime-time lineup.

- Jake Tapper disputes Bill O'Reilly's claim that CNN staff was ordered to "trash" Donna Brazile.

- CJR looks at the best-performing articles on BuzzFeed, CNN, Fox News and other outlets over the past year.

- The Times has received more than 80,000 "Modern Love" submissions over the past 13 years.

- Gay Talese is "sad" that Kevin Spacey's career is damaged amid sexual misconduct allegations.

- Twitter is now giving virtually everyone 280 characters. And the president is already on board.

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/11/08/david-boies-under-fire-disney-caves-to-media-pressure-behind-forbes-wilbur-ross-scoop-dems-flock-to-glossy-mags-280-character-twitter-begins-001375

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Daily Environment Report

October 30, 2017 - Number 208

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Leading the News

Chemicals
Exxon: EPA Should Leverage Existing Chemical Exposure Data
The EPA should partner with chemical and product makers in securing chemical exposure information to improve decisions, an Exxon Mobil scientist said.

Climate Regulation
Truck Industry Awaits EPA Rewrite After Trailer Rule Paused
The truck and trailer industry won't have to comply with the EPA's greenhouse gas requirements for now, but the industry is still waiting to see whether the agency will exempt it from the overall regulation.

Natural Resources
Trump Appears Set to Scale Back Size of Two National Monuments
President Donald Trump apparently will revise—and possibly downsize—at least two national monuments, the Bears Ears and Grand Staircase-Escalante monuments in Utah.

Pesticides
European Union Glyphosate Vote Set for Nov. 9
The European Union will hold a long-awaited vote Nov. 9 on the reauthorization of glyphosate, the active ingredient in Monsanto's Roundup and dozens of other herbicides.

News

Air Pollution
California Taps VW Cheating Penalty to Help Build Emissions Lab
The California Air Resources Board plans to break ground today on a vehicle emissions test

lab that will cost $419 million, with a third of the money coming from penalties that Volkswagen AG is paying because of its diesel cheating scandal.

Chemicals

Fire at West Virginia Plastics Warehouse Releases Toxics

The EPA deployed a specialized aircraft equipped with sensors to identify chemical contaminants that may have been released during a plastics warehouse fire in Parkersburg, W.Va., a blaze that was still smoldering after five days.

Climate Policy

Coal Standoff Hinders Merkel's Push for Next German Government

A clash over climate change between two of Angela Merkel's potential government partners escalated to the point that the German chancellor had to step in to tone things down.

Energy

Regulator Wants Electric Grid Planning to Avoid 'Regrets'

The U.S. electric grid is resilient and reliable now, but the Federal Energy Regulatory Commission must prepare for future changes to the electricity mix and competitive energy markets, FERC Chairman Neil Chatterjee said.

Enforcement

Exxon Mobil Is Said Set to Settle Air Pollution Violations

The U.S. government is close to resolving air pollution allegations against Exxon Mobil Corp. and may announce an agreement in coming days, according to people familiar with the situation.

Mining

Battery Boom Relies on One African Nation Avoiding Chaos of Past

The cars of the future will depend increasingly upon supplies of an obscure metal from a country in the African tropics where there has never been a peaceful transition of power and child labor is still used in parts of the mining industry.

Motor Vehicles

Oil Industry Seeks to Help Gasoline-Fueled Cars in Climate Fight

Big oil is betting it can help the internal combustion engine, the heart of its business for a century, withstand the onslaught from electric cars.

Oil & Gas

Brazil Pushes Deep-Water Exploration with Bid Round, Law Change

Brazil started auctioning areas in its most prized oil region Oct. 27 as lawmakers consider completely reversing nationalist oil policies to give a further boost to exploration.

Oil & Gas

One Way for a Gas Driller to Save Cash? the Water Pipe Business

How does a U.S. shale gas explorer save money on all the water it needs to bring into fields and pump into wells? The answer, according to one driller: Build your own water pipelines.

Pipeline Safety

Enbridge Hid Pipeline Sealant Issues, Michigan Regulators Say

Enbridge Energy Partners concealed information for three years about damage to a pipeline's protective coating, Michigan regulators charge, but an official with the Canadian energy giant said the company did not intentionally mislead regulators.

Renewable Energy

Argentina Strides to Cut Costs in Emerging Clean Power Industry

Argentina took strides on Oct. 27 to lower costs in its incipient renewable energy sector.

Renewable Energy

First Solar Surges Due to Possible Trump Tariffs on Rivals

First Solar Inc. orders surged in the third quarter, a sign that developers are flocking to thin-film solar panels that won't be affected by import tariffs President Donald Trump may impose.

Renewable Energy

Max Boegl Builds World's Tallest Wind Turbine With Storage Unit

The German construction company Max Boegl Wind AG built what it says is the world's tallest wind turbine by placing a tower on an integrated hydro battery in the depths of the nation's Black Forest.

Trump China Trip to Broker Multibillion-Dollar U.S. Energy Deals

Representatives from about 40 companies are expected to accompany President Donald Trump on the first presidential trade mission to China Nov. 8-10 and sign deals for billions of dollars in U.S. investments.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/9/2017 8:12:58 PM
Subject: Aug. 9 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Climate Reports May Slow Trump's Push to Undo Obama-Era Rules

Posted August 09, 2017, 7:29 A.M. ET

By Christopher Flavelle and Brian K. Sullivan

A pair of highly anticipated government studies, one of them due to be released this week, could complicate President Donald Trump's effort to roll back federal climate regulations, according to people on both sides of the debate over global warming.

A National Oceanic and Atmospheric Administration-backed report summarizing the global effects of climate change in 2016 is scheduled for release Aug. 10. Its conclusion will be similar to previous years' versions, according to people familiar with the report: Climate change is real, it's man-made and it's dangerous.

That report dovetails with a broader National Climate Assessment, which is due next year from the administration. Drafts of the study, compiled by scientists from across the federal government, show that the effects of climate change in the U.S. are severe.

Both reports are at odds with Trump's contention that climate change is a "hoax" and may hinder his moves to undo President Barack Obama's efforts to address the issue, analysts say. Revoking Obama's rules requires agencies to give a legally sound justification for the policy pivots—such as arguing they are no longer necessary.

David Schnare, who worked on Trump's transition team at the Environmental Protection Agency and then advised EPA Administrator Scott Pruitt, said that both reports will make it harder for the agency to reverse the Obama administration's limits on carbon dioxide emissions from power plants, as well as the broader policy that defines those emissions as a danger to the public, called an endangerment finding.

"If the NCA comes out with an unflattering report on carbon dioxide, the only way EPA can change its endangerment finding is to reexamine all that science, and have a reasonable basis for rejecting" it, said Schnare, who left EPA in March. Once those reports become public, "it's hard to dodge," he

said.

Opponents of Trump's climate policies agreed that the reports could slow his administration's repeal of Obama-era regulations.

"It will make it harder for them to justify," said David Hawkins, director of climate programs for the Natural Resources Defense Council. "It's yet another document that weighs against whatever claims Trump political appointees attempt to make about the state of the science."

The Aug. 10 report, which was written by more than 450 scientists in the U.S. and abroad, will show that ice levels in Antarctica have set a record low, according to Keith Seitter, executive director of the American Meteorological Society. Antarctic ice levels had previously been increasing, a point highlighted by those who say climate change is a hoax.

The study will be released in the group's Bulletin of the American Meteorological Society.

Otherwise, the report doesn't contain many surprises, according to Seitter—because the public has become accustomed to continually breaking temperature records. On Aug. 8, NOAA reported that 2017 is so far the second-warmest year to date.

"As a standard practice, NOAA does not discuss leaked or draft reports," said Brady Phillips, a spokesman for the agency.

NOAA's willingness to publicize data about the threat of climate change presents a stark contrast with other agencies. The EPA has removed information about climate change from its website; Pruitt has said human activity isn't the primary contributor to global warming, as has Secretary of Energy Rick Perry. And the Interior Department reassigned dozens of employees, including one scientist who said his transfer to an office processing revenue was in retaliation "for speaking out publicly about the dangers that climate change poses to Alaska Native communities."

An Interior spokeswoman declined to discuss specific personnel matters among the senior executive service and said the reassignments "are being conducted to better serve the taxpayer and the department's operations." The EPA didn't respond to a request for comment.

The difference, according to Schnare, reflects the fact that the Trump administration has yet to assign political appointees to NOAA, which has left the agency—a division of the Department of Commerce—with an unusual degree of independence. Nor has the administration filled key climate positions at the White House; the Office of Science and Technology Policy still has no confirmed director, preventing it from aligning policy across federal agencies.

"This administration has simply not gotten its coordinating process together," said Schnare. Ross Gillfillan, a spokesman for the science office, declined to comment.

National Assessment

A test of that coordinating process will be the National Climate Assessment, which the White House is required by Congress to release every four years. The last report, in 2014, concluded that average global temperatures had increased more than 1.5 degrees Fahrenheit (0.8 Celsius) since 1880, and predicted as much as four feet of sea-level rise by 2100. A draft version of the 2018 report projects temperatures in the U.S. will rise as much as 12 degrees if emissions aren't reduced. The New York Times reported Aug. 8 that scientists involved were worried the Trump administration would suppress that study.

"The White House will withhold comment on any draft report before its scheduled release date," White House spokeswoman Sarah Sanders said in a statement referring to the New York Times story.

Hawkins, of the Natural Resources Defense Council, said the administration could in theory try to stop publication of the final report, which must be approved by 13 federal agencies; it could even go so far as to reassign or fire the scientists working on it. But, he added, those strategies are unlikely to do much good.

"Now that the current draft report is public knowledge, firing people isn't going to undermine the validity of what's written down," Hawkins said. "They can't prevent the understanding of the science anymore than Canute could hold back the seas."

--With assistance from Jennifer A. Dlouhy.

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National Grid Modernization Plan May Get Massachusetts Approval

Posted August 09, 2017, 02:38 P.M. ET

By Adrianne Appel

National Grid expects to receive approval from Massachusetts in January on its plan to dramatically change electricity service for customers under a broad grid-modernization plan.

In June 2014, Massachusetts asked major electric suppliers Eversource Energy, National Grid and Unitil Corp. to submit blueprints to modernize their portions of the state's 60-year-old electric grid.

National Grid's plan would give customers real-time data each day about when it would be cheapest to run appliances and cool homes and businesses, Marcy Reed, president of National Grid in Massachusetts, said. The company also would make it easier for wind, solar and other renewable energy to deliver power to the grid.

The upgrades would cause monthly electric rates to rise, though the company estimates customers would save in the long run, Reed told Bloomberg BNA Aug. 8, after addressing state lawmakers attending a national meeting in Boston.

"The benefits will outweigh the costs," she said.

In Eclipse, Natural Gas Sees Its Future as Solar's Backstop

Posted August 09, 2017, 11:23 A.M. ET

By Christopher Martin, Mark Chediak and Naureen S. Malik

Natural gas is about to get a glimpse of its future role in the U.S. power mix as solar energy's backup.

During the upcoming Aug. 21 eclipse, operators of giant solar fields from California to the Carolinas

will rely on power from fast-start natural gas generators as well as hydroelectric plants and other sources to fill the gaps as the sky darkens. The celestial event will provide owners of gas turbines a chance to shine even as the fossil fuel is expected to be displaced over time by solar and wind energy.

The eclipse comes as the U.S. power grid undergoes a transformation that will bring increasing amounts of flexible resources needed to complement growing supplies of solar and wind energy. Solar installations have grown ninefold since 2012 and renewable sources are forecast to supply just as much of America's electricity demand as gas by 2040, according to Bloomberg New Energy Finance.

The "electric grid of tomorrow" will increasingly have to deal with fluctuating power supplies from the wind and sun while incorporating quick-start gas turbines during events like the upcoming eclipse, said Stephen Berberich, president of California ISO, the state's grid operator. Operators will also use new technologies to control demand when the moon will completely block the sun along a 70-mile-wide (113-kilometer) corridor stretching from Oregon to South Carolina.

The eclipse, in which the moon will completely obscure the sun, will cast a shadow along a 70-mile-wide (113-kilometer) corridor stretching from Oregon to South Carolina. Based on a Bloomberg calculation of grid forecasts, more than 9,000 megawatts of solar power may go down. That's the equivalent of about nine nuclear reactors.

To help keep the lights on, the California Independent System Operator will tap the state's network of gas generators and hydroelectric dams to make up for the loss of about 6 gigawatts of solar output over two hours as the sun is obscured by the moon. Duke Energy Corp. said it will utilize gas generators in North Carolina, the biggest solar state after California, to make up for output that is expected to sink 92 percent to about 200 megawatts in 90 minutes.

Reliability Issues Not Foreseen

The North American Electric Reliability Corporation doesn't foresee any reliability issues as grid operators have been planning for the eclipse for months.

"Given that the timing and path of the eclipse are well understood and well reflected in solar generation forecasts by CAISO and other grid operators, generation dispatch or curtailment would be managed as a part of routine operations," said Steve Krum, a spokesman for First Solar Inc., the largest operator of solar plants in the U.S.

AutoGrid Systems Inc. says some utilities will be using its software systems to shut off unnecessary appliances during the height of the eclipse, and bring them on slowly as solar power returns, said Adam Todorski, a director of product technology for the Palo Alto, California-based company.

Shedding Demand

"It's a lot like a planned outage; you know it's coming," Todorski said. "You can get hundreds of megawatts by shedding things like water heaters and pool pumps, and heat pumps."

The California Solar Energy Industries Association is asking residents to "pledge" to turn off lights, unplug microwaves and dial back air conditioners in order to reduce the need for the state to use gas plants and to limit carbon emissions.

Demand for gas is forecast to stop growing by 2040 as new technologies such as battery storage

ramp up to provide backup for wind and solar, according to Bloomberg New Energy Finance.

During a March, 2015 eclipse that crossed Europe, German grid operator TenneT TSO GmbH brought on 8 gigawatts of generating capacity to compensate for the loss of solar power as the sun disappeared, double the usual amount. It also kept hydropower plants that can store energy on standby and coordinated its flows with neighboring grid operators.

Power prices in Germany's wholesale market surged then dipped for a short time as the first eclipse of the emerging solar age passed, briefly switched off thousands of panels that on the brightest days provide 40 percent of Germany's power.

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Shale Drillers Spend Less, Produce More in Glut-Gorging Push

Posted August 09, 2017, 7:58 A.M. ET

By Joe Carroll, Giacomo Tognini and Alex Nussbaum

Shale drillers are greeting the fourth year of a historic oil-market slump in a curious fashion, promising to generate even more price-killing production as 2017 progresses.

Second-quarter reports in the last two weeks show producers led by ConocoPhillips, EOG Resources Inc. and Diamondback Energy Inc. plan to pump 50,000 barrels a day more than prior forecasts, easily offsetting modest production cuts by other peers. At the same time, full-year drilling budgets were largely curbed, some by hundreds of millions of dollars.

Investors, though, were unimpressed, erasing as much as 11 percent from an index of Permian shale explorers since the updates began on July 26. Meanwhile, crude futures, once seemingly ready to breach $50 a barrel in New York on OPEC-led cutbacks, are up just 0.8 percent.

Here are three charts on production forecasts, capital expenditures and hedging showing the status of U.S.-based drillers heading into the second half:

Apache Corp. was an outlier among shale players, cutting its production forecast for the year by 30,000 barrels a day to adjust for its exit from Canada. The producer sold its assets there earlier this year, choosing to focus on operations in the U.S., U.K., and Egypt.

Overall, the companies said they would cut about $1.25 billion from their capital expenditures for 2017. The reasons varied company-by-company, with some executives citing shortages of fracking crews in some regions that will delay some planned wells until early 2018. At least seven more companies were due to disclose quarterly earnings this week.

"This is reflective of cautious capital budgeting, continued operational efficiencies in the field, and perhaps in some cases, service costs not meeting inflation expectations built into budgets," David Tameron, an analyst at Wells Fargo Securities LLC, said in a note to clients. "In addition, capex reductions are also a nice tag line for companies to address Street concerns about capital discipline."

One reason drillers have been sanguine about pumping more crude even as an existing glut weighs on prices is that they've been able to lock in profits for future barrels with hedging instruments such

as swaps and options.

Pioneer Natural Resources Co., Devon Energy Corp. and Antero Resources Corp.are among the shale drillers amassing hedges that protect their future proceeds as far out as 2023, according to data compiled by Bloomberg. With U.S. crude futures getting closer to a new bull market, the pace of hedging by energy producers is poised to accelerate.

One of the most-active drillers in the Permian Basin, Pioneer has been closely following Energy Information Administration tallies of crude inventories that are released every Wednesday. Recently, the data has been lifting prices, and Pioneer's risk-management team has been swooping in to lock in the upticks, said Chief Executive Officer Tim Dove. So far, about half of the oil Pioneer expects to pump next year is covered.

"I'm pleased about that, of course," Dove said in a conference call. "We'll look to do more hedges in 2018 as we look for attractive opportunities to do so in the next few months, to actually be significantly higher than 50 percent."

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Gas Sellers Warn Hard-Bargaining Buyers: Market Is Turning

Posted August 09, 2017, 8:36 A.M. ET

By Naureen S. Malik

A worldwide glut of natural gas has buyers of the fuel driving hard bargains and pushing for shorter supply contracts. The only problem with that, according to their sellers: The market's about to turn against them.

Gas buyers have become too focused on the short-term, turning away from long-term contracts, said Greg Vesey, chief executive officer of Liquefied Natural Gas Ltd., an Australian developer of terminals that liquefy and export gas. If they keep it up and don't lock in enough contracts next year to encourage the construction of more export terminals, the market could end up short supplies as soon as 2021, he said.

"Things come to a head in late 2018," Vesey said in an interview at Bloomberg's headquarters in New York Aug. 8. "By the end of 2018, people will realize they have to make a decision."

The global glut of LNG supplies and an ensuing plunge in prices have already killed plans for export terminals around the world. Just last month, Malaysia's Petroliam Nasional Bhd. decided to scrap a $27 billion export complex in Canada, citing low prices. And more could follow as buyers take advantage of excess supplies to renegotiate contracts.

"The reality is that a new facility needs to be backed by a 20-year contract," Kathleen Eisbrenner, chief executive officer of export terminal developer NextDecade Corp., said in an interview late Tuesday. "There is starting to be a realization that, if those contracts aren't signed soon, we will go into a shortage."

There is an appetite among some buyers, such as large Asian utilities, for 20-year contracts, with one counter-party interested in a 25-year deal, she said.

And yet Anatol Feygin, chief commercial officer of Cheniere Energy Inc., the U.S. shale gas exporter searching for long-term contracts to back an export terminal in Texas, noted a "good appetite" among buyers to lock in supplies for three to seven years rather than 20. He said in a call with investors Aug. 8 that "market conditions continue to be challenging for long-term deals."

Spot LNG in Northeast Asia, the biggest LNG-buying region, tumbled about 70 percent from its peak in February 2014, according to industry publication World Gas Intelligence.

Cut-Rate Prices

Increasing volumes of gas from Australia to America's shale gas formations have hit the water in recent years, inundating the market with so much supply that analysts say demand may not catch up until the next decade. Raymond James said last month that export projects will probably continue to be shelved.

That has escalated the competition among LNG suppliers to score the long-term contracts they need to expand capacity, and some sellers are trying to entice buyers with cut-rate prices, Vesey said.

They are putting "ridiculously low prices out there" with the hopes of raising them in future contracts, he said. Liquefied Natural Gas is developing an export project in Louisiana that has already gained regulatory approval but needs supply agreements.

"There is a disruptive nature to what's happening," Vesey said.

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Samarco Executives' Homicide Charges Suspended in Brazil Spill

Posted August 09, 2017, 02:48 P.M. ET

By Michael Kepp

A Brazilian judge suspended and could potentially dismiss homicide charges against 21 officials of Samarco mining company, Vale SA and BHP Billiton Ltd., in connection with the rupture of an iron-ore tailings dam two years ago that killed 19 people.

The judge suspended criminal proceedings to determine whether wiretapping of the officials' phones by prosecutors was legal. If not, it "could result in the annulment of the case," the judge wrote.

The case stems from the Nov. 5, 2015, rupture of a Samarco tailings dam in Minas Gerais state that sent 62 million cubic meters of iron-ore waste into the valleys below, flattened a village of 600, left 19 dead and polluted the Doce River. Brazil's Environment Ministry called the spill "the country's worst environmental catastrophe."

The executives are charged with qualified homicide, which in Brazil means homicide aggravated by certain factors. When the charges were filed last year, prosecutor Jose Leite Sampaio said the Samarco executives knew or should have known that the dam was unsafe and at risk of failing.

Illegal Wiretapping?

Judge Jacques de Queiroz Ferreira of the first regional federal court in the Minas Gerais state municipality of Ponte Nova suspended the criminal case (No. 0002725-15.2016.4.01.3822) July 4, but the court just publicly confirmed the suspension, a court spokeswoman said Aug. 8. It is not known when the judge will decide how to proceed.

Former Samarco President Ricardo Vescovi and ex-director of Samarco operations and infrastructure Kleber Luiz de Mendonca Terra allege that phone wiretaps between executives charged in the case took place outside the time frame that the judge had authorized.

Those charged include 16 current or former executives of Samarco, the reservoir's operator, and five current or former executives of Samarco's two co-owners, the Brazilian iron-ore giant Vale S.A. and the Anglo-Australian BHP Billiton Ltd, on Samarco's board of directors. VOGBR, a geotechnical auditor that does reservoir safety inspections, and one of its employees were also criminally charged with presenting false reservoir stability reports.

Civil Settlement Pending

If convicted, the executives and officials each face up to 54 years in prison: 45 years of that sentence would be related to the homicide and nine would be linked to environmental crimes. The companies also face fines.

Samarco, Vale, and BHP Billiton declined to comment to Bloomberg BNA on the ruling suspending criminal proceedings.

This criminal case is unrelated to civil lawsuits against Samarco and its co-owners seeking billions of dollars. Last month, another Minas Gerais federal judge gave Samarco and its co-owners until Oct. 30 to finalize a settlement-for-damages agreement that would dismiss both civil suits.

Pearl-Diving Licenses Introduced in Bahrain to Protect Heritage

Posted August 09, 2017, 11:18 A.M. ET

By Matthew Kalman

Bahrain introduced a new licensing system for pearl diving beginning Aug. 9 in the oyster-rich waters of the Gulf archipelago.

The initiative aims to revive the country's ancient heritage of pearl diving by encouraging sustainable catching activities, ensuring Bahrain retains its position as an international center for an industry that was central to the country's economy, said Works, Municipalities Affairs and Urban Planning Minister Essam bin Abdulla Khalaf in a report by the Bahrain News Agency on Aug. 6.

Bahrain's marine environment has been under threat from land filling and dredging operations that smother the microscopic species that sustain fisheries, corals, mangroves and pearl-forming oysters. The numbers of fish and other sea creatures have been depleted by overfishing and bottom trawling. In 2012, Muharraq Island in the north of the country and its offshore oyster beds known as the Bahrain Pearling Trail were declared a U.N. World Heritage Site.

"Regulating pearl-diving is important," said Diane Klaimi, the U.N. Environment Programme regional coordinator for ecosystems in West Asia told Bloomberg BNA by phone from Bahrain. She said it helped people realize that care for the marine environment could result in better pearls for the industry. "This is how we drive the attention of decision-makers in countries who do not make the

link between managing the environment and services like better pearls, or better trade, or better GDP," she said.

Trade Dominated Economy

The pearl trade dominated the Persian Gulf economy, creating enormous prosperity, from the 2nd century to the 1930s, when it was eclipsed by the rise of cultured pearls from Japan.

Under Resolution No. 43 of 2017, pearl diving will be restricted to individual permit-holders on official diving trips in permitted areas by licensed operators, who must provide a list of participants to the coast guard. Each diver will be limited to 60 oysters per trip. The first official dive will be on Aug. 26.

Diving centers, instructors, diving masters and crew members must obtain annual licenses to be able to take part in pearling trips, which must leave from the Ras Rayah fishing harbor in Muharraq and return there. Individual applicants can obtain a license for 25 BD ($66) and are required to attend a pearl diving workshop which will be held by the Supreme Council of Environment. The fee for each diving center is 1,000 BD ($2,652). Holders of previous licenses, whether expired or not, must apply for a renewal.

An official at the Fisheries Department did not immediately respond to Bloomberg BNA's request for comment.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/22/2017 12:32:58 PM
Subject: Aug. 22 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

August 22, 2017 - Number 161

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Energy Conservation Standards/Certification and Compliance Requirements
AIR

Notice announces the intention of the Energy Department, Office of Energy Efficiency and Renewable Energy, to seek OMB approval for a revised information collection request regarding certification and compliance requirements for consumer products and commercial/industrial equipment subject to federal energy or water conservation standards. The collection addresses the gathering of data and submission of certification and compliance reports for basic models distributed in commerce in the U.S., including supplemental testing instructions for certain commercial equipment, recordkeeping, applications for test procedure waivers, applications for extension of the date by which representations must be made in compliance with a new or amended test procedure, and labeling. The revisions modify the online Compliance and Certification Management System (CCMS) to allow the California Energy Commission to accept a CCMS report in satisfaction of the state reporting requirement. Comments are due Oct. 23, 2017. Contact: Ashley Armstrong; DOE, Office of Energy Efficiency and Renewable Energy; 202-287-1445; ApplianceStandardsQuestions@ee.doe.gov. Citations: 10 CFR 429, 430, 431

82 FR 39780 (08/22/2017)

Regulatory Update

AIR
Georgia SIP/Minor New Source Review
AIR

Notice of the EPA announces the withdrawal of a June 29, 2017, direct final rule (82 FR 29418) that would have approved revisions to the Georgia SIP to clarify that existing exemptions from minor new source review permitting do not extend to sources that are subject to NSPS for stationary sources or NESHAP. The revisions also add a definition of "pollution control project" and provide that such projects are exempt from minor new source review construction permit requirements. The withdrawal, which is due to the receipt of an adverse comment, is effective

Aug. 22, 2017. Contact: Brad Akers; EPA Region 4, Pesticides and Toxics Management Division; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.570

82 FR 39671 (08/22/2017)

Regulatory Update

AIR
NESHAP for Portland Cement Manufacturing Industry
AIR

Direct final rule of the EPA deletes NESHAP provisions adopted in a June 23, 2017, direct final rule (82 FR 28562) that extended a compliance alternative specified in a July 25, 2016, final rule (81 FR 48356) for Portland cement manufacturing sources. The rule restores the July 25, 2017, expiration date for the compliance alternative for sources required to use a hydrogen chloride (HCl) continuous emissions monitoring system (CEMS) to demonstrate compliance with the HCl emissions limit through a three-run stack test. The alternative was provided due to the unavailability of National Institute of Standards and Technology traceable calibration gases for HCl. The current action is due to the receipt of adverse comments. A concurrent proposed rule would adopt the provisions and address the adverse comments. The rule is effective Aug. 22, 2017. Contact: Brian Storey; EPA, Office of Air Quality Planning and Standards; 919-541-1103; storey.brian@epa.gov. Citations: 40 CFR 63.1349, 63.1350

82 FR 39671 (08/22/2017)

Regulatory Update

AIR
NESHAP for Portland Cement Manufacturing Industry
AIR

Proposed rule of the EPA would extend a NESHAP compliance alternative for Portland cement manufacturing sources specified in a July 25, 2016, final rule (81 FR 48356). The rule would allow owners and operators to demonstrate compliance with the hydrochloric acid (HCl) emissions limit through a three-run stack test. The alternative was provided due to the unavailability of National Institute of Standards and Technology traceable calibration gases for HCl. The current proposal replaces a June 23, 2017, direct final rule (82 FR 28562), which is reversed concurrently due to the receipt of adverse comments. If requested by Aug. 29, 2017, a hearing will be held Sept. 6, 2017, in Washington, D.C. Comments are due Oct. 6, 2017. Contact: Brian Storey; EPA, Office of Air Quality Planning and Standards; 919-541-1103; storey.brian@epa.gov. Citations: 40 CFR 63.1349, 63.1350

82 FR 39712 (08/22/2017)

Regulatory Update

ENDANGERED SPECIES
Hawaii/Marine Mammals Incidental Take
ENDANGERED SPECIES

Final rule of the National Marine Fisheries Service authorizes the take of marine mammals

incidental to the U.S. Air Force 86 Fighter Weapons Squadron's Long Range Strike Weapons System Evaluation Program activities in the Barking Sands Underwater Range Expansion area of the Pacific Missile Range Facility, off Kauai, Hawaii. The final rule reduces the authorized take in the proposed rule based on significant decreases to the amount of live weapon explosions per year. The rule authorizes take in the form of Level B harassment of 16 species of marine mammals, and by Level A harassment of four of those species. The rule is effective Aug. 21, 2017, and expires Aug. 22, 2022. Contact: Jaclyn Daly; NMFS, Office of Protected Resources; 301-427-8401. Citations: 50 CFR 218.50 through 218.57 (Subpart F)

82 FR 39684 (08/22/2017)

Regulatory Update

FOOD SAFETY
Color and Food Additive Petitions
FOOD SAFETY

Notice of the FDA announces the submission of a continuing information collection request to the OMB regarding color additive petition (CAP) and food additive petition (FAP) submissions. The collection addresses CAPs and FAPs for new additive approval or additive amendments that meet specified labeling and safety requirements submitted using Form 3503. Comments are due Sept. 21, 2017. Contact: Ila Mizrachi; FDA, Office of Operations; 301-796-7726; PRAStaff@fda.hhs.gov. Citations: 21 CFR 70.25, 71.1, 171.1, 172, 173, 179, 180

82 FR 39793 (08/22/2017)

Regulatory Update

FOOD SAFETY
Food Additive Petition/Calcium, Vitamin D3 in Juice Products
FOOD SAFETY

Notice of the FDA announces a correction to a July 26, 2017, notice (82 FR 34615) of filing of a food additive petition by the Juice Products Association, of Washington, D.C., to replace the current recommended daily intake percentage values of calcium in fruit juices and fruit juice drinks for vitamin D3 with absolute values and to update the specifications for vitamin D3. The changes would allow manufacturers of fruit juices and fruit juice drinks that are fortified with calcium to maintain the absolute level of added calcium at 330 milligrams and 100 mg, respectively. The correction clarifies that the absolute level of added calcium for fruit juice drinks is 100 mg, not 130 mg. Contact: Judith Kidwell; FDA, Center for Food Safety and Applied Nutrition; 240-402-1071. Citations: 21 CFR 172.380

82 FR 39711 (08/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Medical Devices/Informed Consent Exception
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a continuing information collection request to

the OMB regarding an exception from general requirements for informed consent concerning the use of medical devices in certain circumstances. The collection addresses the exception to the general rule that informed consent is required for the use of an investigational in vitro diagnostic device to identify chemical, biological, radiological, nuclear agents, or other public health emergencies if the investigator and an independent licensed physician make the determination that such action is necessary. Comments are due Sept. 21, 2017. Contact: Amber Sanford; FDA, Office of Operations; 301-796-8867; PRAStaff@fda.hhs.gov. Citations: 21 CFR 50.23

82 FR 39792 (08/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pacific Northwest Military Readiness Activities
GENERAL ENVIRONMENT AND SAFETY

Notice of the Navy Department announces a supplement to a Nov. 4, 2016, final environmental impact statement/overseas environmental impact statement (EIS/OEIS) (81 FR 76937) for military readiness activities in the Northwest Training and Testing Study Area offshore of the Pacific Northwest, including the Strait of Juan de Fuca, Puget Sound, and the Behm Canal in southeastern Alaska. The supplemental EIS/OEIS will include an analysis of training and testing activities using new information available after the release of the final EIS/OEIS, including an updated acoustic effects model, updated marine mammal density data, and best available science. Comments are due Sept. 21, 2017. Contact: John Mosher; Navy Department; 360-257-3234; john.g.mosher@navy.mil

82 FR 39779 (08/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pediatric Advisory Committee Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a meeting of the Pediatric Advisory Committee. The agenda includes discussion of the use of prescription opioid products containing hydrocodone or codeine for the treatment of cough in pediatric patients and pediatric-focused safety reviews of specified pharmaceuticals and medical devices. The meeting is scheduled for Sept. 11-12, 2017, in Rockville, Md. Comments are due Sept. 13, 2017. Contact: Marieann Brill; FDA, Office of the Commissioner; 240-402-3838; marieann.brill@fda.hhs.gov

82 FR 39790 (08/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Voluntary Cosmetic Registration Program
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a revised information collection request to the OMB concerning the Voluntary Cosmetic Registration Program. The collection addresses

voluntary registration forms used by establishments that manufacture or package cosmetic products that provide information about establishment locations, business trade names, and types of activity (Forms FDA 2511, 2512, 2512a, and 2514). The revisions include the addition of links between Forms FDA 2511 and 2512, clarification of the information to be entered on the forms, additional self-identifying fields, removal of certain duplicative fields, and the deletion of Form FDA 2514. Comments are due Sept. 21, 2017. Contact: Ila Mizrachi; FDA, Office of Operations; 301-796-7726; PRAStaff@fda.hhs.gov. Citations: 21 CFR 710 and 720

82 FR 39795 (08/22/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
North Carolina/Former Douglas Battery Site
HAZARDOUS WASTE CLEANUP

Notice of the EPA announces a settlement under CERCLA 122(h) with Victor Kung, Pearl Pacific Properties LLC, and East Best LLC regarding the Former Douglas Battery Site in Winston-Salem, N.C. The settlement addresses the recovery of costs for an EPA cleanup action at the site. Comments are due Sept. 21, 2017. Contact: Paula Painter; EPA Region 4, Superfund Division; 404-562-8887; Painter.Paula@epa.gov

82 FR 39785 (08/22/2017)

Regulatory Update

RADIATION
Nuclear Power Plants/Identifying and Reporting Human Performance Incidents
RADIATION

Notice of the NRC announces the availability of a draft regulatory issue summary (RIS) for industry concerning identification and reporting of human performance incidents at nuclear power plants. The guidance addresses the requirements for reporting on human performance-related causes of safety-significant events and how to properly report such incidents. Comments are due Sept. 21, 2017. Contact: Carmen Franklin; NRC, Office of Nuclear Regulatory Research; 301-415-2386; Carmen.Franklin@nrc.gov

82 FR 39915 (08/22/2017)

Regulatory Update

RADIATION
Uranium Recovery Sites/Comprehensive Decommissioning Program
RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB concerning the comprehensive decommissioning program. The collection addresses annual submission by agreement states of information on uranium recovery and complex sites undergoing decommissioning. Comments are due Sept. 21, 2017. Contact: David Cullison; NRC; 301-415-2084; INFOCOLLECTS.Resource@NRC.GOV

82 FR 39917 (08/22/2017)

Regulatory Update

WATER
Definition of Waters of the U.S. Under the CWA
WATER

Notice of the U.S. Army Corps of Engineers and the EPA announces the extension of the comment period for a July 27, 2017, proposed rule (82 FR 34899) that would reinstate the definition of "waters of the United States" that existed prior to a June 29, 2015, final rule (80 FR 37054). The 2015 rule clarified the scope of waters that are protected under the Clean Water Act and therefore are within U.S. regulatory jurisdiction, in light of U.S. Supreme Court decisions in 2001 and 2006. The rule is issued in response to a stay of the final rule by the U.S. Court of Appeals for the Sixth Circuit and Executive Order 13778 (82 FR 12497; 03/03/2017). The executive order directed the agencies to review the final rule for consistency with certain policies and to issue a proposed rule amending or rescinding the final rule. The rule is the first of a two-step process for the substantive reevaluation of the definition of "waters of the United States." Comments now are due Sept. 27, 2017. Contact: Donna Downing; EPA, Office of Water; 202-566-2428; CWAwotus@epa.gov. Citations: 33 CFR 328.3, 40 CFR 110.1 through 401.11 (nonconsecutive)

82 FR 39712 (08/22/2017)

Regulatory Update

WATER
Mid-Atlantic Region Regulated Navigation Areas
WATER

Final rule of the U.S. Coast Guard establishes 11 safety zones on ice-covered waterways in the Fifth Coast Guard District, which includes the Mid-Atlantic Region. A July 19, 2015, proposed rule (80 FR 39403) would have established one regulated navigation area (RNA) on the navigable waters of the district to allow the USCG to impose and enforce restrictions on vessels operating within the RNA where a threat to navigation exists due to ice covered waterways. The final rule instead adopts the provisions of a Feb. 9, 2017, supplemental proposed rule (82 FR 9978). The final rule also requires vessels to gain permission from the cognizant captains of the ports (COTP) or district commander to enter or continue transiting a zone if the vessel encounters ice of a given thickness, unless the COTP or district commander has set an ice condition for the zone and the vessel meets the associated requirements to transit the zone. In addition, the final rule specifies the three ice conditions and vessel requirements to transit, establishes restrictions on nonsteel-hull-vessels in such conditions, and provides an exemption for vessels that must transit in protected waters. The rule is effective Sept 21, 2017. Contact: Doug Simpson; USGC, Fifth Coast Guard District; 757-398-6346; douglas.c.simpson@uscg.mil. Citations: 33 CFR 165.550

82 FR 39665 (08/22/2017)

Regulatory Update

WATER
Navigation Safety Advisory Council/Membership Requests

WATER

Notice of the U.S. Coast Guard announces a request for applications for membership on the Navigation Safety Advisory Council. The council provides advice and recommendations to the Secretary of Homeland Security on matters relating to maritime collisions, rammings, groundings; Inland Rules of the Road; International Rules of the Road; navigation regulations; and equipment, routing measures, marine information, diving safety, and aids to navigation systems. The Coast Guard seeks applications for seven positions that will be vacant on Nov. 4, 2017, in the commercial vessel owners and operators, professional mariners, recreational boaters, recreational boating industry, and Maritime Law Association membership categories only. Applications are due Oct. 23, 2017. Contact: George Detweiler; USCG, Navigation Safety Advisory Council; 202-372-1566; George.H.Detweiler@uscg.mil

82 FR 39880 (08/22/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 10/13/2017 9:42:19 AM
Subject: Morning Energy, presented by ExxonMobil: Ryan heads to Puerto Rico amid latest Trump dustup — Is Perry abandoning free market principles? — Trump taps climate skeptic White to run CEQ

By Anthony Adragna | 10/13/2017 05:40 AM EDT

With help from Alex Guillén

DIRE SITUATION IN PUERTO RICO GETTING HELP: Amid the latest controversy over President Donald Trump's tweets about the devastation in Puerto Rico, Congress is stressing its commitment to helping the nearly 3.5 million U.S. citizens still in dire need of assistance. Speaker Paul Ryan leads a bipartisan delegation to tour the devastated island today, a day after the House overwhelmingly passed a bill H.R. 2266 (115) that would aid Florida, Texas, Puerto Rico, the U.S. Virgin Islands and other sites of recent severe weather. All 69 lawmakers voting against the bill were Republicans. Senate leaders plan to take up the measure once they finish work on a budget resolution.

Meanwhile, the administration sought to walk back Trump's suggestions he might pull the plug on aid to the island. "Our country will stand with those American cities in Puerto Rico until the job is done," Chief of Staff John Kelly said in a press conference. And a FEMA spokeswoman, Eileen Lainez, tweeted: ".@fema will be w/Puerto Rico, USVI, every state, territory impacted by a disaster every day, supporting throughout their response & recovery."

Democrats condemned Trump's comments: "Mr. President, do not send a message to any American that we will turn our backs on them. That is not fair; it's not right; and you ought to correct the statement you made this morning," House Minority Whip Steny Hoyer said on the floor. The island's governor, Ricardo Rossello, took a more measured tone: "The U.S. citizens in Puerto Rico are requesting the support that any of our fellow citizens would receive across our Nation," he tweeted. Meanwhile, two House Democrats — Nydia Velazquez and Bennie Thompson — asked DHS to investigate whether the death toll of 45 currently associated with Hurricane Maria is far lower than the actual toll.

Situation on the ground: Amid reports residents were trying to drink from wells on Superfund sites, EPA said in a status update that it sent crews to Dorado, Caguas, and San Germán to post signs and attempt to ensure water truck deliveries to those neighborhoods. More than three weeks after the hurricane arrived, 83 percent of the island lacks electricity and 36 percent of residents lack potable drinking water, according to government figures.

Meanwhile, California continues to battle wildfires that have devastated wine country and claimed at least 29 lives. Smoke from the fires has resulted in the production of as much as pollution in two days as all of the state's cars produce in a year, according to USA Today, and the Bay Area has experienced its worst air quality week in recorded history.

TGIF EVERYBODY! I'm your host Anthony Adragna, and FERC's Joe McClelland was first to identify Rep. John Moolenaar as the only chemist currently serving in Congress. For today: Who

is the tallest U.S. senator in history? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

WHAT ARE YOU THINKING? A rising chorus of conservative voices are accusing Energy Secretary Rick Perry of betraying free market principles that have long been a GOP hallmark as he presses FERC to fast-track a new regulation that would directly benefit coal and nuclear power plants, Pro's Darius Dixon reports. "This is inconsistent with a longstanding policy of fiscal responsibility and open markets that have always been espoused by what I thought of as the Republican Party. I'm not sure that we're in the same place today," said former Republican FERC commissioner Nora Mead Brownell, adding that Perry's plan "undoes 20 to 25 years of really hard work."

Republicans have long bashed the Obama administration's Clean Power Plan as an example of the government picking winners and losers, but many conservatives are finding it hard to celebrate that regulation's rescission this week as Perry plots a new government intervention. "There is no free market, but you don't fight intervention with intervention," said Tom Pyle, president of the pro-market Institute for Energy Research who led Trump's DOE transition team. "He's recognized the symptoms but he's not proposing the right cure."

Perry defended his proposal Thursday before a House Energy and Commerce Subcommittee, arguing the federal government had provided financial support to various sectors for a long time and that power markets were never really fair. "We have subsidized the energy industry for a long time. I, frankly, don't have a problem with that," he said. Asked about the cost of his proposal on consumers, Perry also shot back that the issue was crucial for the nation's security: "What's the cost of freedom? What does it cost to build a system to keep America free?"

WHITE ON SCHEDULE: The White House announced late Thursday night that Kathleen Hartnett White, an outspoken critic of climate change science, will be nominated as chair of the Council on Environmental Quality. That shouldn't shock Pros who recall the April story from POLITICO's Alex Guillén and Andrew Restuccia previewing her nomination. Expect White to have one of the more contentious nominations of the year as Senate Democrats assail her longtime attacks on climate change science. "Carbon dioxide is not a pollutant," White wrote in an op-ed last year, a major departure from established climate science. She also called for a government commission to review climate science, something Pruitt is carrying out at EPA. ME would also not be surprised if Democrats bring up the 2014 piece in which White argued fossil fuels helped end slavery.

Plus: The White House said Alex Beehler will be nominated to be assistant secretary of the Army for energy, installations and environment. Beehler, a senior Defense Department official during the Bush administration, now runs his own energy consultancy. He worked at Koch Industries from 2000 to 2003 as director of environmental and regulatory affairs, according to his LinkedIn profile.

NOAA PICK CAUSES A STORM: Barry Myers' push to place restrictions on the information on the National Weather Service releases as CEO of AccuWeather is raising concerns for how

he'd approach such matters as the head of NOAA, POLITICO's Andrew Restuccia reports. "There seems to be a huge conflict of interest considering his business background and belief system," Daniel Sobien, the president of the National Weather Service Employees Organization, said. Sens. Bill Nelson and Brian Schatz are among the Democrats who've also expressed concerns with the pick.

HOUSE READY FOR A PRUITT APPEARANCE: Energy and Commerce Republicans are getting antsy for EPA Administrator Scott Pruitt to make his first appearance before their committee. "There's a lot of interest in him coming," Rep. John Shimkus, who chairs the Environment Subcommittee, tells ME. "[Chairman Greg Walden] is now convinced that it's time the administrator try to make time for us in his schedule." A committee aide said the panel was "currently working" to determine Pruitt's availability, a standard line for the last month.

CONGRESS TO GOVERNOR: DID YOU LIE UNDER OATH? The top House Oversight Republican and Democrat formally asked Michigan Gov. Rick Snyder in a letter Thursday whether he lied to them under oath about when he learned of an outbreak of Legionnaires' disease connected to the Flint water crisis. "If necessary, you may also choose to amend or supplement your testimony," Trey Gowdy and Elijah Cummings wrote. But Snyder shot back with his own letter shortly afterward defending his testimony as "truthful."

EXPANDED WHISTLEBLOWER PROTECTIONS PASS: The House unanimously — by a 420-0 vote — sent legislation S. 585 (115) expanding whistleblower protections for federal workers to the White House. It would also provide training to employees so they're aware of their rights. The chamber rejected a push from Democrats to expand the measure to include employees who call out superiors for "improper use of air transportation" after the resignation of former HHS Secretary Tom Price.

CASE STUDY IN WATER INFRASTRUCTURE WOES: Dilapidated infrastructure has forced the closure of a key lock on the Ohio River in southern Illinois that's led to a 57-mile backup of 51 towboats and 564 barges waiting to pass, Pro's Eric Wolff and Tanya Snyder report . The closure of Lock 52 highlights the need for the major cash infusion that Trump promised during a speech along the banks of the same river earlier this year. Deb Calhoun, a spokeswoman for the Waterways Council, said the advocacy group for water infrastructure would "hold the administration's feet to the fire," noting "the president said we need to fix it."

Situational awareness: Eric and Tanya note Trump himself hasn't spoken much about his infrastructure package recently — and that the fall timeline for Congress to craft a legislative infrastructure package has slipped away.

BACK IN THE DEEP SOUTH: Pruitt was in Mississippi Thursday where he met with Gov. Phil Bryant and held a roundtable to discuss the agency's recent proposal to pull back the Obama-era Waters of the U.S. regulation. "Our job at EPA is not to look at folks in Mississippi as adversaries, but as partners," Pruitt said in a statement. ME would note Pruitt does not appear to have held anything resembling this type of meeting in either the Northeast or Pacific Northwest to date.

MAIL CALL! THEY FOUND SOME BEEF: Four top House Democrats — Peter DeFazio, Betty McCollum, Frank Pallone and Elijah Cummings — sent a letter Thursday asking GAO to investigate whether EPA violated the Antideficiency Act and other federal laws when Pruitt appeared in National Cattleman's Beef Association video urging members' to speak up as the agency considered whether to repeal WOTUS. "We request that GAO provide a legal opinion that addresses whether the Administrator's appearance in the promotional NCBA video in connection with the hyperlinked material on the NCBA website complies with the relevant limitations on the use of appropriated funds for lobbying and publicity or propaganda purposes and the Antideficiency Act," they wrote.

CONCERNED OVER SCIENTIFIC INTEGRITY: Two senior House Science Republicans — Lamar Smith and Andy Biggs — sent a letter to Pruitt on Thursday seeking a briefing, documents and other information about EPA's Integrated Risk Information System program, which establishes a federal database of the risks of various chemicals. "The Committee is concerned about persistent issues regarding the difficulty to correct IRIS assessments that appear to use low-quality science to justify results," they wrote.

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FROM THE DEPARTMENT OF GOOD LUCK WITH THAT: Sen. Dianne Feinstein sent a letter to Pruitt Thursday asking him to reconsider his move to rescind the Clean Power Plan. "Your decision to begin repealing the Clean Power Plan not only endangers the lives of Americans, it also undermines America's international credibility," she wrote.

GAMEPLAN FOR TACKLING SEXUAL HARASSMENT: Interior Secretary Ryan Zinke and National Park Service acting Director Mike Reynolds will today announce a strategy for eliminating sexual harassment, discrimination and intimidation during an all-employee meeting at the Grand Canyon National Park. Zinke's opening remarks will be public, though an employee question and answer session will be closed.

DEMOCRATIC CONSERVATION GROUP LAUNCHES: A new grassroots organization, Democratic Conservation Alliance, launches today with the goal of electing and defending Democratic politicians who will fight against anti-conservation policies. "On behalf of America's public land owners, the Democratic Conservation Alliance will help kick anti-park politicians out of office and replace them with champions of conservation who will make Teddy Roosevelt proud," Matt Lee-Ashley, a board member, said in a statement.

AU REVOIR? All fossil fuel powered vehicles would be off the streets of Paris by 2030 under a plan the city unveiled Thursday, POLITICO Europe's Marion Solletty reports. "The target is by no means written as a 'ban' by 2030 in the climate plan, but rather as a trajectory which seems both credible and tenable," a press release said. Mayor Anne Hidalgo wants diesel cars off the street by 2024 and gasoline cars gone by 2030.

COULD BE INTERESTING: Harvard's T.H. Chan School of Public Health examines public and private sector responses to climate change today at noon with a panel featuring former EPA chief Gina McCarthy and Washington Gov. Jay Inslee. Watch here.

MOVERS, SHAKERS: Jennifer Y. Brown is leaving her role as chief of staff for the House Science, Space and Technology Committee. The panel's current deputy chief of staff, Mark Marin, will replace her.

GOT PLANS FOR UNITED NATIONS FOOD DAY? Celebrate on Monday with our Pro Agriculture colleagues, who are hosting a high-level conversation on the future of the global food supply. The event, "Greening the Food Supply: Carrots and Sticks that Work," will explore success stories in sustainable agriculture and consider the challenges involved in achieving a sustainable global food supply. Eastern Market is the place: North Hall, 225 7th St., SE. The time is 11:30 a.m. RSVP: here.

QUICK HITS

— The Grandfather Of Alt-Science. FiveThirtyEight.

— Grassley says public could sway EPA rules. Iowa Farmer Today.

— The U.S. solar industry's new growth region: Trump country. Reuters.

— Canada aligning with U.K. to fight global growth in coal-fired electricity. CBC.

— North Dakota landowners' lawsuit against pipeline dismissed. AP.

— Oil Prices Fall on Concerns Over Rising U.S. Production. Wall Street Journal.

— Where's Zinke? The Interior secretary's special flag offers clues. Washington Post.

HAPPENING TODAY

9 a.m. — House Natural Resources Energy and Mineral Resources Subcommittee holds hearing on onshore energy policy discussion draft, Longworth 1334

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https://www.politicopro.com/tipsheets/morning-energy/2017/10/ryan-heads-to-puerto-rico-amid-

latest-trump-dustup-025030

Stories from POLITICO Pro

House passes second massive disaster package Back

By Sarah Ferris | 10/12/2017 03:29 PM EDT

The House overwhelmingly passed a $36.5 billion emergency funding package Thursday intended to aid hurricane recovery in Puerto Rico and several mainland states, as well as wildfire response efforts in California.

In approving (353-69) their second tranche of hurricane aid in less than five weeks, House lawmakers agreed to the largest disaster package since Hurricane Sandy. But members from both parties describe the latest infusion as a down payment for a much more costly and comprehensive response.

"We've had some incredible tragedies and natural disasters," House Appropriations Chairman Rodney Frelinghuysen (R-N.J.) said on the House floor Thursday. "We must act quickly to make sure the federal government fulfills its duties to millions of people in need."

The legislation (H.R. 2266 (115)) now heads to the Senate, where leaders plan to take it up once the chamber has finished work on a budget resolution.

In the wake of three deadly hurricanes that pounded the U.S. this season, the aid bill would send another $18.7 billion to replenish the Federal Emergency Management Agency's disaster relief fund. That money is used for urgent recovery efforts like power restoration and debris removal, as well as individual needs like housing and child care assistance.

The measure also includes $4.9 billion in loans to help Puerto Rico's government make payroll for emergency services like police and fire departments.

The federal government has declared a dozen major disasters since August, from the hurricane-battered Florida coastline to California wine country.

More than three weeks after Hurricane Maria hit, Puerto Rico and the U.S. Virgin Islands are still reeling from their most devastating disaster in decades and could remain largely without power through the end of the year.

The bill mostly mirrors the White House's request, including a contentious $16 billion to partially wipe out the National Flood Insurance Program's debt.

Several House Republicans, particularly on the Financial Services Committee, balked at the idea of backing a longtime Democratic priority. Other conservatives, fueled by criticism from groups like Heritage Action and Club for Growth, condemned the idea of including a flood program "bailout" in an emergency spending bill without reforms to help reach long-term solvency.

The GOP opposition was not enough to endanger the bill, however. Leadership ultimately fast-tracked the legislation, using a process for non-controversial bills that requires the support of two-thirds of those voting to achieve passage.

Hours before the House began debate, the disaster relief bill took on fresh urgency as President Donald Trump threatened to pull back federal resources from Puerto Rico. "We cannot keep FEMA, the Military & the First Responders, who have been amazing (under the most difficult circumstances) in P.R. forever!" he tweeted.

Using their debate time to condemn those remarks, several House Democrats were warned by the presiding officer not to barrage the president on the floor of the House.

"Mr. President, do not send a message to any American that we will turn our backs on them," the House's No. 2 Democrat, Rep. Steny Hoyer (D-Md.), said before the passage vote. "That is not fair, that is not right, and you ought to correct the statement you made."

Rep. Nita Lowey (D-N.Y.), the top Democrat on the House Appropriations Committee, called the president's outburst "reckless" at a time when "Americans are suffering and simply trying to survive." And Rep. Debbie Wasserman Schultz (D-Fla.) accused Trump of "indifference and soft bigotry."

Congress has already enacted $15 billion in emergency aid for hurricane-battered states like Florida and Texas — a bill (H.R. 601 (115)) signed more than a week before Maria made landfall in Puerto Rico.

Democrats have for weeks demanded another cash infusion for the Caribbean territory, where the Trump administration has been accused of responding too slowly.

GOP leaders initially argued that manpower — not cash — was FEMA's most essential resource in the immediate wake of Maria. And a formal funding request was not expected until mid-to-late October.

But as public pressure mounted, the White House ultimately sped up its timeline and submitted a request last week.

Adding to that wish list on Tuesday, the Trump administration called for $4.9 billion to stave off what Puerto Rico Gov. Ricardo Rosselló warned could become a "liquidity crisis."

Lawmakers from both parties, including the full 38-member Texas delegation, have pressed for funding beyond FEMA aid and debt relief for the flood insurance program. Local lawmakers say they desperately need cash for other rebuilding tools, like the Community Development Block Grant program and the Army Corps of Engineers.

House appropriators have said those programs will likely see boosts in a future aid package, while the current bill is intended for the most urgent, life-saving efforts.

"This is the second step. This is not going to be the last one. We are going to need a lot of more help in the coming months," Resident Commissioner Jenniffer González-Colón, who represents Puerto Rico, said on the floor. "It will take a lot of resources, a lot of money and a lot of commitment of U.S. citizens like we are."

To view online click here.

Back

Trump sparks new backlash after threatening Puerto Rico aid Back

By Matthew Nussbaum and Louis Nelson | 10/12/2017 07:57 AM EDT

President Donald Trump on Thursday suggested that U.S. citizens on the hurricane-ravaged island of Puerto Rico shouldn't get used to assistance from the federal government — a statement that sparked new outrage and left the White House on the defensive.

"Electric and all infrastructure was disaster before hurricanes," Trump wrote on Twitter in a series of posts. "Congress to decide how much to spend. We cannot keep FEMA, the Military & the First Responders, who have been amazing (under the most difficult circumstances) in P.R. forever!"

Trump has come under fire for appearing to blame Puerto Rico for neglecting its infrastructure and financial health in recent years, while sparring with local officials and initially giving the U.S. territory less attention than hurricane victims in Texas and Florida.

The tweets on Thursday — which landed as nearly 90 percent of the island was still without power and nearly 40 percent of residents lack access to clean drinking water — particularly touched a nerve.

"It is not that you do not get it; you are incapable of fulfilling the moral imperative to help the people of PR. Shame on you.![sic]" Carmen Yulín Cruz, the mayor of San Juan, wrote on Twitter. In recent weeks, she has been a target of severe criticism from Trump, who dismissed her and other critics as "politically motivated ingrates."

Puerto Rico's governor, Ricardo Rosselló, sought a less fiery path, writing on Twitter: "The U.S. citizens in Puerto Rico are requesting the support that any of our fellow citizens would receive across our Nation."

House Minority Leader Nancy Pelosi (D-Calif.) said at a news conference that Trump's broadside "is heartbreaking and it lacks knowledge."

Two other Democrats, Reps. Nydia Velazquez (D-N.Y.) and Bennie Thompson (D-Miss.), even asked the Department of Homeland Security to investigate the possible underreporting of deaths

caused by Hurricane Maria in Puerto Rico.

The concern was not contained to Democrats. House Speaker Paul Ryan echoed Trump's comment that the island needs fiscal reforms, but suggested now was not the time for that debate.

"At the moment, and it's why I'm going down there tomorrow, there's a humanitarian crisis that needs to be attended to and this is an area where the federal government has a responsibility, and we're acting on it," Ryan said.

The White House sought to clean up the comments later on Thursday, with chief of staff John Kelly telling reporters later that "the U.S. military and FEMA can't be there forever."

"The minute you go anywhere as a first responder, and this would apply certainly to the military, you are trying very hard to work yourself out of a job," Kelly said during a surprise appearance at the White House briefing, adding that FEMA and the military can be withdrawn "hopefully sooner rather than later."

He said he had spoken with Rosselló earlier Thursday and that the White House enjoys a "great relationship" with the governor. "Our country will stand with those American cities in Puerto Rico until the job is done," Kelly added.

The White House also released a statement from press secretary Sarah Sanders on Thursday afternoon.

"Our job in any disaster affected location is to help the community respond and recover from that disaster. We continue to do so with the full force of the U.S. government and its resources in Texas, Florida, Puerto Rico and the US Virgin Islands and other affected areas," Sanders said. "Successful recoveries do not last forever; they should be as swift as possible to help people resume their normal lives. We are committed to helping Puerto Rico. Our Administration is working with Governor Rossello and Congress to identify the best fiscally responsible path forward."

And a White House official stressed that Puerto Rico's debt crisis would be addressed independently of the disaster relief process.

Trump's morning warning came after White House officials had stressed for weeks their intention to work with Puerto Rico throughout the recovery process. And Trump himself had said last month that "we will not rest ... until the people of Puerto Rico are safe."

"These are great people. We want them to be safe and sound and secure, and we will be there every day until that happens," Trump said at a manufacturing event on Sept. 29.

Puerto Rico has struggled with the devastation from a particularly heavy hurricane season, one that included a direct hit from Hurricane Maria late last month that devastated large swaths of the island. The official death toll from the storm has risen to 45, CNN reported Wednesday, and at least 113 people are unaccounted for.

Reports of desperation are piling up, including from federal government officials. The Environmental Protection Agency on Wednesday warned Puerto Rican residents against breaking into industrial waste sites in search of drinking water. And The New York Times reported that medical care remains a challenge on the island, with just 43 of the island's 72 open hospitals currently operating with power.

Still, Trump has asserted that his administration's handling of the storm has been a great success, and he has rejected any criticism of the effort as "fake news."

Even as the president has continued to rail against the territory, Congress on Thursday moved forward on hurricane relief funds, which the White House has also advocated for.

The U.S. House passed a $36.5 billion aid package, much of it targeted at Puerto Rico, by a vote of 353-69. The legislation marks the largest disaster package since the one provided for Hurricane Sandy victims in 2013.

The money would replenish the Federal Emergency Management Agency's coffers by roughly $18 billion, which lawmakers say is enough to last for several more weeks. That includes $4.9 billion in emergency loans to ensure the cash-strapped island government can pay its workers and other debts.

But GOP leaders have been clear that another installment of aid will be needed before the end of this year. Emergency responders from all federal agencies, from FEMA to the Defense Department, have been going quickly through their cash reserves in Puerto Rico's worst disaster in decades.

And Democrats are saying that Trump's rhetoric is not helping.

"The President of the United States' most solemn duty is to protect the safety and the security of the American people. By suggesting he might abdicate this responsibility for our fellow citizens in Puerto Rico, Mr. Trump has called into question his ability to lead," Velázquez said in a statement.

Sarah Ferris, Colin Wilhelm, Rachael Bade and Heather Caygle contributed to this report.

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Conservatives fret Perry's grid rule runs counter to market goals Back

By Darius Dixon | 10/12/2017 05:24 PM EDT

Energy Secretary Rick Perry hardened his position Thursday calling for changes to electricity

markets to support coal-fired power plants, even as a rising chorus of conservative voices accused him of abandoning the free market principles that have been a cornerstone of the Republican Party.

Testifying before a House Energy and Commerce subcommittee, Perry rejected the notion that power markets were fair, and he pointed to financial support that has been doled out to other energy sources for years.

"I don't think that you have this perfect free-market world," Perry told lawmakers. "We subsidize a lot of different energy sources. We subsidize wind energy. We subsidize ethanol. We subsidize solar. We subsidize oil and gas. The question is how do you make it as fair as you can?"

Perry's proposal, made public late last month, directed FERC to fast-track a new regulation in power markets overseen by the agency that would allow full cost recovery for power plants that keep 90 days' worth of fuel on-site, a threshold that would only include coal and nuclear power plants.

"We have subsidized the energy industry for a long time. I, frankly, don't have a problem with that," he said.

Perry's plan quickly drew opposition from the renewable energy industry and many power generators, as well as the oil and natural gas sector, which has been the biggest competitor for coal in recent years. Market advocates have also criticized Perry, saying that he has turned his back on the market mechanisms that have been at the heart of Republican economic policies — and that his home state of Texas implemented under former Gov. George W. Bush.

"This is inconsistent with a longstanding policy of fiscal responsibility and open markets that have always been espoused by what I thought of as the Republican Party. I'm not sure that we're in the same place today," said former Republican FERC commissioner Nora Mead Brownell. "This doesn't feel like draining the swamp to me. It feels like the swamp is expanding and oozing, and now is tinged with coal dust."

Perry's proposal "undoes 20 to 25 years of really hard work," she said.

Republican Rob Powelson, a new FERC commissioner, told a gathering of state regulators last week that he didn't "sign up to blow up the markets," according to S&P Global Market Intelligence. He later added in an email to POLITICO that the agency was "looking to address some of these market issues but not looking to [undo] the organized markets by picking winners and losers or creating moral hazards in the marketplace."

Critics contend that if FERC adopted Perry's proposal, the electricity markets that dictate prices for tens of millions of Americans from New Jersey to Illinois would be fundamentally altered to anchor coal and nuclear plants to the electric grid at great cost without a clear guarantee that they wouldn't lose power when the next natural disaster swings through.

But Perry has cast the issue as critical for ensuring the security of the country.

"What's the cost of freedom? What does it cost to build a system to keep America free?" Perry asked Rep. Paul Tonko (D-N.Y.), who had pressed him on whether DOE had considered how much his recent proposal to aid coal and nuclear power might cost consumers.

Coal is the nation's most abundant power-plant fuel, but a combination of environmental regulations, huge surges in natural gas and renewable-energy production and slumping demand for electricity have prompted power companies to shutter many coal-burning plants over the past decade. As recently as 2007, coal provided more than half the electric power sector's net electricity generation — but as of this summer, that share had fallen to less than a third.

Still, other members of the administration are still using free-market arguments to attack former President Barack Obama's climate change policies. At a Monday event in Kentucky's coal country with Senate Majority Leader Mitch McConnell, EPA chief Scott Pruitt stuck to complaints Republicans have long used to bash the Obama EPA's Clean Power Plan, decrying it as something that "really was about picking winners and losers."

But for many conservatives, it's hard to savor the victory of dismantling Obama's Clean Power Plan when the Trump administration is standing up a new government intervention.

"It certainly came out of left field for me," Nick Loris, an energy and environment fellow for The Heritage Foundation, said of Perry's proposal. "When I think about what 'all of the above' energy looks like, it shouldn't mean subsidize all of the above. And this DOE regulation is pushing us down that pathway, and not to limited government."

Loris was also unhappy with DOE's recent decision to increase federal loan guarantees for over-budget Vogtle nuclear reactors in Georgia by $3.7 billion.

"For an administration that is intent on wanting to drain the swamp, this is certainly not helping," Loris said.

Perry, who President Donald Trump has pressed to keep Ohio coal-fired power plants open, has said he was interested in a "conversation" about how to increase the resilience of the grid, but he emphasized on Thursday it was imperative that FERC take quick action.

"We can have a conversation and I think [FERC] must move. I think they must act. We've kicked this can down the road," he told lawmakers.

But some conservatives say even though U.S. energy markets are far from perfect, Perry's approach is the wrong one.

"There is no free market, but you don't fight intervention with intervention," said Tom Pyle, president of the pro-market Institute for Energy Research who led Trump's DOE transition team. "He's recognized the symptoms but he's not proposing the right cure."

Other critics pointed to the irony of a Texan seeking to undermine the power markets, since the

Lone Star state runs perhaps the most free-wheeling electricity system in the country.

"If you've just joined the conversation today, I think you'd be knocked over by the irony of a Republican — indeed a Texas Republican — advocating for getting in the way of market competition and directly imposing a winner-picking outcome," said Joe Goffman, a senior EPA air adviser under Obama.

"To say that there's no free market in electricity is so beside the point as to border on the disingenuous," he added. "Nobody's arguing that there's a free market. What people are arguing for is an unrigged market."

Even other conservatives find Perry's position particularly awkward.

"There's no free market for electricity, but the one example you could find that might actually call that into question is the state of Texas," said Travis Kavulla, a Republican who is a vice chairman of Montana's utility regulator. "It's certainly dissonant with both his reputation, but also the policies of his state, which is really unique among the states and has an extremely vibrant and competitive wholesale and retail market for electricity."

Perry had the power to fast-track the issue but the proposal's fate decision will ultimately fall to five commissioners at FERC, an agency made up largely of technocrats that has long sought to safeguard the energy markets. But a DOE official said that the proposal was not shared with federal regulators before it was filed but also emphasized that DOE expects — and is almost counting on — FERC to make major changes to the proposal.

"It is impossible to actually foresee this being implemented as-written," Kavulla said. "It's inconceivable that FERC would adopt this. In some ways, this is just DOE lighting a firecracker and throwing it in FERC's direction and saying, 'These coal people have really been on our case. Do something about it!'"

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Trump eyes climate skeptic for key White House environmental post Back

By Alex Guillén and Andrew Restuccia | 04/12/2017 06:00 PM EDT

President Donald Trump may tap a vocal critic of climate change science to serve as the highest-ranking environmental official in the White House.

Kathleen Hartnett White, who says carbon emissions are harmless and should not be regulated, is a top contender to run the Council on Environmental Quality, the White House's in-house environmental policy shop, sources close to the administration told POLITICO.

White House officials brought White in for an interview late last month, according to a person familiar with the hiring process, and Trump met with White at Trump Tower in November when she was under consideration to lead the Environmetal Protection Agency.

Adding White to the administration would be a major win for Steve Bannon, Trump's chief strategist, and other hard-line conservatives in the White House, who have been feuding behind the scenes for weeks with the more moderate forces in the West Wing over issues like climate change. And her nomination could appease Trump's climate skeptic supporters, who have criticized EPA Administrator Scott Pruitt for hesitating to revisit his agency's conclusion that global warming threatens public health.

Trump administration officials are divided over whether White is the best person for the job, and they are also considering other candidates to lead CEQ, sources said. A White House spokeswoman declined to comment, saying, "We will let you know when we have an announcement."

Like Pruitt, the former Oklahoma attorney general and fossil fuel ally, White would be another voice from a large oil and gas producing state in charge of climate change and environmental policy.

White is a former chairwoman of the Texas Commission on Environmental Quality who now works for a conservative think tank in the Lone Star State. Energy Secretary Rick Perry, a former Texas governor, is said to be advocating on White's candidacy behind the scenes.

Tapping White would only deepen environmentalists' fears that the new administration will implement a wholesale reversal of former President Barack Obama's approach to climate change as a serious, long-term threat to the environment and national security.

White sat on Trump's economic advisory council during his campaign and since 2008 has worked at the Austin-based conservative think tank Texas Public Policy Foundation, which has received funding from Koch Industries, ExxonMobil, Chevron, ConocoPhillips, Devon Energy and other energy companies and utilities. White, who was a registered lobbyist with the group until Nov. 29, has long been a major voice in the niche industry of public figures who question climate science data or downplay the risks of global warming.

"Carbon dioxide is not a pollutant, and carbon is certainly not a poison. Carbon is the chemical basis of all life on earth. Our bones and blood are made out of carbon," White wrote in a June op-ed. She added that CO_2 is the "gas of life" because it is a nutrient used by plants — an argument frequently raised by climate skeptics that most scientists say distracts from the climate-changing components of the gas.

White's position contrasts sharply with established climate science. In its most recent comprehensive report, the United Nations' Intergovernmental Panel on Climate Change, the leading scientific body on global warming, concluded that the Earth is warming because of human-generated emissions — and that time is running short to stave off the worst risks of climate change, including increased temperatures, more extreme weather, sea level rise and

ocean acidification.

Similar findings have been reached by U.S. authorities, including EPA, NASA and NOAA — all agencies that would be subject to guidance White would issue as CEQ chair, if she were confirmed by the Senate.

In an interview with POLITICO in September, White proposed establishing a "blue ribbon commission" to relitigate climate science, underscoring her unorthodox belief that the science showing human-induced climate change is unsettled.

The commission, she said, would develop an "alternative scientific methodology" to the IPCC, whose usefulness she said has "reached its peak."

If nominated, White would likely be an advocate within the administration of reopening the foundation of Obama's climate change agenda: EPA's 2009 "endangerment finding," a scientific conclusion that greenhouse gases constitute a threat to public health or welfare.

Trump told an industry-backed think tank last year that he will "review" the endangerment finding, a potentially difficult task given the scientific consensus on the issue. Any withdrawal of the finding would be challenged by environmentalists in court.

Pruitt has so far declined to reopen the endangerment finding, a decision that has infuriated some of Trump's conservative supporters.

White would be able to play a key role in shaping the Trump administration's overall approach to climate change, and she has been clear that she does not think the issue should be addressed by EPA. In 2015, she argued that Obama's rules to limit carbon emissions from power plants marked "an unprecedented expansion of federal administrative power" with "no measurable climate benefits." And last May, she urged House Speaker Paul Ryan to pass a bill that would block EPA from regulating carbon dioxide, methane, hydrofluorocarbons or other greenhouse gases.

At CEQ, White could direct other agencies to turn their attention away from climate change, and she would be in charge of implementing recent executive orders on energy development and regulatory streamlining. Last month, Trump ordered the council to revoke recently issued guidance directing all federal agencies to consider climate change when they conduct environmental reviews under the National Environmental Policy Act, a decision that would be difficult to challenge in court. And in January, the president told CEQ to come up with a plan to expedite environmental reviews for major infrastructure projects.

While environmentalists have long accused GOP officials of dragging their feet on climate change, White is by far the most outspoken critic of the underlying science — and the most ardent defender of fossil fuels — that Trump has considered to serve in his administration.

In a 2014 blog post, White took aim at an article in The Nation by MSNBC host Chris Hayes, whose "recommendation to avert global warming, like most warmist policies, toys with the

greatest advance made by mankind," she wrote. In White's view, there is a connection between "the abolition of slavery and humanity's first widespread use of energy from fossil fuels." The rise of coal and oil, she argued, provided economic incentive to end the practice of slavery in the U.S. and elsewhere. (One critic fired back that the industrial revolution actually "exacerbated" slavery by increasing the demands for slave-produced goods such as cotton.)

Putting a permanent CEQ chair in place would also raise the question of where Trump wants decision-making on environmental issues to happen — in the White House or at agencies.

The Obama administration shifted major environmental responsibilities from CEQ to EPA and some other agencies as it sought aggressive action on climate change. It remains unclear whether Trump's CEQ will continue in that vein or have a greater role in policymaking, though outside Republicans have encouraged Trump aides to grant the council wide latitude.

The council was run from 2015 through the end of Obama's term by Christy Goldfuss, an unconfirmed managing director. Obama never nominated a replacement for his first CEQ chair, Nancy Sutley, who left in 2014.

White's criticisms of Obama environmental regulations go beyond climate change.

She said in 2015 that EPA's Waters of the U.S. rule, which determines which bodies of water are subject to federal oversight, "is about amending the definitions of well understood words into tortured versions of themselves so that the EPA can seize control of dry land where water may flow after heavy rains."

She also criticized the new ozone standard of 70 parts per billion, calling the rule's scientific conclusions "a statistical house of cards" and predicting it "may be the straw that breaks the back of our struggling economy."

White, who received her bachelor's and master's degrees from Stanford University, was a commissioner at the Texas Commission on Environmental Quality from 2001 to 2007, serving as chairman for the last four years of that term. She previously sat on the Texas Water Development Board.

Environmentalists do give White some credit for advances made during her tenure at TCEQ.

Luke Metzger, director of Environment Texas, told POLITICO that she helped implement a legislative order to create an online reporting system for major emissions events, which is still used by green activists to track noncompliance by major energy companies. Metzger also credited her with a "slightly improved" enforcement policy, though he noted that she blocked an effort by a fellow TCEQ commissioner in 2006 to boost penalties.

In 2008, White joined the Texas Public Policy Foundation, where she directs its Armstrong Center for Energy & the Environment.

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Back

Trump's pick for NOAA chief causes a storm Back

By Andrew Restuccia | 10/12/2017 07:52 PM EDT

As a top executive at AccuWeather, Barry Myers has pushed for limits on the kinds of products that the National Weather Service offers to the public, saying they offered unfair competition to his industry.

Now, President Donald Trump's nomination of Myers to lead the weather service's parent agency could allow him to make those kinds of restrictions mandatory — to the benefit of his family-run forecasting company.

The AccuWeather CEO's nomination to head the National Oceanic and Atmospheric Administration is stirring criticism from people who worry he would hobble the weather service, which provoked an industry backlash more than a decade ago by making hour-by-hour forecasts, cellphone alerts and other consumer-friendly data widely available online. A bill that Myers supported 12 years ago, sponsored by then-Sen. Rick Santorum, would have prohibited the agency from competing with private providers in most circumstances.

Myers, who has served as a NOAA adviser, has more recently spoken of cooperation with the agency, including industry's advocacy for Congress to fund its budget. But his critics expressed misgivings nonetheless.

"I fear that he'll do irreparable harm to an agency whose primary mission is to save lives," said Daniel Sobien, the president of the National Weather Service Employees Organization, which strongly opposes Myers' nomination. "There seems to be a huge conflict of interest considering his business background and belief system."

Sen. Brian Schatz (D-Hawaii) agreed, calling Myers a "questionable" choice.

"As the CEO of AccuWeather, Barry Myers views NOAA as a direct competitor that provides high-quality forecasts for free," Schatz said in a statement Thursday. He added that "Mr. Myers will have to work very hard to persuade me that he will run NOAA for the public good."

Myers' defenders say they hope he'll use his long experience running a major weather enterprise to modernize NOAA, which also oversees fisheries, marine sanctuaries, endangered species, climate research, satellite data and its own uniformed officer corps.

"In past decade, AccuWeather has embraced 'Big Data' and become an advertising & digital innovation behemoth under Myers' leadership," wrote Ryan Maue, the chief operations officer at the website Weather.us, in a post on Twitter. Maue separately told POLITICO: "I expect Myers to bring that same vision to NOAA and enhance collaboration with the private sector especially

in the role of space-based remote sensing and satellites."

Myers did not return a call to his office Thursday, and a lobbyist who works with AccuWeather did not respond to emails seeking comment.

Myers, whose brother Joel founded AccuWeather in 1962, would join a roster of other business leaders whom Trump has installed atop his agencies — many of them bringing considerable potential conflicts of interest to the job. He has degrees in law and business, not the science and math degrees that Bush's and President Barack Obama's NOAA chiefs had.

Richard Painter, who served as the top ethics official for President George W. Bush, said Myers can probably meet the legal requirements to separate himself from his business. But, he added: "The appearances are awful. He should recuse from any matter that could have a financial impact on the company. And he should sell the stock."

Myers indeed "will be liquidating all of his private sector holdings," said a spokesman for NOAA's parent agency, the Commerce Department, adding that he'll "be subject to the same ethics and recusal requirements as any federal official."

The spokesman also rejected suggestions that Myers would clamp down on the weather service's public offerings. He said Commerce Secretary Wilbur Ross, who chose Myers for the job, "sees the provision of timely, accurate data to the public as one of the Department's core missions. This includes weather data provided by the NWS, so there is no risk that Myers will restrict NWS provision of data to the public."

"Myers has also been a strong proponent of free and open weather data to the public," the spokesman added.

But in 2005, Myers supported Santorum's widely panned bill, which would have prohibited the weather service from offering a product or service "that is or could be provided by the private sector" — a provision that would have benefited companies like AccuWeather.

The bill made some exceptions, including information needed to protect life and property, but weather entrepreneurs, hobbyists, airline pilots and open-government advocates said it would have choked off a wealth of data that the National Weather Service had begun making widely available. The legislation would have countered a 2004 policy change by the Bush administration that had eased restrictions on the weather service's ability to offer new products and services.

"It is not an easy prospect for a business to attract advertisers, subscribers, or investors when the government is providing similar products and services for free," Santorum said when introducing his bill. Critics, including Sen. Bill Nelson (D-Fla.), noted that taxpayers had already paid for the weather service's data.

Myers told The Palm Beach Post at the time that he wanted the weather service to return to its "core mission ... which is protecting other people's lives and property," rather than spending

"hundreds of millions of dollars a year, every day, producing forecasts of 'warm and sunny.'"

"We work hard every day competing with other companies and we also have to compete with the government," he told ABC News a month later.

Myers had donated $1,000 to Santorum's Senate campaign in 2004 and 2005, though the executive also has a track record of donating to both Democratic and Republican politicians, including Trump, Hillary Clinton and Mitt Romney. Santorum and Myers are both prominent alumni of Penn State University, and AccuWeather is based near the school's main campus in State College, Pa.

Santorum's bill went nowhere, however — an outcome that Maue said turned out to be "the best thing that could have happened for Accuweather as they were on the ground floor of the digital/smart phone App revolution for weather apps."

More recently, Myers testified to the House Science Committee last year about the need for "embracing free and open data in all situations," while maintaining that "the best public facing forecasts and information comes from the weather industry." Still, he said government, industry and academia each bring their own strengths to the relationship, adding that "NWS need not do everything to keep Americans safe. Others can share the load."

Myers estimated that cooperation among the federal government, the private weather industry and academic researchers had saved 1 million to 2 million lives since the late 1950s.

But Sobien, the union chief, expressed skepticism about the kind of partnership Myers envisions.

"In the past, he has supported proposals that essentially made it so the National Weather Service's only function was to provide data to companies like AccuWeather who would then repackage that data and sell them," Sobien said.

AccuWeather, which says its forecasts appear on more than 200 major television stations, 900 radio stations and 180,000 websites, has also been aggressive over the years in criticizing the weather service for what it sees as its shortcomings. Among other incidents, the company complained that the weather service had underestimated the strength of Hurricane Claudette before it hit Texas in 2003, and it said the federal agency was late to issue warnings about a 2015 tornado in Oklahoma.

As recently as February, AccuWeather's website highlighted an incident in which some of NOAA's weather data suffered a "significant outage," while noting that "AccuWeather-produced services remained available and reliable."

AccuWeather's sharp-elbowed approach also extends to competition with its rival The Weather Channel, which it replaced two years ago on Verizon's FiOS television lineup. AccuWeather's website has also inspired eye-rolling among some in the weather community by offering 90-day forecasts, which one meteorologist blogging for the American Geophysical Union dismissed as "scientifically indefensible" and "even worse than the Farmer's Almanac."

Members of the small community of weather watchers, who never forgot AccuWeather's support for Santorum's bill, contend it will be nearly impossible for Myers to fully eliminate his conflicts of interest.

Myers' brother Joel still serves as the company's president and chairman of the board. Their brother Evan is the chief operating officer.

"His family owns the business and he knows the decisions he makes are going to affect the business for years and potentially decades to come," said Andrew Rosenberg, director of the Union of Concerned Scientists' Center for Science and Democracy. He added, "My biggest concern is not that somebody has a business background, but do they genuinely recognize that a job in government is a fundamentally different one from managing and running a private business for profit."

Others are reserving judgment.

David Titley, a former NOAA official during the Obama administration, said he prefers not to comment on personnel decisions. "We will all have to wait & see in what direction Barry wants to take NOAA," he said in an email.

To view online click here.

Back

Dems move to shield whistleblowers who report pricey travel Back

By Kyle Cheney | 10/12/2017 03:08 PM EDT

House Democrats on Thursday sought to expand whistleblower protections for federal workers who call out superiors for "improper use of air transportation," following the mounting questions about Trump administration officials' use of expensive forms of travel.

Lawmakers offered the proposal as part of a debate over broader whistleblower protection. It was rejected by Republicans, as expected, but forced GOP lawmakers to vote on an issue that has drawn increasing scrutiny, as several Trump Cabinet members have faced criticism for regular use of chartered or military jets.

Health and Human Services Secretary Tom Price resigned last month after a POLITICO investigation revealed he took hundreds of thousands of dollars' worth of chartered flights, sometimes to go short distances. And other Cabinet members — including Treasury Secretary Steve Mnuchin and Interior Secretary Ryan Zinke — have faced questions about expensive travel at taxpayer expense.

A bill under consideration — the Chris Kirkpatrick Whistleblower Protection Act — would

prohibit federal employees from accessing medical records of job applicants or subordinates and includes punishment for supervisors who retaliate against whistleblowers. The bill also offers more training to supervisors about whistleblower protections.

Democrats offered their proposal as a "motion to recommit," which would have sent the bill back to the House Committee on Oversight and Government Reform to be changed to include their proposed amendment.

To view online click here.

Back

Ohio River jam highlights absence of Trump's infrastructure plan Back

By Eric Wolff and Tanya Snyder | 10/12/2017 06:59 PM EDT

Shipments of coal and grain are paralyzed at a critical chokepoint on the Ohio River due to dilapidated infrastructure, highlighting the need for the kind of major capital investment that President Donald Trump promised, in a speech along the banks of the same river, three months ago.

Lock 52 on the Ohio River in southern Illinois closed Oct. 9 because its infrastructure is too decrepit to function effectively in high water, and it could be several more days before the U.S. Army Corps of Engineers reopens it. The closure has created a 57-mile backup of 51 towboats and 564 barges waiting to pass, according to the Waterways Council, an advocacy group for water infrastructure.

Trump visited this key inland waterway in June, emphasizing the importance of waterways and promising investment. But Trump's fiscal 2018 budget proposal called for cuts to civil works spending. And his campaign promise of $1 trillion for infrastructure is so far unrealized, even as the New Deal-era locks and dams on the Ohio River degrade and unscheduled delays balloon.

That's left commodities producers, who depend on waterways for bulk transportation, in the lurch. In 2015, companies shipped 575 million tons of commodities worth $302 billion via waterways. Of that total, coal makes up the largest single industry at 23 percent, with grains following at 15 percent.

Waterways infrastructure, much of which was built in the 1920s and 1930s and some as part of President Franklin Roosevelt's public works programs, is long past its expected lifespan. The Waterways Council says unscheduled delays have grown by 700 percent over the last decade. The closure of a single lock on the Mississippi River during harvest season could cost $933 million, according to a University of Tennessee study.

Carol Labashosky, a spokeswoman for the Louisville district of the Army Corps of Engineers, said having to close Lock 52 isn't unique historically, but there have been frequent intermittent

closures at this lock as well as another one downriver throughout September and October. "This fall we've had quite a few closures," Labashosky said. "Some of them have only been a couple of days or one day, but this is a lengthy delay."

Labashosky said they'll reopen the lock "as soon as the river cooperates," which she estimated would happen Friday or Saturday. Others are betting on Oct. 15 or 16.

Industries reliant on waterways are looking to Trump's promises of infrastructure investment to help modernize and update the locks and dams. The Waterways Council agrees. Deb Calhoun, a spokeswoman for the group, said they want to "hold the administration's feet to the fire.

"The president said we need to fix it," she said.

In June, Trump spoke on the banks of the Ohio River, in front of a barge filled with West Virginia coal, to proclaim that "America must have the best, fastest and most reliable infrastructure anywhere in the world." Noting the "dilapidated system of locks and dams that are more than half a century old" and the "$8.7 billion maintenance backlog that is only getting bigger and getting worse," Trump declared: "We cannot accept these conditions any longer."

But in May the administration released a fiscal 2018 budget that proposed to cut the Corps' civil works budget by about 17 percent. The amount proposed would fund only a small number of the 25 congressionally authorized priority projects, which have a combined portfolio value of $8.8 billion.

Calhoun said they are "trying to move forward and not stop and go backwards," and observed that the budget came out when Trump was "pretty new on the job."

Trump's budget did address the urgent bottleneck at Locks and Dams 52 and 53. Though it proposed to shut down work on four ongoing Corps waterways projects, it requested $26 million out of the Inland Waterways Trust Fund for the Olmsted Locks and Dam project, which was supposed to solve the problems at Locks and Dams 52 and 53 years ago, but has been mired in delays due to a misguided attempt at a new dam-building method.

The Olmsted project, authorized in 1988, was supposed to be finished in 10 years for $775 million. The Corps claims it will be done next summer, nearly 30 years later — with a final cost close to $3 billion.

For the remainder of the 25 projects Congress wants to see built, industries are waiting on the infrastructure package Trump promised during the campaign.

Trump himself hasn't spoken much about his infrastructure package since proposing that $1 trillion in spending could be leveraged by $200 billion from the federal government. In fact, he has since indicated he may be souring on public-private partnerships, which administration officials and Republican lawmakers had long said would fund 80 percent of the plan. The battle over health care has pushed back the promised tax overhaul, which is not expected to be quick business either. The fall timeline for Congress to craft a legislative infrastructure package has

slipped away, and no one knows to when.

Ohio-based coal producer Murray Energy depends on inland waterways to move its product, and is calling for more spending.

"We certainly support President Trump's commitment to rebuild America's infrastructure, particularly the locks and dams along the Ohio, Monongahela and Mississippi Rivers," spokesman Gary Broadbent told POLITICO.

Even if the Olmsted Locks and Dam opens on time next summer, the project won't be finished until 2022, when the existing Lock 52 and 53 are finally pulled out of the river.

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Back

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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Sent: Sun 9/3/2017 7:36:18 PM
Subject: Mattis warns of 'massive military response' if North Korea threatens attack

Defense Secretary James Mattis on Sunday warned of a "massive military response" if North Korea threatens an attack against the United States, after the rogue nation said it completed the test of a hydrogen bomb.

"We have many military options, and the president wanted to be briefed on each one of them," Mattis told reporters outside the White House. "Any threat to the United States or its territories, including Guam, or our allies, will be met with a massive military response - a response both effective and overwhelming.

Mattis promised an "ironclad" American committment to its regional allies. The escalation in rhetoric comes after President Donald Trump tweeted Sunday morning that North Korea is "very hostile and dangerous" and called on South Korea to end its "talk of appeasement."

See http://www.politico.com/story/2017/09/03/trump-north-korea-nuclear-242289 for full coverage of the situation.

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Daily Environment Report

November 06, 2017 - Number 213

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Leading the News

Climate Change

U.S. Goal May Be Simply to Avoid Spotlight at Bonn Climate Talks

The 190-plus nations that convene in Germany Nov. 6 for the annual climate summit will be keeping a wary eye on the U.S., which essentially will be at the table for a deal from which President Trump has vowed to withdraw.

Climate Policy

Governor Races in Virginia, N.J. Through Energy Policy Lens

The result of Virginia's race for governor on Tuesday could eventually affect President Donald Trump's efforts to promote domestic energy production. The nation's other gubernatorial election, in New Jersey, could be seen in terms of what states are doing to address climate change.

Climate Science

Trump Administration Issues Report That Climate Change is Real

The Trump Administration released a sweeping federal climate report concluding that the Earth is warming at an alarming rate due to human activity.

Congress

EPA Air Nominee to Get Cloture Vote as Soon as Wednesday

The Senate will likely take its first vote on the EPA's air office nominee Nov. 8 or 9, according to the office of Senate Majority Leader Mitch McConnell (R-Ky.)

Energy

Energy Research Agency Pick is Former Oil Executive With Technology Chops

The Trump administration's pick to head the Energy Information Administration is a former oil company executive who brings a technology-focused background to the Energy Department's statistical arm, which is needed in the rapidly changing energy marketplace, former colleagues say.

News

Biotechnology

Get Ready for GMO Fruit Salad as Modified Apples Hit Midwest

Genetically modified fruit salad just got real. Along with virus-resistant papayas, apples are joining the ranks of biotech fruit sold in U.S. grocery stores.

Chemicals

China to Require Barcodes for Tracking Pesticides

China will require pesticide packaging labels to include two-dimensional barcodes, a change that will allow Chinese officials to better monitor the use, transportation, and storage of pesticides, the government said.

Citizen Suits

PCB Suit Gets Green Light Under Federal Waste Law

A Wisconsin couple may pursue federal hazardous waste claims over the demolition of a neighbor's building that spread PCBs to their property, the Western District of Wisconsin said.

Climate Change

Climate Change to Affect 10 Million Americans by 2075

Ten million Americans will be "substantially affected" by climate change by 2075, causing government disaster spending to jump, the Congressional Budget Office projected Nov. 2. But, instead of trying to cut carbon emissions, the federal government should make coastal residents bear more of the financial risks for living there, the office said.

Climate Policy

There's One Unspeakable Fix That Would Help Pay for the GOP's Tax Cuts

Paying for tax reform is easy—as long as the White House and Congress don't mind fixing climate change at the same time. That's the counterintuitive pitch of Robert Litterman, a financial economist who became famous on Wall Street in the 1990s for co-inventing a method (PDF) for allocating assets within a portfolio. He went on to become Goldman Sachs Group Inc.'s top risk manager and then led its quantitative asset management investments until he left in early 2010. ...

Coal Mining

Coal Miner Murray Lobbies Trump at Home, Banks on Markets Abroad

He calls Donald Trump's moves to support the U.S. coal industry "wonderful." He describes a proposed rule that'd prop up some money-losing coal-fired power plants the "single best" political action he's seen in his 61-year career.

EPA

At Least Seven Members Removed From EPA Science Advisory Board

At least seven of the EPA's scientific advisers were removed from an agency board as Administrator Scott Pruitt seeks to purge its ranks of agency grant recipients.

Energy

GOP's 'Cruel and Unusual' Tax Plan Cuts Wind Forecast in Half

House Republicans' proposed tax-reform plan would slice wind development in half, according to a forecast Nov. 3 by Bloomberg New Energy Finance.

Energy

What's the Cost of Two Hurricanes on a Power Grid? $2.5 Billion

How much havoc did back-to-back hurricanes that crashed ashore in the U.S. this year wreak on the nation's power utilities? Based on this quarter's earnings season, a much as $2.5 billion worth.

Motor Vehicles

Daimler, VW, BMW, Ford Start Fast-Charging Rollout in Europe

Volkswagen AG, BMW, and Daimler AG will start building fast-charging stations along European highways this year, making progress with the joint project even as allegations of a technology cartel have put a cloud over cooperative efforts.

Regulatory Policy

Trump Inaccurately Claims Most Regulatory Cuts of Any President

President Donald Trump is on track to cut more regulation—and to dramatically slow the growth of new regulation—than any president in modern history, but he hasn't done so already.

Renewable Energy

Exxon Spends $1 Billion Annually to Research Green Energy

One of the world's biggest oil companies is working on hundreds of low-carbon energy projects, from algae engineered to bloom into biofuels and cells that turn emissions into electricity.

Renewable Energy

Trump's Coal Backing, Tariffs Pose Threat to Renewable Energy

The Trump administration is plotting a series of moves in 2018 that could end up harming the wind and solar industries. These include asking regulators to rewrite power market rules, revamping the tax code, and imposing tariffs on foreign-made solar panels.

Sustainability

Canada Becomes Fast-Growing Hub for Socially-Conscious Investing

Canada is becoming a hub for socially-responsible investing as the nation's public funds commit to environmental, social, and governance strategies.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 10/11/2017 12:43:16 PM
Subject: Oct. 11 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

October 11, 2017 - Number 195

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
California SIP/Bakersfield Metropolitan Statistical Area Ozone Monitoring
AIR

Final rule of the EPA would approve revisions to the California SIP concerning the requirements for ambient ozone monitoring for the Bakersfield Metropolitan Statistical Area for the 1997 ozone and 2008 ozone NAAQS. The revisions also remove obsolete provisions concerning an approved ozone emergency episode plan from El Dorado County Air Pollution Control District. The rule is effective Nov. 13, 2017. Contact: Rory Mays; EPA Region 9, Air Planning Office; 415-972-3227; mays.rory@epa.gov. Citations: 40 CFR 52.220

82 FR 47145 (10/11/2017)

Regulatory Update

AIR
California/Naval Base San Diego Cogeneration Facility
AIR

Notice of FERC announces the receipt of a limited request from Applied Energy LLC, of Carrollton, Texas, for waiver of the operating and efficiency standards for calendar years 2017 and 2018 for the topping-cycle cogeneration facility at the Naval Station in San Diego. Comments, protests, and motions to intervene are due Oct. 23, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov. Citations: 18 CFR 292

82 FR 47192 (10/11/2017)

Regulatory Update

AIR
California/San Diego Cogeneration Facility

AIR

Notice of FERC announces the receipt of a limited request from Applied Energy LLC, of Carrollton, Texas, for waiver of the operating and efficiency standards for calendar years 2017 and 2018 for the topping-cycle cogeneration facility at the Marine Corps Recruit Depot in San Diego. Comments, protests, and motions to intervene are due Oct. 23, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov. Citations: 18 CFR 292

82 FR 47194 (10/11/2017)

Regulatory Update

AIR
Missouri SIP/2010 NO2 NAAQS Infrastructure Requirements
AIR

Direct final rule of the EPA approves portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2010 nitrogen dioxide (NO2) NAAQS. The agency takes no action on revisions concerning certain requirements for designated nonattainment areas. Revisions concerning protection of visibility (prong 4) will be addressed in a separate rulemaking. The rule is effective Dec. 11, 2017, unless adverse comments are received by Nov. 13, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 47154 (10/11/2017)

Regulatory Update

AIR
Missouri SIP/2010 NO2 NAAQS Infrastructure Requirements
AIR

Proposed rule of the EPA would approve portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2010 nitrogen dioxide (NO2) NAAQS. The agency is not proposing to take action on revisions concerning certain requirements for designated nonattainment areas. Revisions concerning protection of visibility (prong 4) will be addressed in a separate rulemaking. A concurrent direct final rule adopts the revisions, effective Dec. 11, 2017. Comments are due Nov. 13, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 47170 (10/11/2017)

Regulatory Update

AIR
Missouri SIP/2012 PM2.5 NAAQS Infrastructure Requirements
AIR

Direct final rule of the EPA approves portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2012 annual fine particulate matter NAAQS. The rule approves revisions concerning prevention of significant deterioration of air quality (prong 3) and adds two

state statutes concerning conflicts of interest. Revisions concerning significant contribution to nonattainment (prong 1), interference with maintenance of the NAAQS (prong 2), and protection of visibility (prong 4) will be addressed in a separate rulemaking. The rule is effective Dec. 11, 2017, unless adverse comments are received by Nov. 13, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 47147 (10/11/2017)

Regulatory Update

AIR

Missouri SIP/2012 PM2.5 NAAQS Infrastructure Requirements

AIR

Proposed rule of the EPA would approve portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2012 annual fine particulate matter NAAQS. The rule would approve revisions concerning prevention of significant deterioration of air quality (prong 3) and add two state statutes concerning conflicts of interest. Revisions concerning significant contribution to nonattainment (prong 1), interference with maintenance of the NAAQS (prong 2), and protection of visibility (prong 4) will be addressed in a separate rulemaking. A concurrent direct final rule adopts the changes, effective Dec. 11, 2017. Comments are due Nov. 13, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 47169 (10/11/2017)

Regulatory Update

AIR

NESHAP/Chemical Recovery Combustion Sources at Pulp Mills

AIR

Final rule of the EPA revises the NESHAP for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills to address the results of the residual risk and technology review. The rule modifies opacity monitoring provisions, requires recovery furnaces and lime kilns to maintain proper operation of the electrostatic precipitator (ESP) automatic voltage control, and adds a five-year periodic emissions testing requirement. The rule also requires facilities to meet the standard at all times, including during periods of startup, shutdown, and malfunction, and adds alternative monitoring parameters for wet scrubbers and ESPs during such periods. In addition, the rule requires electronic submission of various compliance reports. The rule, which is based on comments and updated analysis, does not finalize proposed revisions to the opacity limits or ESP parameter monitoring requirements. The rule is effective Oct. 11, 2017, and facilities must be in compliance by Oct. 11, 2019. Contact: Kelley Spence; EPA, Office of Air Quality Planning and Standards; 919-541-3158; spence.kelley@epa.gov. Citations: 40 CFR 63.14 through 63.868, Table 1 to Subpart MM

82 FR 47328 (10/11/2017)

Regulatory Update

AIR
Oregon SIP
AIR

Final rule of the EPA partially approves revisions to the Oregon SIP and approves certain of the revisions to apply in Lane County. The revisions update particulate matter emission standards, revise permitting requirements for emergency generators and small natural gas or oil-fired equipment, and establish sustainment and reattainment state air quality area designations. The revisions also update the major and minor source preconstruction permitting programs, address public notice procedures for informational meetings, and revise the woodstove replacement program for small commercial solid fuel boilers. In addition, the revisions update the Source Sampling Manual and Continuous Monitoring Manual. Finally, the revisions reorganize the SIP and remove outdated and duplicative provisions. The rule does not approve certain revisions that are inconsistent with Clean Air Act requirements or inappropriate for SIP approval or revisions concerning annual reporting requirements for small gasoline dispensing facilities that were approved in an Oct. 27, 2015, final rule (80 FR 65655). The EPA is deferring action on proposed approval of changes to the state's excess emissions and emergency provisions. The rule is effective Nov. 13, 2017. Contact: Kristin Hall; EPA Region 10, Office of Air and Waste; 206-553-6357; hall.kristin@epa.gov. Citations: 40 CFR 52.1970, 52.1987

82 FR 47122 (10/11/2017)

Regulatory Update

AIR
Utah SIP/Salt Lake County and Utah County PM-10 Nonattainment Areas
AIR

Final rule of the EPA approves revisions to the Utah SIP concerning NAAQS in the Salt Lake County and Utah County coarse particulate matter (PM-10) nonattainment areas. The revisions establish emissions limit control measures for PM-10, nitrogen oxides, and sulfur dioxides for certain stationary sources. The rule is effective Nov. 13, 2017. Contact: James Hou; EPA Region 8, Air Program; 303-312-6210; hou.james@epa.gov. Citations: 40 CFR 52.2320

82 FR 47149 (10/11/2017)

Regulatory Update

ENDANGERED SPECIES
California Tiger Salamander, California Red-Legged Frog Incidental Take Permit
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the receipt of an application from Betteravia Ranches LLC, of Santa Maria, Calif., for an incidental take permit for the California tiger salamander and California red-legged frog in connection with activities associated with the Curletti Farming Project draft low-effect habitat conservation plan. The potential taking would occur as a result of activities necessary for the implementation of the installation, operation, and maintenance of row crop agriculture. The notice also announces the agency's preliminary determination that the project is "low-effect" and is eligible for a categorical exclusion under the National Environmental Policy Act. Comments are due Nov. 13, 2017. Contact: Rachel Henry; USFWS, Ventura Fish and Wildlife Office; 805-677-3312

82 FR 47243 (10/11/2017)

Regulatory Update

ENDANGERED SPECIES
California Tiger Salamander, California Red-Legged Frog Incidental Take Permit
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the receipt of an application from Robert Campbell for an incidental take permit for the California tiger salamander in connection with activities associated with the Campbell Home Ranch draft low-effect habitat conservation plan. The potential taking would occur as a result of activities necessary for installation and operation of vineyard, berries, and other agricultural development activities and/or construction of a residential development including one single-family residence. The notice also announces the agency's preliminary determination that the project is "low-effect" and is eligible for a categorical exclusion under the National Environmental Policy Act. Comments are due Nov. 13, 2017. Contact: Rachel Henry; USFWS, Ventura Fish and Wildlife Office; 805-677-3312

82 FR 47243 (10/11/2017)

Regulatory Update

ENDANGERED SPECIES
Washington State/Marine Mammals Incidental Take
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the issuance of an incidental harassment authorization to the Seattle Department of Transportation to take 11 species of marine mammals incidental to pile driving and removal activities for the Pier 62 restoration project located on Elliot Bay in Seattle. The authorization allows take in the form of Level B harassment. A separate incidental take authorization application will be prepared for an expected second season of work at the site. The authorization is effective Oct. 4, 2017, and expires Feb. 28, 2018. Contact: Stephanie Egger; NMFS, Office of Protected Resources; 301-427-8401; ITP.egger@noaa.gov

82 FR 47176 (10/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Land Use Plans/Greater Sage-Grouse Conservation
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Bureau of Land Management to consider whether to amend land use plans that were amended or revised in 2014 and 2015 regarding greater sage-grouse conservation in 10 states. The current action is in response to a court ruling that the BLM failed to prepare a supplemental EIS for the designation of sagebrush focal areas in the Nevada and Northeastern California greater sage-grouse resource management plan amendment in Nevada. Comments are requested on greater sage-grouse land management issues that could warrant land use plan amendments. Comments are due Nov. 27, 2017. Contact: Johanna Munson; BLM, Idaho State Office; 208-373-7834; BLM_sagegrouseplanning@blm.gov

82 FR 47248 (10/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Maryland/Chesapeake Bay Crossing Study
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Federal Highway Administration, with the Maryland Transportation Authority (MDTA) as local project manager, to prepare a Tier 1 environmental impact statement for the Chesapeake Bay Crossing Study in Maryland. The EIS will identify the preferred corridor alternative for addressing congestion at the Chesapeake Bay Bridge and evaluate its financial viability. The study will include a review of existing roadway infrastructure and environmental conditions along both shores of the bay to identify potential crossing corridors in Maryland. If the final Tier 1 EIS identifies an action (build) alternative, the MDTA will complete a Tier 2 environmental review document evaluating site-specific project level impacts and required mitigation commitments. A cooperating agency meeting is scheduled for Oct. 25, 2017, in Annapolis, Md. A webinar is expected to be scheduled for November 2017, and additional meetings will be announced on the project webpage. Comments are requested, but a due date is not specified. Contact: Jeanette Mar; FHWA, Maryland Division; 410-779-7152; jeanette.mar@dot.gov

82 FR 47291 (10/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Massachusetts/Aqueduct Transfer Project No. 9968
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application for the Aqueduct Transfer Project No. 9968 located in Southborough, Mass. The applicant, Massachusetts Water Resource Authority, of Boston, requests to surrender the project exemption as the project has had only intermittent use and has not generated power since June 7, 1995. The applicant requests to maintain the valves to the turbine in the off position, lock out the electrical breaker from the generator, and disconnect the leads to the generator. Comments, motions to intervene, and protests are due Nov. 3, 2017. Contact: David Rudisail; FERC; 202-502-6376; david.rudisail@ferc.gov

82 FR 47197 (10/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
National Advisory Council for Environmental Policy and Technology Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces a meeting of the National Advisory Council for Environmental Policy and Technology. The meeting will include review and discussion of draft recommendations on how to best integrate citizen science work at the EPA through collaboration

and partnerships. The meeting also will include review of a draft citizen science question and answer handbook. The meeting is scheduled for Nov. 28, 2017, in Washington, D.C. and via teleconference. Comments are due Nov. 21, 2017. Contact: Eugene Green; EPA, Office of Resources, Operations and Management; 202-564-2432; green.eugene@epa.gov

82 FR 47204 (10/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Nevada/Sierra Front-Northwestern Great Basin Resource Advisory Council
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Land Management announces a meeting and field trip of the Sierra Front-Northwestern Great Basin Resource Advisory Council. The meeting agenda includes updates on wildfire, Burning Man, the Jordan Meadows collaborative process, and mining; RAC subcommittee reports; and updates from the district manager. The meeting is scheduled for Oct. 12, 2017, in Winnemucca, Nev., and the field trip is scheduled for Oct. 13, 2017, in the Porter Springs Recreation Area. Comments are due Oct. 11, 2017. Contact: Lisa Ross; BLM; 775-885-6107; lross@blm.gov

82 FR 47247 (10/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Ohio/William H. Harsha Lake Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a declaration of intention to file a license application by Cole Rhoten, of Milford, Ohio, for the William H. Harsha Lake Hydroelectric Project to be located on the East Fork of the Little Miami River near Batavia, Ohio. The project, which would be located in the East Fork State Park, would consist of the existing William H. Harsha Dam and conduits and a powerhouse built into the existing spillway structure with a capacity of one megawatt. The project also would consist of a transmission line connecting the generating units with Cincinnati Gas and Electric Co.'s electric distribution system and appurtenant facilities. Comments, motions to intervene, and protests are due Nov. 3, 2017. Contact: Jennifer Polardino; FERC; 202-502-6437; Jennifer.Polardino@ferc.gov

82 FR 47198 (10/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pennsylvania/Juniper Creek Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a declaration of intention to file a license application by Ram Valley LLC, of Anchorage, Alaska, for the Juniper Creek Hydroelectric Project to be located in Schuylkill County, Pa. The project would consist of a low-head diversion structure on Juniper Creek, a buried penstock, a powerhouse containing a 320-kilowatt generating unit, an

underground transmission line, and other facilities. Comments, motions to intervene, and protests are due Nov. 3, 2017. Contact: Jennifer Polardino; FERC; 202-502-6437; Jennifer.Polardino@ferc.gov

82 FR 47197 (10/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pennsylvania/Philadelphia International Airport
GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Aviation Administration announces the suspension of implementation of a Dec. 30, 2010, record of decision for the Philadelphia International Airport Capacity Enhancement Program. The program involves the construction and extension of runways to provide the airport with a total of five runways connected by a redesigned taxiway system. Operations at the airport in 2016 were nearly 30 percent lower than originally forecasted and the airport is no longer experiencing severe congestion or significant delays. The airport sponsor, Philadelphia, postponed several the major components of the program, including the construction of a new southern runway and the extension a runway. As such, the agency is suspending the ROD and will pursue new environmental analyses for any new projects proposed. Contact: Susan McDonald; FAA, Harrisburg Airports District Office; 717-730-2841

82 FR 47288 (10/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Sagebrush Focal Areas Proposed Withdrawal Application
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Land Management announces the cancellation of the proposed withdrawal of approximately 10 million acres of public and National Forest System lands identified as sagebrush focal areas in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming from location and entry under U.S. mining laws for a maximum period of 20 years (80 FR 57635; 09/24/2015). The BLM also has terminated the preparation of the related environmental impact statement (81 FR 96478; 12/30/2016). The proposed withdrawal was intended to protect the greater sage-grouse and its habitat from adverse effects of locatable mineral exploration and mining subject to valid existing rights. The BLM has determined that the lands are no longer needed in connection with the proposed withdrawal. The notice is applicable Oct. 11, 2017. Contact: Mark Mackiewicz; BLM; 435-636-3616; mmackiew@blm.gov

82 FR 47248 (10/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Southeast Oregon Resource Advisory Council Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Land Management announces a meeting of the Southeast Oregon

Resource Advisory Council. The meeting will consist of a field trip to the Beaty Butte Wild Horse Training Facility and to a local mining claim. The meeting is scheduled for Oct. 16-17, 2017, in Lakeview, Ore. Comments are due Oct. 17, 2017. Contact: Larisa Bogardus; BLM; 541-947-6237; lbogardus@blm.gov

82 FR 47247 (10/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Wisconsin/I-94 East-West Corridor Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Highway Administration announces the rescission of a record of decision for the I-94 East-West Corridor Project in Milwaukee. The project would have addressed the deteriorated infrastructure condition of I-94, including obsolete roadway and bridge design; modernized existing interchanges; and added capacity along the corridor. The state's biennial budget did not approve the project to advance. Comments are requested, but a due date is not specified. Contact: Bethaney Bacher-Gresock; FHWA; 608-662-2119

82 FR 47290 (10/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Wyoming/Alkali Creek Reservoir Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Bureau of Land Management to prepare an environmental impact statement for the Alkali Creek Reservoir Project near Hyattville, Wyo. The project, proposed by the Wyoming Water Development Office, would consist of a newly constructed 294-acre reservoir on Alkali Creek to provide late-season irrigation water for portions of the Nowood River Watershed. Meetings will be hosted before Nov. 13, 2017, and will be announced by the agency at least 15 days in advance. Comments are due Nov. 13, 2017, or 15 days after the last meeting, whichever is later. Contact: Holly Elliot; BLM; 307-347-5100; helliot@blm.gov

82 FR 47245 (10/11/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Applications for Special Permits
HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the receipt of 10 new applications for special permits related to specified hazardous materials transportation regulations. Comments are due Nov. 13, 2017. Contact: Ryan Paquet; PHMSA, Office of Hazardous Materials Approvals and Permits; 202-366-4535. Citations: 49 CFR 172, 173, 175, 179, 180

82 FR 47319 (10/11/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Applications for Special Permits
HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the receipt of 29 new applications for special permits related to specified hazardous materials transportation regulations. Comments are due Nov. 13, 2017. Contact: Ryan Paquet; PHMSA, Office of Hazardous Materials Approvals and Permits; 202-366-4535. Citations: 49 CFR 107, 172, 173, 174, 175, 176, 177, 178, 180

82 FR 47317 (10/11/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Applications for Special Permits
HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the receipt of six modified applications for special permits related to specified hazardous materials transportation regulations. Comments are due Oct. 26, 2017. Contact: Ryan Paquet; PHMSA, Office of Hazardous Materials Approvals and Permits; 202-366-4535. Citations: 49 CFR 172, 173, 177, 179, 180

82 FR 47320 (10/11/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Electronic Logging Device Limited Exemption
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Motor Carrier Safety Administration announces an order granting limited exemption to the Truck Renting and Leasing Association from requirements to use an electronic logging device (ELD) to record drivers' hours-of-service. The exemption provides that drivers of property-carrying commercial motor vehicles rented for eight days or less are not required to use an ELD in the vehicle. The exemption allows carriers time to repair or replace their usual vehicles. Drivers still will be subject to the standard hours-of-service limits, must maintain paper records of duty status if required, and must maintain copies of rental agreements. The exemption is effective Oct. 11, 2017, through Oct. 11, 2022. Contact: Tom Yager; FMCSA, Driver and Carrier Operations Division; 614-942-6477; MCPSD@dot.gov. Citations: 49 CFR 395.8

82 FR 47306 (10/11/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Maryland/68th Street Dump Superfund Alternative Site
HAZARDOUS WASTE CLEANUP

Notice of the Department of Justice announces a proposed consent decree in United States v. AAI Corp., lodged on Oct. 2, 2017, with the U.S. District Court for the District of Maryland. The consent decree resolves claims under CERCLA for past and future response costs, injunctive relief, and natural resource damages (NRD) related to hazardous substances disposal at the 68th Street Dump Superfund Alternative Site near Baltimore. The concurrently filed complaint alleges that the various defendants transported or engaged in activities related to transportation of hazardous substances to the site. The proposed consent decree requires certain defendants to perform the remedy set forth in a September 2013, record of decision. The proposed consent decree also requires certain defendants to perform additional NRD restoration work and to reimburse and pay a total of $1.12 million to the Natural Resource Trustees for past assessment costs and future oversight costs, and to fund an off-site restoration project. Comments are due Nov. 13, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 47251 (10/11/2017)

Regulatory Update

RADIATION
ACRS Advanced Power Reactor 1400 Subcommittee Meeting
RADIATION

Notice of the NRC announces a meeting of the Advisory Committee on Reactor Safeguards Subcommittee on Advanced Power Reactor 1400 (APR1400). The agenda includes presentations by NRC staff and Korea Hydro & Nuclear Power Co., of Gyeongju, South Korea, concerning Chapters 8 and 10 of the APR1400 Design Control Document on electric power and the steam and power conversion system. The meeting is scheduled for Oct. 17, 2017, in Rockville, Md. Comments are due Oct. 17, 2017. Contact: Christopher Brown; NRC, Advisory Committee on Reactor Safeguards; 301-415-7111; Christopher.Brown@nrc.gov

82 FR 47253 (10/11/2017)

Regulatory Update

TOXIC SUBSTANCES
EPA Human Studies Review Board Meetings
TOXIC SUBSTANCES

Notice of the EPA, Office of the Science Advisor, announces two meetings of the Human Studies Review Board, which advises the agency on the ethical and scientific reviews of research with human subjects. During the first meeting the board will discuss the Antimicrobial Exposure Assessment Task Force II Airless Sprayer Study Protocol and the board will finalize its report from the July 26, 2017 meeting (82 FR 27255; 06/14/2017) that addressed the field evaluation of three topically applied insect repellent products containing IR3535 against mosquitoes in Florida. The second meeting will include the review and finalization of the board's report from the first meeting and may address other topics to be announced later. The first meeting is scheduled for Oct. 25-26, 2107, and the second meeting is scheduled for Dec. 12, 2017, both via teleconference and webinar. Comments are due Oct. 18, 2017, and Dec. 5, 2017, respectively. Contact: Thomas O'Farrell; EPA, Office of the Science Advisor; 202-564-8451; ofarrell.thomas@epa.gov

82 FR 47204 (10/11/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Tue 10/17/2017 10:49:44 AM
Subject: The Morning Headlines from InsideEPA.com -- October 17, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

October 17, 2017

Latest News

Pruitt Order Ending 'Sue-And-Settle' Could Increase Litigation, Critics Say

EPA Administrator Scott Pruitt's new directive ordering the agency to end so-called "sue-and-settle" suits is being met with concern by industry attorneys and skepticism by environmentalists, who say the order could make settlements impossible, even in cases where the agency has a mandatory duty to act, and will likely result in more litigation and court orders providing the agency with less time to act.

Region 8's Benevento Aims To Bolster Pruitt's Push For Superfund Reform

EPA Region 8 Administrator Doug Benevento says he hopes to assist Administrator Scott Pruitt in achieving his "laudable" policy goals including overhauling the Superfund program to accelerate cleanups, citing his prior experience on cleanup issues as a Colorado state official as offering useful relevant experience.

Pruitt's Plan To Repeal CPP Poses Legal Risk For EPA Due To GHG Mandates

EPA Administrator Scott Pruitt's decision to repeal the Clean Power Plan (CPP) without formally proposing a replacement appears aimed at minimizing political blowback from conservatives hostile to any greenhouse gas controls but could pose a legal risk for the agency if the courts interpret it as dilatory given mandates to regulate GHGs, industry sources and former officials say.

Carper Criticizes Trump's EPA Nominees Over Ethics Responses

The top Democrat on the Senate Environment & Public Works Committee (EPW) is attacking four Trump administration nominees to EPA for what he says are inadequate responses to questions on ethical and regulatory issues, underscoring the minority's opposition to the nominees ahead of an Oct. 18 business meeting where senators will vote on them.

Texas Coal Plant Closures Raise Questions Over Future Of Haze Plan Suit

The announcement of the impending closure of three Texas coal-fired power plants is raising questions over the future of litigation environmentalists are pursuing against

the state's EPA-backed plan for curbing regional haze-forming emissions, because the plan relies in part on the facilities' participation in an emissions trading program.

Capito Poised To Be Key Player In Vote On Trump's EPA Toxics Nominee

As the Senate environment committee prepares to vote on a slate of EPA nominees, Sen. Shelley Moore Capito (R-WV) appears poised to play a key role in determining whether Michael Dourson, President Donald Trump's nominee to lead EPA's toxics office, wins confirmation.

Pruitt Signs Directive Barring Use Of 'Sue And Settle' Agreements

EPA Administrator Scott Pruitt has signed a directive he says will end “sue and settle” agreements through which he says special interest groups such as environmental organizations have forced the agency into legal agreements that impose binding deadlines for issuing discretionary regulations.

Daily Feed

High court demands EPA response on CWA 'blending' suit

The Supreme Court wants EPA to respond to a wastewater group's suit that would bar the agency from restricting “blending” through permits.

Trump delivers . . . on rolling back EPA rules

The president did not deny a report he has failed to deliver on key campaign promises though he instead touted his planned 'cancelation' *(sic)* of EPA rules.

Our most read: a proposed toxics office reorganization tops the list

Also, ending ‘sue and settle’ agreements, the latest on Superfund speedups, and an interview with EPA’s new Region 3 head.

Brick industry backs EPA's bid to delay MACT lawsuit

Brick industry groups are backing EPA's request for delay of litigation against the Obama-era air toxics rule for the sector pending a possible reconsideration of the rule.

OPPT's reorganization plans . . . the latest

Catch up on our exclusive coverage of OPPT's reorganization plans.

Ewire: Pruitt said to tap Alaska official to lead Region 10

The expected appointment moves the agency closer to filling a handful of remaining political slots to help Pruitt advance President Donald Trump's broad deregulatory

agenda at the agency.

EPA defends boiler MACT 'work practice standards'

EPA is pushing back at environmentalists' attempts to use a recent appellate ruling over an oil and gas methane rule to bolster their case against the agency's boiler air toxics regulation.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 7/28/2017 7:51:55 PM
Subject: July 28 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

States, Industry Seek Rehearing on Methane Lawsuit

Posted July 28, 2017, 11:59 A.M. ET

By Catherine Douglas Moran

A full federal appellate court should reconsider a decision that forced the EPA to implement methane emissions limits for the oil and gas industry that it plans to revise, states and industry groups said.

The U.S. Court of Appeals for the District of Columbia Circuit July 3 struck down the Environmental Protection Agency's plan to halt implementation of the methane regulator for 90 days, finding the delay an abuse of agency authority.

The industry groups and states, including the American Petroleum Institute and the Interstate Natural Gas Association of America, filed two petitions—one July 28 and the other July 27—that ask for the full court to rehear the case .

Trump May Have to Boost Biofuel as Court Deals Blow to Oil

Posted July 28, 2017, 01:37 P.M. ET

By Mario Parker, Andrew Harris and Ari Natter

The Trump administration may have to reconsider its proposal from earlier this month to curb biofuel use after a U.S. appeals court in Washington ruled that the Environmental Protection Agency doesn't have the authority to cut quotas while citing inadequate domestic supply.

Issued July 28, the unanimous ruling by a three-judge panel comes amid conflicting legal challenges to actions taken by the EPA. Some factions claim the agency set renewable fuel requirements too high, while others said they're too low. Shares of ethanol producers rose on the news while refinery stocks declined.

U.S. Circuit Judge Brett Kavanaugh wrote that EPA isn't allowed "to consider the volume of renewable fuel that is available to ultimate consumers or the demand-side constraints that affect the consumption of renewable fuel by consumers."

The ethanol industry hailed the court's move as a victory Ams. for Clean Energy v. EPA, D.C. Cir., 7/28/17.

Earlier this month, the Trump administration issued a proposal that for the first time would cut the amount of renewables that must be blended into the fuel supply under a 12-year-old law known as the Renewable Fuel Standard.

The court ruling is a blow to oil refiners, including billionaire Carl Icahn, who have argued that there are constraints to blending the fuels into petroleum. The American Petroleum Institute said in a statement it was "disappointed" with the court's decision, which the trade group said highlighted the need for congressional action to reform the renewable fuel standard—a move congressional analysts have said is unlikely to happen.

"We are still reviewing the decision, but the fact the court has affirmed our position that EPA abused its general waiver authority by including factors such as demand and infrastructure in a waiver intended to be based solely on available supply is a great victory for consumers and the RFS program," said Bob Dinneen, the chief executive officer of the Renewable Fuels Association, an ethanol industry trade group.

The EPA didn't immediately respond to a request for comment. In a July 5 statement, the agency, which administers the program, said that the proposal was "consistent with market realities focused on actual production and consumer demand while being cognizant of the challenges that exist in bringing advanced biofuels into the marketplace."

"This is pretty huge," said Gene Gebolys, CEO of biofuel producer World Energy Alternatives LLC. "This gives the Trump administration clear guidance on what the legislative branch intended when they passed the law and what the judicial branch meant when they upheld the law."

Green Plains Inc., one of the biggest U.S. ethanol producers, rose 1.3 percent to $19.70 at 12:44 p.m. in New York. CVR Energy Inc., an independent oil refiner that counts Carl Icahn as its biggest investor, slumped 3.8 percent.

Renewable Identification Numbers (RINs), biofuel credits that track 2017 ethanol consumption quotas, rose 1.2 percent to 82 cents apiece, the highest in a week, data compiled by Bloomberg show.

EPA Argument

The court heard the argument on April 24. The case dealt with Obama-era EPA actions to cut quotas for ethanol and other biofuels for the years 2014, 2015 and 2016 below statutory levels, reducing totals set forth in 2007 legislation, with the regulator taking the position it had the power to do so under a provision allowing it to adapt to a production shortfall.

There was no shortfall, but the EPA argued that "production" could include the fact that the market couldn't absorb the additional fuel, government lawyer Samara Spence told the court.

The EPA "misunderstood its assignment under the mandate," former U.S. Solicitor General Seth Waxman countered, arguing on behalf of biofuels proponent Americans for Clean Energy, adding that the agency "screwed up."

"The salient point here is that EPA agrees there is more than adequate supply," Waxman said.

From the bench, Kavanaugh indicated he agreed.

"I understand the difficulty EPA is in here, but the statute doesn't seem to give EPA the authority to fix everything that is not working right," he told Spence, the government's attorney. "If this thing is totally screwed up, Congress should fix it."

Joining in the opinion were U.S. Circuit Judges Patricia Ann Millett and Janice Rogers Brown.

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Funding for Russia Pipeline to EU at Risk With U.S. Sanctions

Posted July 28, 2017, 9:01 A.M. ET

By Elena Mazneva and Angeline Benoit

The financing of Russia's $11 billion natural gas pipeline through the Baltic Sea could be affected by sanctions that just passed the U.S. Senate, according to one of project's backers.

Engie SA's current legal view is that if the sanctions were implemented its backers could "stop and not continue to fund this project in order not to be subject to any sanction whatsoever," the French utility's Executive Vice President Pierre Chareyre said July 28 on a conference call.

The Kremlin-backed project, known as Nord Stream 2, has been at the center of a disagreement between the U.S. and European Union in the past month. While the bill on extending U.S. sanctions against Russia, which passed the Senate July 27 but has yet to be signed by President Donald Trump, could affect any energy export pipeline in which a Russian company has a significant role, it also says that America would specifically "oppose" the pipeline led by Gazprom PJSC.

The 1,220 kilometer (758-mile) undersea link to Germany would cost 9.5 billion euros ($11 billion). Engie, Royal Dutch Shell Plc together with Germany's BASF SE and Uniper SE, as well as Austria's OMV AG agreed in April to provide 10 percent of the funding each to see the link started by the end of 2019. The EU warned earlier this week that it could retaliate against the U.S. "within a matter of days" should its companies and their plans be targeted by the sanctions.

Uncertain Impact

OMV continues to monitor the situation "very carefully and will make an assessment when all of the facts are on the table," its press service said by email on Friday.

"In general, sanctions have not proven to be an instrument that achieves its given goal as we have seen in the last years," OMV said. "From a European standpoint, the additional quantities of natural gas from Russia are necessary."

If the sanctions bill is enacted, Shell would "have to go through the phase of rule making to understand exactly how that bill should be implemented," before understanding the full implications for Nord Stream 2, Chief Executive Officer Ben Van Beurden said on a conference call July 27.

As the project to some extent would compete with U.S. exports of liquefied natural gas to Europe, the Nord Stream 2 participants, including Russia and Germany, have said the measures sought to

bolster U.S. economic interests.

The U.S. bill says the president may impose sanctions against companies that invest in or supply a Russian export pipeline. This relates to construction, modernization or maintenance entailing a minimum of investment of $1 million. Possible penalties included a ban on loans and investments from U.S. institutions, on banking and property transactions, and procurement deals with U.S. firms.

Nord Stream 2 has enough funding at least for this year, with more than 1 billion euros ($1.17 billion) already received from EU partners, Gazprom Deputy CEO Alexander Medvedevsaid last month. While the company has repeatedly said it has enough money to complete the pipeline on its own if needed, in a recent Eurobond prospectus it noted that "difficulties," delays or even failures are theoretically possible because of the curbs.

"Sanction law is not retroactive so only future funding transfer would trigger risks," Engie's Chareyre said. "We are not in that situation yet and advocacy is being pursued very actively by Engie, other companies and the EU."

—With assistance from Anna Shiryaevskaya, Francois de Beaupuy and Rakteem Katakey.

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Transcanada Still Sees Producer Support for Keystone XL Line

Posted July 28, 2017, 02:48 P.M. ET

By Kevin Orland

TransCanada Corp. said it still expects commercial support for its controversial Keystone XL oil pipeline, tamping down speculation that it was having trouble finding customers for the long-delayed line.

Keystone XL, which was rejected by the Obama administration before being revived by President Donald Trump this year, would boost TransCanada's dividend growth, the company said in a statement July 28. Media reports in recent weeks said that the company was having trouble signing up customers for the pipeline, conceived to help move crude from Alberta's oil sands to refineries on the U.S. Gulf Coast.

TransCanada said earlier this year that it was working to sign new shippers following years of delays. Given the time it took to gain federal approval, TransCanada said it expected some shippers to reduce their volume commitments and that other new customers would be introduced. The company said July 27 that it's soliciting additional commitments to ship oil on Keystone XL.

"We've had good support from our legacy shippers, which gives us a good base to launch this open season," Paul Miller, TransCanada's president of liquids pipelines, said on a conference call.

The open season closes on Sept. 28, with the results of the process expected to be final in late November, Miller said. The company should also receive its regulatory decisions from Nebraska around that time and will weigh both of those factors in determining whether to proceed with the line, he said. If TransCanada decides to move ahead on Keystone XL, it would need six to nine months to prepare for construction and about two years to build it, he said.

Dividend Growth

Success in advancing Keystone XL or other growth initiatives such as the Bruce Power life extension may "augment or extend the company's dividend growth outlook," Chief Executive Officer Russ Girling said in the statement. The company plans to increase its annual dividend at the upper end of an 8 percent to 10 percent range through 2020.

Keystone won votes of confidence from the chief executive officers of Canadian oil producers Cenovus Energy Inc. and Suncor Energy Inc. this week. The CEOs both said they support Keystone and that the Canadian energy industry needs more pipeline capacity. Suncor confirmed that it plans to ship its products on Keystone.

Alberta's oil producers have long warned that a lack of pipeline space was hurting their prospects. That pipeline pinch may start to hit the industry later this year as Suncor's massive Fort Hills oil-sands project starts to produce oil and Canadian Natural Resources Ltd. completes another phase of expansion at its Horizon mine.

Beyond Keystone

Looking beyond Keystone, TransCanada is spending C$2 billion ($1.6 billion) to expand its natural gas pipeline network in Western Canada. The upgrades to the Nova Gas system will include 171 miles (275 kilometers) of new pipeline, additional compression and new metering stations.

The company said July 28 that it was applying to the National Energy Board to expand capacity on its Canadian Mainline, which carries natural gas from producers in Alberta to markets in the nation's east. The company would spend about C$160 million ($129 million) on the project, which is underpinned by 15-year contracts.

TransCanada's second-quarter profit was 76 Canadian cents a share, excluding some items. The average estimate of analysts surveyed by Bloomberg was 68 cents.

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More Charging Stations Coming to California in Initial VW Deal

Posted July 28, 2017, 7:44 A.M. ET

By Carolyn Whetzel

Volkswagen subsidiary Electrify America will spend $200 million over the next 30 months to build California's electric vehicle infrastructure and boost use of zero-emission vehicles in the state.

The investment is the initial phase of the court-ordered $800 million program VW must implement in the state after the automaker was found to have equipped 2009-2016 model year diesel-engine vehicles with illegal software to mask emissions during certification tests.

The California Air Resources Board approved the first of four investment plans Electrify America must submit over the next 10 years. It calls for 400 new charging stations in Fresno, Los Angeles, Sacramento, San Diego, San Jose, and San Francisco and fast charging systems along highways. Other elements of the plan and a supplement CARB requested in March, focus on giving low-income and disadvantaged communities access to zero-emission vehicles and public outreach.

Mexico's Ethanol Boost Fuels Cross-Border Environmental Debate

Posted July 28, 2017, 7:16 A.M. ET

By Emily Pickrell

Mexico's decision to nearly double the amount of ethanol permitted in gasoline is pitting two big winners—U.S. corn growers and ethanol producers—against some environmental activists and Mexico's own auto industry.

Last month Mexico's Energy Regulatory Commission (CRE) announced it was immediately boosting the maximum amount of ethanol that could be blended in Mexican gasoline supplies from 5.8 percent to 10 percent, and that the change would bring Mexico (outside of its three biggest cities) in line with U.S. gasoline standards.

The U.S. Grains Council—which represents ethanol producers such as Cargill, John Deere, Dow AgroSciences, and Kansas Ethanol—welcomed the decision, as did former commission president Francisco Salazar.

"I think that the CRE has made the right move," Salazar, the agency's president from 2005 to 2015, told Bloomberg BNA. "The standard on the other side of the border is a good one."

While the U.S. already supplies about half of Mexico's gasoline and is the primary producer of ethanol used in Mexico, the change, which took effect June 26, also could expand gasoline imports from the U.S. because retailers won't need to sell gasoline with different ethanol levels on either side of the border.

Cross-Border Cooperation

Despite feuding with Mexico over a border wall, President Donald Trump promised to support ethanol while campaigning for president, and he reiterated that position in a speech in Iowa last month. The ethanol industry is "under siege," but the Trump administration is saving it, the president told an Iowa crowd in June.

Earlier this month, Energy Minister Joaquin Coldwell and U.S. Energy Secretary Rick Perry agreed to work on standardizing energy regulations between the countries, as a way of moving toward a single North American energy region. The Trump administration has listed this integration as one of its objectives in renegotiating the North American Free Trade Agreement, and Mexican President Enrique Pena Nieto has identified it as a key priority.

"We are pleased to see this [ethanol] decision, which is the culmination of significant work by Mexican authorities and industry as they continue to diversify and improve their fuel supplies," Tom Sleight, the U.S. Grains Council's president and chief executive officer, told Bloomberg BNA in a statement.

U.S. Winners

U.S. corn growers had pushed hard for their southern neighbor to adopt the U.S. ethanol standards, according to George Baker, publisher of Mexico Energy Intelligence, a Houston-based research group.

"There was a big effort on the part of U.S. refineries to lobby Mexico," Baker said. "It basically is an effort to prop up the Iowa corn industry by exporting gasoline."

And U.S. companies are likely to become the big ethanol suppliers for Mexico, which currently produces about 66 million gallons per year of ethanol, according to the Grains Council. By contrast, the largest U.S. ethanol plants alone make as much as 300 million gallons per year of ethanol.

Whether the council's efforts should be seen as lobbying or helping a neighbor develop its own market is a matter of perspective, said Mike Dwyer, the Grains Council's chief economist and head of the global ethanol program. The mission of his program, he explained, is to provide regulators around the world with information on the benefits of ethanol and the science that supports its impact on the environment.

"We are working with the Mexican ethanol industry and helping them develop a resource," Dwyer told Bloomberg BNA. "Mexico has the necessary feedstocks to produce ethanol; they have plenty of sugar and sorghum. What they don't have is the knowledge, and that is what is the focus of our engagement—education."

Environmental Dissent

Research on the health impacts of ethanol in gasoline are mixed. The addition of ethanol reduces two types of carcinogens, benzene and butadiene, according to a 2009 Stanford University report, but may increase ozone, which has been linked to asthma and other lung ailments, depending on the characteristics of the atmosphere.

Ethanol in gasoline has not been permitted for sale in Mexico's three most heavily populated cities—Mexico City, Guadalajara or Monterrey—because of their significant air quality issues. And this ban continues, at least for now.

Mexican environmental groups argue the decision to increase the percentage of ethanol in the rest of the country overlooks the potential environmental and health damage it could inflict, in part by increasing ozone in the atmosphere.

Ethanol advocates point to research—such as a January 2017 report from the U.S. Department of Agriculture— that ethanol gasoline produces fewer greenhouse gases and thus benefits climate change reduction goals.

But some environmental groups question the actual environmental benefits of ethanol, including as it relates to greenhouse gas emissions. They point to the fossil resources that are invariably required to grow these crops and then process them into an additive for fossil fuel, which they say can largely neutralize the carbon footprint benefit.

High-Altitude Cities

In Mexico, the environmental issues have focused mostly on air quality.

The concerns that ethanol gasoline would be especially problematic for high-altitude cities, such as Mexico City, have not been proven by the experience of other cities who once raised the same concerns, Dwyer said. He listed Denver and Bogota, Colombia, as examples.

"They have not had any reported problems of ozone going up," Dwyer said. "The Mexicans will find the same thing that is found everywhere else on the planet—that ethanol is a great additive for improving air quality, for reducing GHG emissions in the transportation market and is a great low carbon source of octane."

And while a 2014 Northwestern University study on air quality in Sao Paulo, Brazil, showed that ozone levels dropped when drivers switched from ethanol to gasoline in flexible-fuel vehicles, the study also noted that the impact of ethanol versus gasoline on air quality depends on the characteristics of the local atmosphere.

'Waiting For the Data'

The Energy Regulatory Commission commissioned the Mexican Petroleum Institute to study the health implications of increasing ethanol to 10 percent in gasoline, and to conduct a cost-benefits analysis. But the study's findings have yet to be released.

"Right now, we are waiting for the data," said Anaid Velasco, an air quality analyst with the Mexican Center for Environmental Law. "We do not think that we have enough data to make that kind of decision."

Carmakers Unhappy

The Mexican Auto Industry, or AMIA, which represents some of the most powerful international auto producers in Mexico, such as General Motors Co., Honda Motor Co., Audi and Volkswagen, has also expressed concern about the new rules.

AMIA contends that because Mexico's auto emissions standards—especially for its older cars—are less stringent than those in the U.S., a larger portion of its fleet is potentially less capable of processing the higher percentage of ethanol in gasoline.

"The older vehicles in circulation lack the same emissions control capacity as the more recent vehicles," wrote Osvoldo Belmont Reyes, the technical director of AMIA, in a June 22 letter to the Energy Regulatory Commission. "The resulting increase of particles would eliminate the same air quality improvements that the government is trying to achieve, with consequential health implications for the public."

VW, GM and Audi told Bloomberg BNA they support the AMIA position.

But former CRE president Salazar said the idea in Mexico that ethanol is more harmful for air pollution is based on older research that used cars with no catalytic converters.

"Ethanol is used in areas with an altitude even higher than Mexico City and it is not a problem," Salazar said. "Why would Mexico have a different standard when the U.S. standards have been approved by the EPA? It doesn't really make sense to counter the tough environmental standards of the U.S."

Wind Projects in Peril as Indian States Rethink Purchase Pacts

Posted July 28, 2017, 8:17 A.M. ET

By Anindya Upadhyay

Two Indian states at the forefront of adding renewables to their power mix are backtracking on agreements for at least one gigawatt of wind project and are seeking lower prices, potentially dealing a blow to Prime Minister Narendra Modi's green energy goals.

The southern states of Andhra Pradesh and Karnataka, which account for a quarter of the country's installed wind capacity, are renegotiating or scrapping purchase agreements with developers and want power at prices lower than what had been stipulated in contracts already signed, developers said.

"We have lost 75 megawatts of our project pipeline as Karnataka has canceled 400 megawatts of PPAs and there seems to be no other option than taking legal recourse for this," London-listed Mytrah Energy Ltd. Chief Executive Officer Vikram Kailas said in a phone interview.

The developments are a fallout of India's shift toward auctions to buy electricity from wind that brought tariffs to record lows, prompting states to renegotiate feed-in tariffs that guarantee a fixed price to producers for their power. This puts at risk the developers' financial health if price agreements are renegotiated and could threaten Modi's resolve to install 175 gigawatts of renewables by 2022.

Andhra Pradesh wants to pay a lower price for wind power projects than what was agreed to for 684 megawatts of capacity, people with knowledge of the matter said, asking not to be identified citing rules. Neighboring Karnataka scrapped power purchase agreements, or PPAs, signed earlier this year for 400 megawatts of wind projects, said P. Krishnamoorthy, general manager for power purchase at state electricity retailer Bangalore Electricity Supply Co Ltd.

Auction Impact

While Mytrah's projects are yet to be built, Bangalore-based Atria Power has lost investments of 1.9 billion rupees ($30 million) to build a 24-megawatt project in Karnataka, a company official said. International Finance Corp.-backed Hero Future Energies Ltd. faces renegotiation of the tariff for its 70 megawatts of commissioned projects out of a planned 120 megawatts in Andhra Pradesh.

"Andhra Pradesh should honor what they have signed," Hero Future Energies Chief Executive Officer Sunil Jain said. "If all these PPAs are renegotiated, you could have bad debts of millions of dollars and what's worse is that you'll drive investors away."

The first wind auction held in February brought wind tariffs to the lowest level in the country. Various states are now seeking the same from developers and are even reneging on previous pacts. By March, states stopped signing PPAs with projects either in development or commissioned and now the situation has escalated to reopening the pacts.

Southern Power Distribution Company of Andhra Pradesh Ltd., the state's power retailer, has decided to renegotiate the PPAs because the same developers building projects at record-low tariffs through auctions in one state shouldn't be selling clean energy at higher tariffs in another, people said. Negotiations are underway to resolve the impasse, they said.

An email seeking comment sent to H.Y. Dora chairman of Southern Power Distribution remained unanswered.

Wind Additions

According to ratings agency India Ratings and Research, there could be a substantial dip in wind capacity additions in the current financial year ending March 31. Installations could fall to 1 gigawatt to 1.5 gigawatts from an all time high of 5.4 gigawatts last financial year, the rating agency said in a recent note.

As of June, India had 32 gigawatts of wind capacity. The nation is aiming to raise that to 60 gigawatts by 2022 as part of the country's climate pledge.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Thur 8/24/2017 10:09:38 AM
Subject: Morning Media: Reading the Sinclair tea leaves -- Wall Street Journal editor taking heat -- The Guardian still waiting on Gianforte

By Alex Weprin | 08/24/2017 06:07 AM EDT

With Cristiano Lima

READING THE SINCLAIR TEA LEAVES: Sinclair Broadcasting has filed a document with the FCC responding to critics of its proposed acquisition of Tribune Broadcasting. You can read the whole thing here, but I thought it would instructive to look at it through the lens of recent coverage of the company.

-Is Sinclair trying to launch a Fox News competitor? Rumors of Sinclair taking on Fox have been rampant since the Tribune deal was announced, and recent reports have suggested that Sinclair might be talking to Steve Bannon about a partnership with Breitbart. Fox has also suggested that it may strip the Fox affiliation from the Tribune stations Sinclair is seeking to acquire. So is a Fox News competitor in the works? The filing gives little away, but it does note that Sinclair wants to be able to compete with the likes of Fox for advertising dollars: "By increasing the national footprint in which Sinclair stations broadcast and sell advertising, particularly by adding stations in the largest markets, such as New York, Los Angeles and Chicago, Sinclair will be better situated to sell advertising to national advertisers who are seeking a national platform. This will create an additional competitor in the network advertising space..."

-Is Sinclair biased, and does it force conservative programming on its local stations? Sinclair does not directly address its own political leanings, but it does imply that the rest of the broadcast media tilts one way, and that they are providing "a new voice" to the market. Sinclair has a large D.C. bureau, and uses it to funnel national news stories to its local affiliates.

"The Washington D.C. news bureau contributes not only to the quantity and quality of information available to local viewers around the country, but adds to the diversity of viewpoints on national issues by providing a new voice in addition to those of ABC, NBC and CBS, which currently dominate the national broadcast news offerings in most local markets," the filing says. "Petitioners further allege that the transaction is against the public interest because Sinclair presents biased or 'conservative' news coverage. Taken at face value, petitioners arguments would suggest that Sinclair's acquisition of Tribune would increase diversity, because it is adding a different 'voice' to the marketplace, just a voice with which petitioners apparently disagree."

-As for those "must-run" commentary segments featuring former Trump staffer Boris Epshteyn and conservative commentator Mark Hyman: Sinclair argues that they make up such a small chunk of programming, they don't really matter.

"Petitioners' specious claims about Sinclair programming are mostly limited to one or two brief commentaries that constitute less than 1% of the average total weekly news hours offered by

Sinclair's stations.3 All 'must-run' news programming in total (including news from the Washington, D.C. News Bureau) makes up approximately 2.5% of the total average news minutes per week. The remaining 97.5% of the news program time is devoted to local news, with the rest of each station's schedule consisting of local sports programming, network news and programming, syndicated programming, or other programming purchased or developed by Sinclair employees in the various local markets where Sinclair owns television stations."

-Sinclair is one of the most interesting companies in media today, and its proposed acquisition of Tribune would make it one of the largest media companies in the country. Despite the conventional wisdom that no one watches TV anymore, according to Pew, TV is still the primary news source for most consumers, and local TV news programs have more viewers than the national news broadcasts and cable news channels.

Good morning and welcome to Morning Media. We have a meaty newsletter this morning, so grab another cup of coffee! I want to make Morning Media better and more useful to you, so please send me tips, ideas and feedback! I'm on Twitter **@alexweprin** and on email at **alexweprin@gmail.com**. Morning Media is produced with help from **Cristiano Lima (clima@politico.com / @ludacristiano)**. **Archives**. **Subscribe.**

WALL STREET JOURNAL EDITOR GERARD BAKER IS AGAIN UNDER FIRE for his direction of the Journal's coverage of President Trump. Leaked emails obtained by The New York Times show him criticizing reporters for a draft story about the president's divisive Tuesday rally, where he repeatedly berated the media. "Sorry. This is commentary dressed up as news reporting," Baker said in response to an write-up of the rally. He later added: "Could we please just stick to reporting what he said rather than packaging it in exegesis and selective criticism?"

-It's not the first time his leadership on Trump has been questioned. A full transcript of an interview between Baker, the president and other members of his administration obtained by POLITICO last month highlighted the top editor's familiar relationship with the president and his family, again raising concerns about the Journal's coverage of the president. Read more on the latest controversy here.

RALLY RATINGS: President Trump may have told attendees of Tuesday night's rally that the TV cameras were being shut off, but in reality, the rally was a ratings draw for cable news. Fox News averaged 4.4 million viewers during the rally, while MSNBC averaged 2.,4 million and CNN 2 million, according to ratings data from Nielsen. One interesting quirk: MSNBC saw its ratings drop when the rally started, falling from 3.1 million for Rachel Maddow at 9 p.m., to 2.4 million during the rally. CNN meanwhile added 700,000 viewers when the rally started, while Fox News added 1.8 million viewers once the rally began.

-I thought Charlie Warzel's take on the rally was interesting. Warzel argues that Trump, who has no campaign opposition to speak of right now, is setting up the media to be the opposition. "Or, as pro-Trump media personality Jack Posobiec put it to me this morning: 'Trump's a builder. We're now in the demolition phase of this construction project," Warzel wrote.

-I didn't forget about the eclipse. Yesterday I gave you the cable news ratings, today, you get the broadcast numbers. ABC had a pretty incredible 7.9 million viewers tune in. CBS had just shy of 6 million, NBC had 2.6 million.

THE GUARDIAN STILL WAITING ON GIANFORTE INTERVIEW: Rep. Greg Gianforte, the man who body-slammed Guardian reporter Ben Jacobs ahead of a special election earlier this year, still has not sat down for an interview with the outlet, despite seeming to pledge to do so at his sentencing hearing. "Ben Jacobs first reached out to Congressman Gianforte for an on-the-record interview on June 22 and has been in ongoing communication with his office since then," a Guardian spokesperson told The Washington Post's Erik Wemple . "So far, the Congressman has yet to commit to this interview. However, in light of his promise to sit down for an interview with Ben in the courtroom before being sentenced on June 12, we fully expect the Congressman to be a man of his word."

ESPN PRESIDENT WEIGHS IN ON ROBERT LEE EPISODE: ESPN president John Skipper sent an email to staff at the channel last night, explaining in more detail what led up to broadcaster Robert Lee being moved off of a college football game he was supposed to host in Virginia. "I'm disappointed that the good intentions of our Charlotte colleagues have been intentionally hijacked by someone with a personal agenda, and sincerely appreciate Robert's personal input and professionalism throughout this episode," Skipper wrote. Read the whole thing here.

-Sports Illustrated's Richard Deitsch has even more detail.

"IT'S NOT PROPAGANDA BECAUSE IT'S TRUE" That's what Lara Trump, wife of Eric Trump and daughter-in-law of President Donald Trump, said in defense of her recent "real news" Facebook round-up segments on the president's campaign social media page. Lara Trump, a former "Inside Edition" producer, told the Christian Broadcasting Network that the segments she's hosted are necessary since President Trump doesn't get "a fair shake within the regular news cycle." The segments have also featured appearances from former pro-Trump pundit Kayleigh McEnany, who left CNN last month to join the Republican National Committee. Read on here.

TODAY IN TABS: I haven't picked up a copy of the latest edition of The National Enquirer, but based on the cover, it looks like they have knives out for Megyn Kelly and CNN. "Inside Kelly Ripa & Megyn Kelly's explosive showdown!" one headline blares. "Dirty secrets of CNN: Drugs. Brawls. On-set sex!" another reads. The Enquirer's owner David Pecker is friendly with President Trump, as my colleague Jack Shafer noted.

-Also, is Taylor Swift's new album tabloid themed? The album cover for "Reputation," features Swift in front of newsprint bearing her name. If anyone could make newspapers popular again, it would be her.

MUST WATCH:

-As the father of a toddler, I can relate to this news anchor who stayed remarkably calm even as

two little ones took over the studio.

-Here's the first trailer for Comedy Central's new late night show "The Opposition," which mocks alt-right outlets like InfoWars in the same way "The Colbert Report" mocked cable news.

SOUNDBITE: "Giving people a voice is not enough without having organizations dedicated to uncovering new information and analyzing it. We're going to keep experimenting with different ways to support the news industry and make sure reporters and publishers everywhere can keep doing their important work." -Facebook CEO Mark Zuckerberg, in a post explaining how the site plans to work with journalists and newsrooms moving forward.

REVOLVING DOOR:

-Jay Solomon, who was fired by The Wall Street Journal in June over his relationship with an arms dealer, has joined The Washington Institute for Near East Policy, where he will research North Korea's weapons proliferation in the Middle East.

-Lauren Ramsby has joined Patch as director of news partnerships. Lauren was managing editor of Peter Kaplan's NY Observer, and then was managing editor of the NY Post for 10 years.

-The Daily Beast has named Mia Libby CRO. Libby was previously senior VP of sales at Fusion Media Group.

-Fox Sports baseball reporter Ken Rosenthal will be bringing his writing to subscription sports site The Athletic. He'll still do TV for Fox.

EXTRAS:

-New Los Angeles Times publisher Ross Levinsohn is set to cash in with a starting salary of $1 million, with ample opportunities for performance bonuses. [Poynter]

-Here's a good interview with retiring Fox News correspondent Carl Cameron. [THR]

-In remembrance of Swedish journalist Kim Wall, whose remains were found in the waters near Copenhagen this week. [BuzzFeed]

-What The Village Voice, which just shuttered its print publication, taught us about speaking truth to power. [The Nation]

-"NBC Nightly News" anchor Lester Holt is profiled by Guideposts magazine. [Guideposts]

-The Washington Post is bringing artificial intelligence to its native ads [Digiday]

-The new FOMO: Have constant breaking news updates created a new tech addition? [WIRED]

-Why D.C. won't soon see the likes of deceased NBC4 anchor Jim Vance again. [The

Washingtonian]

-Hollywood's fall TV line-up leaves much to be desired in terms of diversity. [Bloomberg]

-The Financial Times digs into Bloomberg's expansion into the consulting world [FT]

-The Mic takedowns continue, this one from The Daily Caller. [Daily Caller]

-POLITICO's own Eliana Johnson joins "Pod Save America" to talk Bannon, Breitbart and Trump. [Stitcher]

To view online:
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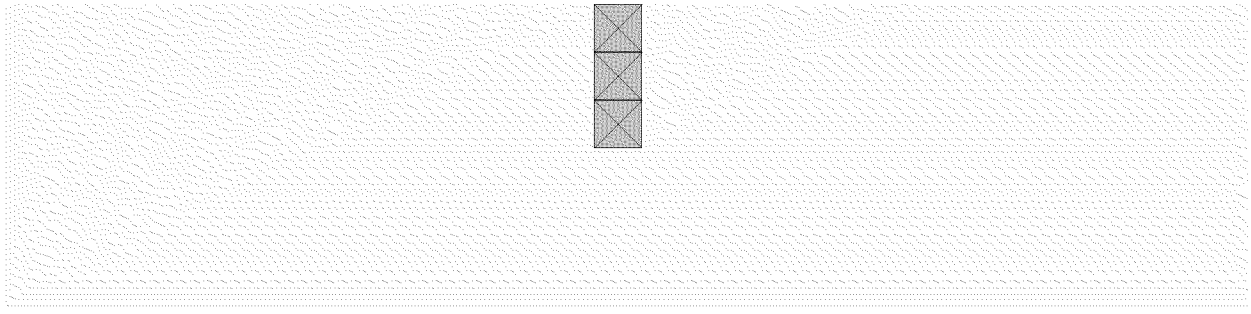
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Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Peabody Mine Survival May Rest on Navajo Coal Gasification Plan

Posted August 04, 2017, 7:30 A.M. ET

By Stephen Lee

The biggest coal-fired generating station west of the Mississippi could be replaced by a coal gasification plant, raising concerns among environmentalists as well as questions from financial analysts about the economic costs and risks.

The tribe "has considered the development of potential energy industries, including [a] gasification plant," Navajo Nation presidential spokesman Mihio Manus told Bloomberg BNA Aug. 3. He added that the tribe hasn't committed to the technology, which chemically transforms the fossil fuel into synthetic natural gas.

Manus' remarks echo those of Navajo Nation President Russell Begaye, who indicated to local reporters in early July that the tribe wants to build a coal-to-gas generating station. "We'll have a new plant there that will take advantage of the price of natural gas, but still use coal," Begaye told Lake Powell Communications, a local news site in Lake Powell, Ariz.

Begaye did not respond to Bloomberg BNA's request for an interview.

The Navajo Generating Station, on tribal land near Page, Ariz., provides power to customers in Arizona and Nevada. The plant's owners—which include the Salt River Project, one of Arizona's largest utilities, and the Interior Department's Bureau of Reclamation—have a lease with the Navajo Nation that expires in 2019. That plant will shut down at the end of 2019 unless a new buyer steps forward to keep it running beyond then, a possibility that energy analysts say seems increasingly remote.

Should the gasification plans come to fruition, one beneficiary could be Peabody Energy, which operates the large Kayenta coal mine 78 miles to the southeast that employs many tribal members. Analysts, however, say they're skeptical a coal gasification plant will be realized because of a range of economic and technological challenges.

Peabody spokeswoman Beth Sutton told Bloomberg BNA in an email that the Navajo's coal gasification plan "seems speculative."

The Kayenta coal mine will likely shut down at the end of 2019, because it only serves the massive Navajo Generating Station. Further, no outside rail link can deliver the coal to other customers.

Duke's and Southern's Experiences

Two recent stumbles in the coal gasification industry serve to illustrate the economic risk the Navajo Nation would be courting by embracing the technology, said David Schlissel, director of resource planning analysis at the Institute for Energy Economics and Financial Analysis.

Duke Energy's Edwardsport coal gasification plant in Indiana has cost $1.5 billion more than originally planned and still doesn't run reliably, Schlissel said. More recently, Mississippi regulators concerned about the rising costs of Southern Co.'s Kemper plant ordered the company last month to transition the plant to natural gas.

"If Duke and Southern Co. couldn't do it, who is the Navajo Nation going to find who can do it?" Schlissel said. "There's no evidence that this can be done economically or reliably."

A coal gasification plant would generate power at roughly $100 per megawatt hour, but the Navajo Nation would only be able to sell it into the grid in Arizona or Nevada at $30 a megawatt hour, according to Schlissel.

"It doesn't make sense," he said. "You're quickly going to go down."

'Costly and Risky'

Similarly, Bill Corcoran, western campaign director for the Sierra Club's Beyond Coal campaign, told Bloomberg BNA that a "costly and risky coal gasification plant would only aggravate the underwater economics of coal-fueled power in the region. It's a loser for a tribe that can't afford a misstep in profiting from the ongoing transition of the energy market."

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the majority owner of Bloomberg L.P., parent of Bloomberg BNA.

"With natural gas prices at current levels, including the recent uptick, coal gasification can't be economic," added Vincent Brisini, director of environmental affairs at investment and management firm Olympus Power. "Too much energy is needed to gasify the coal, plus the price of the coal alone is already two-thirds the cost of natural gas."

Other options on the table for the Navajo Nation include a solar farm and the development of thermal energy, Manus said. Indeed, the tribe launched a 27-megawatt solar farm in June. Manus did not respond to questions about why the Navajo Nation was considering coal gasification technology given Southern Co.'s and Duke's experiences.

Interior Department spokesman Dan DuBray told Bloomberg BNA that he couldn't weigh in on the coal gasification question, or whether the agency would provide funding to help the tribe get any plans off the ground. Rather, DuBray said, the agency is "focused on helping [Navajo Generating Station] operate beyond 2019."

The tribe has flirted with coal gasification before. In 2012, for example, the Navajo agreed to work with Lawrence Livermore National Laboratory on developing the technology.

Two years later, the tribe won a $1 million Interior Department grant to study coal gasification's economic potential.

Keystone XL Foes Avoid Climate in Red State Pipeline Battle

Posted August 04, 2017, 7:49 A.M. ET

By Meenal Vamburkar

You won't hear much about climate change coming from Keystone XL foes as they argue against TransCanada Corp.'s push to get the final state approval needed to build the pipeline.

Instead, they're spotlighting TransCanada's use of eminent domain, which Republicans traditionally oppose in support of landowner rights. Supporters, meanwhile, are pressing another issue close to Republican hearts: Jobs.

As Keystone XL faces its final hurdle in Nebraska, the starkly different political landscape under President Donald Trump versus Barack Obama is bringing new shape to a debate that will be overseen by the state's Republican-dominated Public Service Commission, set to hear a week of arguments starting Aug. 7. With Trump in the White House, a positive nod from Nebraska could remove the final regulatory barrier.

Property rights "might be the thing that stops this," said Art Tanderup, who owns farmland on the pipeline's route that's been in his wife's family for 100 years. Even some pipeline supporters say the company shouldn't be able to "take their land away," he said.

Still, the jobs issue carries weight among Republicans as well, particularly in the age of Trump, who has focused on the energy industry's ability to spark the U.S. economy. While the 2016 Republican platform says the Supreme Court's 2005 ruling in support of eminent domain undermines the Constitution's Fifth Amendment, Trump has in the past praised the decision.

Red State

Designed to carry 830,000 barrels of oil a day, the $8 billion Keystone XL pipeline will span 1,179 miles (1,897 kilometers), running through Montana, South Dakota and Nebraska. From there, the oil can flow south on existing lines to the Gulf Coast, which is an export hub and where refineries are built to process heavy crude.

Nebraska is a decisively red state: It hasn't voted for a Democratic president since 1964 and four of the last five governors have been Republican. Still, the state has been an impediment to progress on the project, with lawmakers and landowners challenging the route with legislation and lawsuits. The company eventually agreed to a PSC review instead of waging further court battles, setting up this month's hearing

Now, final approval will be decided by a commission board made up of four Republicans and a single Democrat.

"Before, knowing Obama's philosophy, we hoped it would be stopped" at the federal level, Tanderup said in a telephone interview. "But no longer can I write a letter to the president of the United States, because it will do absolutely nothing. No longer is there that hope."

Presidential Permit

In 2015, the Obama administration denied the presidential permit necessary for cross-border pipelines after a State Department review found Keystone didn't serve the national interest. But Trump, who came into office vowing to support the oil industry, quickly revived it.

Among proponents, the economic argument for jobs hasn't changed from the very start of the debate. TransCanada, the president and labor unions have long touted the project is a job creator that will help the state's economy. The state will benefit from 4,400-4,500 jobs, during the two-year construction period, and $12 million in property tax revenues, according to the Calgary-based company.

"We were very excited about it. It was an opportunity to get our people back to work," said Ron Kaminski, a member of the Laborers' International Union of North America. Kaminski, after running the local union in the state for about 10 years, shifted his focus to outreach.

In his view, this fight has revolved around the same facts and arguments for nine years: "There's nothing new."

Opponents, not surprisingly, disagree. They argue that many of the jobs promised by TransCanada are just temporary, and in the past have said that clean-energy projects can also carry the promise of added jobs.

'Not Main Thing'

Jane Kleeb, of activist group Bold Alliance, was a key figure in the first fight against Keystone, which centered around its potential to add to global warming. While Kleeb continues to support investment in clean energy, and voices concern about the tar sands oil that will come from Canada, she hasn't made it the focal point of the discussion.

"Climate has not been the main thing," she said in an interview.

She, alongside groups such as the Sierra Club and 350.org, have been working with landowners, highlighting the issue of eminent domain. They argue the pipeline isn't economic anymore, citing speculation the company has had trouble securing customers. TransCanada counters that it still expects commercial support for the project, and has had discussions with existing and new shippers.

Canadian Natural Resources Ltd. President Steve Laut said the company has 150,000 barrels of space contracted on the line. Suncor Energy Inc. also said it will be a shipper on the project.

Pipelines in western Canada, which holds the world's third-largest oil reserves, can carry about 3.3 million barrels of crude a day, according to the Canadian Association of Petroleum Producers. The area's drillers are expected to produce 3.92 million barrels a day this year, rising to 4.2 million next year, which the industry says proves the need for more ways to get their product into the U.S. market.

Unfair Takeaways

Kleeb and others argue this urgency won't exist by the time the project comes online, roughly two years after the regulatory approvals. The result, they say, is that it's unnecessary and unfair to take private property for the pipeline using eminent domain, particularly given certain liability provisions

the company is putting into landowner easements. TransCanada says 91 percent of landowners in the state have agreed to allow the project on their land, and the terms are consistent with industry standards.

"People do value private property," said David Corbin, vice-chair of state's Sierra Club, which is planning to testify before the PSC against the pipeline. "It's not a red or blue issue in Nebraska."

Nonetheless, the political climate is bound to make it an uphill battle for the activists, said Katie Bays, an analyst at Height Securities LLC in Washington D.C. The PSC leans conservative and the governor "has significant influence over the process from a political perspective, and he is a major advocate for the project," she said.

Even if the outcome favors TransCanada, opponents have vowed to keep litigating. The next step would be the state's court of appeals, said Kenneth Winston, an attorney working for Bold and the Sierra Club. While the company said it's taking the process step-by-step, any decision is likely to be appealed, according to the Sierra Club's Corbin.

"The longer it takes," Corbin said, the more the "economic argument is going to say: Why would we want this thing?"

—With assistance from Kevin Orland.

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Duke Energy Ash Lawsuit Tossed Over 'Forum Shopping'

Posted August 04, 2017, 02:01 P.M. ET

By Andrew M. Ballard

A federal district judge in Virginia tossed a Duke Energy coal ash lawsuit over what he said is "strategic forum shopping" by the utility.

Duke Energy's effort to obtain a court ruling saying it was in compliance with the Clean Water Act at its Roxboro, N.C., facility would undercut potential contrary rulings by other jurisdictions and represent "an improper race to the courthouse," Norman K. Moon, U.S. District Court Judge for the Western District of Virginia, wrote in an order of dismissal filed Aug. 3 (Duke Energy Progress LLC v. Roanoke River Basin Assn., W.D. Va., No. 4:17-cv-00032, opinion 8/3/17).

Duke Energy filed its lawsuit in Virginia May 11, two days before a citizen suit could be filed in the Middle District of North Carolina. Case law shows that the North Carolina court "may have been a less favorable venue for Duke Energy to litigate these issues," Moon wrote.

Allowing the case to go forward would "render useless" a 60-day notice requirement for citizen suits, which gives state and federal regulators the option to supersede "the citizen suit with their own enforcement action," he said.

Citizens' Lawsuits

Frank Holleman, an attorney with the Southern Environmental Law Center (SELC) in Chapel Hill, told Bloomberg BNA Aug. 4 that Duke Energy sought to dismiss the claims pending in North

Carolina because the action in Virginia was "first filed."

Holleman, who represents the plaintiffs in the case, said he expects the North Carolina jurisdiction to allow the Clean Water Act claims to proceed there now.

A Duke Energy representative told Bloomberg BNA that the conservation group's litigation was undermining the utility's effort to effectively manage its coal ash.

"While Duke Energy continues to work with its federal and state regulators to close ash basins in a manner that is fully protective of human health and the environment, SELC has filed a flurry of lawsuits across the Southeast aimed at disrupting those efforts and promoting their extreme agenda and 'draconian' remedies," said Danielle Peoples, a Duke Energy spokeswoman.

SELC recently filed a separate lawsuit alleging violations of the Resource Conservation and Recovery Act over coal ash management activities at the Roxboro facility, which is located in Person County.

Holleman said he believes that that lawsuit, along with a similar one filed against Duke Energy over activities at the Mayo Plant, also in Roxboro, are the only citizen suits seeking enforcement of the federal coal combustion residuals rule. Clean Water Act claims involving the Mayo facility also are pending, and coal ash management by Duke Energy is the subject of lawsuits in state court.

Interior to Kill Obama Rule Raising Coal, Oil Royalties

Posted August 04, 2017, 11:25 A.M. ET

By Ari Natter

An Obama-era regulation governing how royalties are calculated for coal, natural gas and oil extracted on federal lands will be repealed by the Trump administration.

The Interior Department's Office of Natural Resources Revenue issued a public notice that it plans to scrap the valuation rule in a final rule set to be published Aug. 7 in the Federal Register, and it is set to go into effect 30 days after that. The agency proposed scrapping the rule in April, several months after it went into effect on Jan. 1.

The change would benefit coal companies that extract the fossil fuel on federal land, such as Cloud Peak Energy, which had lobbied against the regulation. It previously had been estimated to increase royalty collections by at least $78 million.

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As Trump Sings Coal's Praises, Mine Fatalities Are on the Rise

Posted August 04, 2017, 9:12 A.M. ET

By Tim Loh

Ray Hatfield Jr. was six months into his latest coal job when he was crushed to death in a Kentucky mine.

Hatfield, a 23-year industry veteran, was cleaning a conveyor belt that shuttled coal to the surface of the Appalachian mine on the morning of Jan. 26. When his clothing got caught, he was pulled into the machine and killed. Hatfield, 42, left behind a wife and three kids.

The fatality was preventable, investigators from the Labor Department's Mine Safety and Health Administration determined, citing a host of safety violations at the facility near Pikeville.

"Hatfield was working in a deathtrap, with not even minimal safety requirements being met," said Tony Oppegard, a Lexington, Kentucky-based attorney who represents mining families and has studied the government's report and been in touch with the Hatfield family's attorney. "This is what a lot of Appalachian coal miners have to put up with."

Ten other U.S. coal workers have died on the job this year, marking the first uptick in fatalities since 2010. The deaths come at a time when the Trump administration is promising to roll back federal regulations that it says were part of a "war on coal." There have already been more fatalities so far this year than in all of 2016, as U.S. production of the fossil fuel rises.

Production Rebound

Industry leaders say the rash of fatalities is a result of increased mining activity. They point out that almost all of the coal deaths—including Hatfield's—have involved workers who'd been employed at their current mine for less than a year. Overall U.S. coal output is up 15 percent through the end of July compared with a year ago amid higher prices for natural gas—a competing power plant fuel—and increased demand from China.

In June, there were 50,800 U.S. coal miners, up 3.7 percent from the same time in 2016, according to the Bureau of Labor Statistics.

"You hear the president and others in his administration talk about there being too many regulations, promoting coal jobs and bringing back coal, but never a peep about making sure those jobs are safe," said Celeste Monforton, a lecturer at Texas State University in San Marcos, who during the Clinton administration served as policy adviser to MSHA's director.

White House spokeswoman Lindsay Walters, speaking aboard Air Force One as Donald Trump flew to West Virginia Aug. 3 for a rally, said the president isn't lowering safety standards and that the administration's "main focus" is on "creating and growing jobs" in coal country.

West Virginia has had a challenging year in coal safety, leading the nation with five fatalities. There have also been two deaths in Kentucky and one each in Alabama, Montana, Pennsylvania and Colorado. The victims ranged in age from their 20s to their 60s and had on average more than a decade's worth of experience, according to fatality reports from MSHA, which oversees the sector.

Different Roles

"They may be experienced miners, but they're coming into different job settings from when they worked previously," said Bruce Watzman, the National Mining Association's senior vice president for regulatory affairs. "No two mines are exactly alike. Even if it's the same company, there are differences in the geology and the environment."

MSHA in June started a new program to stem the increase in fatalities, in which inspectors visit mines to help operators improve training for people new to their jobs. That sort of good-cop approach is favored by industry leaders including Robert E. Murray, chief executive officer of Murray

Energy Corp., who in an interview earlier this year called for a "radical" change at MSHA. He criticized the agency for having too many inspectors handing out violations at a time when the coal industry had been shrinking. Murray hasn't experienced a mine fatality this year.

'Highest Priority'

"Safety is, and always has been, the absolute highest priority at Murray Energy," Murray said in an emailed statement this week. "There is no pound of coal that is worth getting hurt over.''

On the other hand, the United Mine Workers of America has blasted MSHA's latest program for being too industry-friendly. The union would rather see federal mine inspectors punishing coal operators found violating safety laws. In a letter last month, union President Cecil Roberts pointed out that the agency's staffers in the compliance assistance program can't even issue citations if they see problems.

In an email, MSHA said its inspectors address any "imminent danger hazard" and require that it be corrected. It also said it has issued 24,377 violations through June 30, up 26 percent from a year ago.

The last time coal fatalities spiked was in 2010, when an explosion at Massey Energy Co.'s Upper Big Branch mine in West Virginia killed 29 workers. In the aftermath, MSHA came under scrutiny from lawmakers for being too soft on chronically misbehaving coal companies. In response, the agency initiated a campaign of "inspection blitzes" designed to keep mine operators from covering up violations. In the years that followed, coal fatalities kept falling, reaching an all-time low of eight last year.

The agency still carries out these types of inspections. For the third year in a row, none of America's 13,000 mines—coal and other types—were found to be bad enough to face its toughest enforcement, according to a statement this week. Some problem mines had corrected recurring issues with MSHA's help. "Those efforts are paying off," Patricia W. Silvey, MSHA's deputy assistant secretary for operations, said.

Oppegard, the miners' attorney, is skeptical. Even today, a certain segment of the coal industry is run by "complete outlaws" who cut corners on safety, he said. Oppegard fears that such operators will create mining conditions that could lead to the next Upper Big Branch disaster.

"They don't care for the health and safety of the people that work for them," Oppegard said. "All they care about is getting more coal out as fast as they can."

--With assistance from Jennifer Jacobs.

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Australian Prime Minister Calls Crisis Meeting with Power Bosses

Posted August 04, 2017, 8:50 A.M. ET

By Perry Williams

Australian Prime Minister Malcolm Turnbull has called a meeting with the nation's major power companies citing concerns over soaring electricity prices and a lack of transparency in the market.

Companies including the three largest retailers Origin Energy Ltd., AGL Energy Ltd. and EnergyAustralia have been asked to appear in Canberra on Aug. 9 to discuss whether consumers are receiving adequate information on costs and consumption in their bills. About half of residential customers haven't switched electricity retailers or changed usage plans in the past five years, according to the Australian Energy Market Commission.

"Australia is blessed with abundant energy so it is simply not good enough that some families and businesses cannot always afford to turn on their lights, heating and equipment," Turnbull said in a letter sent Aug. 3 to Energy Australia Managing Director Catherine Tanna. "The situation must be addressed urgently and directly."

AGL Chief Executive Officer Andy Vesey tweeted his support for the meeting with Turnbull, saying energy affordability was an issue that needs "urgent attention."

Consumers were last month slugged with annual increases in power bills of as much as 20 percent due to soaring gas prices and the closure of aging coal-fired power stations including Hazelwood in the state of Victoria. Turnbull convened a similar meeting with oil and gas executives in March where he extracted pledges to boost gas supplies for local use over concern exports were threatening the nation's domestic energy security.

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U.K. Batteries for Residential Solar to Get Tax Discount

Posted August 04, 2017, 9:22 A.M. ET

By Jessica Shankleman

The U.K. government will offer a tax discount to homes installing batteries at the same time as solar panels, a move that could make renewable energy investments more attractive, according to an industry organization.

The Solar Trade Association lobbied Her Majesty's Revenue and Customs, the tax authority, to apply a value-added tax of 5 percent to energy storage systems used with solar, instead of the standard 20 percent rate.

The STA said it received an email from HMRC that confirmed the discount rate would apply to batteries and solar, if they are installed together. Batteries sold separately and added to existing solar systems would have the standard 20 percent VAT, according to the email seen by Bloomberg News.

A spokesman for HMRC confirmed the decision by email, saying that it applies if all qualifying conditions are met. The British government is reviewing tax rates after the European Commission said discounts for certain energy-saving materials didn't comply with its VAT Directive.

"Reduced VAT on new systems will encourage homeowners to embrace storage technologies alongside solar," said Seb Berry, vice chairman at the STA and head of external affairs at Solar Century Holdings Ltd. The panel provider on Aug. 2 announced a partnership with IKEA of Sweden AB to sell battery packs alongside solar systems.

The U.K. recently announced a plan to invest 246 million pounds in battery technology research and changed a law to define energy storage as a form of generation in a bid to spur investment into the sector.

--With assistance from Anna Hirtenstein.

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Week Ahead: Groundwater Group Hears EPA's Superfund Plans

Posted August 04, 2017, 12:29 P.M. ET

By Chuck McCutcheon

The National Ground Water Association, Ecological Society of America, and other groups are taking advantage of August's legislative lull in Washington to hold large-scale environment and energy events during the week of Aug. 7.

The Ground Water Association's Tuesday-Wednesday meeting in Arlington, Va., will feature a speech from James Woolford, director of the Environmental Protection Agency's Office of Superfund Remediation and Technology Innovation. Woolford is expected to discuss Superfund sites' remediation programs that protect groundwater by balancing regulation, science, and technology.

Another speaker will be Maureen Sullivan, the deputy assistant secretary of defense for environment, safety, and occupational health. Sullivan is expected to discuss new ways that federal agencies can work with others to address groundwater treatment.

One example Sullivan may cite is a Navy-California state government partnership to treat and manage groundwater that yielded roughly $60 million in savings. David Schultz will cover the meeting.

In Other News

Food and agricultural research: The National Academies of Sciences, Engineering and Medicine will hold a meeting and town hall on Tuesday and Wednesday in Washington in connection with a study that would identify research with high potential for scientific breakthrough in agriculture. Scheduled speakers include Pamela Starke-Reed of the Agriculture Department's Agricultural Research Service. Tiffany Stecker will cover.

Chemical dispersants: The academies also will hold a Monday-Tuesday meeting on how chemical dispersants can be used in treating oil spills. Dispersants are sprayed on oil slicks to break down oil into droplets that more readily mix with water.

Communicating science: The Ecological Society of America's annual meeting in Portland, Ore., which runs Sunday through Friday, focuses on training and connecting ecologists who seek to engage the public about climate change or other research. It will offer special sessions on case studies of successful engagement approaches. Rep. Suzanne Bonamici (D-Ore.) will speak on Monday.

Cap and trade webinar: The Center for Climate and Energy Solutions will hold a Thursday webinar on the California Legislature's recent decision to extend the state's greenhouse gas cap-and-trade

program through 2030. Scheduled speakers include Aimee Barnes, a senior adviser to California Gov. Jerry Brown, and Katie Sullivan, managing director of the International Emissions Trading Association. Carolyn Whetzel will monitor.

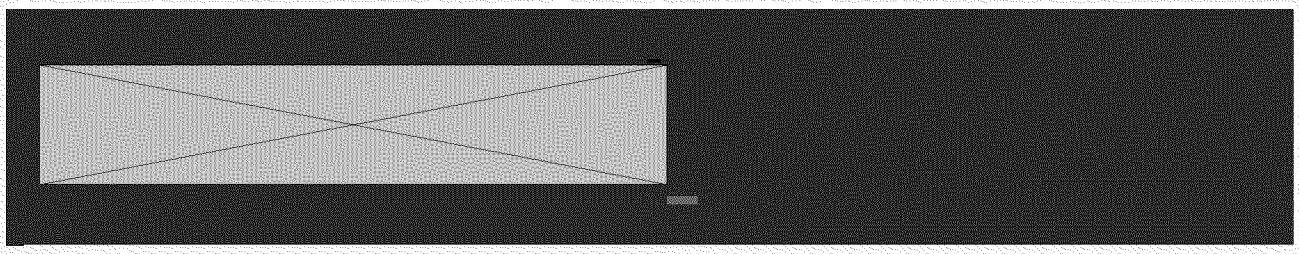
Sage grouse review: An Interior Department review of land-use conservation plans for the greater sage grouse may be made public during the week. The greater sage grouse is protected by federal, state, and local land-use plans to keep it from being listed as threatened or endangered. Interior Secretary Ryan Zinke in early June ordered a review of federal policy on protecting it, specifically in regard to coordination with states. The review was scheduled to be completed in the first week of August. Alan Kovski will track.

Climate and coasts: Germany's Hamburg University of Applied Sciences, the International Climate Change Information Programme, and the Universite du Quebec a Montreal will hold a Thursday-Friday symposium in Montreal on how coastal areas can cope with the threat of climate change.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Fri 12/1/2017 5:09:37 PM
Subject: Federal Insider: Hill's workplace rights agency points to Congress for lack of transparency



Hill's workplace rights agency points to Congress for lack of transparency

By Joe Davidson

Susan Tsui Grundmann, executive director of the congressional Office of Compliance. (Office of Compliance)

When Rep. Jackie Speier (D-Calif.) described the ordeal congressional employees face when reporting sexual harassment as "not a victim friendly process … an institution-protection process," shade fell on the congressional Office of Compliance.

Known as OOC, it's the agency charged with protecting the workplace rights of 30,000 congressional employees with a 20-person staff. Located behind the Library of Congress, the office was largely unknown before the tsunami of sexual misconduct allegations hit Congress and almost anywhere men work.

But if Speier's characterization is accurate — there's no real rebuttal to it — Congress itself is mostly to blame, not the little office it created.

"That's the process Congress designed," executive director Susan Tsui Grundmann told the Federal Insider Thursday. The Congressional Accountability Act of 1995 outlines the duties of the Office of Compliance.

One of the main complaints about the process concerns confidentiality requirements. Before starting required mediation to resolve disputes, "the employee must agree to a nondisclosure agreement … one that forbids them from mentioning anything at all to anyone," Speier complained in testimony to a November House Administration Committee hearing. "Employees are entirely alone for at least another 30 days, with no support from their families, friends or religious leaders."

The emphasis on confidentiality extends to a particularly relevant question —

At the hearing, Speier said she has heard from accusers who have gone forward, some with allegations against Rep. Al Franken (D-Minn.) and Rep. Jeff Fortenberry (R-Neb.), who denied the allegations. Also at the hearing, Rep. Barbara Comstock (R-Va.) told Speier she is not alone, urging her to "keep fighting."

Speier has said she has been contacted by dozens of women who have experienced sexual misconduct on Capitol Hill. Some of those women have told their stories to Speier's staff, but not to the Office of Compliance, which would be the first step toward a case in front of the Congressional Boards.

Rep. Speier details harassment incidents in Congress and steps to prevent them

Asked if any case in her agency involves a member of Congress, Grundmann was CIA-esque: "We can neither confirm nor deny."

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Out of 77 claims of discrimination and/or harassment the office dealt with in 2016, 19 concerned sex, gender or pregnancy, according to the agency's State of the Congressional Workplace Annual Report for 2016. That's less than half the 31 cases involving race, the largest category.

The numbers don't reflect a jump in sexual misconduct, but reports could increase with the heightened state of awareness.

Confidentiality is central to the work of the office, but to the extent it is a problem, Grundmann suggests Congress should look in the mirror.

"We've had the process referred to as byzantine, shrouded in secrecy, opaque. Yet this is the process that Congress designed, a process that not only demands confidentiality, but strict confidentiality. This is the system we're tasked to administer," Grundmann said.

"This is the process Congress is now seeking to change and it's a change that is welcome."

She discussed various changes, some the office has proposed for years, some proposed in legislation offered by Speier and others.

- Cooling off period: Like Speier's "ME TOO" bill, Grundmann sees no need for a 30- to 90-day cooling off period after mediation.

  "We don't know why that's there," Grundmann said.

  While it gives time for accusers to find a lawyer and build a case, the cooling off need not be mandatory. "It doesn't impact our process," she said.

- Counseling: Accusers are required to have 30 days of counseling, though they can request a shorter period. Called counseling, it's more like an intake process where options are identified. Grundmann said making this process more interactive is under discussion. One possible

recommended training. This is a first because the House has never had a harassment. Grundmann wants it to cover everyone employed by Congress, including those not directly involved in the legislative process, like the Capitol Police. “The requirement for mandatory training, we have recommended over and over again since 2010,” she said, “and they are hearing us finally.”

Currently, only one staffer is assigned to training, among other duties.

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House to vote on lengthening trial period for

- Posting of rights: Few know about congressional workplace protections, despite a poster outlining them. “Our law requires that we create the poster. There is no requirement that anyone post it,” Grundmann said, until a recent House resolution passed. With the new attention, “our posters have been flying off the shelf,” a testament to the rising interest in workplace harassment. “Somebody came by the other day and picked up 250. We’re about out at this point.”

- Name change: The current name says little. “Compliance with what,” Grundmann asked. She thinks something like “Office of Workplace Rights” is better.

- Expanded investigative authority: How this would work remains to be seen, but it, too, would require more staff.

- Victims’ counsel: The “ME TOO” bill creates a position that would represent employees during the complaint process.

One thing Grundmann hopes will come from the growing attention is a better understanding by the public about what her office does and does not do.
“We’re getting calls from angry taxpayers chewing out our employees” about taxpayer money going to settle misconduct cases, she said. “They need to call their congressman.”

Read more:

[House confronts sexual abuse by its own]
[Stories of Uncle Sam’s pervasive culture of sexual misconduct]
[Uncle Sam is a slacker in policing sexual misconduct in agencies]
[Report finds sloppy handling of sexual misconduct cases in Justice Department]

[Forest Service slammed over sexual-harassment and civil rights complaints]

More from Federal Insider

federal employees from one to two years

Sponsors see a two-year probationary period as more time for new employees to prove themselves, opponents focus on lack of job protections.

By Eric Yoder • Read more »

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Fri 10/27/2017 9:42:00 PM
Subject: Today on Climate Beat

October 27, 2017

Today on Climate Beat . . .

. . . we faced a logjam, reporting that Democratic plans to block Senate votes on several controversial Trump administration nominees for EPA slots are spurring some Republicans to retaliate with their own procedural holds, ensnaring multiple nominations for various energy and environment-related agencies.

In oil news, a coalition of 10 large international oil and gas companies formed to develop an industry response to climate change is announcing its first investments in low-carbon technology, with funds slated to go toward a low-emission cement production company, efficient vehicle engines and a natural gas with carbon capture project.

We highlighted some of this week's top stories, including news about EPA's GHG endangerment finding, environmentalists' pressure campaign on vehicle GHG rules, Trump's nomination battles and more.

And our daily news roundup looked at a new $10 billion annual cost estimate for the Energy Department's coal and nuclear tarriff plan, as well as oil sector and offshore wind updates.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/22/2017 12:01:31 PM
Subject: Aug. 22 -- EHS State Regulatory Alert

EHS State Regulatory Alert

August 22, 2017 - Number 161

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California

AIR
Accidental Release Prevention Program/Petroleum Refineries
California AIR

Final rule of the Office of Emergency Services amends regulations under 19 CCR 2735.1 through 2785.1 (nonconsecutive) and adopts regulations under 19 CCR 2745.1, 2762.0.1 through 2762.17, and 2775.2.5 to establish the California Accidental Release Program (CalARP) for petroleum refineries. The rule establishes safety performance standards for refinery employers, including applying safeguard protection analyses, integrating human factors and safety culture assessments into safety planning, involving front-line employees in decision-making, conducting root-cause analysis following significant incidents, and performing comprehensive process hazard analyses. The rule is effective Oct. 1, 2017. Contact: Stephanie Ogren; OES; 916-845-8322

—California Regulatory Notice Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Basic Inspection of Terminals Program
California HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the California Highway Patrol adopts regulations under 13 CCR 1233.2 to establish a performance-based truck terminal inspection selection priority system due to the re-branding of the state inspection of terminals program. The rule specifies safety performance scoring methodologies to be used by the agency and provides the basis for the selection of terminals for required inspections. Comments are due Oct. 2, 2017. Contact: Joseph Mosinski; CHP, Commercial Vehicle Section; 916-843-3400; cvsregs@chp.ca.gov

—California Regulatory Notice Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Inhalation Hazard Shipments/Routes and Stopping Places
California HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the California Highway Patrol amends regulations under 13 CCR 1157.21 regarding routes and stopping places for inhalation hazard shipments. The rule updates information on inspections stops, required inspections stops, and stopping places used by carriers of inhalation hazards along the designated inhalation hazard routes. Hearing requests are due Sept. 18, 2017. Comments are due Oct. 2, 2017. Contact: Tian-Ting Shih; CHP, Commercial Vehicle Section; 916-843-3400

—California Regulatory Notice Register (08/18/2017)

Regulatory Update

TOXIC SUBSTANCES
Safe Drinking Water and Toxic Enforcement Act/Coumarin
California TOXIC SUBSTANCES

Notice of the Office of Environmental Health Hazard Assessment announces a meeting of the Carcinogen Identification Committee to discuss whether to add coumarin to the list of chemicals known to the state to cause cancer or reproductive toxicity, pursuant to the Safe Drinking Water and Toxic Enforcement Act (Proposition 65). The notice also announces the availability of the hazard identification document Evidence on the Carcinogenicity of Coumarin, which will be considered during the meeting. The meeting is scheduled for Nov. 2, 2017, in Sacramento. Comments are due Oct. 2, 2017. Contact: Michelle Ramirez; Cal-EPA, OEHHA; 916-445-6900; Michelle.Ramirez@OEHHA.ca.gov

—California Regulatory Notice Register (08/18/2017)

Regulatory Update

WATER
Water Quality Control/Los Angeles Region
California WATER

Final rule of the State Water Resources Control Board adopts regulations under 23 CCR 3939.53 regarding the water quality control plan for the Los Angeles Region. The rule incorporates salt and nutrient management measures for the Malibu Valley Groundwater Basin in Los Angeles County. The rule is effective Aug. 9, 2017. Contact: Ginachi Amah; SWRCB; 213-576-6685

—California Regulatory Notice Register (08/18/2017)

Regulatory Update

WATER
Water Quality Control/Los Angeles Region
California WATER

Final rule of the State Water Resources Control Board amends regulations under 23 CCR 3930

regarding the water quality control plan for the Los Angeles Region. The rule updates descriptions of Los Angeles Water Board programs; adds sections on funding for water quality improvement projects and climate change considerations; incorporates previously adopted basic plan amendment language; and revises tables, maps, and figures. The rule also updates geographic information regarding certain hydrologic unit codes and reach descriptions in the beneficial use tables and tributary tables. The rule is effective Aug. 8, 2017. Contact: Ginachi Amah; SWRCB; 213-576-6685

—California Regulatory Notice Register (08/18/2017)

Regulatory Update

North Dakota

RADIATION
Radiological Health Rules
North Dakota RADIATION

Proposed rule of the Department of Health, Division of Air Quality, amends regulations under NDAC 33-10-03.1 through -28 (nonconsecutive) to revise radiological health standards to incorporate changes to Nuclear Regulatory Commission standards. The rule revises provisions related to NRC-approved quality assurance programs, updates general license procedures, revises definitions, and modifies licensee exemptions for low-level materials. The rule also replaces references to the Office of Information Services with references to the Office of the Chief Information Officer as the point of contact to obtain detailed guidance on making electronic submissions to the NRC. In addition, the rule specifies that containers containing technologically enhanced naturally occurring radioactive material (TENORM) waste can also be covered to prevent loss of material and the entrance of outside elements. A hearing is scheduled for Sept. 21, 2017, in Bismarck. Comments are due Oct. 2, 2017. Contact: Terry O'Clair; DOH, Division of Air Quality; 701-328-5188

—North Dakota Regulations (08/18/2017)

Regulatory Update

Oklahoma

OIL AND GAS INDUSTRY
Corporation Commission Rules of Practice/Spacing Units
Oklahoma OIL AND GAS INDUSTRY

Notice of the Corporation Commission announces changes to a July 27, 2017, proposed emergency rule to amend regulations under OAC 165:5-7-6, -6.1, -6.2, and -7 concerning rules of practice. The rule revises terms concerning applications requesting the issuance of orders concerning horizontal well unitizations and multiunit horizontal wells in targeted reservoirs. The rule also clarifies authorizations for expenditure concerning applications for pooling orders and

updates requirements for horizontal spacing units. The changes specify requirements for spacing orders, provide the contemplated completion intervals for certain multiunit horizontal well units, and address authorizations for expenditure for specified horizontal wells. Contact: Susan Conrad; Corporation Commission; 405-521-3939; s.conrad@occemail.com

—Oklahoma Register (08/17/2017)

Regulatory Update

Pennsylvania

WATER
Susquehanna River Basin Commission Meeting
Pennsylvania WATER

Notice of the Susquehanna River Basin Commission announces a meeting to discuss the adoption of alternatives analysis guidance, amendment of delegation authority to the executive director, a report on delegated settlements, and amendments to bylaws. The agenda also includes discussion of waiver requests submitted by Middletown Borough, Peak Resorts Inc./Greek Peak Mountain Resort, and the Carrolltown Borough Municipal Authority. In addition, the agenda includes discussion of requests for extension of emergency certificates for Sunset Golf Course, Sunoco Pipeline LP, and Furman Foods Inc. The meeting is scheduled for Sept. 7, 2017, in Elmira, N.Y. Comments on agenda items other than the regulatory program projects, the alternatives analysis guidance, and the request for waiver by Middletown Borough, are due Aug. 31, 2017. Contact: Jason Oyler; SRBC; 717-238-0423

—Pennsylvania Bulletin (08/19/2017)

Regulatory Update

Vermont

HAZARDOUS WASTE CLEANUP
Investigation and Remediation of Contaminated Properties
Vermont HAZARDOUS WASTE CLEANUP

Final rule of the Agency of Natural Resources adopts regulations under Chapter 35 regarding the investigation and remediation of contaminated properties. The rule establishes a framework for the investigation and remediation of hazardous material releases, including procedures for initial investigation, final cleanup, remediation, and closure of contaminated properties. The rule also clarifies procedures for identifying hazardous material contamination in soil, groundwater, surface water, and air and establishes requirements for source treatment, removal, containment, long-term monitoring and institutional controls. In addition, the rule addresses site management waivers and definitions. The rule is effective July 27, 2017. Contact: Lynda Provencher; ANR; 802-249-5562; lynda.provencher@vermont.gov

—Vermont Regulations (08/17/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Aboveground Storage Tanks
Vermont HAZARDOUS WASTE MANAGEMENT

Final rule of the Agency of Natural Resources, Department of Environmental Conservation, amends regulations under Chapter 9 regarding aboveground storage tanks. The rule addresses the installation of new aboveground storage tank systems and substantial alterations of existing tank systems that store petroleum oil. The rule also requires the inspection of all storage tank systems once every three years, establishes the criteria for inspections, and implements a formal requirement to report certain noncompliance and designate a tank system as noncompliant and unfillable. The rule is effective Aug. 15, 2017. Contact: Matthew Moran; ANR; 802-522-5729; matt.moran@vermont.gov

—Vermont Regulations (08/17/2017)

Regulatory Update

WATER
Wastewater Systems and Potable Water Supply Designers
Vermont WATER

Final rule of the Secretary of State, Office of Professional Regulation, adopts regulations regarding administrative rules for wastewater systems and potable water supply designers. The rule transfers responsibility for licensing facility operators from the Agency of Natural Resources to the OPR. The rule is effective Aug. 1, 2017. Contact: Gabriel Gilman; Secretary of State, Office of Professional Regulation; 802-828-2492; gabriel.gilman@sec.state.vt.us

—Vermont Regulations (08/17/2017)

Regulatory Update

WATER
Water Pollution Abatement Facility Operators
Vermont WATER

Final rule of the Secretary of State, Office of Professional Regulation, adopts regulations regarding water pollution abatement facility operators. The rule transfers responsibility for licensing operators from the Agency of Natural Resources to the OPR. The rule is effective Aug. 1, 2017. Contact: Gabriel Gilman; Secretary of State, Office of Professional Regulation; 802-828-2492; gabriel.gilman@sec.state.vt.us

—Vermont Regulations (08/17/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 10/13/2017 1:21:03 AM
Subject: BREAKING NEWS: Trump will scrap critical Obamacare subsidy

President Donald Trump plans to cut off critical subsidy payments to insurers selling Obamacare coverage, according to two people familiar with the matter.

The decision to end the payments, worth an estimated $7 billion this year, marks Trump's most aggressive move yet to dismantle Obamacare after months of failed GOP repeal efforts on Capitol Hill. The move is likely to draw lawsuits and may put pressure on Congress to appropriate funding for the subsidies, which help insurers reduce out-of-pocket costs for low-income Obamacare customers.

The decision follows Trump's signing of an executive order earlier today that directs federal agencies to rewrite regulations to encourage the rise of a raft of cheap, loosely regulated health insurance plans that don't have to comply with certain Obamacare consumer protections and benefit rules. Trump touted the move as a step toward unwinding Obamacare.

Read more: http://www.politico.com/story/2017/10/12/trump-obamacare-subsidy-243736

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Sent: Fri 8/18/2017 7:50:01 PM
Subject: Aug. 18 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Peabody Mine May Survive if Railroad Extension Built

Posted August 18, 2017, 7:03 A.M. ET

By Stephen Lee

A group of business and government representatives are exploring the possibility of keeping alive a troubled coal mine in northern Arizona.

The Kayenta mine, operated by Peabody Energy, appears likely to shut down at the end of 2019, when the nearby Navajo Generating Station is also scheduled to close. The two are linked because the power plant is Kayenta's only customer. No rail line exists to ship the Kayenta coal to the outside world.

But now, a group of stakeholders that includes Peabody, the Bureau of Reclamation, and Rep. Tom O'Halleran (D-Ariz.) have come together to study the cost of building a rail extension to a Burlington Northern Santa Fe line 115 miles to the south.

The group's first step is to identify what a project like this would cost, O'Halleran told Bloomberg BNA. That work is under way now.

"They're kind of isolated," O'Halleran said. "The infrastructure is all geared towards pushing two trains of coal a day to the power plant, and that's not going to be available to them. But is a railroad tie feasible? How much time would it take to build? The delivery system is just not in place right now."

Environmentalists said a rail extension was unrealistic.

"The coal industry is in a permanent decline, and investors have fled and aren't coming back," Bill Corcoran, western campaign director for the Sierra Club's Beyond Coal campaign, told Bloomberg BNA. The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the majority owner of Bloomberg L.P., an affiliate of Bloomberg BNA.

Corcoran also pointed to recent public comments from Hunter Harrison, chief executive of rail giant CSX Transportation, about no longer investing in new infrastructure for coal.

Peabody spokeswoman Beth Sutton declined to comment on the rail spur, but said the company continues working with stakeholders that would allow NGS to stay open "well beyond 2019." That includes "engaging a globally recognized firm to identify a new ownership structure," Sutton said.

Gasification Plans Alive

O'Halleran also said the possibility of building a coal gasification plant to replace the Navajo Generating Station is on the table, corroborating statements made by Navajo Nation presidential spokesman Mihio Manus to Bloomberg BNA earlier this month.

Those comments have taken many industry watchers by surprise, in light of two recent high-profile stumbles in the coal gasification industry. Duke Energy's Edwardsport coal gasification plant in Indiana cost $1.5 billion more than originally planned and still doesn't run reliably, according to David Schlissel, director of resource planning analysis at the Institute for Energy Economics and Financial Analysis (IEEFA).

More recently, Mississippi regulators concerned about the rising costs of Southern Co.'s Kemper plant ordered the company last month to transition the plant to natural gas.

On Aug. 11, the IEEFA said coal gasified power at Edwardsport costs $64.40 per megawatt hour, compared to $44.37 at the Navajo Generating Station.

"The federal government should stop feeding fantasies about gasifiying or exporting coal and start investing in a diversified economic transition that has a plausible future," Corcoran said.

Energy Nominees' Industry Ties May Pose Conflict: Watchdog Groups

Posted August 18, 2017, 01:10 P.M. ET

By Rebecca Kern

Financial disclosure forms for two Energy Department undersecretary nominees show income from energy companies, including Southern Co. and TransCanada Corp., raising concerns from government watchdog groups of potential conflicts of interest.

Mark Menezes, nominated to the No. 3 position at the Energy Department, works in energy sector investment at Berkshire Hathaway Energy Co., while Paul Dabbar, nominated as the undersecretary for science, works in energy sector investment at J.P. Morgan. Both have personal investments in large energy companies. Menezes also previously lobbied for energy clients.

Menezes and Dabbar have said in agreements to the Office of Government Ethics that upon confirmation they will resign from their current jobs and divest from energy-related investments within 90 days. Both are awaiting a Senate floor vote on their nominations.

Government watchdog groups are concerned nonetheless with the potential for the nominees to be influenced by their past energy industry ties once they are confirmed.

"The financial or personal ties that a lobbyist or investor develops in the course of their previous employment may affect their ability to be impartial when making decisions as a representative of the public in the federal government," Brendan Fischer, director of federal and Federal Election Commission reform at the Campaign Legal Center, a nonprofit organization focused on election law,

told Bloomberg BNA.

Menezes is vice president of federal relations for Berkshire Hathaway Energy Co., and has received income exceeding $5,000 in the previous two calendar years from Southern Co. and Berkshire Hathaway Energy Co., which includes the businesses of PacifiCorp and MidAmerican Energy Co., according to his public financial disclosure form.

Menezes previously was a partner at the law firm Hunton & Williams LLP, heading its energy practice group, where he was a registered lobbyist for energy companies such as Southern Co., Duke Energy Corp., Xcel Energy Inc., and Entergy Corp., according to the Center for Responsive Politics. He also previously worked as vice president and associate general counsel for American Electric Power Co. Inc., one of the largest electric utilities in the U.S., and participates in its pension plan. He said in his disclosure that he would not participate "personally or substantially" in a matter that has a "direct or predictable effect" on AEP unless he first obtained a written waiver. He also said he would divest from Alphabet Inc. and other entities. Dabbar is the managing director for mergers and acquisitions at J.P. Morgan, overseeing energy investments, and has received income exceeding $5,000 in the previous two calendar years from TransCanada and Sempra Energy, along with 19 other large to mid-sized energy companies. He is invested in ConocoPhillips Co. Inc., Chevron Corp. and Phillips 66 Co., according to his public financial disclosure form. He said in his ethics agreement he would divest from these and other companies. Nick Loris, a fellow in environmental and energy policy at the conservative Heritage Foundation, said he's not too concerned about a perception of conflict of interest for the nominees.

"The federal government does robust checks and tries to have as much transparency as possible to ensure those types of activities don't happen whether it's a Democrat or Republican," Loris told Bloomberg BNA.

While the Office of Government Ethics is in charge of signing off on presidential nominees' ethics and financial disclosure forms, each federal agency has a designated ethics official who makes sure a new employee follows through on ethics agreements, an OGE staff member told Bloomberg BNA on background.

Setting Example

"It starts at the top, President Trump himself has an abundant number of conflicts of interest," Paul Seamus Ryan, vice president of policy and litigation at Common Cause, a nonpartisan good-government group, told Bloomberg BNA.

"President Trump ran on the promise of draining the swamp of corruption in Washington, but he instead only filled the swamp...and has brought a bunch of financially conflicted individuals into his administration," Ryan said.

While the president isn't subject to certain conflict of interest statutes, others in his administration must abide by them, he said.

In their ethics forms Menezes and Dabbar said they will exempt themselves from participating "personally or substantially" in any particular matter that would have a direct or predictable effect on their own financial interests, their families or former employers.

One way to avoid legal problems is to sell conflict-producing investment assets, which Menezes and Dabbar said they would do, he said.

The Campaign Legal Center's Fischer said his main concern is when representatives from the energy industry are taking on government posts "it suggests that the regulated are becoming the regulators." A concern is "that there will be an incentive to go on easier on their former friends and colleagues," he said.

The Trump administration has provided a number of waivers to political appointees in office. Walter Shaub, the former director of the Office of Government Ethics, resigned in July due to concerns that the Trump administration's ethics program was too weak.

Sheila Krumholz, executive director of the Center for Responsive Politics, told Bloomberg BNA that she agreed that the oversight and enforcement of conflict of interest waivers isn't as strong as it should be. She said the OGE is a small agency that's responsible for the entire federal government, and that "it's an onerous task to attempt to hold all political appointees accountable."

Ban on Toxic Acid May Test Californians' Thirst for Cheap Fuel

Posted August 18, 2017, 9:52 A.M. ET

By Hailey Waller and Robert Tuttle

Californians are used to paying more for gasoline, but that may be tested soon if a pair of Los Angeles-area refineries are forced to stop their use of a toxic chemical.

The local air-quality regulator indicated this month that it may ban hydrofluoric acid from both PBF Energy Inc.'s Torrance refinery and one owned by Valero Energy Corp. eight miles away. The chemical, used by 35 percent of all U.S. refineries, boosts octane to make cleaner-burning gasoline. But some residents fear that if it were ever released, it could form a poisonous cloud that would threaten a quarter-million area lives.

Phasing out the acid may cause a surge in pump prices that dwarfs one seen in 2015, when an explosion at the Torrance refinery, then owned by Exxon Mobil Corp., raised California's retail gasoline price by a dollar in three months. Fuel demand on the West Coast is near a 10-year high, government data show. And the price for regular gasoline at California's pumps is already pushing $3 a gallon, more than 60 cents above the U.S. national average, according to data from AAA, the largest U.S. motoring group.

"There's a more-than-passing chance that it could create a scarcity situation for octane," said Vikas Dwivedi, senior analyst at Macquarie Capital Inc. in Houston. "A big pinch in octane could take prices way up. It would be pretty substantial and everybody would feel it in their wallets."

The 150,000 barrel-a-day Torrance plant is the second-biggest in Southern California, producing a fifth of the area's gasoline. Only California's 19 refineries, plus a handful overseas, are able to produce gasoline that meets the state's strict environmental fuel standards.

The 2015 explosion spurred some of the concern about using the acid, which has been controversial since the 1980s. The U.S. Chemical Safety Board called the incident, which injured four workers and almost halted fuel production for more than a year, a "near miss" after the explosion hurled a piece of machinery toward a tank of the acid.

"There's a real crisis of confidence with the Torrance refinery," state Assemblyman Al Muratsuchi said in a telephone interview, pointing to a series of mishaps including fires, power cuts and heavy flaring that have plagued the refinery since PBF took it over in June 2016. He has proposed

legislation to phase out use of the acid in California by the end of the decade.

If limits on the acid create a scarcity in locally made fuel, Southern California would have to buy as much as 25 percent of its gasoline from places as far away as India and the U.K., driving prices higher, Dave Hackett, president of Irvine, California-based Stillwater Associates LLC, said in a report last month that was commissioned and reviewed by PBF. Gasoline imports could rival or surpass 2015 levels, when they rose more than 10-fold to almost 70,000 barrels a day, he said.

"This is not an end-of-the-world scenario," said Sally Hayati, a community resident and president of the Torrance Refinery Action Alliance, the largest activist organization, who added that a short-term price increase would be a small price to pay. "It's an annoyance, an interruption in production, but it's not a game changer."

Price fears may also be overblown, Patrick Dehaan, a senior analyst at pump-price monitor Gasbuddy, said by telephone. A switch away from hydrofluoric acid "is one of those things that refineries know in advance" and the market can plan for, unlike explosions, he said.

Safety Question

Breathing hydrogen fluoride can damage the lungs causing swelling and fluid accumulation and can cause severe burns to skin, according to the U.S. Centers for Disease Control and Prevention. Breathing in high amounts can be fatal.

A phaseout would cost about $500 million per refinery, according to an estimate by Gordon Schremp, senior fuels analyst for the California Energy Commission. That's almost equal to the $538 million PBF agreed to pay for Torrance.

The acid at Torrance has been modified since 1997 with an additive that makes it less likely to spread through the air and making it safe to use, Mike Karlovich, a spokesman at PBF's headquarters in Parsippany, N.J., said by telephone.

The company's assurances haven't convinced the South Coast Air Quality Management District, the local regulator, which said in an Aug. 2 presentation that a phaseout would be a "preventative measure." It stated that PBF "did not sufficiently demonstrate" that a hydrofluoric acid cloud could be prevented.

PBF expressed disappointment in the stance, and a Valero statement issued after it alleged the regulator was "seeking drastic changes when there have been no HF related safety issues."

Dutch Fire

A late July fire at Royal Dutch Shell Plc's Pernis refinery in the Netherlands which released a hydrofluoric acid cloud heightened fears of a similar event in California, even though Shell said the cloud stayed within the refinery and wasn't in hazardous concentrations.

"The fire and acid release at the Shell refinery in Rotterdam is the latest sign that an accident could create a deadly acid plume," Hayati said, while acknowledging there could be a "temporary impact on gasoline prices."

Gasbuddy's Dehaan noted that while an acid phaseout might be reassuring for the refineries' neighbors, others in the state may not be so happy.

"For Californians who aren't in the immediate proximity of the refiners, they want to fill their tanks with as cheap gasoline as possible," he said. "Nobody likes spending money on gas."

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Fracking Jobs Prove Elusive for Coal Miners Looking to Switch

Posted August 18, 2017, 8:09 A.M. ET

By Daniel Flatley

Robert Dennis has mined coal in West Virginia for 10 years but a recent evening found him in a classroom at his local community college. He came to learn about opportunities in fracking, a drilling technique used to produce natural gas—the very fuel that is threatening coal's future.

"I know mining inside and out," said Dennis, a 41-year-old shift foreman from Wetzel County, adjusting the black Adidas cap on his head. But now, "I just want more doors to be open."

He has earned a certificate in chemical and industrial operations, diligently searched job boards and filled out applications. So far, no luck.

Dennis is learning a hard lesson of fracking: While it has created a bonanza of jobs, displaced coal miners and their communities are sometimes left out of the boom. That's because many of the jobs require highly technical skills and are often going to experienced workers brought in from out of state who then move on to the next job without sinking roots.

"There are positive employment and wage effects," said Timothy M. Komarek, a professor of economics at Old Dominion University in Virginia. But, he said, they are "not as big as first thought when the boom first started."

Komarek concluded in a 2016 study that total employment in a county rises by 7 percent and wages by 11 percent in the three years after fracking comes—but the gains then taper off.

When the "shale gale" hits, hotels, trailer parks and restaurants get a boost. And some landowners make money for letting drillers extract oil and gas from their property.

Millionaires Created in West Virginia

In that way, fracking has "created a lot of millionaires in West Virginia," said Jeff Kessler, a former state senator from the state's northern area that has both coal and natural gas. "But it has not created the employment opportunities" area residents had hoped for, he said. "The ongoing benefits are relatively minute compared to the amount of land under lease."

That's bad news for towns like Wetzel County's New Martinsville where Dennis attended the community college session. While coal mines provide decades of steady work and sustain communities, a crew can frack a well in a month and leave behind automated machinery to recover the oil and gas.

The process, also known as hydraulic fracturing, involves injecting water and chemicals deep underground to break up rock and free trapped oil and gas.

It's unlocked vast stores of previously unobtainable fossil fuel and spurred a renaissance in energy production in states that had once been coal bastions. Coal, oil and natural gas are formed from the same plant matter and other forms of prehistoric life and can be found in the same places.

Fracking Eroded Status of Coal

But fracking has eroded the status of coal, which used to generate more than half the electricity in the U.S. but had slipped to just 30 percent last year. "If there was a War on Coal, it was really declared by natural gas," said Robert Godby, an economist at the University of Wyoming.

While some miners are hoping President Donald Trump will rescue their industry—West Virginia gave Trump 69 percent of its vote in 2016, the greatest share of the total in at least a century and a half—others are eyeing gas as an alternative employment opportunity.

The U.S. Bureau of Labor Statistics doesn't specifically count fracking jobs, but says there were more than 422,000 jobs directly associated with oil and gas extraction in the U.S. at the end of 2016. That has far eclipsed the number of jobs in underground coal mining: about 50,000 nationwide, down from 200,000 in the 1970s.

In West Virginia, there were 11,404 coal miners last year, about half the 23,000 who were working in 2011. There are about 6,000 working in oil and gas extraction.

To be sure, the fracking boom provided a much-needed economic boost in the years following the Great Recession. Fracking supported more than half a million jobs across the Marcellus Shale, an energy-rich geological formation that stretches from New York state to Virginia, according to a report commissioned by the American Petroleum Institute, a trade association. The group's numbers exceed the Labor Department estimates because they include workers at natural gas distribution facilities, petroleum refineries, petroleum product wholesalers and gas stations.

And much as coal and the Ohio River once lured steel plants and manufacturers to the area, cheap natural gas may bring chemical and other manufacturers to areas near shale drilling. Residents of New Martinsville, for example, are rooting for an ethane processing facility that may be built on the site of an old coal plant nearby.

Quick Boom Then Dropoff

In North Dakota, for example, the fracking boom allowed it become the fastest-growing economy in the nation by 2014. Even now, it has one of the lowest unemployment rates in the nation at 2.3 percent. But a downturn in the oil market brought drilling to a crawl and slowed investment in training and education programs.

"The boom was so quick and dropped off so quickly afterwards and the bust came so quickly that they really didn't get it done," said William Caraher, an associate professor of history at the University of North Dakota, of the state's education push.

Don Riggenbach is the president of the Chamber of Commerce in Wetzel County, where New Martinsville is located, and the owner of a tile and carpet installation company. He measures the economic effect of fracking in square feet of new flooring installed. So far, he says, something has been missing.

"In my business I need houses being built," he said. "You'd think that because of the gas and oil business they'd be hiring people. They do, but they're out-of-state workers ... They're not putting down roots."

Still, former miners who have made the transition to fracking, often with the assistance of government or industry-funded programs, say they are happy.

Robert Walker says he was shocked when he was laid off from his job at a Murray Energy Corp. coal mine in Marshall County in April 2015.

Flash forward a couple of years and Walker is working for The Williams Companies Inc., a company with extensive operations in the oil and gas field. He is making less money, down to $24 an hour from $30 when he was working in the mines. But he likes the work, and prefers his new coworkers. He says he is "a lot happier now."

Mine Skills Transfer Well

Curt Hippensteel, the director of the West Virginia Community College petroleum technology program, said miners have skills that transfer well to other trades, including safety training, welding and electrical work. Plus, miners are used to working long hours in austere conditions, which fits the profile of roustabout work quite nicely, he said.

But fracking, which requires the application of precise measurements of chemicals, sand and water applied under extreme pressure at specific times, requires its own set of unique skills.

And its job outlook is far from certain.

Technological improvements to fracking processes and practices have made the industry more efficient. In late 2016 and early 2017, more gas was produced using fewer workers in West Virginia than ever before.

Since 2014, gas production in the state has grown 50 percent while oil and gas employment has fall from 9,000 to less than 6,000, according to West Virginia University Bureau of Business and Economic Forecasting.

The recent recovery in prices has spurred companies to begin exploring for gas again, which may mean more hiring soon, according to Brian Lego, a West Virginia University assistant professor of economic forecasting. "But the overall level won't be a substantial amount," he said.

Dennis, the coal miner looking for fracking work, hopes to gain a few years experience in the oil and gas fields near New Martinsville until his children finish school.

After that, he's ready to give up on energy altogether and seek employment in North Carolina, where he feels there is more opportunity.

"What I want is a chance to move out of the area," he said. "There's more industry down there."

—With assistance from Jim Polson, Tim Loh, Daniel Levitt and Catarina Saraiva.

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Southern Seeks Expanded Loan Guarantees for Troubled Plant

Posted August 18, 2017, 8:21 A.M. ET

By Mark Chediak, Ari Natter and Jennifer A. Dlouhy

Developers of a troubled nuclear plant in Georgia are seeking more federal support for the project, potentially increasing a record $8.3 billion loan guarantee it has already been promised, according to the two companies leading the project.

Southern Co. and Oglethorpe Power Corp., which are the lead owners of two new reactors under construction at Plant Vogtle, said they are in talks with the Energy Department to rework the terms of their guarantee, including increasing government financing.

"We have filed an application to potentially increase the amount of funds available for the Vogtle project under our DOE loan guarantee agreement to keep all options open for customers," Georgia Power spokesman Jacob Hawkins said in an email. Georgia Power, a unit of Southern, is the lead developer of the project with a 46 percent stake.

The growing costs of the project mean the companies could qualify for more federal support, according to people familiar with the discussions. The loan agreements required changes after the bankruptcy of Westinghouse Electric, the lead contractor. The Energy Department has been encouraging the companies to apply, they said. The people asked not to be identified because the talks are ongoing.

"The Department of Energy continues to have daily conversations with our borrowers about the status of Plant Vogtle," Shaylyn Hynes, a spokeswoman for the Energy Department, said in an email.

The Energy Department has already committed to back $8.3 billion in loans for the venture, which is the last new nuclear plant under construction in the U.S., after developers stopped work on a separate project in South Carolina. President Donald Trump has proposed killing the loan guarantee program, which provides a government guarantee that loans to the project will be repaid, and Congress may follow suit, and so the additional financing may need to be rushed through to beat any cutoff.

Oglethorpe said in a filing earlier this month that it estimated the cost to complete the reactors had increased from $5 billion to as much as $7.3 billion. The company has already withdrawn $1.7 billion in federal aid out of $3.1 billion promised.

"We have applied for a potential increase in our DOE loan amount to keep our financing options open while we continue to evaluate the future of Vogtle 3 and 4," Greg Jones, an Oglethorpe spokesman said in an email.

Southern is set to tell regulators in Georgia by month's end whether it plans to continue with construction plans for the plant. Regulators in the state signaled their support for the project, which is years delayed and billions dollars over budget, voting Aug. 15 to review a new cost estimate.

Earlier this month Southern said it estimated its portion of the cost to be at least $11.5 billion. Given Southern's 46 percent stake in the project, that would put the total cost of building the two reactors at $25 billion. "We need the administration to engage sooner than later," Tim Echols, the vice chairman of the Georgia Public Service Commission and a proponent of the project, said in an

email.

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Silk Road Cities Tap German Ingenuity to Tackle Climate in China

Posted August 18, 2017, 9:09 A.M. ET

By Bloomberg News

China is tapping German ingenuity to help cities at the farthest reaches of its ancient silk road adapt to climate change.

Scores of advisers from Germany and the European Union are working with officials in China to help transform hundreds of cities into oases of green power. Cleaning up China's cities has become a test for whether President Xi Jinping's government can hit pollution targets in the 2015 Paris agreement while spurring economic growth tied to its new silk road.

"The role of cities is crucial for reaching the Paris goals," said Beijing-based Sandra Retzer, who leads urban sustainability programs at GIZ China. The German state-owned group is working in China on projects from standardizing electric vehicle technology to creating new markets for carbon-emission certificates.

At least 1 billion people in China representing 70 percent of the world's population will move into cities by 2030, marking one of the greatest urban migrations in human history. More than $1 trillion investment will be needed by 2020 to help those cities reverse lethal levels of pollution, according to the Green Finance Committee of China's Society for Finance and Banking. Advice from Europe is aimed at helping authorities spend the money wisely.

The changes underway are part of bigger trends extending beyond China, where bicycle sharing services are spreading and sales of electric cars are skyrocketing.

At least 10 Chinese megacities including Guangzhou, Nanjing and Shenzhen take part in the C40 Cities Climate Leadership Group, supported by Bloomberg Philanthropies, which oversees all the charitable giving for Michael Bloomberg, former mayor of New York City. Bloomberg is also founder and majority owner of Bloomberg LP, parent of Bloomberg News and Bloomberg BNA.

Addressing Pollution

Cities like Dunhuang, more than 2,000 years old and once a major trading hub for silk road goods heading to Europe, are trying to reinvent themselves with the help of Fraunhofer Institute researchers based in Kassel, Germany.

Dunhuang's 200,000 people "can't take a path with a large amount of pollution and heavy energy consumption," according to Zhu Kexiang, head of the development and reform bureau in Dunhuang, located 1,467 miles (2,360 kilometers) northwest from Beijing. "Its only path will be green development."

Accordingly, Dunhuang generates all its power from a gigawatt-sized mix of photovoltaic panels, solar-thermal installations and hydropower plants, Zhu told a conference in Beijing last month. Germany's Fraunhofer Institute is trying to take the city even further, making it emissions free by

2025 using heat pumps, biomass and building efficiency measures.

Changing business-as-usual acts "not only as pressure but also as a driver for cities," said Hu Runqing, a director of industrial development research at the China National Renewable Energy Center. Higher demand for clean power along China's Belt and Road Initiative has boosted demand for photovoltaics, Bloomberg New Energy Finance says.

In Yinchuan, a city in northwestern China that's a vital cog on the new silk road, a large amount of solar capacity has been installed. It will hold a Sino-Arab summit next month to discuss economic and commercial cooperation under the belt and road initiative.

Climate adaptation in cities could also sustain flows into the global green bond market, which is expected to hit another record in 2017, according to analysts at HSBC Bank Plc.

"We are seeing a steady rise in green bond issuance to fund climate change mitigation and adaptation in cities," HSBC's Michael Ridley and Charlotte Edwards wrote earlier this month. "We anticipate a rise in local currency green emerging market city bonds, given rapid emerging market population growth and urbanization."

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Week Ahead: Chemical Society Event to Explore Industry's Impacts

Posted August 18, 2017, 11:39 A.M. ET

By Chuck McCutcheon

Chemistry's global economic impact is the focus of the American Chemical Society's national meeting Sunday through Thursday, one of several environment and energy events during the week of Aug. 21.

Among the speakers at the Washington conference is Chuck Kahle, a former vice president of coatings research and development for PPG Industries, a global supplier of paints, coatings, optical products, specialty materials, and fiberglass. Kahle is expected to talk about global trends, the growing emphasis on mergers and acquisitions, and strategies to improve success rates for chemical innovations.

Ivica Labuda, a Georgetown University adjunct assistant professor of biomedical graduate education, is expected to discuss research on pesticide detection in food, while George Mason University communications researcher John Kotcher is scheduled to explain ways of engaging different audiences on climate change.

The meeting will cover a broad array of other topics, including turning plant waste into carbon fiber for cars and airplanes, designing nanoparticles to sop up sunblock from oceans to save coral reefs, and redesigning quantum dots—very small semiconductor particles—so they release fewer hazardous metals when used in televisions and other products.

News conferences from the event will be on YouTube starting Monday. Pat Rizzuto and Tiffany Stecker will cover some of the meeting's sessions.

In Other News

Eclipse impacts: Monday's solar eclipse, which is set to bring total darkness to areas of the U.S., will offer power grid operators, utilities and electricity generators a rare opportunity to test an expected dropoff of more than 12,000 megawatts of solar power supplies. Bloomberg BNA staff will monitor.

Monuments changes: Thursday is the deadline for Interior Secretary Ryan Zinke to send a final report to President Donald Trump containing Zinke's recommendations for any changes to national monuments designated since January 1996. The issue springs from two Utah national monuments—Grand Staircase-Escalante, designated that year, and Bears Ears, designated last year. Zinke issued in June his interim suggestion that Bears Ears monument be reduced in size, while Grand Staircase-Escalante—which has coal reserves and may have natural gas reserves—remains to be mentioned. Alan Kovski will track.

Nuclear reactors: The Nuclear Regulatory Commission will hold a Thursday public meeting at its Rockville, Md., offices to get feedback on reactors that do not use light water as the coolant. Both the NRC and Energy Department are interested in helping industry develop technologies for such advanced reactors. Bloomberg BNA staff will monitor.

Drinking water workshop: The Environmental Protection Agency will hold a workshop from Tuesday to Thursday in Cincinnati with the Association of State Drinking Water Administrators on handling small drinking water system challenges.

Non-animal testing: EPA scientists will take part in the Tenth World Congress on Alternatives and Animal Use in the Life Sciences in Seattle on Sunday through Thursday. They will share the EPA's scientific advances in developing alternative, non-animal testing approaches for chemicals.

Climate change gathering: U.K. business and management publisher Allied Academies is holding a Congress on Climate Change Thursday and Friday in Birmingham, England. The event will focus on innovative research supporting effective responses to climate change.

South Korea and carbon: The United States Energy Association will hold a Monday briefing in Washington on South Korea's research on carbon capture, utilization and sequestration technology. South Korean President Moon Jae-in, who took office in May, has pledged a vigorous nuclear-free shift to renewable energy and vowed to use climate change as a driver for economic growth.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 10/4/2017 12:12:16 PM
Subject: Oct. 04 -- EHS State Regulatory Alert



EHS State Regulatory Alert

October 04, 2017 - Number 191

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Arkansas

WATER
Water Quality Standards for Surface Waters
Arkansas WATER

Final rule of the Pollution Control and Ecology Commission amends Regulation 2 to revise the chloride, sulfate, and total dissolved solids water quality criteria for Chamberlain, Cove, Lucinda, Reyburn, Rusher, and Scull creeks and Clearwater Lake. The rule is issued in response to a third-party petition by Halliburton Energy Services Inc., of Houston, in order to facilitate a 12-year environmental improvement project. The rule is effective Sept. 16, 2017. Contact: Kelly Robinson, Department of Environmental Quality, Public Outreach and Assistance Division; 501-682-0916

—Arkansas Register (10/02/2017)

Regulatory Update

California Regions

AIR
NOx Emissions from Portland Cement Kilns
California Regions AIR

Proposed rule of the Eastern Kern Air Pollution Control District amends regulations under Rule 425.3 to reduce Portland cement kiln nitrogen oxide (NOx) emissions limits. The rule sets a 30-operating day rolling average NOx emission limit of 2.8 pounds per ton of clinker produced or 3.4 lb/ton of clinker produced if a low-NOx burner or low-NOx precalciner was installed and made operational by Jan. 1, 2007. The rule also requires Portland cement manufacturing facilities to provide, properly install, maintain, calibrate, and operate a continuous emission monitoring system for each emission point from the kiln. In addition, the rule establishes requirements for monitoring clinker production. A workshop is scheduled for Nov. 2, 2017, in Mojave. Comments

are due Dec. 4, 2017. Contact: Jeremiah Cravens; Eastern Kern APCD; 661-862-5250; cravensj@kerncounty.com

—California RegionsRegulations (09/28/2017)

Regulatory Update

AIR
New and Modified Major Stationary Source Review
California Regions AIR

Proposed rule of the Eastern Kern Air Pollution Control District adopts regulations under Rule 210.1A to establish requirements for preconstruction review of all new major stationary sources and major modifications of existing major stationary sources. The rule applies to major stationary sources that emit or have the potential to emit 100 tons per year or more of any regulated new source review pollutant or precursor, unless a specified lower emission threshold is applicable. The rule also requires permit applicants to provide an analysis demonstrating best available control technology for each emission unit and to provide offsets for any significant net emissions increase of a nonattainment pollutant and its precursors. A workshop is scheduled for Nov. 2, 2017, in Mojave. Comments are due Dec. 4, 2017. Contact: Jeremiah Cravens; Eastern Kern APCD; 661-862-5250; cravensj@kerncounty.com

—California RegionsRegulations (09/27/2017)

Regulatory Update

WATER
Climate Change Work Plan
California Regions WATER

Notice of the Central Valley Regional Water Quality Control Board announces a meeting regarding the draft climate change work plan. The agenda includes a review of the work plan structure and timelines and discussion of proposed work plan priorities. A draft list of work plan tasks is provided. The meeting is scheduled for Oct. 6, 2017, in Rancho Cordova. A comment due date is not specified. Contact: Andrew Altevogt; Central Valley RWQCB; 916-464-4726; RB5S-Climate-Change-Comments@waterboards.ca.gov

—California RegionsRegulations (10/03/2017)

Regulatory Update

Michigan

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety Standards
Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Directors Office, amends

regulations under MAC 408.10001 through .10036; adopts regulations under MAC 408.10002; and rescinds regulations under MAC 408.10016, .10021, .10022, and .10098 concerning general industry safety standards (Part 1). The rule adds provisions concerning woodworking machinery and clarifies definitions and administrative provisions. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety Standards/Beryllium
Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Directors Office, adopts regulations under MAC 325.34001, .34005, and .34010 regarding general industry safety standards for beryllium (Part 340). The rule aligns provisions with federal standards under 29 CFR 1910.1024 and addresses requirements concerning access to employee exposure and medical records, respiratory protection, personal protective equipment, hazard communication, and sanitation. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety Standards/Overhead and Gantry Cranes
Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Director's Office, amends regulations under MAC 408.11801 through .11873 (nonconsecutive) regarding the general industry safety standard for overhead and gantry cranes (Part 18). The rule aligns provisions with federal standards under 29 CFR 1910, Subpart D. The rule also clarifies applicability of the standard and updates incorporated state standards. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety Standards/Personal Protective Equipment
Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Director's Office, amends regulations under MAC 408.13301 through .13387 (nonconsecutive), adopts regulations under MAC 408.13395a through .13395g, and rescinds regulations under MAC 408.13390 regarding the general industry safety standard for personal protective equipment (Part 33) to align with federal standards under 29 CFR 1910, Subpart D, concerning personal fall protection systems. The rule also adds performance, care, and use criteria for all personal fall protection systems and updates incorporated state standards. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety Standards/Portable Ladders
Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Directors Office, rescinds regulations under MAC 408.10401 through .10456 (nonconsecutive) to delete provisions concerning general industry safety standards for portable ladders (Part 4). A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety Standards/Powered Industrial Trucks
Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Director's Office, amends regulations under MAC 408.12111 through .12190 (nonconsecutive) regarding the general industry safety standard for powered industrial trucks (Part 21). The rule aligns provisions with federal standards under 29 CFR 1910, Subpart D, regarding walking and working surfaces. The rule also updates incorporated state standards. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety Standards/Telecommunications
Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Director's Office, amends regulations under MAC 408.15001, .15003, and .15004 regarding general industry safety and health standards for telecommunication (Part 50). The rule aligns provisions with Nov. 18, 2016, amendments to federal standards under 29 CFR 1910.268. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety Standards/Walking Working Surfaces
Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Directors Office, amends regulations under MAC 408.10201 and .10205; adopts regulations under MAC 408.10202, .10203, and .10204; and rescinds regulations under MAC 408.10206 through .10241 (nonconsecutive) regarding general industry safety standards for walking-working surfaces (Part 2). The rule aligns provisions with federal standards under 29 CFR 1910, Subpart D, and adds requirements for scaffolds, aerial work platforms, fall protection, accident prevention signs and tags, and training. A comment due date is not specified. Contact: DLRA; 517-373-1820

—Michigan Register (10/01/2017)

Regulatory Update

New Jersey

ENDANGERED SPECIES
Division of Fish and Wildlife/2018-2019 Fish Code
New Jersey ENDANGERED SPECIES

Proposed rule of the Department of Environmental Protection, Division of Fish and Wildlife, amends regulations under NJAC 7:25-6.1 through -6.20 (nonconsecutive) and repeals and readopts regulations under NJAC 7:25-6.6 and -6.7 to update standards for the 2018 and 2019 fishing seasons relating to which fish may be pursued, caught, killed, or possessed. A hearing is scheduled for Nov. 14, 2017, in Robbinsville. Comments are due Dec. 1, 2017. Contact: Larry Herrighty; DEP, Division of Fish and Wildlife; 609-292-6686

—New Jersey Register (10/02/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Vehicle Inspection Standards, Heavy-Duty Diesel Trucks
New Jersey HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Department of Transportation, Motor Vehicle Commission, amends regulations under 13:20-26.6 through -50C.9 (nonconsecutive); adopts regulations under NJAC 13:20-50D; repeals and readopts regulations under NJAC 13:20-26.3, -26.4, and -26.9; and repeals regulations under NJAC 13:20-10, -14, -27, and -49 through -49E.4 (nonconsecutive) concerning diesel emission standards, equipment, and inspections. The rule replaces detailed inspection standards with references to federal standards under 49 CFR 396 and adds references to federal self-inspection requirements for inspection every 90 days of bus pushout windows, emergency doors, and emergency door-marking lights. The rule also addresses continued operation of an unsafe motor vehicle for repair, out-of-service requirements, and the parts and accessories that must be addressed in a driver's daily report. In addition, the rule consolidates provisions concerning inspection of new heavy-duty diesel trucks. Comments are due Dec. 1, 2017. Contact: Kate Tasch; MVC; 609-777-1407; rulecomments@mvc.nj.gov

—New Jersey Register (10/02/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Proposed Consent Order/Country Towing 634/638 Route 46 Site
New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection, Site Remediation and Waste Management Program, announces a proposed consent order with Ward Kenvil Enterprises Inc. and three other defendants for recovery of cleanup and removal costs associated with the Country Towing 634/638 Route 46 Site in Morris County. The consent order requires the defendants to pay $38,000 to settle alleged liability for past and future cleanup and removal costs at the site. The agreement also includes a covenant not to sue. Comments are due Dec. 1, 2017. Contact: Kevin Kratina; DEP; 609-292-8761

—New Jersey Register (10/02/2017)

Regulatory Update

Ohio

COMMUNITY RIGHT-TO-KNOW
Identification of Hazardous Chemicals
Ohio COMMUNITY RIGHT-TO-KNOW

Proposed rule of the Ohio EPA rescinds and readopts regulations under OAC 3750-30-25 concerning hazardous chemical identification. The rule reduces the chemical hazard categories from five to two and adds four specific hazards—simple asphyxiant, combustible dust, pyrophoric gas, and hazard not otherwise classified—to reflect current federal EPA hazardous chemical reporting requirements and OSHA hazard communication standards. A hearing is scheduled for Nov. 2, 2017, in Columbus. Comments are due Nov. 2, 2017. Contact: Paul Braun; OEPA, Emergency Response Commission; 614-644-2270; Paul.Braun@epa.state.oh.us

—Ohio Regulations (10/02/2017)

Regulatory Update

Oklahoma

MINING
Surface Mining Permit Applications/Electronic Blasting Detonation
Oklahoma MINING

Emergency rule of the Department of Mines amends regulations under OAC 460:20-27-6 to revise requirements for explosives in surface mining operations. The rule establishes requirements and definitions concerning electronic blasting detonation. The rule also specifies conditions for the use of loaded holes in such operations, including that loaded holes must be detonated within 60

days from the date of loading. The rule is effective July 28, 2017, and expires Sept. 14, 2018. Contact: Cathy Frank; Department of Mines, Wagoner Field Office; 918-485-3999; cathy.frank@mines.ok.gov

—Oklahoma Register (10/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Sight and Sound Requirements for Apprentice Miners
Oklahoma OCCUPATIONAL SAFETY AND HEALTH

Emergency rule of the Department of Mines amends regulations under OAC 460:15-1-10 regarding sight and sound requirements for apprentice miners. The rule provides for the continued implementation and monitoring of modern technology infused sight and sound systems or methods in trial to determine if safety requirements are met, including two communication systems and rapid response plans that allow for above ground persons. The rule is issued in response to requests from underground mining companies to conform the companies' methods with national standards. The rule is effective July 28, 2017, and expires Sept. 14, 2018. Contact: Cathy Frank; Department of Mines, Wagoner Field Office; 918-485-3999; cathy.frank@mines.ok.gov

—Oklahoma Register (10/02/2017)

Regulatory Update

Rhode Island

HAZARDOUS WASTE CLEANUP
Brownfields Remediation and Economic Development Fund
Rhode Island HAZARDOUS WASTE CLEANUP

Final rule of the Department of Environmental Management amends regulations under 250-RICR-140-30-2 regarding the Brownfields Remediation and Economic Development Fund. The rule establishes provisions concerning the project priority list for the new Brownfields Revolving Loan Fund administered by the state infrastructure bank. The rule also revises the definition of "release" to update the incorporation by reference the federal definition under 40 CFR 300.5. The rule is effective Oct. 19, 2017. Contact: Matthew DeStefano; DEM, Office of Waste Management; 401-222-2797; matthew.destefeano@dem.ri.gov

—Rhode Island Regulations (10/01/2017)

Regulatory Update

Utah

AIR
Air Quality Exceedances/Fireworks Exceptional Events
Utah AIR

Notice of the Department of Environmental Quality, Division of Air Quality, announces a public review and comment period regarding air quality exceedances at monitoring stations in Lindon, Ogden, and Rose Park on July 4, 2017, due to firework display emissions. The notice specifies that federal regulations allow states to exclude air quality data that exceed or violate a national ambient air quality standard if they can demonstrate that an "exceptional event" has caused the exceedance or violation. Comments are due Nov. 1, 2017. Contact: Joel Karmazyn; DEQ, Division of Air Quality; 801-536-4423; jkarmazyn@utah.gov

—Utah State Bulletin (10/01/2017)

Regulatory Update

AIR
Air Quality Exceedances/Wildfire Exceptional Events
Utah AIR

Notice of the Department of Environmental Quality, Division of Air Quality, announces a public review and comment period regarding air quality exceedances at a monitoring station in Smithfield on Aug. 6-7, 2017, due to a wildfire exceptional event. The notice specifies that federal regulations allow states to exclude air quality data that exceed or violate a national ambient air quality standard if they can demonstrate that an "exceptional event" has caused the exceedance or violation. Comments are due Nov. 1, 2017. Contact: Joel Karmazyn; DEQ, Division of Air Quality; 801-536-4423; jkarmazyn@utah.gov

—Utah State Bulletin (10/01/2017)

Regulatory Update

Washington

AIR
Olympic Region Clean Air Agency/Federal Standards
Washington AIR

Final rule of the Olympic Region Clean Air Agency amends regulations under Rule 1.11 to update the incorporation by reference of federal standards to July 1, 2017. The rule is effective Oct. 21, 2017. Contact: Mark Goodwin; ORCAA; 360-539-7610; mark.goodin@orcaa.org

—Washington State Register (10/04/2017)

Regulatory Update

AIR

Puget Sound Clean Air Agency/Public Records
Washington AIR

Proposed rule of the Puget Sound Clean Air Agency amends Regulation 1, Section 14.03, regarding the availability of public records. The rule allows the agency to request customized service charges in the amount of actual cost of service used. The rule also clarifies that members of the public may request records orally or through the agency's website. In addition, the rule provides that the agency may request members of the public to prioritize multiple requests and adds requirements concerning response burden estimates. Finally, the rule updates exempt records and fees. A hearing is scheduled for Oct. 26, 2017, in Seattle. Comments are due Oct. 25, 2017. Contact: Kyle Ponton-Welty; PSCA; 206-689-4040

—Washington State Register (10/04/2017)

Regulatory Update

COASTAL ZONE
Shoreline Management Act
Washington COASTAL ZONE

Notice of the Department of Ecology announces the withdrawal of a portion of a March 15, 2017, proposed rule to amend regulations under WAC 173-18-040 through -27-170 (nonconsecutive); adopt regulations under WAC 173-26-104, -27-044, -27-085, -27-125, and -27-215; and repeal regulations under WAC 173-22-060 through -0678 regarding implementation of the Shoreline Management Act. The withdrawn portion affects provisions under WAC 173-27-060 regarding the applicability of the act to federal lands and agencies. The remaining portions of the proposed rule were finalized Sept. 6, 2017. The affected portion is withdrawn because it was not adopted within the 180-day period allowed by statute. Contact: Tim Gates; Department of Ecology; 360-407-6522

—Washington State Register (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Department of Ecology/Public Records
Washington GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Department of Ecology amends regulations under WAC 173-03-010 through -100 (nonconsecutive), adopts regulations under WAC 173-03-065 and -075, and repeals regulations under WAC 173-03-040 to update the agency's public records procedures to reflect current practice and technology. The rule also updates information relating to agency programs and staff. A hearing is scheduled for Oct. 24, 2017, in Lacey, and via webinar. Comments are due Oct. 31, 2017. Contact: Linda Anderson; Department of Ecology; 360-407-6040, linda.anderson@ecy.wa.gov

—Washington State Register (10/04/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Confined Spaces in the Construction Industry

Washington OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Industries amends regulations under WAC 296-809-099 through -60004 (nonconsecutive) and repeals regulations under WAC 296-809-700, 70002, and 70004 to update standards to comply with OSHA requirements under 29 CFR 1926, Subpart AA, regarding confined spaces in the construction industry. The rule updates requirements for written permit-required confined space programs, employee training, entry permits and procedures, and rescue and emergency services. The rule also removes nonpermit confined spaces requirements and adds and updates definitions. A hearing is scheduled for Oct. 30, 2017, in Tumwater. Comments are due Nov. 6, 2017. Contact: Chris Miller; DLI; 360-902-5516

—Washington State Register (10/04/2017)

Regulatory Update

SOLID WASTE

Coordinated Prevention, Local Solid Waste Enforcement Grants

Washington SOLID WASTE

Final rule of the Department of Ecology amends regulations under WAC 173-312-010 through -100 and repeals regulations under WAC 173-313-010 through -050 to consolidate provisions concerning grants available to local governments for hazardous and solid waste plans and programs. The rule deletes provisions concerning local solid waste enforcement grants and removes eligibility for separate hazardous and solid waste management plan development funds. The rule also addresses requirements for notification of available funding, revises project criteria, aligns the grant cycle with the fiscal year, and provides for a web-based grants management program. In addition, the rule establishes a 10 percent penalty for recipients that fail to meet performance criteria, clarifies criteria for local contributions and the allocation of financial assistance, and allows stakeholders to request reconsideration of award reductions. The rule is effective Oct. 9, 2017. Contact: Tami Ramsey; Department of Ecology, Waste 2 Resources Program; 360-407-6612

—Washington State Register (10/04/2017)

Regulatory Update

WATER

Waterworks Operator Certification/Education, Experience Requirements

Washington WATER

Proposed rule of the Department of Health amends regulations under WAC 246-292-060 regarding water treatment plant operators and water distribution managers. The rule updates the operator-in-training experience requirement by replacing the more stringent "operating experience" with the broader "water-related experience" for all water treatment plant operators, water distribution managers, and cross-connection control specialists. A hearing is scheduled for Oct. 24, 2017, in Tumwater. Comments are due Oct. 24, 2017. Contact: Teresa Phillips; Department of Health; 360-236-3147; theresa.phillips@doh.wa.gov

—Washington State Register (10/04/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Sun 9/3/2017 4:19:21 PM
Subject: EPA Response To The AP's Misleading Story

Good afternoon –

Yesterday, the Associated Press' Michael Biesecker wrote an **incredibly misleading story** about toxic land sites that are under water.

Despite reporting from the comfort of Washington, Biesecker had the audacity to imply that agencies aren't being responsive to the devastating effects of Hurricane Harvey. Not only is this inaccurate, but it creates panic and politicizes the hard work of first responders who are actually in the affected area.

Here's the truth: through aerial imaging, EPA has already conducted initial assessments at **41** Superfund sites – **28** of those sites show no damage, and **13** have experienced flooding. This was left out of the original story, along with the fact that EPA and state agencies worked with responsible parties to secure Superfund sites before the hurricane hit. Leaving out this critical information is misleading.

Administrator Pruitt already visited Southeast Texas and is in constant contact with local, state and county officials. And EPA, has a team of experts imbedded with other local, state and federal authorities, on the ground responding to Harvey - none of which Biesecker included in his story.

Unfortunately, the **Associated Press' Michael Biesecker** has a history of letting the facts get in the way of his story. Earlier this summer, he made-up a meeting that Administrator Pruitt had, and then deliberately discarded information that refuted his inaccurate story – ultimately prompting a nation-wide correction. Additionally, the Oklahoman took him to task for sensationalized reporting.

- Correction: EPA-Dow Chemical story
- Associated Press Engulfed in CNN-Level Scandal as It Covers Up Invention of Imaginary Pruitt Meeting

If you're reporting on this misleading story then below is a statement from the EPA.

"Once again, in an attempt to mislead Americans, the Associated Press is cherry-picking facts, as EPA is monitoring Superfund sites around Houston and we have a team of experts on the ground working with our state and local counterparts responding to Hurricane Harvey. Anything to the contrary is yellow journalism." - EPA Associate Administrator, Liz Bowman

BACKGROUND ...

The Hill reports EPA finds 13 Superfund sites possibly damaged after Harvey. "The Environmental Protection Agency (EPA) said Saturday that 13 Superfund sites have been flooded or could be facing damage as a result of Hurricane Harvey. The agency said that two of the sites, which are areas that are polluted with hazardous material and require extensive cleanup, had been

inspected and do not require immediate cleanup. Eleven sites have proven to be inaccessible for response teams, however the agency said teams are in place to inspect the areas once flooding from the storm subsides. In total, the EPA said that it had conducted initial assessments at 41 Superfund sites in impacted areas using 'aerial images' and contact with with those responsible for regular cleanup activities." (The Hill, 09/02/17)

In June, the editorial board at the Oklahoman reminded their readers of the sensationalized reporting that comes from the Associated Press' Michael Biesecker. "The disdain that some in the media have for President Trump and members of his administration is evident regularly. Recent coverage related to EPA administrator Scott Pruitt provides an example of interest to locals because of Pruitt's Oklahoma ties. … An Associated Press story from Washington last week about emails Pruitt sent and received as attorney general did what it could to further establish Pruitt as a minion for the oil and gas industry — which environmentalists see as dead set on ruining the earth as we know it. The AP, a wire service used by media outlets around the world including The Oklahoman, said the emails 'underscore just how closely' Pruitt 'coordinated with fossil fuel companies' as Oklahoma's AG, 'a position in which he frequently sued to block federal efforts to curb planet-warming carbon emissions.' That's quite an opening paragraph. Pruitt didn't just work with energy companies while attorney general — he worked 'closely' with 'fossil fuel companies' (the ultimate bogey men) to essentially keep global warming from abating. … The fact Pruitt regularly corresponded and dealt with energy industry officials as attorney general of a state where energy is the No. 1 industry should not be surprising nor should it, by itself, be considered nefarious."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Sent: Wed 10/11/2017 12:42:28 PM
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EHS State Regulatory Alert

October 11, 2017 - Number 195

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California

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety Orders/Occupational Exposure to Hazardous Chemicals in Laboratories
California OCCUPATIONAL SAFETY AND HEALTH

Final rule of Department of Industrial Relations, Occupational Safety and Health Standards Board, amends regulations under 8 CCR 5191(b) regarding general industry safety orders related to occupational exposure to hazardous chemicals in laboratories. The rule corrects a typographical error. This change without regulatory effect was filed Sept. 27, 2017. Contact: Marley Hart; DIR, Cal-OSHA Standards Board; 916-274-5721; oshsb@dir.ca.gov

—California Regulatory Notice Register (10/06/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety Orders/Process Safety Management for Petroleum Refineries
California OCCUPATIONAL SAFETY AND HEALTH

Final rule of Department of Industrial Relations, Occupational Safety and Health Standards Board, amends regulations under 8 CCR 5189.1(t)(2) regarding general industry safety orders related to process safety management for petroleum refineries. The rule addresses the requirement for employers to designate a team to conduct a Management of Organizational Change assessment prior to certain reductions in staffing levels or classification levels or increases in employee responsibilities. This change without regulatory effect was filed Sept. 26, 2017. Contact: Marley Hart; DIR, Cal-OSHA Standards Board; 916-274-5721; oshsb@dir.ca.gov

—California Regulatory Notice Register (10/06/2017)

Regulatory Update

California Regions

AIR

Boilers, Water Heaters, Steam Generators, and Process Heaters

California Regions AIR

Proposed rule of the Santa Barbara County Air Pollution Control District amends regulations under Rule 360 regarding control of nitrogen oxide (NOx) emissions from boilers, water heaters, steam generators, and process heaters with a rated heat capacity of between 75,000 and 2 million British thermal units per hour. The rule reduces the NOx emission limit to 20 parts per million by volume for all units supplied, sold, installed, or modified, effective Jan. 1, 2019. The rule also adds an exemption for recreational vehicles, manufactured homes, hot water pressure washers, and portable water heaters used for underwater diving activities. In addition, the rule clarifies the standard source test methods and compliance demonstration requirements for all applicable fuel types. A workshop is scheduled for Nov. 1, 2017, in Santa Barbara. A hearing is scheduled for March 15, 2018, at a location to be determined. Comments are due Nov. 15, 2017. Contact: Timothy Mitro; Santa Barbara County APCD; 805-961-8883; MitroT@sbcapcd.org

—California RegionsRegulations (10/08/2017)

Regulatory Update

Connecticut

AIR

VOC Limits for Maintenance Coatings and Consumer Products

Connecticut AIR

Final rule of the Department of Energy and Environmental Protection amends regulations under RCSA 22a-174-1, -3a, -20, -40 and -41 and adopts regulations under RCSA 22a-174-41a regarding architectural and industrial maintenance coatings. The rule revises the volatile organic compounds (VOC) content limits for consumer products by making some existing limits more stringent. The rule also updates categories and limits for coatings manufactured after May 1, 2018. In addition, the rule provides procedures and test methods for classification and compliance with VOC limits and establishes reporting requirements. In addition, the rule revises definitions and modifies the prevention of significant deterioration permit program to address permit program maintenance. Finally, the rule addresses container labeling, record keeping, and reporting requirements. The rule is effective Oct. 5, 2017. Contact: Paula Gomez; DEEP; 860-424-3000; paula.gomez@ct.gov

—Connecticut Law Journal (10/06/2017)

Regulatory Update

Florida

OCCUPATIONAL SAFETY AND HEALTH
Asbestos Consultants/Contractors
Florida OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Business and Professional Regulation to amend regulations under FAC 61E1-1.001 to update and clarify licensure requirements for asbestos consultants/contractors. A comment due date is not specified. Contact: Thomas Izzo; DBPR; 850-488-0062

—Florida Administrative Weekly (10/09/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Asbestos Licensing/Delinquent Fees
Florida OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Business and Professional Regulation to amend regulations under FAC 61E1-3.001 regarding asbestos licensing to update the amount of delinquent fees. A comment due date is not specified. Contact: Thomas Izzo; DBPR; 850-488-0062

—Florida Administrative Weekly (10/09/2017)

Regulatory Update

Indiana

AIR
Emission Standards for Hazardous Air Pollutants
Indiana AIR

Notice of the Department of Environmental Management, Air Pollution Control Division, announces a continuation of the comment period for May 28, 2009, proposed amendments to regulations under 326 IAC 14-10 and -18 regarding asbestos management. The rule clarifies provisions concerning the application, notification, and licensing procedures for the state's asbestos management program; clarifies terminology; and adds and revises definitions. The rule also updates requirements for obtaining a duplicate asbestos license and updates requirements concerning the issuance of an asbestos license. Comments now are due Nov. 3, 2017. Contact: Christine Pedersen; DEM, Office of Legal Counsel; 317-233-5684; cpederse@idem.in.gov

—Indiana Register (10/04/2017)

Regulatory Update

AIR
General Provisions/Lawrenceburg Township Ozone Attainment Designation

Indiana AIR

Notice of the Department of Environmental Management, Air Pollution Control Division, announces a draft proposal to amend regulations under 326 IAC 1-4-16 to add the federal redesignation for Lawrenceburg Township in Dearborn County to attainment of the 2008 eight-hour ozone standard. A hearing is scheduled for Jan. 10, 2018, in Indianapolis. Comments are due Nov. 3, 2017. Contact: Keelyn Walsh; DEM, Office of Legal Counsel; 317-232-8229; kwalsh131@idem.in.gov

—Indiana Register (10/04/2017)

Regulatory Update

WATER
Water Quality Standards
Indiana WATER

Notice of the Department of Environmental Management, Water Pollution Control Division, announces editorial corrections to regulations under 327 IAC 2-1-9 through 8-10-7 (nonconsecutive) regarding water quality standards. The corrections are effective Nov. 6, 2017. Contact: DEM, Water Pollution Control Division; 317-232-8603

—Indiana Register (10/04/2017)

Regulatory Update

Kentucky

OCCUPATIONAL SAFETY AND HEALTH
Boilers and Pressure Vessels/Certificates and Fees
Kentucky OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Housing, Buildings and Construction, Division of Plumbing, amends regulations under 815 KAR 15:027 regarding certificates and fees for boiler and pressure vessel inspection. The rule removes boiler plan review requirements and clarifies fees for inspections that are conducted outside of regular business hours. A hearing is scheduled for Oct. 24, 2017, in Frankfort. Comments are due Oct. 31, 2017. Contact: David Startsman; Department of Housing, Buildings and Construction; 502-573-0365; david.startsman@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Boilers and Pressure Vessels/Definitions
Kentucky OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Housing, Buildings and Construction, Division of Plumbing,

amends regulations under 815 KAR 15:010 regarding definitions related to boiler and pressure vessels. The rule adds definitions for "boiler and pressure vessel contractor," "deaerator tank," and "MAWP" and removes obsolete definitions and terminology. A hearing is scheduled for Oct. 24, 2017, in Frankfort. Comments are due Oct. 31, 2017. Contact: David Startsman; Department of Housing, Buildings and Construction; 502-573-0365; david.startsman@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Boilers and Pressure Vessels/Inspections and Maintenance Standards
Kentucky OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Housing, Buildings and Construction, Division of Plumbing, amends regulations under 815 KAR 15:026 regarding testing, repairs, inspection, and safety factors of existing boilers and pressure vessels. The rule incorporates by reference the 2015 edition of the National Boiler Inspection Code and expands the inspection frequency for vessels exceeding 200 psi of maximum allowable working pressure to every five years. The rule also expands the inspection frequency for hot water storage tanks, sterilizers, and autoclaves to every four years and for pressure vessels for human occupancy and hyperbaric chambers to every two years. In addition, the rule expands the inspection frequency for jacketed kettles and deaerators to every two and 10 years, respectively. A hearing is scheduled for Oct. 24, 2017, in Frankfort. Comments are due Oct. 31, 2017. Contact: David Startsman; Department of Housing, Buildings and Construction; 502-573-0365; david.startsman@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Boilers and Pressure Vessels/Standards, Initial Inspections
Kentucky OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Housing, Buildings and Construction, Division of Plumbing, amends regulations under 815 KAR 15:025 regarding standards for boilers and pressure vessels and requirements for the initial inspections of new boilers, pressure vessels, and pressure piping. The rule incorporates by reference the 2015 edition of the National Boiler Inspection Code and exempts pressure vessels with an American Society of Mechanical Engineers "UM" stamp from the requirement for a manufacturer's data report. The rule also clarifies the hours when inspections are conducted. In addition, the rule requires any new boiler added to an existing boiler room to be connected to an emergency off switch; allows such switches to be located inside or outside of a boiler room; and provides that the boiler must indicate the boiler is disabled when the switch is activated. A hearing is scheduled for Oct. 24, 2017, in Frankfort. Comments are due Oct. 31, 2017. Contact: David Startsman; Department of Housing, Buildings and Construction; 502-573-0365; david.startsman@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Boilers, Pressure Vessels, and Nuclear Vessels
Kentucky OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Housing, Buildings and Construction, Division of Plumbing, repeals regulations under 815 KAR 15:041 to delete supplemental requirements for power boilers and pressure vessels. The rule also deletes heating boiler supplemental requirements, including for steam heating, hot water heating, and hot water supply boilers. In addition, the rule deletes requirements for nuclear vessels. A hearing is scheduled for Oct. 24, 2017, in Frankfort. Comments are due Oct. 31, 2017. Contact: David Startsman; Department of Housing, Buildings and Construction; 502-573-0365; david.startsman@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

SOLID WASTE
Solid Waste Programs
Kentucky SOLID WASTE

Final rule of the Department for Environmental Protection, Division of Waste Management, adopts regulations under 401 KAR 49:091 to repeal regulations under 401 KAR 49:040, :090, and :210 to delete obsolete provisions concerning the Solid Waste Planning Assistance Program, the Waste Tire Trust Fund Loan Program, and the Solid Waste Revolving Fund. The rule is effective Sept. 8, 2017. Contact: Michelle Mitchell; DEP, Division of Waste Management; 502-782-6713; MichelleM.Mitchell@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

WATER
Public Water Supply
Kentucky WATER

Final rule of the Department for Environmental Protection, Division of Water, adopts regulations under 401 KAR 8:011 to repeal regulations under 401 KAR 8:070, 8:101, 8:550, and 8:600 regarding public notifications, the approval timetable for 401 KAR Chapter 8, radionuclides, and secondary standards for water contaminants. Two concurrent final rules relocate portions of the provisions under 401 KAR 8:075 and 8:100. The rule is effective Sept. 8, 2017. Contact: Carole Catalfo; DEP, Division of Water; 502-564-3410; water@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

WATER
Public Water Supply/Definitions
Kentucky WATER

Final rule of the Department for Environmental Protection, Division of Water, amends regulations

under 401 KAR 8:010 regarding definitions relating to public and semipublic water supplies. The rule adds a definition for "submeter." The rule is effective Sept. 8, 2017. Contact: Carole Catalfo; DEP, Division of Water; 502-564-3410; water@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

WATER
Public Water Supply/General Provisions
Kentucky WATER

Final rule of the Department for Environmental Protection, Division of Water, amends regulations under 401 KAR 8:020 regarding general provisions for public and semipublic water supplies. The rule exempts properties that use submeters from being considered a public water system under specified conditions, corrects references to federal standards under 40 CFR 141 and 142, and allows notifications to be made by social media and email. The rule also adds the average daily water treatment time to reporting requirements, adds advisory procedures to operations plans, and requires public water systems to establish a flushing program. In addition, the rule removes provisions concerning recommended practices for water supply reservoirs and updates incorporated forms and standards. The rule is effective Sept. 8, 2017. Contact: Carole Catalfo; DEP, Division of Water; 502-564-3410; water@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

WATER
Public Water Supply/Laboratory Certification
Kentucky WATER

Final rule of the Department for Environmental Protection, Division of Water, amends regulations under 401 KAR 8:040 regarding laboratory certification for drinking water. The rule replaces references to "performance evaluation" with "proficiency test" and "analysis category" with "method analyte pair." The rule also incorporates by reference the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water and removes references to an outdated executive order. The rule is effective Sept. 8, 2017. Contact: Carole Catalfo; DEP, Division of Water; 502-564-3410; water@ky.gov

—Administrative Register of Kentucky (10/01/2017)

Regulatory Update

Maryland

AIR
Control of VOCs from Consumer Products
Maryland AIR

Final rule of the Department of the Environment amends regulations under COMAR 26.11.32.01 through .16 (nonconsecutive) and adopts regulations under COMAR 26.11.32.05-1 regarding controlling volatile organic compound (VOC) emissions from consumer products. The rule implements requirements from the 2010 and 2014 Ozone Transport Commission model rules for consumer products to establish VOC standards for 11 consumer products and update VOC standards for 15 consumer products. The rule also prohibits the sale, offer for sale, supply, or manufacturing for use in the state of specified products that contain methylene chloride, perchloroethylene, or trichloroethylene. The rule will be submitted to the EPA as a revision to the state implementation plan. The rule is effective Oct. 9, 2017. Contact: Randy Mosier; MDE, Air and Radiation Management Administration; 410-537-4488; randy.mosier@maryland.gov

—Maryland Register (09/29/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Disposal of Controlled Hazardous Substances
Maryland HAZARDOUS WASTE MANAGEMENT

Notice announces of the Department of the Environment, Lands and Materials Administration, announces a meeting on proposed amendments to regulations under COMAR 26.13 regarding the disposal of controlled hazardous substances (CHS). The rule removes obsolete requirements for drivers of vehicles transporting CHS to be certified by the department and for vehicles transporting CHS or special medical waste to have a certificate affixed to the exterior of the vehicle. A meeting is scheduled for Oct. 13, 2017, in Baltimore. A comment due date is not specified. Contact: Edward Hammerberg; MDE; 410-537-3314

—Maryland Register (09/29/2017)

Regulatory Update

WATER
General Discharge Permit from Oil Terminals, Oil Contaminated Ground Water Sources
Maryland WATER

Notice of the Department of the Environment, Lands and Materials Administration, announces a tentative determination to reissue the National Pollution Discharge Elimination System (NPDES) general discharge permit for stormwater and hydrostatic test water from oil terminals and to reissue the NPDES Permit for discharges of treated groundwater from oil contaminated groundwater sources. The first permit authorizes the discharge of stormwater from storage tank dikes and loading rack areas and hydrostatic test water to surface or groundwaters from petroleum tunnels and sets limits on the concentration of the petroleum product contamination following treatment. The second permit authorizes the discharge of treated groundwater previously contaminated by petroleum products as the result of leaks or spills and sets limits on the effluent concentration of the petroleum production contamination following treatment. A hearing is scheduled for Oct. 26, 2017, in Baltimore. Comments are due Nov. 2, 2017. Contact: Thomas Yoo; MDE, Oil and Control Program; 410-537-3403

—Maryland Register (09/29/2017)

Regulatory Update

Nevada

PESTICIDES
Control of Insects, Pests, and Noxious Weeds
Nevada PESTICIDES

Notice of the Department of Agriculture announces changes to a July 9, 2017, proposed rule to amend regulations under NAC 555.280 through .700 (nonconsecutive) regarding the custom application of pesticides and certified applicators. The rule establishes requirements for licensing of consultants and revises the categories established for the licensing of pest control personnel and licensed primary principal commercial applicators. The rule also revises the definition of "termiticide" and sets forth registration and labeling requirements for termiticides. In addition, the rule establishes requirements for transport of undiluted pesticide material, revises the term "spot treatment," and adds soil fumigation to the categories for licensing pest control personnel. Finally, the rule addresses prohibited materials and uses of pesticides, updates and expands the schedule of fines, and clarifies language. The changes specify that the licensed consultants may not write or otherwise prepare a plan for the conservation, preservation, or reclamation of property. Contact: James Barbee; Department of Agriculture; 775-353-3601

—Nevada Register (10/08/2017)

Regulatory Update

New Hampshire

AIR
Regulated Toxic Air Pollutants
New Hampshire AIR

Proposed rule of the Department of Environmental Services amends and readopts regulations under NHAR Env-A 1401.01 through 1450.01, Table 1450-1, and adopts regulations under NHAR Env-A 1405.07 regarding regulated toxic air pollutants (RTAPs). The rule revises the list of RTAPs and their ambient air limits (AALs) to reflect updates by the American Conference of Governmental Industrial Hygienists and the EPA's Integrated Risk Information System. The rule adds 28 chemical substances to the RTAP list, removes 4 chemical substances, and revises the occupational exposure limit or reference concentration for 20 substances. The rule also adds definitions, adds and clarifies exemptions, aligns chemical classification criteria for health related assessments with EPA requirements, and corrects the table of RTAPs. A hearing is scheduled for Nov. 3, 2017, in Concord. Comments are due Nov. 10, 2017. Contact: Karla McManus; DES; 603-271-6854; karla.mcmanus@des.nh.gov

—New Hampshire Rulemaking Register (10/05/2017)

Regulatory Update

Pennsylvania

GENERAL ENVIRONMENT AND SAFETY

Environmental Hearing Board/Practice and Procedures

Pennsylvania GENERAL ENVIRONMENT AND SAFETY

Final rule of the Environmental Hearing Board amends regulations under 25 PAC 1021.21 through .201 (nonconsecutive) and adopts regulations under 25 PAC 1021.13 and .153 regarding practice and procedures of the board. The rule clarifies provisions concerning electronic filing and service to reflect the electronic registration form. The rule also specifies that when a filing deadline falls on a Saturday, Sunday, or legal holiday, the document filing and motion response deadline is the next business day. In addition, the rule establishes the format and time period for filing requests for certification of interlocutory orders for appeal and addresses filing of requests for certification of such orders. Finally, the rule provides for the institution of appeals filing of a notice of appeal or complaint depending on the underlying statute, eliminates the 20-day time frame for filing a petition for review with the Commonwealth Court, and clarifies that the board makes the determination of a dismissal with or without prejudice on a case-by-case basis. The rule is effective Oct. 7, 2017. Contact: Maryanne Wesdock; EHB; 412-565-5245; mwesdock@pa.gov

—Pennsylvania Bulletin (10/07/2017)

Regulatory Update

Tennessee

HAZARDOUS WASTE MANAGEMENT

Testing and Cleaning Clandestine Drug Manufacturing Sites

Tennessee HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environment and Conservation, Division of Remediation, repeals and readopts regulations under RRT 0400-15-02-.01 through .09 concerning standards for testing and cleaning clandestine drug manufacturing sites. The rule updates standards for sampling, testing, and remediation of quarantined methamphetamine manufacturing sites and addresses qualifications for cleanup professionals. The rule also provides for maintenance of the list of contaminated sites and the list of qualified professionals and establishes listing fees for certified industrial hygienists. In addition, the rule addresses standards for determining whether a space is safe for human use, variances for property owners to preform remediation, and certificates for demolition for disposal of construction or demolition debris. Hearings are scheduled for Jan 8, 9, and 16, 2018, in Nashville, Jackson, and Knoxville, respectively. Comments are due Feb. 10, 2018. Contact: Tim Stewart; TDEC, Division of Remediation; 615-741-4998; Tim.stewart@tn.gov

—Tennessee Administrative Register (10/05/2017)

Regulatory Update

Texas

AIR
Emissions Banking and Trading
Texas AIR

Final rule of the Texas Commission on Environmental Quality amends regulations under 30 TAC 101.300, .302, .303, .304, and .306 regarding emissions banking and trading to align credit generation from area or mobile sources with the requirements of the Clean Air Act. The rule restricts credit generation from inelastic sources and prohibits credit generation from activities that do not result in actual emissions reductions. The rule also requires credited reductions to be certified through federally enforceable documentation procedures. In addition, the rule addresses the uncertainty in the emission calculations techniques for area and mobile sources. The rule will be submitted to the EPA as a revision to the state implementation plan. The rule is effective Oct. 12, 2017. Contact: Guy Hoffman; TCEQ, Air Quality Planning; 512-239-1981; guy.hoffman@tceq.texas.gov

—Texas Register (10/06/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 10/17/2017 10:25:41 AM
Subject: POLITICO Playbook, presented by JPMorgan Chase & Co.: CHRIS MCDANIEL has met with Bannon at Breitbart HQ -- MCCARTHY: R should be out of Congress if they vote to keep Obamacare -- MCCAIN condemns 'spurious nationalism' -- NYT'ers sing 'Broadway Baby'

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by JPMorgan Chase & Co.

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Tuesday morning. WELCOME TO FALL, FOR NOW -- It was a brisk 43 degrees in D.C. early this morning as we started Playbook, and the forecast shows it will climb to just 62 today.

IN MISSISSIPPI -- CHRIS MCDANIEL, the GOP state senator who challenged Mississippi Sen. Thad Cochran in 2014, told us that he has had several conversations with Steve Bannon about his political future over the last month, including meetings at Breitbart's headquarters on Capitol Hill. McDaniel said Bannon told him he would "love to see me enter the U.S. Senate race, and that he'll support me in whatever race I would run." McDaniel has been toying with primarying Mississippi Sen. Roger Wicker.

MCDANIEL SAID MONDAY NIGHT that Cochran's illness and absence from the Senate hasn't changed his thinking about the Wicker race, saying that he is "praying for his full recovery so he can get back to work." McDaniel said Wicker has "failed the people of Mississippi" and that he plans to make a decision by the end of the month on whether to challenge him. McDaniel said entering the race is "much more compelling than even a month ago" after seeing Roy Moore win in Alabama.

-- KEVIN MCCARTHY AND STEVE BANNON ON THE SAME PAGE -- THE JOURNAL GAZETTE, of Fort Wayne, Indiana: House Majority Leader Kevin "McCarthy did not mention any GOP senators by name when he said, 'But if you're not strong enough to say you're going to repeal Obamacare and then vote that way, you don't deserve to stay in the office.' The line drew applause." http://bit.ly/2yvxak8

-- BREITBART: "Stephen K. Bannon to Attend Kelli Ward Event with Laura Ingraham in Arizona" http://bit.ly/2zgnKpx

THE MCCAIN SPEECH EVERYONE IS BUZZING ABOUT -- ISAAC DOVERE: "Sen. John McCain delivered a condemnation of 'spurious nationalism' on Monday night in Philadelphia, using his acceptance speech for the National Constitution Center's Liberty Medal to issue a call to American ideals. ...

"'**To fear the world we have organized** and led for three-quarters of a century, to abandon the ideals we have advanced around the globe, to refuse the obligations of international leadership and our duty to remain 'the last best hope of earth' for the sake of some half-baked, spurious nationalism cooked up by people who would rather find scapegoats than solve problems,' McCain said, 'is as unpatriotic as an attachment to any other tired dogma of the past that Americans consigned to the ash heap of history.'" http://politi.co/2kUx1l6

ABOUT THAT KUMBAYA MOMENT ... -- "Trump White House fed up with the Senate," by Burgess Everett and Josh Dawsey: "President Donald Trump and Mitch McConnell stood side-by-side at the White House Monday afternoon to declare they're 'together totally' and 'very united' heading into this fall's tax reform battle. But behind the scenes, Trump, his administration and even some senators are increasingly worried that taxes will go the way of Obamacare repeal in the Senate: Months of bickering ending in extreme embarrassment.

"The debate hasn't even started on the GOP's plan, yet some senators are pushing their own tax proposals, while others are increasingly emboldened to defy the Republican president. It's a dangerous mix considering that McConnell can only lose two votes assuming Democrats band together in opposition. 'We look at the Senate and go: "What the hell is going on?"' White House budget director Mick Mulvaney said in an interview Friday.

"'**The House passed health care,** the House has already passed its budget, which is the first step of tax reform. The Senate hasn't done any of that. Hell, the Senate can't pass any of our confirmations,' Mulvaney fumed in an interview, slapping a table for emphasis. 'You ask me if the Republican-controlled Senate is an impediment to the administration's agenda: All I can tell you is so far, the answer's yes.'" http://politi.co/2kVbWXr

-- IF YOU'RE just realizing the Senate is slow acting, then you've not been watching Congress for the last decade or so.

****** **A message from JPMorgan Chase & Co.: What's the Word** It's been more than 30 years since we reformed our tax code, putting good jobs and higher wages at risk. In fact, 90% of CEOs believe that inaction by lawmakers could slow hiring and wage growth. Learn more about what tax reform could mean for American workers: http://politi.co/2gBVNBD ******

JOSH DAWSEY: "Trump gives his own performance a Trump-sized

endorsement": "Friends say President Donald Trump has grown frustrated that his greatness is not widely understood, that his critics are fierce and on TV every morning, that his poll numbers are both low and 'fake,' and that his White House is caricatured as adrift. So on Monday, the consummate salesman ... gave the Trump White House a Trump-sized dose of brand enhancement. ... [H]e mixed facts and mirage, praise and perfidy in two head-spinning, sometimes contradictory performances designed to convince supporters and detractors alike that everything's terrific, moving ahead of schedule and getting even better. His opponents were cast as misguided, deluded or even unpatriotic." http://politi.co/2xKFfx6

-- THE CLAIM INFURIATING OBAMA ALUMNI: "Trump Falsely Claims Obama Didn't Contact Families of Fallen Troops," by NYT's Mark Landler: "President Trump falsely asserted on Monday that his predecessor, Barack Obama, and other presidents did not contact the families of American troops killed in duty, drawing a swift, angry rebuke from several of Mr. Obama's former aides. Mr. Trump was responding to a question about why he had not spoken publicly about the killing of four Green Berets in an ambush in Niger two weeks ago when he made the assertion. Rather than answering the question, Mr. Trump said he had written personal letters to their families and planned to call them in the coming week.

"Then he pivoted to his predecessors. 'If you look at President Obama and other presidents, most of them didn't make calls,' Mr. Trump said during a news conference in the Rose Garden with the Senate majority leader, Mitch McConnell. 'A lot of them didn't make calls. I like to call when it's appropriate.' Mr. Trump's assertion belied a long record of meetings Mr. Obama held with the families of killed service people, as well as calls and letters, dating to the earliest days of his presidency. Before he decided to deploy 30,000 troops to Afghanistan, Mr. Obama traveled to Dover Air Force Base in Delaware to greet the coffins of troops." http://nyti.ms/2yOt5s2

-- @ericholder: "Stop the damn lying - you're the President. I went to Dover AFB with 44 and saw him comfort the families of both the fallen military & DEA."

-- Longtime Obama aide Alyssa Mastromonaco **(@alyssamastromonaco):** "that's a f***ing lie. to say president obama (or past presidents) didn't call the family members of soldiers KIA - he's a deranged animal."

-- Former Chairman of the Joint Chiefs of Staff **(@martin_dempsey):** "POTUS 43 & 44 and first ladies cared deeply, worked tirelessly for the serving, the fallen, and their families. Not politics. Sacred Trust."

MCCONNELL'S LATEST PROBLEM -- "Cochran's absence creates unexpected budget hurdle," by Seung Min Kim, Burgess Everett, and Sarah Ferris: "Senate Republicans are scrambling to lock down the necessary votes for a budget that would unlock the a tax overhaul -- facing unforeseen absences and still-wavering GOP votes. The chamber is aiming for a vote on Thursday regardless of whether Sen. Thad Cochran, whose office announced Monday that he would not return to Washington as

planned, remains absent, according to GOP sources.

"That means Senate Republicans have little room for error, and GOP leaders are laboring to win over both Sens. Rand Paul of Kentucky and John McCain of Arizona. Paul, who was the only Republican senator to vote against a budget that would fast-track an Obamacare repeal measure earlier this year, stressed Monday that he was still undecided on the Republican blueprint. 'We're in discussions on it,' Paul told reporters on Monday. 'We're trying to get it to a document that we think represents what we stand for. I'm not gonna go into the details right now but I'm working with the White House on it.'

"A spokeswoman for McCain, who was not in Washington for votes on Monday night, did not respond to a request for comment on how he intends to vote on the budget. Passage of the long-delayed fiscal blueprint would mark a critical step for the GOP toward the first major tax rewrite in a generation. The Senate's budget unlocks procedural powers to advance a tax plan without Democratic support. GOP leaders are aiming to pass tax reform by December." http://politi.co/2xISX3q

WAPO/60 MINUTES GET RESULTS -- "Trump declines to express confidence in drug czar nominee in wake of Post/'60 Minutes' probe," by Ed O'Keefe, Scott Higham and Lenny Bernstein: "President Trump said Monday that he will declare a national emergency next week to address the opioid epidemic and declined to express confidence in Rep. Tom Marino (R-Pa.), his nominee for drug czar, in the wake of revelations that the lawmaker helped steer legislation making it harder to act against giant drug companies. ...

"Trump said 'we're going to be looking into' the [Washington Post/60 Minutes investigation], while many Democrats and at least one Republican called for modification or outright repeal of the law. Democrats also urged Trump to drop Marino as his pick to lead the Office of National Drug Control Policy. ... Trump said he would have a 'major announcement, probably next week' about how his administration plans to tackle opioid addiction in the United States, a 'massive problem' that he wants to get 'absolutely right.'" http://wapo.st/2xKBJCP ... ***The WaPo piece*** http://wapo.st/2x0WFpz ... ***The 60 Minutes segment*** http://cbsn.ws/2x0Jq8o

READY TO MAKE A DEAL? -- "Trump said to want bipartisan Senate Obamacare deal," by Jen Haberkorn: "President Donald Trump urged Republican Sen. Lamar Alexander to seek out an Obamacare deal with Democrats -- encouragement that might help sway Republicans who are skeptical of a bipartisan agreement. Alexander said Trump told him by phone Oct. 14 he'd like to see a bill that funds the Obamacare cost-sharing subsidies that he abruptly cut off last week. In return, he wants to see 'meaningful flexibility for the states in providing more choices,' Alexander (R-Tenn.) said.

"'He said he wanted to make sure that in this interim period while we're still arguing about the long-term direction of health care, that people aren't hurt -- those were his words,' Alexander said of Trump. Alexander, the chairman of the Senate health

committee, has been working with ranking Democrat Patty Murray for weeks on an Obamacare stabilization bill with similar parameters. But the talks had stalled over how to define state flexibility: Republicans want to let states modify their health systems under Obamacare, and Democrats are wary of anything that could unwind any of the consumer protections in the law." http://politi.co/2yn54YF

TRADE WARS -- "Canadian firm could dodge 300 percent tariff by building jets in Alabama," by WaPo's Aaron Gregg: "Canadian jet-maker Bombardier announced Monday that it is selling a controlling stake in its 100- to 150-seat C-series jetliner to European manufacturer Airbus, just weeks after the Commerce Department moved to impose 300 percent tariffs on the plane. The companies also said they will expand the plane's production to a new facility in Mobile, Ala., a move that could help it avoid the import duty. Executives from Airbus and Bombardier touted the deal's U.S. job-creation potential. 'This is a win-win for everybody,' Airbus chief executive Tom Enders said in a statement. 'Not only will this partnership secure the C Series and its industrial operations in Canada, the U.K. and China, but we also bring new jobs to the U.S.'" http://wapo.st/2xKGRa0

BANNON WATCH -- "Pro-Trump group endorses in key Senate primaries," by McClatchy's Katie Glueck: "A prominent pro-Donald Trump super PAC with ties to ex-White House chief strategist Steve Bannon is rolling out its official endorsements in the Wisconsin and Arizona GOP Senate primaries. Great America PAC will announce that in Wisconsin, it is supporting Kevin Nicholson, a Marine veteran running in a hotly contested primary to challenge Sen. Tammy Baldwin, a Democrat running for re-election in a state President Donald Trump won. ... According to a Bannon source with direct knowledge of Nicholson's conversation with Bannon, the Wisconsin candidate indicated that he would not support Republican Senate Majority Leader Mitch McConnell as leader." http://bit.ly/2xLkAxG

TRUMP'S TUESDAY -- Trump is meeting with Defense Secretary James Mattis. He is having a working lunch with Greece's Prime Minister Alexis Tsipras and the two will hold a joint press conference. Trump will participate in a Diwali ceremonial lighting of the Diya. This evening he is scheduled to speak at the Heritage Foundation's president's club meeting at the Marriott Marquis in D.C.

THE JUICE ...

-- PENNY PRITZKER has been nominated to Microsoft's board of directors. Directors at the company make roughly $325,000.

-- SHELLING OUT BIG DOUGH: REP. DUNCAN HUNTER (R-CALIF.), under investigation by the FBI, shelled out $134,793 in legal fees last quarter, according to an FEC report.

-- THE NFL is backing the Sentencing Reform and Corrections Act. http://politi.co/2yOKqRK

-- **JOB CREATORS NETWORK** is launching a six-figure ad campaign in D.C., North Dakota, Montana, and West Virginia pushing for tax reform. ***See the ad, which features JFK*** http://bit.ly/2gKlaBB

Playbook Reads

PHOTO DU JOUR: Sen. John McCain (R-Ariz.) shakes hands with former Vice President Joe Biden, chair of the National Constitution Center's board of trustees, after receiving the Liberty Medal in Philadelphia on Oct. 16. | Matt Rourke/AP Photo

HQ2 -- WSJ: "New Jersey Offers $7 Billion in Incentives to Lure Amazon to Newark," by Keiko Morris and Mike Vilensky: "New Jersey is offering Amazon $5 billion in tax incentives over the next 10 years and upon the creation of 50,000 jobs, Mr. Christie said. In addition, Newark is offering a property-tax abatement potentially worth $1 billion and another $1 billion that Amazon's new Newark workers would gain over 20 years from the city waiving its local wage tax, the governor said." http://on.wsj.com/2kT0yeR

IN LAS VEGAS -- "Jesus Campos, Vegas security guard shot before rampage, appears to have vanished," by L.A. Times' Melissa Etehad, Ruben Vives and Jaweed Kaleem: "The story seemed straightforward: The unarmed security guard approached Stephen Paddock's room on the 32nd floor of the Mandalay Bay Resort and Casino, distracting the gunman and potentially saving lives. With a gunshot wound to his leg, he helped point officers to the gunman's location and stayed behind to evacuate hotel guests. He was hailed a hero by many, even as the story changed. Twice.

"Now, the man that many want to honor and who can help bring clarity about the timeline of the shooting has vanished from the public eye, less than two weeks since the Oct. 1 massacre, which left 58 people dead and more than 500 others injured." http://lat.ms/2zfa2DF

CRITICS NOTEBOOK -- NYT'S ROBERTA SMITH: "Why the Obamas' Portrait Choices Matter": "In their selection of Kehinde Wiley, for Mr. Obama's likeness, and Amy Sherald, for Mrs. Obama's, announced Friday, the Obamas continue to highlight the work of contemporary and modern African-American artists, as they so often did with the artworks they chose to live with in the White House, by Glenn Ligon, Alma Thomas and William H. Johnson, among others. Their choices then and now reflect the Obamas' instincts for balancing the expected and the surprising, and for being alert to painting's pertinence to the moment." http://nyti.ms/2hLN8MH

THE LATEST ON THE TRAVEL BAN -- "Federal judge hears challenge to third

version of Trump's travel ban," by Josh Gerstein: "A federal judge in Maryland is deciding whether the third time's the charm for President Donald Trump's travel ban. Judges blunted the impact of the first two executive orders Trump issued earlier this year, measures that critics said were thinly disguised versions of the Muslim ban he promised on the campaign trail. The latest iteration of the presidential proclamation dropped one majority Muslim country, Sudan, from an earlier list of countries that faced travel restrictions, added another largely Muslim nation, Chad, and included Venezuela and North Korea. The travel limits in the new policy are set to take effect early Wednesday morning.

"During a 90-minute session in a Greenbelt, Md., courtroom Monday, U.S. District Court Judge Theodore Chuang heard many of the same arguments that were leveled at the previous iterations of Trump's policy: that it is premised on discrimination against Muslims and that it exceeds his authority under a complex set of immigration laws." http://politi.co/2yov9Xg

ISAAC DOVERE emails us his latest "Off Message" Podcast: "'Shocking' is the word Puerto Rico Congresswoman Jenniffer Gonzalez used over and over about President Trump's tweets, talking to Isaac Dovere for the latest Off Message podcast. Does the president get what is going on? 'You know what?' the first term Republican said. 'Maybe I'm going to be nice here: I don't know.' She said the president's hostile statements make even less sense in light of the action on the ground: 'He's sending the resources. He's granting everything that has been asked. He's having daily briefings on the island. He's sending the troops.'

"'This is not the time to be talking about withdrawing the help,' she continued, a flash of anger in her voice. 'This is not the time to talk about how much it's costing the U.S., because we are American citizens.' And she talked about her own experience living through Hurricane Maria and the continuing aftermath: 'Your life,' she said, with tears in her eyes, 'is like stopping without knowing what is going to happen next.'" http://politi.co/2hLUSOQ

AP: "Me Too: Alyssa Milano elevates Harvey Weinstein conversation," by Leanne Italie: http://bit.ly/2xKAe7U

****** **A message from JPMorgan Chase & Co.: What's in it for me?** America's tax system is outdated and complex, and it's putting American jobs and wages at risk. But that doesn't mean there isn't cause for optimism - according to a Business Roundtable CEO survey, tax reform would prompt more than 75% of business leaders to increase investment and expand hiring. And it's not just important in the boardroom. As JPMorgan Chase Chairman and CEO Jamie Dimon said, "Under our current system, workers bear up to 75% of the corporate tax burden through lower wages. I believe that tax reform should go further than that to boost wages. It should also be used to do more for lower- and middle-income workers by expanding programs such as the earned income tax credit, which already lifts more than 7.3 million workers out of poverty." Learn more about what tax reform can mean to the American economy and the

American worker: http://politi.co/2wSCuu0 ******

2018 WATCH -- "Levin mum on re-election bid," by Detroit News' Melissa Nann Burke: "Longtime Rep. Sandy Levin has delayed announcing whether he'll run for another term in Congress, fueling speculation that the 86-year-old Royal Oak Democrat might retire. Asked recently by The Detroit News about whether he'll seek re-election, Levin did not answer directly. 'I'm spending all my time right now on these issues,' such as tax reform, negotiations about [NAFTA] and stabilizing the health insurance markets, said Levin, who has served in Congress since 1983. ... That focus has perhaps affected Levin's fund-raising efforts, judging by his receipts of $17,000 in the last reporting period and a total of $101,931 for the year." http://detne.ws/2hKB66h

FOR YOUR RADAR -- "U.S. Air Force Space Chief Sees Final Frontier as Battleground," by Bloomberg's Tony Capaccio: "Space, once seen as the benign final frontier, has evolved into a crowded potential battleground that the U.S. must defend as conflicts extend beyond Earth, according to the Air Force's top military space official. While officials once aspired to treat space as a peaceful refuge from the strife on Earth, it's now 'congested, contested and competitive' -- and 'all three of those trends are trending upward,' General John W. 'Jay' Raymond, the head of the Air Force Space Command, said in an interview Monday." https://bloom.bg/2goopl2

MEDIAWATCH -- THE FUTURE -- "Netflix Says It Will Spend Up to $8 Billion on Content Next Year," by NYT's John Koblin: "Netflix will spend between $7 billion and $8 billion on content in 2018, up from the roughly $6 billion it will spend this year, the streaming service said while announcing its third-quarter earnings on Monday. Netflix added 5.3 million subscribers in the quarter, surpassing expectations, and had revenue of nearly $3 billion, a 30 percent increase from the same period last year. The company also saw its net income rise to $130 million, well over last year's third quarter total of $52 million but short of the $143 million that Wall Street expected." http://nyti.ms/2yrVp0k

-- "President Trump's mysterious absence from conservative talk radio," by CNN's Oliver Darcy: "President Trump has invited The New York Times into the Oval Office. He's granted behind-the-scenes White House access to Time magazine. And he's sat for interviews with the network news. But there's one medium the president has conspicuously ignored: conservative talk radio. If there were ever a medium built for Trump -- besides Twitter -- talk radio would be it. But in his first eight months as president, Trump did not do a single interview on talk radio. ... On Monday, a White House official told CNN the president has carved time out of his schedule to participate in a talk radio event at the White House on Tuesday." http://cnnmon.ie/2xJNEWl

-- PETER HAMBY'S next episode of Snap's "Good Luck America" looks at the opioid epidemic and the Trump administration's approach to the war on drugs. ***Video*** http://bit.ly/2yttXBb

COMING ATTRACTIONS -- "Revealed: New Lewandowski, Bossie book 'Let Trump

Be Trump,'" by Washington Examiner's Paul Bedard: "Two of President Trump's most influential advisors have revealed the title and cover image of their new insider account set for a pre-Christmas release, 'Let Trump Be Trump: The inside Story of his Presidency.' Corey R. Lewandowski and David N. Bossie said the book will document Trump's successful 2016 presidential campaign, initially managed by Lewandowski." http://washex.am/2yPh19U

DESSERT -- FRANK BRUNI, MAGGIE HABERMAN and other NYT employees sing Stephen Sondheim's "Broadway Baby," as part of T Magazine's Greats issue that was released yesterday. ***2-min. video*** http://nyti.ms/2xJZriT ... ***The issue*** http://nyti.ms/2kU3jwp

Playbookers

SPOTTED: Michigan Reps. John Moolenaar and Fred Upton having a late dinner on Monday night at Lucky's Steakhouse in Midland, Michigan. Lucky's is a new restaurant in Moolenaar's district.

OUT AND ABOUT - Pool report: "Vice President Mike Pence joined Hollywood A-lister Josh Brolin at a special DC screening of his new movie 'Only The Brave' last night at Landmark E Street Cinema. ... 'Only The Brave' [produced by Molly Smith] retells the story of the real-life Granite Mountain Hotshots, the elite forest fire crew that saw 19 of its members killed while fighting the Yarnell Hill wildfire that blazed near Prescott, AZ in June 2013." ***Pic of Pence and Sen. Jeff Flake in the audience*** http://bit.ly/2igXxEa ... ***Trailer*** http://bit.ly/2xKfdih

SPOTTED: Second Lady Karen Pence, Sen. Bob Corker (R-Tenn.), former Sen. Jim Webb (D-Va.), Fred Smith, Samantha Smith, Igor Bobic, Zeke Miller, Marcy Stech, Brendan McDonough and Mike Menchel

-- Joyce and Bruce Gates hosted a reception yesterday at their Alexandria, Virginia, home with special guest former President George W. Bush supporting Ed Gillespie for Virginia governor. ***Pics*** http://bit.ly/2gokll0 ... http://bit.ly/2xJV0ob **SPOTTED:** Former Gov. Jim Gilmore, former Sen. John Warner, Rep. Rob Wittman, Josh Bolten, Joel Kaplan, Gillespie for Governor Chairman Pete Snyder, Matt Schlapp, Jay Nelson, Liz Williams, Ed Cash, Brian Dodge, Caroline Poe, Kendall Jennings, Katlin McInnis, Caitlin Schroder

BIRTHWEEK (was yesterday): Chris Faile, PR leader in financial services at Deloitte, turned 4-0

BIRTHDAY OF THE DAY: Ken Baer, founder of Crosscut Strategies, co-founder of Democracy Journal and former Obama WH OMB associate director. **How he got his start in politics:** "Not counting volunteering for Mike Dukakis' South Jersey operation in

1988, my first campaign job was when Jake Tapper hired me for the Marjorie Margolies-Mezvinsky congressional race in 1992. I did the clips (with actual scissors!), wrote policy papers, and worked with one of the greatest campaign teams to pull off a historic win. I was hooked." **Read his Playbook Plus Q&A:** http://politi.co/2yR0C4M

BIRTHDAYS: former N.C. Gov. Pat McCrory is 61 ... Michael Beckerman, president and CEO of the Internet Association (hat tip: Noah Theran) ... Julie Rovner, chief Washington correspondent at Kaiser Health News ... Bloomberg LP Chairman Peter Grauer is 72 ... Politico's Angela Greiling Keane and Martin Matishak ... Marcus Alexander Gadson ... Sen. Martin Heinrich (D-NM) is 46 ... Rep. Cheri Bustos (D-Ill.) is 56 ... Rep. Gene Green (D-Tex.) is 7-0 ... former Rep. Virgil Goode (R-Va.) is 71 ... Rep. Mike Quigley (D-Ill.) is 59 ... William Haseltine ... Sean Harrison ... Jared Edy ... Morgan O'Brien, press attaché at U.S. Embassy Kuala Lumpur, host of the "DiploSport" podcast, former Air Force, and loyal Tarheel (h/t Ben Chang) ... Briggs DeLoach ... John Monsif, VP of gov't relations at First Focus (h/t Jon Haber) ... Adrienne Petz, EVP at Edelman ...

... Rich Thomas, partner at Monument Policy Group ... Adam Greenspan of NGP VAN ... Katey McGettrick ... Clay Robinson ... Robert Schwartz ... Jethro Ward ... Diana Gourlay Hamilton ... Bill Steiger ... NBC News' Rob Rivas ... Michael Shayan, media strategy lead at Google ... Alex Youn ... Matthew Hennessy, managing partner at Tremont Public Advisors ... Jacquie Brown ... Scott McCabe ... Colleen King ... John Weiner ... Google's Sean Harrison ... Marcus Alexander Gadson ... Chicago movie critic Richard Roeper is 58 ... ... Scott Darling ... Fred Yang (h/ts Teresa Vilmain)

****** **A message from JPMorgan Chase & Co.: Ready, Set, Grow** The American economy is poised for growth - and tax reform can drive that expansion. According to a Business Roundtable survey of American CEOs, more than 70% believe that that tax reform is the best way to accelerate growth. According to JPMorgan Chase Chairman and CEO, "Reforming the tax code is the single most important thing that Congress could do to jump-start our economy, create jobs, and raise wages for American workers." Learn more about how tax reform can help the economy get off the starting line: http://politi.co/2ghszvf ******

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Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

States, Industry Seek Rehearing on Methane Lawsuit

Posted July 28, 2017, 11:59 A.M. ET

By Catherine Douglas Moran

A full federal appellate court should reconsider a decision that forced the EPA to implement methane emissions limits for the oil and gas industry that it plans to revise, states and industry groups said.

The U.S. Court of Appeals for the District of Columbia Circuit July 3 struck down the Environmental Protection Agency's plan to halt implementation of the methane regulator for 90 days, finding the delay an abuse of agency authority.

The industry groups and states, including the American Petroleum Institute and the Interstate Natural Gas Association of America, filed two petitions—one July 28 and the other July 27—that ask for the full court to rehear the case .

Trump May Have to Boost Biofuel as Court Deals Blow to Oil

Posted July 28, 2017, 01:37 P.M. ET

By Mario Parker, Andrew Harris and Ari Natter

The Trump administration may have to reconsider its proposal from earlier this month to curb biofuel use after a U.S. appeals court in Washington ruled that the Environmental Protection Agency doesn't have the authority to cut quotas while citing inadequate domestic supply.

Issued July 28, the unanimous ruling by a three-judge panel comes amid conflicting legal challenges to actions taken by the EPA. Some factions claim the agency set renewable fuel requirements too high, while others said they're too low. Shares of ethanol producers rose on the news while refinery stocks declined.

U.S. Circuit Judge Brett Kavanaugh wrote that EPA isn't allowed "to consider the volume of renewable fuel that is available to ultimate consumers or the demand-side constraints that affect the consumption of renewable fuel by consumers."

The ethanol industry hailed the court's move as a victory Ams. for Clean Energy v. EPA, D.C. Cir., 7/28/17.

Earlier this month, the Trump administration issued a proposal that for the first time would cut the amount of renewables that must be blended into the fuel supply under a 12-year-old law known as the Renewable Fuel Standard.

The court ruling is a blow to oil refiners, including billionaire Carl Icahn, who have argued that there are constraints to blending the fuels into petroleum. The American Petroleum Institute said in a statement it was "disappointed" with the court's decision, which the trade group said highlighted the need for congressional action to reform the renewable fuel standard—a move congressional analysts have said is unlikely to happen.

"We are still reviewing the decision, but the fact the court has affirmed our position that EPA abused its general waiver authority by including factors such as demand and infrastructure in a waiver intended to be based solely on available supply is a great victory for consumers and the RFS program," said Bob Dinneen, the chief executive officer of the Renewable Fuels Association, an ethanol industry trade group.

The EPA didn't immediately respond to a request for comment. In a July 5 statement, the agency, which administers the program, said that the proposal was "consistent with market realities focused on actual production and consumer demand while being cognizant of the challenges that exist in bringing advanced biofuels into the marketplace."

"This is pretty huge," said Gene Gebolys, CEO of biofuel producer World Energy Alternatives LLC. "This gives the Trump administration clear guidance on what the legislative branch intended when they passed the law and what the judicial branch meant when they upheld the law."

Green Plains Inc., one of the biggest U.S. ethanol producers, rose 1.3 percent to $19.70 at 12:44 p.m. in New York. CVR Energy Inc., an independent oil refiner that counts Carl Icahn as its biggest investor, slumped 3.8 percent.

Renewable Identification Numbers (RINs), biofuel credits that track 2017 ethanol consumption quotas, rose 1.2 percent to 82 cents apiece, the highest in a week, data compiled by Bloomberg show.

EPA Argument

The court heard the argument on April 24. The case dealt with Obama-era EPA actions to cut quotas for ethanol and other biofuels for the years 2014, 2015 and 2016 below statutory levels, reducing totals set forth in 2007 legislation, with the regulator taking the position it had the power to do so under a provision allowing it to adapt to a production shortfall.

There was no shortfall, but the EPA argued that "production" could include the fact that the market couldn't absorb the additional fuel, government lawyer Samara Spence told the court.

The EPA "misunderstood its assignment under the mandate," former U.S. Solicitor General Seth Waxman countered, arguing on behalf of biofuels proponent Americans for Clean Energy, adding

that the agency "screwed up."

"The salient point here is that EPA agrees there is more than adequate supply," Waxman said.

From the bench, Kavanaugh indicated he agreed.

"I understand the difficulty EPA is in here, but the statute doesn't seem to give EPA the authority to fix everything that is not working right," he told Spence, the government's attorney. "If this thing is totally screwed up, Congress should fix it."

Joining in the opinion were U.S. Circuit Judges Patricia Ann Millett and Janice Rogers Brown.

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EPA's Move to Cut 2016 Renewable Fuel Volume Rejected by Court

Posted July 28, 2017, 01:04 P.M. ET

By Andrew Harris, Mario Parker and Ari Natter

The U.S. Environmental Protection Agency didn't have authority to cut 2016 renewable fuel volume standards based on its "inadequate domestic supply" waiver authority, a U.S. appeals court in Washington has ruled.

Issued July 28, the unanimous ruling by a three-judge panel comes amid conflicting legal challenges to actions taken by the agency, with some factions claiming the EPA set renewable fuel requirements too high, while others said too low.

"The 'inadequate domestic supply' provision authorizes EPA to consider supply-side factors affecting the volume of renewable fuel that is available to refiners, blenders, and importers to meet the statutory volume requirements," U.S. Circuit Judge Brett Kavanaugh wrote Ams. for Clean Energy v. EPA, D.C. Cir., 7/28/17.

"It does not allow EPA to consider the volume of renewable fuel that is available to ultimate consumers or the demand-side constraints that affect the consumption of renewable fuel by consumers."

The ethanol industry tentatively hailed the court's move as a victory.

"We are still reviewing the decision, but the fact the court has affirmed our position that EPA abused its general waiver authority by including factors such as demand and infrastructure in a waiver intended to be based solely on available supply is a great victory for consumers and the RFS program,"said Bob Dinneen, the President and chief executive officer of the Renewable Fuels Association, an ethanol industry trade group.

The EPA didn't immediately respond to a request for comment.

The court heard the argument on April 24.

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Former EPA Enforcement Head Joins Chicago Policy Research Lab

Posted July 28, 2017, 02:19 P.M. ET

By Renee Schoof

Former EPA enforcement chief Cynthia Giles spearheaded the agency's innovations in improving compliance with environmental laws. Now she's carrying on that work in a new job at the Energy and Environment Lab at the University of Chicago.

Giles started work in July as executive fellow and director of strategic initiatives at the lab, where researchers work with civic and government leaders to test and scale up policies to reduce pollution.

"In the real world, as I said many times when I was working at the EPA, things break—managers don't pay attention, equipment doesn't work as hoped, people cheat. It's important that government policies are designed with knowledge about how the real world works and informed by research that tests that kind of thing," Giles told Bloomberg BNA.

Giles led EPA's development of its Next Generation strategy for better compliance with environmental laws when she was assistant administrator for enforcement and compliance during the Obama administration. Next Generation involves clearer regulations and the use of pollution detection technology such as infrared cameras, electronic reporting of emissions data and making that data available to the public, and new enforcement approaches such as data analysis and the targeting of regulated facilities for inspection.

Michael Greenstone, an economics professor at Chicago and director of the school's Energy and Environment Lab and its Energy Policy Institute, said that Giles' work on Next Generation was important and that her experience would help the lab.

"One key insight from Next Generation is so patently obvious that it seems like a small deal but it's actually an incredibly important deal—and that is the American people are best served by there being transparency about what levels of pollution are being emitted. It's impossible to have effective regulatory policy without an agreement on the basic numbers," Greenstone told Bloomberg BNA.

Giles, he said, was "a tremendous leader and an ardent supporter of making sure we all had a common set of facts on which to base policy."

Giles said her work mainly would involve helping get more research done that answers questions environmental regulators have, and making sure the regulators know about research that they can use.

"You can get better results with no additional cost if you pay attention to how things actually work in the world," she said. "It's the kind of research we need a lot more of, so that people who are designing these programs with the goal of reducing pollution that affects people's health design them in a way that's going to work."

Funding for Russia Pipeline to EU at Risk With U.S. Sanctions

Posted July 28, 2017, 9:01 A.M. ET

By Elena Mazneva and Angeline Benoit

The financing of Russia's $11 billion natural gas pipeline through the Baltic Sea could be affected by sanctions that just passed the U.S. Senate, according to one of project's backers.

Engie SA's current legal view is that if the sanctions were implemented its backers could "stop and not continue to fund this project in order not to be subject to any sanction whatsoever," the French utility's Executive Vice President Pierre Chareyre said July 28 on a conference call.

The Kremlin-backed project, known as Nord Stream 2, has been at the center of a disagreement between the U.S. and European Union in the past month. While the bill on extending U.S. sanctions against Russia, which passed the Senate July 27 but has yet to be signed by President Donald Trump, could affect any energy export pipeline in which a Russian company has a significant role, it also says that America would specifically "oppose" the pipeline led by Gazprom PJSC.

The 1,220 kilometer (758-mile) undersea link to Germany would cost 9.5 billion euros ($11 billion). Engie, Royal Dutch Shell Plc together with Germany's BASF SE and Uniper SE, as well as Austria's OMV AG agreed in April to provide 10 percent of the funding each to see the link started by the end of 2019. The EU warned earlier this week that it could retaliate against the U.S. "within a matter of days" should its companies and their plans be targeted by the sanctions.

Uncertain Impact

OMV continues to monitor the situation "very carefully and will make an assessment when all of the facts are on the table," its press service said by email on Friday.

"In general, sanctions have not proven to be an instrument that achieves its given goal as we have seen in the last years," OMV said. "From a European standpoint, the additional quantities of natural gas from Russia are necessary."

If the sanctions bill is enacted, Shell would "have to go through the phase of rule making to understand exactly how that bill should be implemented," before understanding the full implications for Nord Stream 2, Chief Executive Officer Ben Van Beurden said on a conference call July 27.

As the project to some extent would compete with U.S. exports of liquefied natural gas to Europe, the Nord Stream 2 participants, including Russia and Germany, have said the measures sought to bolster U.S. economic interests.

The U.S. bill says the president may impose sanctions against companies that invest in or supply a Russian export pipeline. This relates to construction, modernization or maintenance entailing a minimum of investment of $1 million. Possible penalties included a ban on loans and investments from U.S. institutions, on banking and property transactions, and procurement deals with U.S. firms.

Nord Stream 2 has enough funding at least for this year, with more than 1 billion euros ($1.17 billion) already received from EU partners, Gazprom Deputy CEO Alexander Medvedevsaid last month. While the company has repeatedly said it has enough money to complete the pipeline on its own if needed, in a recent Eurobond prospectus it noted that "difficulties," delays or even failures are theoretically possible because of the curbs.

"Sanction law is not retroactive so only future funding transfer would trigger risks," Engie's Chareyre said. "We are not in that situation yet and advocacy is being pursued very actively by Engie, other companies and the EU."

—With assistance from Anna Shiryaevskaya, Francois de Beaupuy and Rakteem Katakey.

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The U.S. Interior Department Has a New Mission: to Make Money

Posted July 28, 2017, 8:27 A.M. ET

By Catherine Traywick

Under President Donald Trump, the U.S. agency that manages the national park system is tweaking its mission to include a new priority: Generating cash.

Interior Secretary Ryan Zinke aims to retool the agency into a federal profit center focused on increasing energy production, according to a plan laid out by his special adviser, Vincent DeVito.

"Our objective here is to bring as many resources online as responsibly as we can," DeVito said during an event in Washington July 27. "We are changing the way the government is doing business."

That means running the government as though it actually is a business, according to DeVito, who refers to himself as a "senior manager" within "the Department of Interior Energy."

The agency needs to offer federal leaseholders, whom he calls "investors," a reason to partner with the government, which hasn't been a particularly good business partner in the past, he said. That means opening up more resources, making permitting easier and "aggressively" cutting regulations on private industry.

Easing Rules

Zinke has already taken major steps in that direction, overturning an Obama-era moratorium on new coal leases and starting the process of overhauling rules to curb hydraulic fracturing and methane flaring on public lands. He's also planning to rewrite a five-year offshore leasing plan finalized by President Barack Obama which banned drilling in the Atlantic Ocean and parts of offshore Alaska, and has accepted applications from oil companies seeking to conduct seismic testing off the Atlantic coast.

It's only the tip of the iceberg, according to DeVito, who was an early Trump supporter and a member of the president's transition team before joining the Interior Department.

The ultimate goal is to bring in more money by changing the way federal lands are managed. Royalty revenues from gas and coal leasing fell significantly under the Obama administration. Coal production on federal lands fell 39 percent between 2008 and 2016, while gas production declined by 30 percent, according to data from the Office of Natural Resources Revenue. Oil production, by contrast, rose 32 percent during the same period.

Oil, gas and coal production are obvious revenue opportunities, but DeVito said that solar and wind on federal lands are fair game, too, as long as the result is "a marked increase in dollars into the federal government. That is kind of the metric that we are judging ourselves by."

Royalty Rates

DeVito's remarks echo those made by Zinke in recent months. The Interior chief has advocated raising royalty rates to help fund the National Park Service and other programs. Any new revenue will ultimately benefit conservation, DeVito said.

But environmental advocates dismiss that argument, pointing instead to the president's 2018 budget request, which seeks to cut dramatically conservation programs.

"Secretary Zinke's job is to steward the national parks and monuments and not turn them over to the oil and gas industry," said Alex Taurel of the League of Conservation Voters. "No one should believe that this drilling and mining has anything to do with conservation."

The agency's new approach, which DeVito characterizes as "aggressive" has already spurred a raft of legal challenges, but DeVito said he's not worried about that: "Being sued is not something we take into serious deliberation when we exercise the secretary's discretion."

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More Charging Stations Coming to California in Initial VW Deal

Posted July 28, 2017, 7:44 A.M. ET

By Carolyn Whetzel

Volkswagen subsidiary Electrify America will spend $200 million over the next 30 months to build California's electric vehicle infrastructure and boost use of zero-emission vehicles in the state.

The investment is the initial phase of the court-ordered $800 million program VW must implement in the state after the automaker was found to have equipped 2009-2016 model year diesel-engine vehicles with illegal software to mask emissions during certification tests.

The California Air Resources Board approved the first of four investment plans Electrify America must submit over the next 10 years. It calls for 400 new charging stations in Fresno, Los Angeles, Sacramento, San Diego, San Jose, and San Francisco and fast charging systems along highways. Other elements of the plan and a supplement CARB requested in March, focus on giving low-income and disadvantaged communities access to zero-emission vehicles and public outreach.

Wind Projects in Peril as Indian States Rethink Purchase Pacts

Posted July 28, 2017, 8:17 A.M. ET

By Anindya Upadhyay

Two Indian states at the forefront of adding renewables to their power mix are backtracking on agreements for at least one gigawatt of wind project and are seeking lower prices, potentially dealing a blow to Prime Minister Narendra Modi's green energy goals.

The southern states of Andhra Pradesh and Karnataka, which account for a quarter of the country's installed wind capacity, are renegotiating or scrapping purchase agreements with developers and want power at prices lower than what had been stipulated in contracts already signed, developers

said.

"We have lost 75 megawatts of our project pipeline as Karnataka has canceled 400 megawatts of PPAs and there seems to be no other option than taking legal recourse for this," London-listed Mytrah Energy Ltd. Chief Executive Officer Vikram Kailas said in a phone interview.

The developments are a fallout of India's shift toward auctions to buy electricity from wind that brought tariffs to record lows, prompting states to renegotiate feed-in tariffs that guarantee a fixed price to producers for their power. This puts at risk the developers' financial health if price agreements are renegotiated and could threaten Modi's resolve to install 175 gigawatts of renewables by 2022.

Andhra Pradesh wants to pay a lower price for wind power projects than what was agreed to for 684 megawatts of capacity, people with knowledge of the matter said, asking not to be identified citing rules. Neighboring Karnataka scrapped power purchase agreements, or PPAs, signed earlier this year for 400 megawatts of wind projects, said P. Krishnamoorthy, general manager for power purchase at state electricity retailer Bangalore Electricity Supply Co Ltd.

Auction Impact

While Mytrah's projects are yet to be built, Bangalore-based Atria Power has lost investments of 1.9 billion rupees ($30 million) to build a 24-megawatt project in Karnataka, a company official said. International Finance Corp.-backed Hero Future Energies Ltd. faces renegotiation of the tariff for its 70 megawatts of commissioned projects out of a planned 120 megawatts in Andhra Pradesh.

"Andhra Pradesh should honor what they have signed," Hero Future Energies Chief Executive Officer Sunil Jain said. "If all these PPAs are renegotiated, you could have bad debts of millions of dollars and what's worse is that you'll drive investors away."

The first wind auction held in February brought wind tariffs to the lowest level in the country. Various states are now seeking the same from developers and are even reneging on previous pacts. By March, states stopped signing PPAs with projects either in development or commissioned and now the situation has escalated to reopening the pacts.

Southern Power Distribution Company of Andhra Pradesh Ltd., the state's power retailer, has decided to renegotiate the PPAs because the same developers building projects at record-low tariffs through auctions in one state shouldn't be selling clean energy at higher tariffs in another, people said. Negotiations are underway to resolve the impasse, they said.

An email seeking comment sent to H.Y. Dora chairman of Southern Power Distribution remained unanswered.

Wind Additions

According to ratings agency India Ratings and Research, there could be a substantial dip in wind capacity additions in the current financial year ending March 31. Installations could fall to 1 gigawatt to 1.5 gigawatts from an all time high of 5.4 gigawatts last financial year, the rating agency said in a recent note.

As of June, India had 32 gigawatts of wind capacity. The nation is aiming to raise that to 60 gigawatts by 2022 as part of the country's climate pledge.

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Fiat Chrysler Can Resume Sales of Diesel Jeeps, Rams in U.S.

Posted July 28, 2017, 11:29 A.M. ET

By Ryan Beene and Jamie Butters

Fiat Chrysler Automobiles NV can once again sell new diesel-powered pickup trucks and sport utility vehicles in the U.S. after environmental regulators approved modifications to its emissions-control software, the company said.

Approvals from the U.S. Environmental Protection Agency and California Air Resources Board will allow the company to sell 2017 Jeep Grand Cherokee and Ram 1500 diesel models. The agencies had withheld certification that emissions-control software on the vehicles complied with clean-air standards after finding violations in earlier models.

"We appreciate the efforts of the agencies in working with us to achieve this milestone," Fiat Chrysler Chief Executive Sergio Marchionne said in a statement. "We are anxious to build on this progress to make appropriate updates to the emissions control software in our earlier model-year vehicles."

While Fiat Chrysler doesn't break out what portion of its Jeep or Ram model sales are diesels, the powertrains are significant to the company's marketing plans. The diesel Ram 1500 is rated the most fuel-efficient full-size pickup in the U.S., and losing it from the lineup would have been a setback to showrooms.

Fiat Chrysler's U.S.-listed shares reversed declines, climbing as much as 1.9 percent. The stock jumped 1.7 percent to $12.03 as of 10:34 a.m. in New York.

The approval is a partial win for Fiat Chrysler after several months of talks over the emissions software with EPA and California regulators to obtain approvals needed to resume sales. The EPA issued formal notices in January that the 2014 through 2016 models contained software functions that violated clean air rules.

The company still is facing civil suits by the Justice Department and from vehicle owners tied to so-called defeat devices in about 104,000 older diesels it has sold.

"The 2017 certification for the Ram 1500 and Jeep Grand Cherokee vehicles is separate and distinct from the current U.S. litigation in the Northern District of California for the installation of defeat devices in the 2014-2016 models of these vehicles," the EPA said in a statement.

Fiat Chrysler agreed to modify the software on the 2017 models and said no hardware changes will be required. The Italian-American automaker said the updates will have no effect on fuel economy ratings or performance of the vehicles.

Fiat Chrysler resumed production earlier this month of its diesel-powered Ram 1500 pickups.

The vehicles were caught up in agency scrutiny of new diesel models that was intensified in the wake of Volkswagen AG's diesel-cheating scandal.

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Transcanada Still Sees Producer Support for Keystone XL Line

Posted July 28, 2017, 02:48 P.M. ET

By Kevin Orland

TransCanada Corp. said it still expects commercial support for its controversial Keystone XL oil pipeline, tamping down speculation that it was having trouble finding customers for the long-delayed line.

Keystone XL, which was rejected by the Obama administration before being revived by President Donald Trump this year, would boost TransCanada's dividend growth, the company said in a statement July 28. Media reports in recent weeks said that the company was having trouble signing up customers for the pipeline, conceived to help move crude from Alberta's oil sands to refineries on the U.S. Gulf Coast.

TransCanada said earlier this year that it was working to sign new shippers following years of delays. Given the time it took to gain federal approval, TransCanada said it expected some shippers to reduce their volume commitments and that other new customers would be introduced. The company said July 27 that it's soliciting additional commitments to ship oil on Keystone XL.

"We've had good support from our legacy shippers, which gives us a good base to launch this open season," Paul Miller, TransCanada's president of liquids pipelines, said on a conference call.

The open season closes on Sept. 28, with the results of the process expected to be final in late November, Miller said. The company should also receive its regulatory decisions from Nebraska around that time and will weigh both of those factors in determining whether to proceed with the line, he said. If TransCanada decides to move ahead on Keystone XL, it would need six to nine months to prepare for construction and about two years to build it, he said.

Dividend Growth

Success in advancing Keystone XL or other growth initiatives such as the Bruce Power life extension may "augment or extend the company's dividend growth outlook," Chief Executive Officer Russ Girling said in the statement. The company plans to increase its annual dividend at the upper end of an 8 percent to 10 percent range through 2020.

Keystone won votes of confidence from the chief executive officers of Canadian oil producers Cenovus Energy Inc. and Suncor Energy Inc. this week. The CEOs both said they support Keystone and that the Canadian energy industry needs more pipeline capacity. Suncor confirmed that it plans to ship its products on Keystone.

Alberta's oil producers have long warned that a lack of pipeline space was hurting their prospects. That pipeline pinch may start to hit the industry later this year as Suncor's massive Fort Hills oil-sands project starts to produce oil and Canadian Natural Resources Ltd. completes another phase of expansion at its Horizon mine.

Beyond Keystone

Looking beyond Keystone, TransCanada is spending C$2 billion ($1.6 billion) to expand its natural gas pipeline network in Western Canada. The upgrades to the Nova Gas system will include 171 miles (275 kilometers) of new pipeline, additional compression and new metering stations.

The company said July 28 that it was applying to the National Energy Board to expand capacity on its Canadian Mainline, which carries natural gas from producers in Alberta to markets in the nation's east. The company would spend about C$160 million ($129 million) on the project, which is underpinned by 15-year contracts.

TransCanada's second-quarter profit was 76 Canadian cents a share, excluding some items. The average estimate of analysts surveyed by Bloomberg was 68 cents.

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Diesel Ban Looms in Hometown of Porsche, Mercedes Over Emissions

Posted July 28, 2017, 9:39 A.M. ET

By Elisabeth Behrmann

German carmakers, fighting for diesel's future, faced a setback after a Stuttgart court ruled in favor of banning the technology in the home city of Mercedes-Benz and Porsche.

Diesel driving bans are the only adequate solution to quickly clean up the air, said Judge Wolfgang Kern of Stuttgart's administrative court, ruling on a case brought by an environmental group over the city's failure to comply with emissions levels for smog-inducing nitrogen oxide. Kern's decision is likely to influence other judicial cases coming in Germany on the matter.

"From 2010 until today, authorities have failed to meet their duty on lowering emissions levels," Kern said. "Driving restrictions are legally enforceable and in the court's view a proportionate measure because protection of health outweighs the right to property and freedom to act for vehicle owners."

Automakers, the federal government and some German states are seeking to avoid bans by instead pursuing recalls to improve emissions as the diesel-cheating scandal that erupted two years ago at Volkswagen AG continues to engulf the industry. Transport Minister Alexander Dobrindt July 27 took a hard-line stance against Porsche, accusing the sports-car maker of using a defeat device in the Cayenne and forcing the VW unit to recall thousands of the sport utility vehicle.

Federal Court

"Driving bans are fundamentally not a solution," Daimler communications chief Joerg Howe said in a statement, adding such a move will impair the economy, trade and commuter traffic. "There are other measures that could more easily, efficiently and quickly reduce fine dust particles and nitrogen oxide."

Kern said any appeal will move immediately to the top federal administrative court. A ruling by a federal judge would give other cities like Munich and Berlin, where local courts are also considering complaints by advocacy group Deutsche Umwelthilfe, a blueprint for their own measures to fight emissions.

"The judge has recommended broad diesel driving bans in Stuttgart—this is a message to the carmakers that selling dirty diesels is finished," Juergen Resch, head of Deutsche Umwelthife, said after the ruling. "Diesel cars must be upgraded beyond software fixes with the carmakers paying for these measures."

While German automakers argue that they need to continue using diesel as an interim step before moving more fully to electric cars, the confidence crisis facing the technology has ballooned in the last two weeks. Daimler AG's Mercedes-Benz on July 18 announced plans to voluntarily recall 3 million diesel vehicles in Europe to upgrade their technology, while VW's Audi brand said three days later it will service 850,000 cars. VW said July 27 it would expand a recall to about 4 million cars to upgrade engine software.

Sales Dropping

The national debate on diesel, which last year made up 46 percent of car deliveries, has unsettled consumers, and sales of models with the technology have been dropping. Adding to the discontent, VW and Daimler are also caught up in another scandal with BMW AG over allegations they colluded on technology. BMW vehemently denies any wrongdoing.

Possible driving bans in some German municipalities clash with an industry that employs tens of thousands to produce vehicles using diesel technology. While states appear willing to strike deals that allow carmakers to upgrade older models, cities and judges are likely to push back. In Munich, a court in March compelled the city to prepare diesel prohibitions to bring down nitrogen oxide levels.

The Stuttgart case considered whether Baden-Wuerttemberg had adequate measures in place to bring down emissions. The city, situated in a valley in the country's southwest, regularly records levels above European Union regulations. To improve air quality, bans shouldn't only be on days with high emissions, but rather applied on a longer-term basis, Kern said.

Political Pressure

The judge recommended preventing diesel cars with the so-called Euro 5 standard—on sale as recently as 2015—from entering much of Stuttgart's center. Such a measure promised the quickest way to cut nitrogen oxide and could be put in place as early as January, he said.

State Prime Minister Winfried Kretschmann, a member of the Greens, recently came out in favor of diesel software fixes rather than an original plan to ban older cars on days with high pollution. If and when people might be forced to leave their cars at home isn't clear and the final ruling, due in August, can be appealed.

Chancellor Angela Merkel's government, which has thus far eschewed the lead of the U.K. and France in setting out timetables for ending the use of combustion engines, is also under pressure to take action. Dobrindt has called an emergency summit of industry executives and government officials July 26 in Berlin. The transport minister said the July 28 ruling didn't take into consideration measures they'll consider then.

"A general diesel ban in cities is the wrong political path," Dobrindt said.

—With assistance from Christoph Rauwald, Birgit Jennen, Rainer Buergin, Arne Delfs and James Regan.

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Mexico's Ethanol Boost Fuels Cross-Border Environmental Debate

Posted July 28, 2017, 7:16 A.M. ET

By Emily Pickrell

Mexico's decision to nearly double the amount of ethanol permitted in gasoline is pitting two big winners—U.S. corn growers and ethanol producers—against some environmental activists and Mexico's own auto industry.

Last month Mexico's Energy Regulatory Commission (CRE) announced it was immediately boosting the maximum amount of ethanol that could be blended in Mexican gasoline supplies from 5.8 percent to 10 percent, and that the change would bring Mexico (outside of its three biggest cities) in line with U.S. gasoline standards.

The U.S. Grains Council—which represents ethanol producers such as Cargill, John Deere, Dow AgroSciences, and Kansas Ethanol—welcomed the decision, as did former commission president Francisco Salazar.

"I think that the CRE has made the right move," Salazar, the agency's president from 2005 to 2015, told Bloomberg BNA. "The standard on the other side of the border is a good one."

While the U.S. already supplies about half of Mexico's gasoline and is the primary producer of ethanol used in Mexico, the change, which took effect June 26, also could expand gasoline imports from the U.S. because retailers won't need to sell gasoline with different ethanol levels on either side of the border.

Cross-Border Cooperation

Despite feuding with Mexico over a border wall, President Donald Trump promised to support ethanol while campaigning for president, and he reiterated that position in a speech in Iowa last month. The ethanol industry is "under siege," but the Trump administration is saving it, the president told an Iowa crowd in June.

Earlier this month, Energy Minister Joaquin Coldwell and U.S. Energy Secretary Rick Perry agreed to work on standardizing energy regulations between the countries, as a way of moving toward a single North American energy region. The Trump administration has listed this integration as one of its objectives in renegotiating the North American Free Trade Agreement, and Mexican President Enrique Pena Nieto has identified it as a key priority.

"We are pleased to see this [ethanol] decision, which is the culmination of significant work by Mexican authorities and industry as they continue to diversify and improve their fuel supplies," Tom Sleight, the U.S. Grains Council's president and chief executive officer, told Bloomberg BNA in a statement.

U.S. Winners

U.S. corn growers had pushed hard for their southern neighbor to adopt the U.S. ethanol standards, according to George Baker, publisher of Mexico Energy Intelligence, a Houston-based research

group.

"There was a big effort on the part of U.S. refineries to lobby Mexico," Baker said. "It basically is an effort to prop up the Iowa corn industry by exporting gasoline."

And U.S. companies are likely to become the big ethanol suppliers for Mexico, which currently produces about 66 million gallons per year of ethanol, according to the Grains Council. By contrast, the largest U.S. ethanol plants alone make as much as 300 million gallons per year of ethanol.

Whether the council's efforts should be seen as lobbying or helping a neighbor develop its own market is a matter of perspective, said Mike Dwyer, the Grains Council's chief economist and head of the global ethanol program. The mission of his program, he explained, is to provide regulators around the world with information on the benefits of ethanol and the science that supports its impact on the environment.

"We are working with the Mexican ethanol industry and helping them develop a resource," Dwyer told Bloomberg BNA. "Mexico has the necessary feedstocks to produce ethanol; they have plenty of sugar and sorghum. What they don't have is the knowledge, and that is what is the focus of our engagement—education."

Environmental Dissent

Research on the health impacts of ethanol in gasoline are mixed. The addition of ethanol reduces two types of carcinogens, benzene and butadiene, according to a 2009 Stanford University report, but may increase ozone, which has been linked to asthma and other lung ailments, depending on the characteristics of the atmosphere.

Ethanol in gasoline has not been permitted for sale in Mexico's three most heavily populated cities—Mexico City, Guadalajara or Monterrey—because of their significant air quality issues. And this ban continues, at least for now.

Mexican environmental groups argue the decision to increase the percentage of ethanol in the rest of the country overlooks the potential environmental and health damage it could inflict, in part by increasing ozone in the atmosphere.

Ethanol advocates point to research—such as a January 2017 report from the U.S. Department of Agriculture— that ethanol gasoline produces fewer greenhouse gases and thus benefits climate change reduction goals.

But some environmental groups question the actual environmental benefits of ethanol, including as it relates to greenhouse gas emissions. They point to the fossil resources that are invariably required to grow these crops and then process them into an additive for fossil fuel, which they say can largely neutralize the carbon footprint benefit.

High-Altitude Cities

In Mexico, the environmental issues have focused mostly on air quality.

The concerns that ethanol gasoline would be especially problematic for high-altitude cities, such as Mexico City, have not been proven by the experience of other cities who once raised the same concerns, Dwyer said. He listed Denver and Bogota, Colombia, as examples.

"They have not had any reported problems of ozone going up," Dwyer said. "The Mexicans will find the same thing that is found everywhere else on the planet—that ethanol is a great additive for improving air quality, for reducing GHG emissions in the transportation market and is a great low carbon source of octane."

And while a 2014 Northwestern University study on air quality in Sao Paulo, Brazil, showed that ozone levels dropped when drivers switched from ethanol to gasoline in flexible-fuel vehicles, the study also noted that the impact of ethanol versus gasoline on air quality depends on the characteristics of the local atmosphere.

'Waiting For the Data'

The Energy Regulatory Commission commissioned the Mexican Petroleum Institute to study the health implications of increasing ethanol to 10 percent in gasoline, and to conduct a cost-benefits analysis. But the study's findings have yet to be released.

"Right now, we are waiting for the data," said Anaid Velasco, an air quality analyst with the Mexican Center for Environmental Law. "We do not think that we have enough data to make that kind of decision."

Carmakers Unhappy

The Mexican Auto Industry, or AMIA, which represents some of the most powerful international auto producers in Mexico, such as General Motors Co., Honda Motor Co., Audi and Volkswagen, has also expressed concern about the new rules.

AMIA contends that because Mexico's auto emissions standards—especially for its older cars—are less stringent than those in the U.S., a larger portion of its fleet is potentially less capable of processing the higher percentage of ethanol in gasoline.

"The older vehicles in circulation lack the same emissions control capacity as the more recent vehicles," wrote Osvoldo Belmont Reyes, the technical director of AMIA, in a June 22 letter to the Energy Regulatory Commission. "The resulting increase of particles would eliminate the same air quality improvements that the government is trying to achieve, with consequential health implications for the public."

VW, GM and Audi told Bloomberg BNA they support the AMIA position.

But former CRE president Salazar said the idea in Mexico that ethanol is more harmful for air pollution is based on older research that used cars with no catalytic converters.

"Ethanol is used in areas with an altitude even higher than Mexico City and it is not a problem," Salazar said. "Why would Mexico have a different standard when the U.S. standards have been approved by the EPA? It doesn't really make sense to counter the tough environmental standards of the U.S."

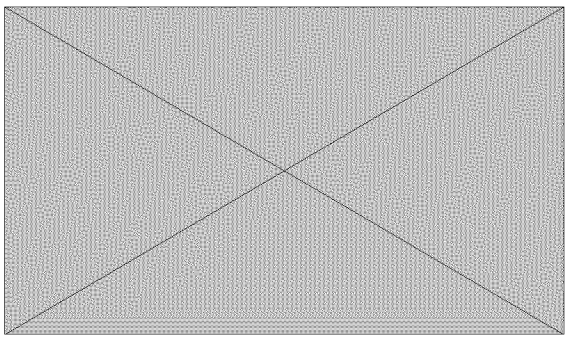
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Thur 8/24/2017 10:02:53 AM
Subject: AEI Today: The dollar is in trouble

President Donald Trump seems to favor measuring his economic performance by the way in which the U.S. stock market is doing. However, a more revealing and less rosy measure of his economic performance might be coming from the currency markets.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



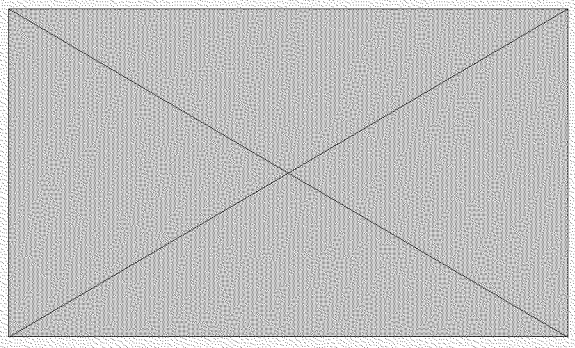
Twenty20

The American dollar is in trouble

Desmond Lachman | US News & World Report

President Trump is fond of measuring his economic performance by how the US stock market is doing. But a more revealing and less rosy measure of his progress might be coming from the currency markets. The dollar has lost as much as 10 percent of its value since the January 2017 inauguration. The recent decline is particularly troubling, as it comes at a time when two historically dollar-supportive

factors are in play.

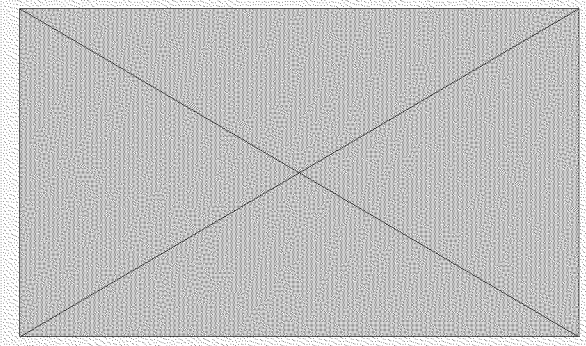


Reuters

Some rare good news from the Middle East

Kenneth Pollack and Firas Maksad | Foreign Affairs

Some of the best news to come from the Middle East in a long time is the recent and long-overdue improvement in relations between Iraq and Saudi Arabia. Washington has been trying in vain since 2003 to convince the Saudis that dissing Iraqis would drive the country's Shiites into the arms of the Iranians — and its Sunnis into the arms of terrorist groups. But for the past 14 years, the kingdom has kept its distance, believing Iraq was already lost.

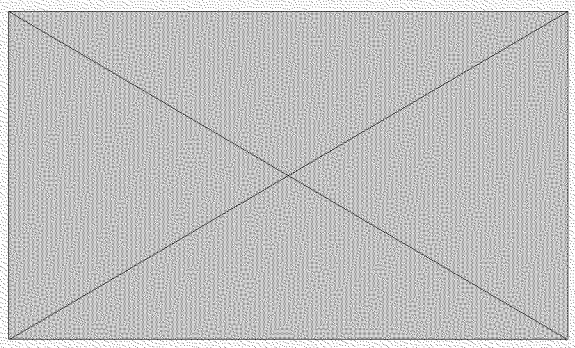


Reuters

America's private schools aren't what you think they are

Michael Q. McShane | US News & World Report

When we hear the words "private schools," many of us think about tony suburban campuses speckled with lacrosse fields and tennis courts. Others think about single-sex Catholic schools run by the Christian Brothers or Sisters of St. Joseph. Neither of these images represents the diversity of the 34,576 private schools in our nation today. Perhaps most surprisingly, 30.2 percent of these schools were located in rural areas or small towns.



Twenty20

Don't demonize immigrants, my fellow conservatives

Michael R. Strain | Bloomberg View

The public face of the right wasn't always so hostile. Upon hearing that some Muslims felt intimidated by other Americans, President George W. Bush went to a mosque six days after 9/11 and said, "Those who feel like they can intimidate our fellow citizens to take out their anger don't represent the best of America. They represent the worst of

humankind." This comment does not advocate policy by sentiment; it recognizes that the dignity of every person is a central concern of politics.

Full Story

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Mark Jamison | AEIdeas

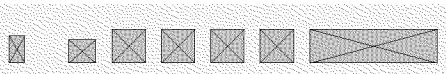
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Mon 8/14/2017 10:46:03 AM
Subject: POLITICO Playbook, presented by the Coalition for Affordable Prescription Drugs (CAPD): PENCE does what Trump hasn't and disavows neo-Nazis and white supremacists -- TRUMP aides predict 'brutal' September -- RISEN to The Intercept -- B'DAY: Adam Goldman

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/14/2017 06:42 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Monday morning. PRESIDENT DONALD TRUMP is coming back to D.C. He meets with John Kelly at 11:15 a.m. and then signs a "memorandum on addressing China's laws, policies, practices, and actions related to intellectual property, innovation, and technology." At 3:45 p.m., he'll meet with the National Economic Council before heading to New York for a few nights. At 9:30 p.m. he'll speak to Japanese Prime Minister Shinzo Abe by phone from Trump Tower.

LAST WEEK the White House indicated that there would be a press conference today. Trump's schedule does not indicate he's holding a media availability.

ABOUT TODAY -- **@realDonaldTrump** at 6:26 a.m.: "Heading to Washington this morning. Much work to do. Focus on trade and military. #MAGA".

MORE FROM CHARLOTTESVILLE -- WASHINGTON POST: "Alleged driver of car that plowed into Charlottesville crowd was a Nazi sympathizer, former teacher says," by T. Rees Shapiro, Alice Crites, Laura Vozzella and John Woodrow Cox: "A man accused of plowing a car into a crowd of activists here -- killing one person and injuring 19 -- long sympathized with Nazi views and had stood with a group of white supremacists hours before Saturday's bloody crash.

"The alleged driver, James Alex Fields Jr., a 20-year-old who traveled to Virginia from Ohio, had espoused extremist ideals at least since high school, according to Derek Weimer, a history teacher. Weimer said he taught Fields during his junior and senior years at Randall K. Cooper High School in Kentucky. For a class called 'America's Modern Wars,' Fields wrote a deeply researched paper about the Nazi military during

World War II, Weimer recalled. 'It was obvious that he had this fascination with Nazism and a big idolatry of Adolf Hitler,' the teacher said. 'He had white supremacist views. He really believed in that stuff.'" http://wapo.st/2uF9UeE

-- VIRAL TWITTER REACTION -- FORMER REP. JOHN DINGELL (D-MICH.) @JohnDingell: "I signed up to fight Nazis 73 years ago and I'll do it again today if I have to. Hatred, bigotry, & fascism should have no place in this country." (257K retweets and 740K likes)

-- MORE TO COME -- "In blog posts after the violence, the Daily Stormer, a leading white nationalist website that promoted the Charlottesville event, pledged to hold more events. 'We are going to start doing this nonstop,' the post said. 'We are going to go bigger than Charlottesville. We are going to go huge.'" http://bit.ly/2w3bziz

-- **"Charlottesville victim: 'She was there standing up for what was right,'"** by WaPo's Ellie Silverman and Michael Laris: "Heather Heyer was killed Saturday as she pushed back against hatred. ... 'I'm not really surprised my child died this way, because she would stand up for what she believed in,' [mother Susan] Bro said. Despite her pain, Bro said she doesn't want people to hate Fields. It isn't what her daughter would want, she said. 'Our daughter did not live a life of hate and hating this young man is not going to solve anything ... It's not that I think he should go unpunished for his crime. But hate only engenders more hate and there's no purpose in hate,' Bro said. 'Heather's life was about, passionately about, fairness and equality and caring and that's what we want people to take away from this.'" http://wapo.st/2w5tPqv

VICE PRESIDENT MIKE PENCE, at a joint press conference Sunday with Colombian President Juan Manuel Santos: "We have no tolerance for hate and violence from white supremacists, neo Nazis or the KKK. These dangerous fringe groups have no place in American public life and in the American debate, and we condemn them in the strongest possible terms," Pence said, per pooler Phil Rucker of the Washington Post. "The president also made clear that behavior by others of different militant perspectives are also unacceptable in our political debate and discourse."

--TRUMP has not condemned the Nazis or white supremacists by name on the record yet. The White House did issue a statement doing so from a nameless spokesman yesterday. **QUESTION OF THE DAY**: Will the president do it today from D.C.?

MORE FROM PENCE -- ON VENEZUELA: "President Trump is a leader who says what he means and means what he says, but the president sent me here to continue to marshal the unprecedented support of countries across Latin America to achieve by peaceable means the restoration of democracy in Latin America, and we believe it is achievable by those means." ... "You hear in President Trump's words the resolve of the United States of America to see this through, to restore democracy and constitutional government in Venezuela."

FOR YOUR RADAR -- REUTERS: "Chinese state newspaper says Trump trade

probe will 'poison' relations": "In an editorial, the official China Daily said it was critical the Trump administration doesn't make a rash decision it will regret. 'Given Trump's transactional approach to foreign affairs, it is impossible to look at the matter without taking into account his increasing disappointment at what he deems as China's failure to bring into line the Democratic People's Republic of Korea,' the English-language paper said. 'But instead of advancing the United States' interests, politicising trade will only acerbate the country's economic woes, and poison the overall China-U.S. relationship.' An administration official has insisted diplomacy over North Korea and the potential trade probe were 'totally unrelated', saying the trade action was not a pressure tactic." http://reut.rs/2w2COK1

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

CULTURE SHIFT -- Washington has always been a place for people with sharp elbows. The old saying "Politics ain't beanbag" is apt and accurate. The difference: it was done behind closed doors. Trump insiders seem to revel in the credit they get for knifing whoever is on the outs with Trump. Crowing about shoving people under the bus seems more prevalent than ever.

There have been a lot of pieces about how the Trump administration and the various players who have come to Washington have impacted D.C. Cache now comes from hanging out at the Trump Hotel and the stock of pubs like Breitbart has soared as the White House looks to leak info to sympathetic reporters. But the most stunning example of a pervasive culture shift in the past several weeks has been the overt campaign by conservative operatives and factions in the West Wing to take out National Security Adviser H.R. McMaster. Lots of people have told us unflattering and sordid details of people's lives that may, or may not be true. But the steady drumbeat of personal attacks against aides in this White House is stunning.

STRANGE'S STRUGGLES -- "Despite Trump's Support, Alabama Senator Struggles to a Primary Finish," by NYT's Alan Blinder in Homewood, Alabama, and Jonathan Martin in Birmingham: "Senator Luther Strange of Alabama wields an endorsement from the president of the United States, is the beneficiary of a multimillion-dollar campaign from allies of Mitch McConnell, the Senate majority leader, and has the backing of influential conservative interest groups like the National Rifle Association.

"But Mr. Strange is wheezing into Tuesday's Republican Senate primary here. He is grasping to secure a second-place finish and a slot in a September runoff with Roy S. Moore, the twice-deposed former State Supreme Court justice and evangelical-voter favorite who is expected to be the top vote-getter but may fall short of the majority needed to win outright. Mr. Strange is in a political vise, pinched by his links to a pair of Republicans, one local and one national, held in low esteem by many in the party here:

the disgraced former Gov. Robert Bentley, who appointed Mr. Strange, and Mr. McConnell." http://nyti.ms/2w52aGo

-- QUICK PRIMER ON ROY MOORE: "The GOP rebel threatening to snag Sessions' Senate seat," by Seung Min Kim in Homewood, Alabama: "Roy Moore lacks the war chest of two chief rivals in his bid to become the next senator from Alabama. He didn't land the coveted endorsement of President Donald Trump, and doesn't enjoy the advantages of incumbency. Yet the controversial former state Supreme Court justice is coasting over his Republican challengers in Tuesday's closely watched GOP Senate primary. Moore is set to easily secure a place in a September runoff, as the establishment-backed Sen. Luther Strange and Rep. Mo Brooks scrape for the second spot.

"Should Moore become the GOP nominee and the next senator from Alabama, his bombastic personality and antipathy toward Mitch McConnell (R-Ky.) are sure to make more trouble for the GOP leader, who's taking constant flak from Trump as it is. McConnell and his allies are spending millions to elect Strange, and in response, Moore has made McConnell the symbol of everything he opposes in Washington.

"'I resent people from Washington, raising money in Washington, and sending negative ads to Alabama and trying to control the vote of the people,' Moore said in an interview after a GOP executive committee meeting here. "'If the Washington crowd wants somebody, the people of Alabama generally don't.'" http://politi.co/2uFe6ej

-- FOR GOOD MEASURE: @realDonaldTrump at 6:38 a.m.: "Luther Strange of the Great State of Alabama has my endorsement. He is strong on Border & Wall, the military, tax cuts & law enforcement."

COMING ATTRACTIONS -- "Trump aides predicting 'brutal' September," by Josh Dawsey: "Inside President Donald Trump's White House, no one seems to be looking forward to September. Senior officials have described the coming month as 'brutal,' 'bad' or 'really tough' because of the confluence of complicated issues -- but they also say it's pivotal to getting the presidency back on course. Aides hope to have a better blueprint for how the president wants to proceed on a series of thorny issues -- the nation's debt ceiling, the 2018 federal budget, tax reform, infrastructure spending and perhaps another stab at repealing Obamacare -- after a series of meetings in New York this week.

"Their goal is to partially temper Trump's expectations, hammer out some compromises and get a competing band of aides on the same page. The month has taken on outsize importance among some top aides and outside advisers, who view it as key to getting the presidency on a better track. ... Trump, who is impatient, wants it all done immediately, said people close to the president -- and he has ratcheted up pressure on aides in recent weeks, even though he doesn't always engage with the substance of issues." http://politi.co/2wVxqVf

2020 WATCH -- Trump's campaign yesterday released a new TV ad, **"Let President Trump Do His Job,"** which criticizes the president's "enemies" for not wanting him "to succeed." The Trump campaign did not respond to a request about how much they are spending on this ad, and where it is running. http://bit.ly/2fDZaL2

-- THE AD features House Minority Leader Nancy Pelosi (D-Calif.), Sens. Chuck Schumer (D-N.Y.) and Elizabeth Warren (D-Mass.) when the narrator reads "Democrats obstructing." When the narrator says "career politicians," it shows Rep. Steny Hoyer (D-Md.) and Rep. Maxine Waters (D-Calif.). When the narrator says the media is attacking the president and "the president's enemies don't want him to succeed," it shows Mika Brzezinski, Anderson Cooper, Joe Scarborough, Scott Pelley, George Stephanopoulos, Chris Hayes, Dana Bash, John King, Brian Williams, Gloria Borger, Don Lemon, Erin Burnett, April Ryan, Rachel Maddow, Chuck Todd, Brian Stelter and Fareed Zakaria. **NOTE:** The president's campaign is labeling reporters his "enemies."

THE JUICE ...

-- SEN. JEFF FLAKE (R-ARIZ.) is starting to see the opposition. The super PAC supporting his challenger Kelli Ward is up with a $100,000 statewide cable buy. The group just got cash from the Mercer family. The ad blasts Flake and Sen. John McCain for working with Democrats, saying anything to get elected and "blocking the conservative agenda." ***The ad*** http://bit.ly/2vwnGDk

-- CNN'S BRIAN STELTER: "On August 1, one day after the abrupt exit of White House communications director Anthony Scaramucci, President Trump dined with a communications whiz: Rupert Murdoch. The two men had a private dinner at the White House, according to two sources with direct knowledge of the meeting." http://cnnmon.ie/2vwSy6v

Playbook Reads

PHOTO DU JOUR: People light candles in the form of a peace sign in front of the White House on Aug. 13 for a vigil in response to the death of a counter-protestor rallying against white nationalists in Charlottesville, Virginia the previous day. | Zach Gibson/AFP/Getty Images

DEEP DIVE -- A LOOK BACK AT TILLERSON'S FIRST SIX MONTHS: "Critiques fly as Tillerson struggles to define his mission," by AP's Josh Lederman in Manila and Matt Lee in Washington: "Since taking office in February, Tillerson has earned praise from President Donald Trump despite policy differences, top Cabinet members and even some Democrats, including those who take solace in the tempering role he plays in an otherwise frenetic and unpredictable administration.

"Yet he's also stoked deep doubts about his leadership among many U.S. diplomats and the traditional foreign policy establishment, with a daily drumbeat of editorials like 'Why Has Rex Tillerson Belly-Flopped as Secretary of State?' and 'How Rex Tillerson is Wrecking the State Department.' And so difficult has Trump made Tillerson's job at times that it's sparked talk of a 'Rexit,' a potential early departure from the job. As with the histrionic headlines, Tillerson has brushed it all off, calmly telling reporters last month, 'I'm not going anywhere.'" http://bit.ly/2w2yHNW

TOP OP-ED -- SECRETARY OF DEFENSE JIM MATTIS and **SECRETARY OF STATE REX TILLERSON** in the WSJ: **"We're Holding Pyongyang to Account:** The U.S., its allies and the world are united in our pursuit of a denuclearized Korean Peninsula": "In the past few months, multiple illegal North Korean ballistic-missile and ICBM tests-coupled with the most recent bellicose language from Pyongyang about striking the U.S., Guam, our allies and our interests in the Asia-Pacific region-have escalated tensions between North Korea and America to levels not experienced since the Korean War.

"In response, the Trump administration, with the support of the international community, is applying diplomatic and economic pressure on North Korea to achieve the complete, verifiable and irreversible denuclearization of the Korean Peninsula and a dismantling of the regime's ballistic-missile programs. We are replacing the failed policy of 'strategic patience,' which expedited the North Korean threat, with a new policy of strategic accountability.

"The object of our peaceful pressure campaign is the denuclearization of the Korean Peninsula. The U.S. has no interest in regime change or accelerated reunification of Korea. We do not seek an excuse to garrison U.S. troops north of the Demilitarized Zone. We have no desire to inflict harm on the long-suffering North Korean people, who are distinct from the hostile regime in Pyongyang." http://on.wsj.com/2w57CJg

-- "Top U.S. General Readies Military Plan for North Korea, but Pushes for Diplomacy: Arriving in Asia, Gen. Joe Dunford says he is prepared for war, but supporting Secretary of State Rex Tillerson's efforts," by WSJ's Gordon Lubold at Osan Air Base in South Korea: "'As a military leader, I have to make sure that the president does have viable military options in the event that the diplomatic and economic pressurization campaign fails,' Chairman of the Joint Chiefs of Staff Gen. Joe Dunford said in his first public remarks since the crisis escalated with North Korea's launch of a second intercontinental ballistic missile late last month.

"'Even as we develop those options, we are mindful of the consequences of executing those options, and that makes us have more of a sense of urgency to make sure that we're doing everything we absolutely can to support Secretary Tillerson's current path,' he said. Gen. Dunford began a scheduled swing through the region Sunday, with a stop to meet with South Korean President Moon Jae-in, along with newly appointed defense officials and commanders. Gen. Dunford leaves Monday for Beijing and will also visit Tokyo this week, defense officials said." http://on.wsj.com/2fDX3GI

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

VOLLEY TO BREITBART -- "U.S. National Security Adviser McMaster is a Friend to Israel," by former senior Israeli military officials Yaakov Amidror and Eran Lerman in the Jerusalem Post: "It was sad to see scurrilous and harmful personal attacks launched by some American Jews and even a few Israelis at US National Security Adviser Gen. (ret.) H.R. McMaster. ... But such an attack is not mere opinion; it is an offense against the truth, against basic decency and against the best interests of Israel as we see them. In the opinion of many in the professional Israeli defense establishment who have come to know Gen. McMaster over the years, directly and indirectly, the general is a friend.

"Israeli officers and scholars who have worked with McMaster say that he was always highly appreciative of Israel and of its contributions to the security of the US. They attest to his broad support for and admiration of the IDF. It is absurd to assert that all these years, hidden underneath McMaster's friendliness was a grudge against Israel that the general is now free to act on. We reject this churlish insinuation. And whatever the reasons may have been for his decision to relieve certain senior National Security Council officials of their duties, antisemitic or anti-Israeli sentiments were certainly not part of the calculus." http://bit.ly/2w2RbxJ

NEWT on FoxNews.com -- "America needs to be better prepared for a nuclear attack": http://fxn.ws/2vTPX7C

JUST POSTED - "Julian Assange, a Man Without a Country: From his tiny sanctum in London, the founder of WikiLeaks has interfered with the world's most powerful institutions," by The New Yorker's Raffi Khatchadourian: "Assange ... argued that any attempt to associate WikiLeaks with Guccifer 2.0 was pernicious spin -- trying to turn a coincidence into a conspiracy. ... [But w]hatever one thinks of Assange's election disclosures, accepting his contention that they shared no ties with the two Russian fronts requires willful blindness. Guccifer 2.0's handlers predicted the WikiLeaks D.N.C. release. They demonstrated inside knowledge that Assange was struggling to get it out on time. And they proved, incontrovertibly, that they had privileged access to D.N.C. documents that appeared nowhere else publicly, other than in WikiLeaks publications. ...

"[But members of the intelligence community ... [have affirmed that] Russian military intelligence-the same group that appeared to control Guccifer 2.0 and DCLeaks-released the D.N.C. and the Podesta e-mails to WikiLeaks through a third party. ... Assange once told me that he did not 'accept' the allegation that Russia had provided

him e-mails through a third party, which of course was different from saying that the allegation was untrue. I asked if he was even able to know the chain of custody of his election material before it came to him. He declined to answer." http://bit.ly/2wIrwYy

MEDIAWATCH -- "Pulitzer-Winner James Risen Joins The Intercept And First Look Media," by HuffPost's Michael Calderone: "At the Intercept, Risen will serve as senior national security correspondent, writing a column based on his own reporting, and help steer the site's investigative work. ... Risen, 62, was among the most prominent journalists to leave the New York Times last month in the paper's latest round of buyouts. ... Risen ... was part of a Pulitzer Prize-winning team delving into the aftermath of the Sept. 11, 2001, terrorist attacks and won a second Pulitzer with colleague Eric Lichtblau for their 2005 investigation into the National Security Agency's secret domestic spying program." http://bit.ly/2hYNgft

--NEW DOC ABOUT THE NYT -- per Hadas Gold's Morning Media: "A crew is filming inside the New York Times for a documentary about the paper's coverage of the president, two sources told me. They've filmed meetings, reporters on the phone and other material in both Washington and New York. It's not clear who is behind the film and Times spokespeople declined to comment."

Playbookers

SPOTTED at this weekend's annual Congressional Black Caucus Institute's policy conference in Tunica, Mississippi hosted by Rep. Bennie Thompson (D-Miss.): Rev. William Barber, D.C. Mayor Muriel Bowser, FCC Commissioner Mignon Clyburn, Dr. Michael Lomax, Spencer Overton, Mary Cathryn Ricker, Derrick Figures, Derrick Johnson, Paul Brathwaite, Tracie Washington, DuJuan McCoy, Gwen Brown, Karis Gutter, Cherie Wilson, Barbara Whye, LaKeitha Anderson, Derron Parks, Nichole Reynolds, Alonzo Byrd, LeMia Jenkins, Erica Johnson, Calvin Smyre, Alvin Brown, Steven Horsford, Hassan Solomon, Marcus Jadotte, Wanda Townsend, Curtis Etherly, Franklin Davis, Julia Chaney, Dionna Dorsey, LaQuita Honeysucker, Montee Wynn, Ebony Simpson, Portia White, Earl Jones, Leroy Nix, Albert Wynn and Ibn Salaam.

WEEKEND WEDDING -- Eric Walker, the incoming communications director for the Colorado Democratic Party and former DNC deputy communications director, and **Madison Case,** senior manager of public affairs for The GRODAN Group, were married Saturday in front of family and friends in a traditional Jewish wedding ceremony at the National Museum of Women in the Arts in downtown D.C. "The bride and groom took their pre-wedding photos at the U.S. Capitol, and Eric joined the father of the bride on guitar for a song with the band. The couple are moving to Denver at the end of the month. ... [T]hey've been dating three years and their first date was at the Brixton. They got engaged in Turks and Caicos on the beach in November of 2016." ***Pic*** http://bit.ly/2uEu9Jx

ENGAGED - Adam Janov, analyst at the State Department, proposed yesterday to **Katie Hughes,** account manager at Washingtonian and a Politico alum. "Adam and I met studying abroad our senior year at University of Maryland in New Zealand. He proposed here in Fort Collins, Colorado on vacation visiting his family who recently relocated from the D.C. area." ***Pic*** http://bit.ly/2vUdIfl

TRANSITIONS - Amanda DeBard is joining the National Beer Wholesalers Association as communications director. She has most recently worked as a comms consultant for clients including NAM and was an editor at SmartBrief. ... **ILLINOIS GOV. BRUCE RAUNER** has hired Betsy Ankney as campaign manager. Ankney managed Sen. Ron Johnson's (R-Wis.) campaign. http://bit.ly/2fD9aEf

BIRTHWEEK (was yesterday): Jamestown Associates CEO and Trump ad man Larry Weitzner (hat tip: Barney Keller, who was on time)

BIRTHDAYS OF THE DAY: NYT's **Adam Goldman,** a Pulitzer Prize winner, celebrating on "an undisclosed spot along the coast of North Carolina." **How he got his start in journalism:** "Got a job at a little newspaper called The Daily Progress in Charlottesville, Va. I covered city hall for $8 an hour." Read his Playbook Plus Q&A: http://politi.co/2wIqviT ... **Boris Epshteyn,** chief political analyst at Sinclair Broadcast Group, host of "Bottom Line with Boris" and former special assistant to President Trump, is 35. **A fun fact:** "When my wife [Lauren] and I first started dating at Georgetown University we wrote a 'he says/she says' opinion column in the Georgetown Hoya newspaper about the best places to go on dates in DC. We published our top 100 columns as a book called 'Where to Date in D.C.'" Q&A: http://politi.co/2uC7fWU

BIRTHDAYS: Jen Myers, executive director at Jennifer Bush-Lawson Foundation (hubby tip: Sam) ... Politico's Peter Canellos and Shoaib Qureshi ... Rob Flaherty, deputy digital director at Priorities USA, is 26. He celebrated with friends on Friday night with karaoke and margaritas and then bullpen seats on Sunday at the Nats game ... Bill Couch ... Tim Carney, commentary editor at the Washington Examiner ... Lori Montgomery, WaPo deputy national editor ... Ian Rayder of Cisco gov't affairs ... Katrin Bennhold, NYT correspondent based in London (h/t Ben Chang) ... David Ellis, senior associate at Energy Futures Initiative and a CQ alum ... Rep. Louise M. Slaughter (D-N.Y.) is 88 ... Darren Goode, communications director at ClearPath Foundation, is 43 ... Sean Miles, Florida Gov. Rick Scott's senior adviser, is 5-0 (h/t Bo Ollison) ... Tiffany Stecker, environment reporter at Bloomberg BNA ... Jessica Pavel ... Social Security is 82 ... Rep. Mark Pocan (D-Wis.) is 53 ... former Rep. Tom Campbell (R-Calif.) is 65 ... former Rep. Robin Hayes (R-NC) is 72 ... Gary Endicott ...

... John Meza, Rep. Beto O'Rourke's comms. director, is 31 ... Matt J. Lauer, EVP at Qorvis/MSLGroup (h/t Kevin Chaffee) ... Erik Sperling ... Politico Europe's Maia De La Baume (h/t sister Josephine) ... Paige Decker ... Gray Kinsella ... Melissa Johnson ... Josh Goldberg ... Jeff Krehely ... Colby Bermel, energy reporter at S&P Global Market Intelligence, is 24 ... Spike Whitney ... Mark Mitchell ... Jane Hautanen ... Eric Wohlschlegel ... Nicole Stickel ... Matt Nappe ... Alia Awadallah ... Jon Hoadley ... Jon

Selib is 42 ... Bill Couch ... DCCC's Dan Sena ... Josh Freed ... Catherine Coleman Flowers ... comedian-actor Steve Martin is 72 ... Susan Saint James is 71 ... Kate Carr ... Denise Feriozzi (h/ts Teresa Vilmain)

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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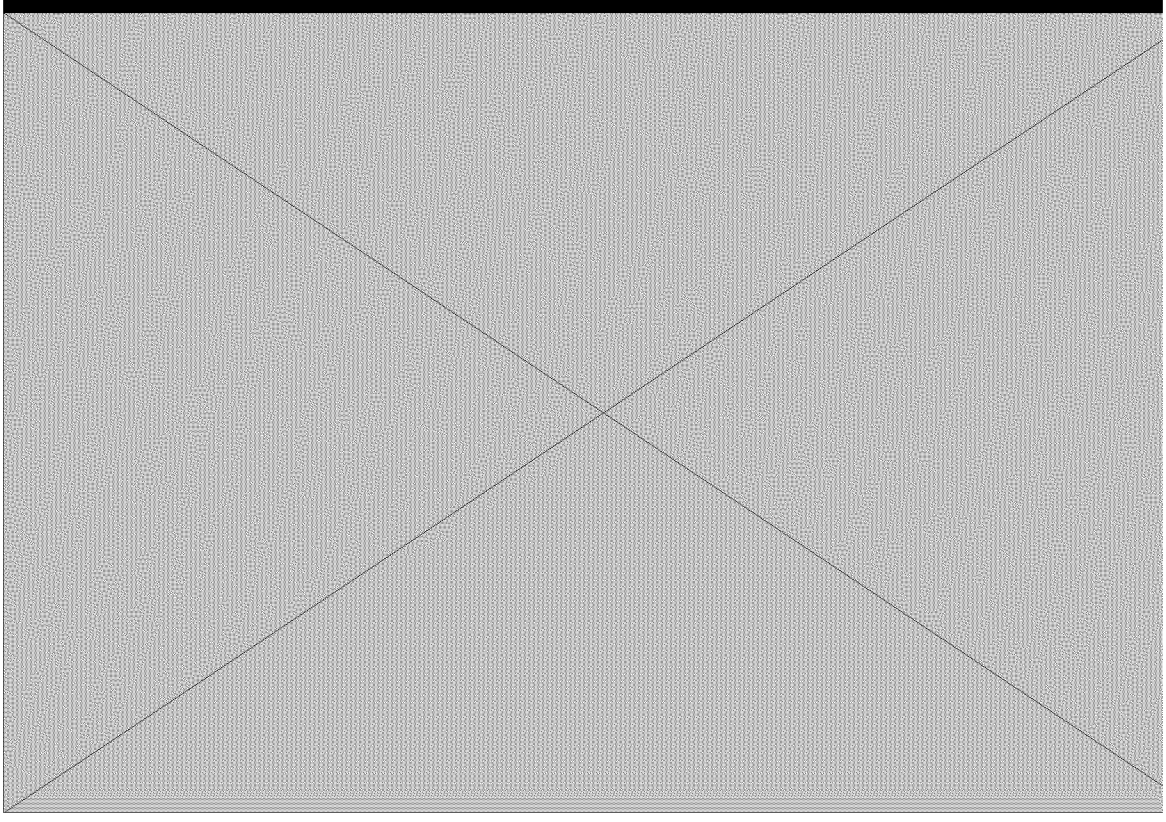
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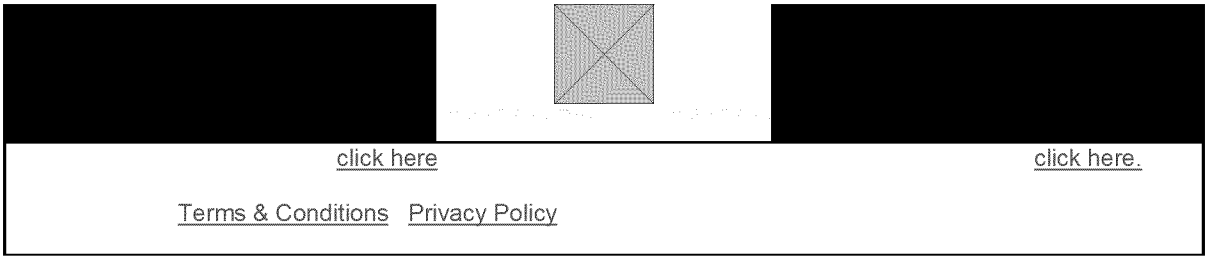
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Thur 8/3/2017 2:05:22 PM
Subject: POLITICO's Morning Transportation: When is it 'lobbying'? — Senate Commerce advances DOT nominations — DHS on Kelly's departure: We're just fine

By Stephanie Beasley and Brianna Gurciullo | 08/03/2017 10:00 AM EDT

With help from Tanya Snyder and Lauren Gardner

WHEN IS IT 'LOBBYING'? Three House Dems want DOT's inspector general to look into whether administration officials broke federal law by promoting Rep. Bill Shuster's (R-Pa.) bill, H.R. 2997 (115), to split off air traffic control operations from the FAA. In a letter to IG Calvin Scovel, Democratic Reps. Peter DeFazio of Oregon, Nita Lowey of New York and David Price of North Carolina wrote: "It has come to our attention that at least four DOT political appointees have contacted members of Congress, nonfederal stakeholders such as aviation association representatives and airport sponsors, or both to gain support" for the House Transportation Committee chairman's legislation.

Sound familiar? Luckily for you MT readers, you all already knew that some DOT officials had sent emails to lawmakers and trade groups advocating for the bill. FAA told us at the time that it was "providing fact-based information in response to questions and issues that we have been consistently asked over the course of the FAA's reauthorization."

'Highly irregular': DeFazio, Lowey and Price wrote in their letter that folks within DOT also chatted on the phone with "nonfederal stakeholders" to urge the overhaul. And, they pointed out, DOT launched a website on separating air traffic control operations from the FAA. "Even when viewed in the light most favorable, these e-mails, phone calls, and other activities are highly irregular, at best," the trio wrote.

IT'S THURSDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Steph and Brianna are driving the MT train, so please send along tips, feedback and lyrics to sbeasley@politico.com or @Steph_Beasley and bgurciullo@politico.com or @brigurciullo.

"Orange juice in my ride / Wawa's to the right / They got a beverage inside."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with tunes (picked by us and readers) that are all about flying, driving, commuting and sailing?

TWEETS DU JOUR: From our POLITICO colleague Seung Min Kim: "The smell of #jetfumes getting stronger in the Senate." And from Time's Zeke Miller: "FAA has formally issued NOTAMS for POTUS vacation in Bedminster from Aug 4-20."

DOT PICKS MOVE AHEAD: Several nominees moved through the Senate Commerce Committee on Wednesday (including controversial DOT general counsel nominee Steven Bradbury, who barely made it through on a party line vote). Some Democrats, including ranking

member Bill Nelson (D-Fla.), objected to advancing Bradbury's nomination because of his ties to Takata, and because they felt his plans to avoid potential conflicts of interest were insufficient.

Meanwhile: Other Dems balked at Bradbury's history in President George W. Bush's Justice Department, where he authored three memos that helped authorize torture. Sen. Tammy Duckworth (D-Ill.) led that campaign, saying: "When you're stuck bleeding in a helicopter behind enemy lines like I was, you hope and pray that if the enemy finds you first, they treat you humanely." The other three nominees - Mark Buzby for MARAD administrator, Ron Batory for FRA administrator and Robert Sumwalt for NTSB chairman - were approved easily. Our Tanya Snyder has more for Pros.

DRIVERLESS BILL-LESS: At Wednesday's Senate Commerce Committee markup, Chairman John Thune (R-S.D.) announced that his panel's driverless car legislation would have to wait a little longer. The bill - which Sen. Gary Peters (D-Mich.) had promised was coming "very soon" a bit more than a week ago - is being held up until "sometime this fall," Thune said.

NEVER MIND: Qatar Airways has changed its mind about looking to purchase a stake in American Airlines, saying "further review ... has demonstrated that the investment no longer meets our objectives," the Doha-based carrier said in a statement to Reuters. American, which has clashed with Qatar Airways over Open Skies issues, is surely pleased. "We respect Qatar Airways' decision not to proceed with its proposed investment," the U.S. carrier told us in a statement.

MOVING ALONG THE PIPELINE: FTA released on Wednesday the Record of Decision for the Gateway program's Portal Bridge project, putting it closer to the engineering phase of the Capital Investment Grant pipeline. The partners involved with the $1.64 billion project hope to obtain CIG funding totaling $811 million.

AMICABLE DIVORCE: DHS spokesman David Lapan says John Kelly's departure from the agency was smooth and followed the established succession plan to shift power to Elaine Duke. He said during a pen and pad Wednesday that he didn't know how much of a heads-up Duke had before Trump tweeted out the announcement that Kelly would take over as White House chief of staff, but that Kelly had been aware that he was being considered. "I know that there had been conversations between Gen. Kelly and the White House," Lapan said. "But I couldn't tell you how many or over what period of time."

Search party update: It's possible that Duke could hold the top spot at DHS for a while given that there are still no clear front-runners to step in as the permanent head of the agency. Pro Energy's Alex Guillen reports that Energy Secretary Rick Perry doesn't want anyone to add his name to the list of contenders to replace John Kelly. Perry is "happy where he is & focused on carrying out mission POTUS gave him," DOE's press office tweeted.

And I am telling you: Lapan also poo pooed rumors that he might be following Kelly to the White House to take over the freshly vacant communications director position. "I have no plans to move," he said. "I have not been asked by anyone to change jobs and so that's where that stands." Still, Lapan couldn't help but chuckle at reporters' suggestions that he might have to

make some wardrobe changes, like upgrading from his no-frills suits to pinstripes, should he change his mind.

LAW AND ORDER: Possibly joining Lapan at DHS is John Mitnick, who the president nominated Wednesday to be the department's general counsel. Mitnick is currently the chief legal officer at the Heritage Foundation and previously served as associate general counsel for science and technology at DHS.

YEAH, ABOUT THAT: Coast Guard Commandant Adm. Paul Zukunft made some waves earlier this week when he said he would continue to support transgender service members in the face of Trump's threat to ban them. But Lapan said that should an official order come down from the White House, Zukunft would have no choice but to implement it. "This policy, when the Department of Defense develops it, will apply to the Coast Guard," Lapan said. He added: "What I'd say is that the commandant, clearly as a serving military officer, will follow the orders and directions of not only of the commander in chief but the secretary of Defense."

PRIVATE EYES: The Secret Service will use a drone to help keep an eye on the president when he goes on vacation at his golf club in New Jersey later this month, according to a Reuters report. The agency will operate a "small tethered unmanned aircraft system vehicle" during Trump's extended visit to the Trump National Golf Club in Bedminster, N.J., and is considering it a test for using drones as presidential protection. However, the fact that the drone would be flying within range of private residences surrounding the golf course could raise privacy concerns.

SHIFTING GEARS: Lawrence Kluttz is stepping down as communications director for North Carolina Rep. David Price, the top Democrat on the House Appropriations THUD subcommittee, our colleagues at Playbook report. Kluttz begins Aug. 10 as the speechwriter for Vincent Price, the president of Duke University (who isn't related to the House appropriator). ... Tyler Rushforth, formerly counsel to the Senate Environment and Public Works Committee, is now executive director of the American Trucking Associations' Intermodal Motor Carrier Conference.

THE AUTOBAHN:

- "Flying ace Sully makes case against privatization." The Associated Press.

- "California supreme court ruling may delay high-speed rail." The Eno Center for Transportation.

- "Buyers bet on infrastructure, with or without Trump." Bloomberg Gadfly.

- "NTSB finds 'blind spot' in SFO radar system following Air Canada near-disaster." The Mercury News.

- "Evacuations remain in effect after freight train derailment." The Associated Press.

- "German carmakers claim software upgrade deal at diesel summit." POLITICO Europe.

- "Trump's CEO brain trust hasn't done much." Bloomberg.

- "Maryland Gov. Larry Hogan demands answers on airport noise complaints." WAMU 88.5.

- "Hyperloop just broke its speed record. That was the easy part." Quartz.

- "Self-driving cars are confusing drivers - and spooking insurers." Wired.

THE COUNTDOWN: DOT appropriations run out in 58 days. The FAA reauthorization expires in 58 days. Highway and transit policy is up for renewal in 1,154 days.

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http://www.politico.com/tipsheets/morning-transportation/2017/08/03/when-is-it-lobbying-221682

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Fri 8/4/2017 7:21:30 PM
Subject: U.S. trade commission staff issue pre-hearing report in Suniva solar imports trade case

By Esther Whieldon

08/04/2017 03:18 PM EDT

U.S. International Trade Commission staff today released a report showing that U.S. imports of solar cells have skyrocketed over the past four years as the products got cheaper.

The report summarizes data provided by domestic and international companies in conjunction with a trade case brought by Suniva and SolarWorld Americas. It comes ahead of the agency's Aug. 15 public hearing on whether the influx of cheap solar panels, mostly from Asian countries, has been the primary reason for the domestic manufacturing industry's financial struggles.

The report shows that total U.S. imports of certain crystalline silicon photovoltaic cells were more than five times higher in 2016 than in 2012. Over that time, the average unit value of those imported products declined from $881 per kilowatt in 2012 to a low of $551 per kilowatt in 2016.

It also includes a chart showing that as of last month, less than half of the more than 50 domestic solar manufacturing facilities that had been online in the last four years are still open.

WHAT'S NEXT: Parties in the case have until Aug. 9 to file public versions of their briefs ahead of the Aug. 15 hearing at the agency's Washington headquarters. The commission expects to rule on the case by Sept. 22 and to send its recommendations to President Donald Trump by Nov. 13.

To view online:
https://www.politicopro.com/trade/whiteboard/2017/08/us-trade-commission-staff-issue-pre-hearing-report-in-suniva-solar-imports-trade-case-091554

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Thur 8/17/2017 5:09:09 PM
Subject: Playbook Power Briefing, presented by the Coalition for Affordable Prescription Drugs (CAPD): THE NEW GOP CIVIL WAR -- TRUMP attacks Flake, Graham -- Terror attack in BARCELONA -- BANNON re-ups with third interview

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Today's Playbook Power Briefing presented by the Coalition for Affordable Prescription Drugs (CAPD)

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

BREAKING -- BARCELONA, Spain (AP) at 12:53 p.m.: "Police in Spain call Barcelona van incident a terror attack; local media report up to 13 dead." ***The AP's updating story*** http://bit.ly/2wTeho1

SIREN -- THE NEW CIVIL WAR: INSIDE THE MINDS OF TOP ESTABLISHMENT REPUBLICANS -- FROM JOSH HOLMES, the former chief of staff to Senate Majority Leader Mitch McConnell and the president of Cavalry: "If you took a time machine from ten years ago and arrived this week you would be forgiven for assuming Donald Trump was elected president as a Democrat on a platform of 'the south will rise again!'

"Trump is using the precious capital of the bully pulpit to talk about confederate monuments in between savage attacks on fellow Republicans. Just think about that. Not tax reform. Not repeal and replace. Not North Korean nuclear capabilities. No focused critiques on extremely vulnerable Democrats who have opposed him at every possible turn.

"The reality is that every time he attacks a Republican he invites another member in good standing and another segment of the Republican party to abandon him. When you're eight months in and Republicans are all you have left, chipping away at the remaining few is a helluva strategy. The outpouring of critiques from within the GOP about the President's handling of Charlottesville could serve as a wake up call for the Administration, but if not, it could also be a Republican Party that begins to reassert an identity without Donald Trump."

WHAT JOSH IS TALKING ABOUT -- @realDonaldTrump: "Great to see that Dr. Kelli Ward is running against Flake Jeff Flake, who is WEAK on borders, crime and a non-factor in Senate. He's toxic!" ... "Sad to see the history and culture of our great country being ripped apart with the removal of our beautiful statues and monuments. You.....can't change history, but you can learn from it. Robert E Lee, Stonewall Jackson - who's next, Washington, Jefferson? So foolish! Also.....the beauty that is

being taken out of our cities, towns and parks will be greatly missed and never able to be comparably replaced!"

Good Thursday afternoon. A FRIENDLY REMINDER: We are taking "Playbook on the Road" this August. Send us a photo of yourself, or others reading Playbook during your travels this month and we will feature five photos every Friday. Participating Playbookers will automatically be entered into a drawing to win an signed cartoon by POLITICO's Pulitzer winning cartoonist Matt Wuerker. Email photos to Daniel at daniel@politico.com. Or, Tweet them to @playbookplus with the hashtag #PlaybookLoyal

BACK TO THE NEWS ... IT'S NOT SURPRISING that Trump doesn't want Flake to be reelected -- he has been vocally opposed to the president, his behavior and some of his policies. This is just the latest back-and-forth between the two in the last month. But calling for an incumbent senator's head from your own party is unprecedented. Flake has good relationships with his Senate colleagues and is a reliable Republican vote for Senate Majority Leader Mitch McConnell. This type of intraparty pissing match in public is the exact type of thing McConnell hates. Expect Republican senators to link arms and back Flake.

-- SENATE DEMOCRATS will love this. It's like a free gift. It distracts the GOP and could force McConnell and other outside groups to spend millions of dollars in a costly primary tying up money that could be used elsewhere.

-- @AliABCNews: "'The NRSC unequivocally supports Senator Flake in his reelection bid.' - NRSC Chairman @SenCoryGardner" ... **@SenJohnMcCain:** ".@JeffFlake is a principled legislator & always does what's right for the people of #AZ. Our state needs his leadership now more than ever."

HOUSE MINORITY LEADER NANCY PELOSI called for confederate statues to be removed from the Capitol. To review: Sen. Cory Booker (D-N.J.) said he will draft legislation to remove the statues.

-- @scottwongDC : "NEWS: @SpeakerRyan spox says removing Confederate statues from Capitol not up to Congress: 'These are decisions for those states to make'".

FLASHBACK -- "In Renovation of Golf Club, Donald Trump Also Dressed Up History," by NYT's Nicholas Fandos on Nov. 24, 2015: "When Donald J. Trump bought a fixer-upper golf club on Lowes Island here for $13 million in 2009, he poured millions more into reconfiguring its two courses. ... But that wasn't enough. Mr. Trump also upgraded its place in history. Between the 14th hole and the 15th tee of one of the club's two courses, Mr. Trump installed a flagpole on a stone pedestal overlooking the Potomac, to which he affixed a plaque purportedly designating 'The River of Blood.'

"'Many great American soldiers, both of the North and South, died at this spot,' the inscription reads. 'The casualties were so great that the water would turn red and thus

became known as 'The River of Blood.' ... Like many of Mr. Trump's claims, the inscription was evidently not fact-checked. 'No. Uh-uh. No way. Nothing like that ever happened there,' said Richard Gillespie, the executive director of the Mosby Heritage Area Association." http://nyti.ms/2v4ZKDD

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

TRUMP is meeting with Florida Gov. Rick Scott and SBA Administrator Linda McMahon this afternoon at Trump National Golf Club. Pooler Maggie Haberman of the NYT writes that McMahon "will give an update to the president regarding the agency tax reform and deregulation initiative, per White House spokeswoman Lindsay Walters." Scott is also scheduled to meet with John Kelly.

GARY COHN also intends to stay in his role, per Maggie: "On background from a WH official, 'Nothing has changed. Gary is focused on his responsibilities as NEC Director and any reports to the contrary are 100% false'".

ALWAYS BE SPINNING -- "Steve Bannon says controversial interview with liberal magazine was GOOD for the White House because it 'drew fire away' from Trump," by The Daily Mail's David Martosko: "Bannon told DailyMail.com that his remarks 'drew fire away from POTUS,' meaning President Trump, and that he successfully 'changed the [media] narrative' with a single phone call. It's unclear if there has been any blowback in the West Wing from Bannon's unexpected on-the-record remarks to the magazine, which came in an unsolicited phone call on Wednesday." http://dailym.ai/2v4TSu5

-- IT'S WORTH NOTING: This is Bannon's third interview in 48 hours. It's almost as if he's doing a string of interviews on purpose! Also, he's taking a play straight of his boss's media playbook: flood the zone.

-- LINDSEY WALTERS told the pool that Bannon's comments in the American Prospect "speak for themselves," adding, 'You're going to need to contact Steve Bannon for any further clarification,'" per Haberman.

-- **Yeganeh Torbat** i -- Reuters State Department reporter -- **(@yjtorbati):** "Tillerson pointedly shakes Susan Thornton's hand before sitting down for meetings with Japanese defense/foreign ministers @StateDept".

--THORNTON is the acting head of East Asian and Pacific Affairs at the State Department who Bannon told the American Prospect he was going to get rid of.

SMART STORY -- NYT'S ALEX BURNS in **PHOENIX -- "Southwest Rises as 2018**

Senate Battleground": "Even before President Trump's rise, a pair of Western states foreshadowed some of the consuming clashes of his presidency: the tug of war between traditional conservatives and border-hawk nationalists, and the struggle for power between diverse, booming cities like Las Vegas and Phoenix, and far-flung rural precincts struggling to keep up.

"And in a season of political tumult, Nevada and Arizona have emerged anew as a defining battleground for both parties -- states that encapsulate the evolving politics of the Southwest and may control the balance of power in the Senate....

"The West looms just as large for Democrats, holding out a rare chance to pick up seats in the Senate. More than a dozen House seats are at stake across the broader region, including seats in Texas and California, along with a handful of governorships. Republicans hold a slim majority in the Senate, 52 seats to the Democrats' 48, but the 2018 political map is tilted heavily in their favor.

"Harry Reid, the former Democratic leader in the Senate, said the growing prominence of these states in 2018 portended a longer-term shift. For all the concern about Midwestern states that shifted toward Mr. Trump, it is the Sun Belt and interior West that are expected to gain population, House seats and electoral votes over the coming decades. 'The power has shifted in our country, west of the Mississippi,' Mr. Reid said in an interview. 'It started a couple of cycles ago, but now it's in full force.'" http://nyti.ms/2uTuB6z

TRUMP INC. -- "Gorsuch to headline event at Trump Hotel," by Matt Nussbaum: "Supreme Court Justice Neil Gorsuch is slated to headline a September event at the Trump International Hotel. The 'Defending Freedom Luncheon,' hosted by the non-profit Fund for American Studies, is an invitation-only event to celebrate 'the constitutional framework that has protected our free society and made America exceptional,' according to the group's website. Gorsuch, whose appointment to the Supreme Court is considered to be among Trump's most significant accomplishment in the White House, will deliver the keynote address." http://politi.co/2v5tqA9

-- "Cleveland Clinic pulls fundraiser from Mar-a-Lago," by Negassi Tesfamichael http://politi.co/2v4OhUv

ON THE BENCH -- "From Private Practice to Gorsuch Clerk to Senate Staff: A Denver Lawyer's Career Whirlwind," by National Law Journal's Tony Mauro: "In less than a year, Michael Davis went from managing a two-lawyer firm to clerking for Justice Neil Gorsuch to screening judicial nominations for Senate Republicans. 'I'm glad I did it,' Davis said in a recent interview, 'but it's not something that I sought.' ... Davis helped set up Gorsuch's office in the chambers of the late Justice Antonin Scalia, worked on opinions, and assisted in screening applicants for Gorsuch's staff. He also worked on recruiting Gorsuch clerks for the 2018 term, joking that future clerks 'better learn how to ski,' because Gorsuch clerk reunions take the form of an annual ski trip along with the clerks of Tenth Circuit Chief Judge Timothy Tymkovich. Gorsuch wouldn't be the first

justice to use athletics-based clerk screening. The late Chief Justice William Rehnquist picked his three clerks with an eye toward doubles tennis matches." *Behind a paywall* http://bit.ly/2w49H8E

TIMELY TRIP -- Sen. Ed Markey (D-Mass.) is leading a congressional delegation to China, Japan and Korea. The delegation will visit the China-North Korea border and the Korean DMZ. Sens. Chris Van Hollen (D-Md.) and Jeff Merkley (D-Ore.) and Reps. Ann Wagner (R-Mo.) and Carolyn Maloney (D-N.Y.). They're wheels up now and return late next week, according to a spokesperson.

-- FOR WHAT IT'S WORTH: Rep. Dana Rohrabacher's (R-Calif.) office says that he paid out of pocket for the trip that took him to see Julian Assange. "He's on his way to France to celebrate his 20th," a spokesman said.

AFTERNOON READ -- "How Militias Became the Private Police for White Supremacists," by Casey Michel in POLITICO Magazine: "Despite the militias' public statements of neutrality, evidence has mounted over the past six months that the militias have gravitated decisively toward one side in the street battles that have played out recently in cities across the country. Indeed, during these first months of Trump's presidency, these loose-knit organizations making up America's militia movement are losing their anti-government ideological purity as they grow increasingly close with a segment of the right-wing from which many in the recent past had generally kept their distance. Their presence as a private security force for an increasingly public coalition of white nationalist factions-Ku Klux Klan followers, neo-Nazis, and alt-right supporters-has transformed a movement that has already demonstrated a willingness to threaten violence." http://politi.co/2v4JpP0

Today's Beyond the Beltway -- Emails show close relationship between de Blasio and lobby shop -- LA Mayor Eric Garcetti will go to New Hampshire http://politi.co/2v5zqZI

MEDIAWATCH -- JOE POMPEO in **VANITY FAIR --** "Can Oath, the arrange media marriage of Yahoo and AOL, avoid a rough divorce?": "The fancy digs and generous amenities may seem nice, but they won't necessarily aid in the biggest challenge surrounding Oath, which is not about whether two older assets can be rolled together in harmony. Instead, it seems to be about whether their corporate overlord can actually make use of them. Leaving aside the punishing economics of digital media, the $4.5 billion question is how Verizon, which controls so many phones, can use the array of media now in its possession to boost the margins of a competitive wireless business. Furthermore, is there something within those media brands that's powerful and compelling enough for Verizon to preload it onto the home screen of its tens of millions of mobile devices?" http://bit.ly/2v4Tqfj

-- "Man misidentified as Charlottesville driver had to flee home; plans to sue far-right sites," by CNN's Oliver Darcy http://cnnmon.ie/2v589H0

-- "Mic is laying off staff as it prepares for a pivot to video," by Business Insider's Maxwell Tani http://read.bi/2v5jaYL

SPOTTED: Sen. Susan Collins (R-Maine) in first class on an American flight out of DCA to Portland last night.

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 10/18/2017 8:21:57 PM
Subject: Sources: White House told EPA to back off on biodiesel cuts, export credits

By Eric Wolff

10/18/2017 04:18 PM EDT

The White House has instructed EPA to back off its plans to reduce advanced biofuel volumes and allow credits for exported ethanol, according to biofuel and oil industry sources.

That move indicates the administration is yielding to pressure from the Midwestern senators and governors who are furious over EPA's proposal last month to cut biodiesel requirements for both 2018 and 2019.

"They had no choice," said one refining industry source who had spoken to White House aides.

The White House did not comment.

Corn-state officials were also concerned about internal EPA discussions to allow biofuel credits for exported biofuel, a move that would likely have lowered the market prices for Renewable Identification Numbers.

Neither the biodiesel cuts nor the credits for exported fuel will be in the final rule setting blending requirements for 2018 and 2019, the sources said.

Republican corn-state senators aggressively used their leverage to sway EPA. Iowa Sen. Chuck Grassley forced a meeting with EPA Administrator Scott Pruitt in his office on Tuesday, and Iowa Sen. Joni Ernst had withheld her support for Bill Wehrum to become head of EPA's air office.

Today, Ernst indicated that EPA was moving toward her position, saying "we're closer to reassurances, and once we have those, we can move forward." But she said she wanted a public statement from the administration.
And biofuels backers say they aren't taking anything for granted.

"We are waiting for affirmative, public declarations from WH," a biofuels source said.

Anthony Adragna contributed to this report.

To view online:
https://www.politicopro.com/agriculture/whiteboard/2017/10/sources-white-house-told-epa-to-back-off-on-biodiesel-cuts-export-credits-094471

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Subject: The Morning Headlines from InsideEPA.com -- August 22, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 22, 2017

Latest News

EPA Advisors Split On ETBE Risk Estimates, Raising Doubts On Completion

A panel of science advisors conducting peer review of EPA's draft assessments of the human health risks of exposure to two petro-fuels chemicals is struggling to reach consensus, and appears that it will be unable to do so on risk estimates and underlying health effects that EPA used to estimate the chemicals' potency.

EPA's Push To Delay Texas Haze Plan Spurs Environmentalists' Criticisms

EPA is asking a federal district court to delay from Sept. 9 this year until Dec. 31, 2018, a legal deadline for issuing a plan to reduce regional haze in Texas, spurring criticisms from environmentalists who say that the significant delay would worsen air quality in national parks and increase public health harms from haze-forming pollutants.

States, EPA Eye Collaboration To Overcome Air Inventory Resource Limits

State air regulators and EPA officials say that dwindling budgets and other resource limits are making it harder to undertake vital work developing emissions inventories that underpin their clean air programs, and are suggesting that greater collaboration between states and the agency will be necessary in order to overcome those limits.

Environmentalists Say 'Rule Of Law' Bars EPA's Request To Stay ELG Suit

Environmentalists are urging a federal appeals court to deny EPA's request to indefinitely stay litigation over provisions of the Obama-era Clean Water Act (CWA) effluent rule for power plants that the agency is reconsidering, saying the "rule of law" requires EPA to implement the regulation even while taking steps to potentially revise it.

Despite Vacatur, HFC Rule Backers Find Silver Lining In EPA Climate Finding

Despite an appellate court vacating Obama EPA limits on high global warming potential (GWP) hydrofluorocarbon (HFC) refrigerants, supporters of the rules are claiming a smaller victory because the ruling upheld the agency's finding that

substitute chemicals with a low GWP are friendlier to the environment.

Daily Feed

Pruitt taps controversial former Alabama official to lead Region 4

Trey Glenn served as the head of Alabama's environment department until 2009, is the first regional administrator to be appointed in the Trump administration.

Our most read: debating a wide range of issues

Environmental groups sue over new TSCA rules. . .a potential standard-setting CWA settlement. . .continuing debate over the 2-1 rule.

New York sues EPA over ocean disposal site

New York claims EPA's designation of a permanent open water disposal site in Long Island Sound violates the Ocean Dumping Act and the Coastal Zone Management Act.

California: Regulators eye tighter restrictions on chlorpyrifos use

The state pledges to clamp down on the chemical months after EPA reversed an Obama-era plan to ban the substance, though some environmentalists say the state's plan is too weak.

House Democrats urge Pruitt to drop CWA rule repeal

While the administration is unlikely to drop its planned repeal, Democrats are laying the groundwork for future legal attacks on any final decision to withdraw the 2015 jurisdiction rule.

Ewire: White House reshuffling: what will it mean for EPA?

Steve Bannon and Carl Icahn's departure from the president's inner circle may have different impacts on EPA though the broad outlines of the administration's deregulatory agenda are unlikely to change.

Texas, Luminant seek to shift SO2 designation suit to 5th Circuit

The petitioners say the 5th Circuit is the appropriate venue for their challenge to an EPA sulfur dioxide non-attainment designation.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/15/2017 8:26:08 PM
Subject: Aug. 15 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Profitable Pickup Trucks, SUVs May Get Break in Trump Review

Posted August 15, 2017, 9:48 A.M. ET

By Ryan Beene and John Lippert

A move under consideration by the Trump administration could ease tough fuel-efficiency standards set to take effect in 2021 on pickups, SUVs and other light trucks, the bulwark of U.S. auto industry sales and profits.

For the 2021 model year, light trucks must average roughly 33 miles per gallon to comply with the current standards, a gain of more than 6 percent from model year 2020, according to estimates from the National Highway Traffic Safety Administration. That's triple the pace of any annual gain for trucks starting in model year 2017, the first year of the current standards, which were finalized in 2012.

President Donald Trump hasn't proposed any changes to the standards yet. But in recent weeks, both NHTSA and the U.S. Environmental Protection Agency signaled a new willingness to alter the rules earlier than originally planned. The EPA formally asked for public comment on whether its 2021 standards are appropriate and NHTSA said it may review the year in an upcoming rulemaking.

"The domestic Big Three are the big winners, and Fiat Chrysler is arguably the most advantaged" if Trump freezes the standards, said Gopal Duleep, president of H-D Systems, a Washington, D.C.-based research company.

General Motors Co., Ford Motor Co. and Fiat Chrysler Automobiles NV derive more than three-quarters of their U.S. sales from light trucks. Even Toyota Motor Corp., which has car and truck sales more closely balanced, would catch a break. For the 2016 model year, Toyota forecasts that its light truck fleet may fall nearly 9 percent below the government's fuel economy target, according to figures released by NHTSA.

Any short-term regulatory relief could handcuff automakers if it allows them to fall behind in a global race to cut emissions with electric motors that either supplement or replace gasoline engines, said Duleep. But in the short run, automakers are likely to welcome any easing of the regulations, he said.

Automakers have been preparing for the rules since they were announced in 2011, and analysts

say they're unlikely to make significant changes even if Trump moved to weaken the rules. Instead, carmakers would see a huge increase in efficiency credits they could use to help them meet stiffer targets in later years, said Dave Cooke, senior vehicles analyst with the Union of Concerned Scientists, an environmental group.

"If their plans are in place and they receive additional credits, it just makes the later years' standards that much easier to meet," Cooke said.

Fiat Chrysler Chief Executive Officer Sergio Marchionne may be bringing out new Ram Pickup and Jeep SUV models, but he's not ignoring electrification. He told investors in July that after 2022, half of his Maserati models will be battery powered.

According to the agreement the Obama administration reached with automakers and announced in 2011, much of the efficiency increase—particularly for trucks—was to come after 2020 to give automakers time to comply. The delay was seen as a crucial factor in the decision by most automakers to endorse the plan. Ford's F-Series pickup trucks alone account for the majority of the company's North American profits.

NHTSA also has said it will study freezing the standards after model year 2020 as a baseline scenario in an environmental review of pending fuel economy requirements for 2022-2025. The deliberations come as part of a so-called mid-term review included in the Obama administration's plan to boost fuel economy to a fleet average of more than 50 miles per gallon by 2025.

A freeze or cut after 2020 would make good on Trump's pledge to the chief executives of Detroit's automakers to slash environmental regulations that he made during his first days in office. It would come as GM is cutting shifts at its passenger-car assembly plants to avoid excessive inventories, Ford is reviving dormant truck nameplates like the Bronco and the Ranger and as Fiat Chrysler has already killed its slow-selling Chrysler 200 sedan.

But for now, automakers say they're simply welcoming Trump's reopening of the review after Obama sought to end parts of it during his last days in office, and are not backing a specific set of revisions.

"Global Automakers has only asked that the mid-term review be conducted in a transparent and deliberate process, based on the facts," said Lauren Boland, communications manager for the trade group, which includes Toyota and Honda Motor Co.

The trade group has not asked to put the already-final 2021 rules under review. Nor has the Alliance of Automobile Manufacturers, which represents GM, Ford, Fiat Chrysler and others, according to spokeswoman Gloria Bergquist.

"Let the facts come in and let the evidence dictate a decision next spring that optimizes our nation's environmental and economic objectives, consistent with affordability," she said in an email.

The EPA plans to determine whether the tailpipe standards for 2021 need to change by next April. That ruling could carry another risk for automakers: driving a wedge between California and Washington regulators, who've been coordinating their rules since 2011 to allow the companies to sell the same vehicles in all 50 states.

The state of California has already said it has no plans to change its 2025 emissions targets, which are followed by several other states that combined account for around 30 percent of U.S. auto sales.

"It was very difficult to get a national standard in the first place," said Stephanie Brinley, senior automotive analyst at IHS Markit. "It's best for the country to have a common standard."

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Exxon Mobil's $2.6M Fine for Ruptured Pipeline Tossed

Posted August 15, 2017, 04:09 P.M. ET

By Andrew M. Ballard

Exxon Mobil will get a break on a $2.6 million fine levied against it for a 2013 pipeline spill in Arkansas.

The U.S. Court of Appeals for the Fifth Circuit ordered the Pipeline and Hazardous Materials Safety Administration to reconsider the fine in an Aug. 14 ruling because the company properly complied with certain safety regulations at issue (ExxonMobil Pipeline Co. v. DOT, 5th Cir. App., No. 16-60448, 8/14/17).

Exxon Mobil's Pegasus Pipeline ruptured near Mayflower, Ark., spilling several thousand barrels of crude oil about 22 miles north of the state's capital, Little Rock.

Seam Defect

A PHMSA investigation into the accident identified the cause as a manufacturing defect in the seam of the pipe maintained by Exxon Mobil Pipeline Co., and the agency assessed the $2.6 million fine in October 2015, based on nine alleged regulatory violations. The citations arose from risk factor and pipeline integrity assessments.

Exxon Mobil challenged six of the violations cited by regulators, and the Fifth Circuit found five of those decisions to be "arbitrary and capricious," because it said the company reasonably complied with applicable guidance.

The appeals court did affirm the agency's decision regarding one of the challenged violations, which requires pipeline operators to develop and follow a written integrity management program. But the court said the $783,300 elevated penalty for that cited violation also needed to be lowered as there was no indication the company's failure to use a proper assessment tool was a cause of the spill.

Requirements Followed

"According to the unambiguous text of the pipeline integrity regulations, pipeline operators are required to 'consider' various risk factors when they prioritize pipelines for assessment," according to Judge Jennifer Walker Elrod. "This is a process-based requirement that does not mandate a particular outcome, but rather prescribes a careful, informed decision-making process that pipeline operators must undergo in good faith," Elrod said in her Aug. 14 opinion.

As Exxon Mobil complied with that requirement when it determined the Pegasus Pipeline was not susceptible to seam failure by applying the appropriate methodology, the bulk of the violations were incorrectly cited and the fine required revision, Elrod wrote.

Suann Guthrie, a spokesperson for Exxon Mobil, told Bloomberg BNA Aug. 15 that company officials were "still reviewing the decision" and declined to comment further.

Agency representatives didn't immediately respond to requests for comment.

Southern Wins Early Review of Nuclear Reactor Cost Overruns

Posted August 15, 2017, 02:05 P.M. ET

By Mark Chediak and Margaret Newkirk

U.S. utility owner Southern Co. may have a better idea of how much of an estimated $25 billion nuclear power project it will be allowed to charge Georgia customers before a reactor is even online.

Georgia utility regulators voted 4 to 1 on Tuesday to review a new cost estimate for two delayed reactors under construction in the next few months. The move could offer Southern, which supported the measure, clarity sooner on how much of the billions it's investing in the project are recoverable through customer rates. The state Public Service Commission and Southern had previously agreed to assess expenses once a reactor was finished.

"This would send a message to the company, company's partners, Wall Street and ratepayers that the commission continues to be supportive of this project," Georgia Public Service Commission Chairman Stan Wise said at the meeting.

Although the measure included an amendment that would allow the commission to rescind Tuesday's vote or any others if Southern decides to abandon the project, it signals support among regulators for the project to continue, according to analysts at Guggenheim Securities LLC. Georgia regulators would need to sign off in order for it to go forward given the cost increases and delays.

"While Chairman Wise's motion could be viewed as punitive to the extent it leaves the door open for the commission to re-visit prior approvals, we view it as a push toward proceeding with construction," Shahriar Pourreza, a New York-based analyst for Guggenheim Securities, said in a note.

Costs Spiral

Earlier this month, Southern released new estimates indicating that the costs of the Vogtle reactors may total more than $25 billion, almost double original estimates. In March, the project's lead contractor, Westinghouse Electric Co., filed for bankruptcy, and the first reactor may not be finished until 2022.

The reactors, already years behind schedule, are the only ones actively under construction in the U.S. They've come to represent the last and best hope for a nuclear renaissance that has failed to materialize in the U.S. following Japan's Fukushima accident. Scana Corp. pulled the plug in July on a similar plant in South Carolina after the costs of that project jumped to more than $20 billion.

Southern is slated to decide by the end of this month whether it even wants to move forward with the Vogtle plant. The company's chief executive officer, Tom Fanning, stressed in an Aug. 2 interview that dropping the work altogether would leave the company with "nothing to show" for its investment.

Backers of the troubled nuclear project have meanwhile asked the Trump administration to help get it finished, people familiar with the talks said earlier this month. That could include increasing or speeding up disbursements of $8.3 billion in federal loan guarantees to the companies behind the plant, the people said, asking not to be identified because the negotiations are ongoing.

Georgia Power, the Southern unit building the reactors, said it's required by law to seek approval of new cost and schedule forecasts. "We expect to file our comprehensive schedule, cost-to-complete and cancellation assessments by the end of August and make a recommendation to the Georgia PSC based on that assessment," Jacob Hawkins, a company spokesman, said in an emailed statement on Tuesday.

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Authorization for Freeport LNG Export Facility Upheld by Court

Posted August 15, 2017, 11:19 A.M. ET

By Rebecca Kern

A federal appeals court upheld the Energy Department's authorization of a Freeport LNG Development L.P., liquefied natural gas export facility in Texas, rejecting the Sierra Club's assertion that the department didn't go far enough to assess the indirect environmental impacts of the project.

The U.S. Court of Appeals for the District of Columbia Circuit held that "the department offered a reasoned explanation as to why it believed the indirect effects pertaining to increased gas production were not reasonably foreseeable."

The Sierra Club claimed in its lawsuit that the Energy Department didn't assess the indirect effects of LNG exports, including the impacts of a likely increase in natural gas production and usage that will result from the export authorization. However, the D.C. Circuit said the department was not required to "foresee the unforeseeable."

"We cannot say that the department failed to fulfill its obligations under [the National Environmental Policy Act] by declining to make specific projections about environmental impacts stemming from specific levels of export-induced gas production," D.C. Circuit Judge Robert Wilkins wrote in an Aug. 15 opinion.

Last year, the D.C. Circuit denied a Sierra Club lawsuit over the Federal Energy Regulatory Commission's approval of the Freeport LNG terminal, saying the indirect environmental impacts of LNG exports would be better addressed by the Energy Department. It was one of four Sierra Club LNG petitions against FERC that the D.C. Circuit denied.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, founder of Bloomberg L.P. Bloomberg BNA is an affiliate of Bloomberg L.P.

The export facility, located on Quintana Island about 70 miles south of Houston, is expected to be completed in 2019 and will produce and export 15 metric tons per annum (MTPA) of LNG, according to the company's website.

How Elon Musk and Cheap Oil Doomed Push for Another Car Fuel

Posted August 15, 2017, 01:31 P.M. ET

By Patrick Martin

The idea was nothing short of revolutionary: convert the nation's millions of trucks, buses and other commercial vehicles to run on natural gas instead of gasoline and diesel.

Back in 2008, the proposal by energy magnate T. Boone Pickens had some appeal. U.S. oil production was plunging, and the world's biggest fuel-consuming country was becoming ever more dependent on foreign crude. Oil jumped to a record near $150 a barrel, while natural gas was comparatively cheap. Pickens co-founded Clean Energy Fuels Corp. to profit from the switch. The maker of natural gas filling stations was once valued at about $1.8 billion.

But there was a different kind of revolution. New drilling techniques led to a boom in oil supplies from the U.S., and electric cars took off. Tesla Inc., which had yet to deliver its first electric car a decade ago, now has 455,000 reservations for its Model 3—almost 20 times the number of natural-gas vehicles on U.S. roads as of 2015. Shares of Clean Energy Fuels are down 90 percent from a 2012 peak, and the company concedes that natural gas may only be a niche market as a transportation fuel.

"I'm not sure America is set up" for widespread use of passenger natural gas vehicles given all the infrastructure needed to get supplies to customers, Andrew Littlefair, Clean Energy Fuels' chief executive officer, said by phone. "There are a lot of reasons it would make sense to look at that again, but I don't know that I'm ready to say that's going to happen."

Pickens, who made his first fortune as an oil wildcatter five decades ago, had high hopes for natural gas because he believed crude supplies were peaking. In op-eds, media interviews and meetings with politicians including then-President Barack Obama, Pickens said the nation's heavy-duty trucks and fleet vehicles should run on natural gas. The U.S. could reduce its reliance on oil imports and use more wind and solar power, he said.

Pickens, 89, wasn't able to comment, according to Jay Rosser, a spokesman for BP Capital LLC, the energy hedge fund Pickens founded.

Shale Boom

By 2011, U.S. oil output began to surge with the shale boom. Three years later, prices for crude, diesel and gasoline were tumbling. While natural gas has become a staple for domestic power plants, supplanting coal, the prospect for cheaper alternatives made it less attractive as a vehicle fuel.

In April, the most recent month for data from the Department of Energy, liquefied natural gas sold for $2.52 per diesel-gallon-equivalent, compared with $2.55 for diesel. That's hardly a bargain, considering Pavel Molchanov, an analyst at Raymond James Financial Inc., estimates that trucks that run on LNG cost about $30,000 to $50,000 more than a comparable diesel rig.

Even though natural gas has remained cheap—trading at $2.948 per million British thermal units at 8 a.m. in New York on Aug. 15—using it to fuel vehicles is "not something that has taken off," said Salim Morsy, an analyst at Bloomberg New Energy Finance in New York. "Gasoline and diesel are undoubtedly the cheapest in total cost of ownership, but as technology improves and batteries get cheaper," the number of electric cars will at least double.

The number of plug-in autos in the U.S. almost tripled between 2008 and 2015, government data show. Tesla, the company founded by billionaire Elon Musk, has introduced three models since 2012, and other manufacturers are jumping into the market. Volvo AB has said all its new cars from 2019 will be hybrid or all-electric, and BMW AG is developing a self-driving electric to replace the 7-Series as the company's flagship in 2021.

Natural gas vehicles have seen their share of the auto market shrink. Chesapeake Energy Corp., one of biggest U.S. gas producers, eliminated the team working on natural-gas vehicles in 2013. Honda Motor Co. discontinued a natural-gas-fueled model of its popular Civic sedan in 2015.

Last year, with oil locked in a prolonged price slump, Pickens sold about 4 million shares of Newport Beach, California-based Clean Energy Fuels, which operates more than 500 natural gas filling stations across the country. While the company has declined in value, Tesla traded at a record high in June.

Still, Littlefair sees opportunities for growth, especially in the fleets of vehicles owned by municipal governments trying to reduce tail-pipe emissions and operating costs. Dallas Area Rapid Transit, which uses 537 buses and 123 shuttles that run on natural gas, this month extended its operation and maintenance contract with Clean Energy Fuels. California cities including Los Angeles and Fresno also have contracts with the company.

Clean Energy Fuels is also seeking a way to expand its reach by using natural gas extracted from landfills and farms to supply filling stations.

Few Stations

While companies including AT&T Inc. and Ryder System Inc. use natural gas in trucks that make short trips and return to the same depot each day, limited infrastructure has prevented wider use. There are 1,828 natural-gas filling stations in the U.S., compared with almost seventy times as many conventional gas stations and around 38 times as many non-residential plug-in stations and charging outlets for electric vehicles, government and industry data show.

It can cost $1.8 million to build a filling station that supplies compressed natural gas, according to the National Renewable Energy Laboratory. Electric vehicles, in contrast, can be plugged into a home outlet.

"The infrastructure would be costly" for widespread use of natural gas vehicles, said Lee Klaskow, a senior analyst for transportation and logistics at Bloomberg Intelligence. "You would have to have some huge cost savings."

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Nuclear Power's Woes Imperil U.S. National Security, Moniz Says

Posted August 15, 2017, 7:49 A.M. ET

By Ari Natter

The decline of the U.S. nuclear-power industry puts America's security at risk, according to a report being released Aug. 15 by former Energy Secretary Ernest Moniz that calls for greater federal

investment.

The report from the Energy Futures Initiative and obtained by Bloomberg News says a commercial atomic power sector is necessary to keep uranium-processing technology away from terrorists and other bad actors as well as support nuclear-powered Navy vessels.

The report by Moniz, a nuclear scientist who served as energy secretary under President Barack Obama, calls for expanded government loan guarantees, tax incentives and research on nuclear technology. The report doesn't mention President Donald Trump, who is proposing cutting nuclear research funding and killing the loan guarantee program.

Nuclear power makes up about 20 percent of U.S. electricity generation, but the industry has been struggling. Five nuclear plants, with a combined capacity of 5 gigawatts, have closed early since 2013, and an additional six plants are scheduled to shutter early over the next nine years. Of the two new nuclear plants under construction in the U.S., one was halted by Scana Corp. last month and backers of the other, Southern Co.'s Vogtle plant in Georgia, are seeking additional aid from the federal government.

Westinghouse Electric Co., the nuclear technology pioneer that is part of Toshiba Corp., went bankrupt in March, after it hit delays with its AP1000 reactors at each of those plants. After it declared bankruptcy, Westinghouse—whose technology is used in more than half the world's nuclear power plants—said it shifted its focus from building reactors to helping dismantle them.

Trump pledged to help the industry and Energy Secretary Rick Perry is conducting a study of the electric grid aimed at helping so-called baseload power plants, which includes coal and nuclear. But Trump's budget also proposed deep cuts to the Energy Department, including shuttering the loan guarantee program Moniz says should be expanded and cutting research spending.

Moniz, who served as Energy Secretary from 2013 to January 2017, also serves as CEO of the Nuclear Threat Initiative, a nonprofit organization that works for nuclear disarmament, securing nuclear materials, and nonproliferation.

The U.S. needs companies and engineers that can both build and run nuclear enterprises, Moniz, a nuclear physicist himself, said in the report. The U.S. Navy's reactors require supplies and qualified engineers, and American nuclear scientists fill vital national security roles, it said.

Companies, such as BWX Technologies Inc. of Lynchburg, Virginia manufacture nuclear components for both the commercial nuclear industry and naval reactors. If the commercial business collapses, that may mean one less company able to process highly enriched uranium, according to the report.

Shrinking Enterprise

"A shrinking commercial enterprise will have long term spillover effects on the Navy supply chain, including by lessened enthusiasm among American citizens to pursue nuclear technology careers," according to the report.

In addition to extending a tax credit for new nuclear power and the Energy Department's loan guarantee program, the report says the federal government could also direct the Federal Energy Regulatory Commission to "place a greater emphasis on the national security importance of nuclear power and its associated supply chain."

Coal and nuclear power "need to be properly compensated to recognize the value they provide to the system" and "should be recognized as an essential part of the fuel mix," FERC Chairman Neil Chatterjee said Aug. 14

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Brazil's Solar Expected to Grow With State's New Regulation

Posted August 15, 2017, 03:56 P.M. ET

By Michael Kepp

A new solar energy regulation in Brazil's Sao Paulo state is expected to encourage more small and large-scale solar systems to be built and help those under construction come online more quickly.

"The now-clear rules for licensing solar [photovoltatic] systems in Sao Paulo state will lower project risks and boost solar PV investments there," Alexandre Franceschi, project development manager of the Cobra Group, a solar developer building a large-scale system in the state, told Bloomberg BNA.

The regulation is significant because Sao Paulo accounts for over 30 percent of Brazil's gross domestic product and is among the most solar-powered states in a country that's trying to boost usage of the renewable source.

The Sao Paulo State Environmental Secretariat (SMA)'s previously issued solar system licenses on a project-by-project basis without clear or standardized guidelines to inform developers about the need or specific type of license. Under the Environmental Secretariat's new regulation, issued Aug. 4, small-scale solar systems—those with installed capacity of fewer than 5 megawatts—need only be licensed if their installation requires cutting vegetation or if they are to be located in government-protected areas.

Sao Paulo has the second-largest number of such systems in terms of installed capacity among Brazil's 26 states.

Those systems are small rooftop and ground-mounted systems that homeowners and small businesses install to supply their own electricity. The systems sometimes use net metering—a billing mechanism that credits solar energy system owners for the excess electricity they add to the grid.

Developers of medium-to-large–scale solar systems, those ranging in capacity from 5 megawatts to 90 megawatts, must submit a simplified environmental study to get a license under the new regulation. Developers of ultra-large-scale systems—ground-mounted systems with a capacity of over 90 megawatts— must submit a preliminary environmental study (RAP), which has far fewer requirements than an environmental impact assessment for projects with a potentially substantial environmental footprint.

Developers of solar PV systems that need licenses still must first get a preliminary permit and then comply with SMA-imposed conditions to get installation and operating licenses that are required to come online.

The new regulation "is a positive initiative that other states should adopt," Rodrigo Sauaia, CEO of

the Brazilian Photovoltaic Solar Energy Association (Absolar), told Bloomberg BNA Aug. 14.

Cobra Group's solar system, currently under construction, will have an installed capacity of 120 megawatts. The company also has a license to build a second 150-megawatt solar system there.

"Now that SMA analysts have standardized licensing rules to follow, they will be able to more quickly decide if a solar PV project is feasible and should be licensed, and under what conditions," Franceschi told Bloomberg BNA. "And this will speed up the completion of solar PV projects being planned or now underway."

Brazil's latest 10-year energy expansion plan said large-scale (non-rooftop) solar power, which accounted for just .01 percent (21 megawatts) of the electricity mix in 2016, would account for 4.5 percent (9,660 megawatts) by 2026.

Big Oil Follows Silicon Valley into Backing Green Energy Firms

Posted August 15, 2017, 8:20 A.M. ET

By Anna Hirtenstein

Major oil companies are joining Silicon Valley in backing energy-technology start-ups, a signal that that those with the deepest pockets in the industry are casting around for a new strategy.

From Royal Dutch Shell Plc to Total SA and Exxon Mobil Corp., the biggest investor-owned oil companies are dribbling money into ventures probing the edge of energy technologies. The investments go beyond wind and solar power into projects that improve electricity grids and brew new fuels from renewable resources.

While the money involved is small—a fraction of the $7.5 billion that venture capital and private equity injected into the clean energy industry last year—the funds support work that may evolve into major income streams in the decades ahead as governments work to limit fossil-fuel pollution and global warming.

"In the energy industry, small companies have quite a lot of disruptive power," Geert van de Wouw, managing director of Shell Technology Ventures, said in an interview. "We always have to look over our shoulder to make sure that we stay ahead of the game."

Following is a list of the projects the biggest oil companies are supporting:

Shell Technology Ventures

The unit of Royal Dutch Shell Plc splits its spending between oil and gas technology and clean energy equally. The green share may increase to about 60 percent in the years ahead, according to van de Wouw, declining to detail his annual budget. The fund's total size is "hundreds of millions of dollars," he said. It has put money into:

• Kite Power Systems, a maker of a kite that flies on wind currents to generate renewable electricity;

• Glasspoint Solar Inc, a company that has developed a way to make steam for enhanced oil recovery with solar energy; and

• Sense, a start-up that creates devices that monitor home power consumption.

Total Energy Ventures International SAS

The unit of the French oil major Total SA has invested $160 million to date with almost three quarters flowing into North America, according to the fund's CEO Francois Badoual. It only takes minority stakes. It has invested in:

• AutoGrid, a California-based company that designs smart-grid software;

• United Wind, a company that leases wind turbines to retail customers and small businesses; and

• Off Grid Electric, a Tanzania-based installer of rooftop solar panels that works in low energy-access areas in Sub-Saharan Africa.

"We try to detect and invest in innovation," Badoual said. "The shift can accelerate at a pace which is difficult to really foresee, but you have to be ready and to adapt."

BP Ventures Inc.

BP Plc's VC fund has invested $325 million to date. It tends to skew more towards chemicals or fuels, rather than renewable electricity. It has funneled money into:

• Tricoya Technologies, a maker of a technology that changes the chemical structure of wood chips to make a building material that's more durable and energy efficient;

• Fulcrum, a producer of bio-jet fuel made from municipal waste, which raised $30 million from BP; and

• Solidia, a company that is working on reducing the carbon footprint of concrete.

"BP Venture's goal is to be both an investor and an end-user of the technologies in which we invest," said Jonathan Tudor, managing director of the fund. "That requires a longer-term commitment because we look beyond a quick financial return. We take an active role in the evolution of these companies and want to see their new technologies commercialized and deployed into BP's existing businesses."

Exxon Mobil Corp.

Exxon has a different approach to frontier technology. It prefers to conduct research internally and with partners rather than buy minority stakes in start-ups. It's studying biofuels, carbon capture and storage, energy-efficiency processes and energy-saving materials, according to spokesman William Holbrook, and is working with:

• Synthetic Genomics Inc., which studies how to make biofuels from algae; and

• FuelCell Energy Inc., which is developing carbonate fuel cells to capture CO2 emissions from natural gas plants while also producing electricity.

"We conduct R&D through in-house efforts, via partnerships with other industries and by funding academic and other nongovernmental research projects," Holbrook said by email. "These studies help inform the company on emerging technologies, define our potential contribution to the science, and assess the future applicability of the technologies to our businesses."

Chevron Corp.

Chevron has been investing in start-ups since 1999 and divides its portfolio between oil and gas, advanced materials, communications infrastructure and information technologies and emerging and alternative energy. On the latter, it has invested in the following:

• Acumentrics, a fuel cell company that can make its products from ceramics;

• Ensyn, a maker of fuels and chemicals from residue from forests and agriculture; and

• Inventys, a developer of carbon capture technology that traps CO2 from industrial gas streams.

The fund "serves as a window and an on-ramp" for emerging technologies, said Chevron spokesman Kent Robertson by email. The technologies are "well aligned with projected energy needs."

Statoil Energy Ventures

The unit of Norway's state oil company, Statoil ASA, has invested $20 million since February 2016. It only funds renewable start-ups, listing among its investment themes wind, solar, storage, transportation, energy efficiency and smart grids. To date, it has put money into:

• ChargePoint Inc., an electric-vehicle charging point operator based in California;

• Oxford Photovoltaics Ltd., a solar technology company that is developing panels with perovskite. The substance could make traditional photovoltaics as much as 30 percent more efficient; and

• Convergent, a large-scale energy storage developer working on projects with lead acid, lithium-ion and flywheel batteries in the U.S. and Canada.

"In the transition into clean energy, it's not clear who would be the winners and losers," said Bala Nagarajan, investment director at Statoil Energy Ventures. "So for us, the investment is a means to understand which business models and which technologies are likely to be more successful. These investments help us position ourselves in the right part of the value chain."

Of course the oil companies have always dabbled in other forms of energy, backing solar after the 1973 oil crisis. Exxon backed nuclear power in the 1980s. Shell vowed to push into renewables ahead of the landmark Kyoto Protocol on climate change in 1997.

Those efforts fizzled when dips in the oil price sharpened the industry's focus on costs. More recently, Shell has taken big stakes in offshore wind projects, BP revived its wind business and Total pressed into solar through an investment in SunPower Corp.

Big Oil's push into venture capital adds to the sense that technology is moving rapidly in the energy industry, leaving a question mark over what will dominate supply for the first time in almost a century.

"A lot of these companies are still figuring out how to get involved on a larger scale," said Rick Wheatley, head of leadership and innovation at Xynteo Ltd., a consultant that advises Shell, Statoil and Eni SpA on sustainability and long-term planning. "They invest in start-ups to learn and to demonstrate intent. For the cost of a drilling campaign, they can invest in dozens of start-ups."

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/18/2017 7:46:46 PM
Subject: Aug. 18 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Dow Pesticide Decision Came 'Down to the Wire,' Emails Show

Posted August 18, 2017, 02:22 P.M. ET

By Tiffany Stecker

EPA Administrator Scott Pruitt made the decision to keep a neurotoxic pesticide on the market in a relatively short timeframe, internal agency emails show.

Pruitt had not been briefed by agency staff on chlorpyrifos as of nine days before a draft order to keep the pesticide legal began to circulate, according to the emails. Pruitt's March 29 order denied a 10-year-old petition from environmental groups to end the use of chlorpyrifos, a widely used insecticide linked to cognitive delays in children.

The emails also show the EPA decided to keep the pesticide legal weeks before Pruitt officially signed the order to do so.

Denying the longtime petition on the pesticide triggered an outcry from environmental groups and support from agricultural interests.

The Environmental Protection Agency made public more than 700 pages of heavily redacted correspondence Aug. 17 under the Freedom of Information Act in the agency's first response to a flood of requests from nonprofit organizations and media outlets. They were seeking details on the denied chlorpyrifos ban, a move that contradicted the EPA's recommendations under President Barack Obama. The agency is expected to released more documents to comply with the FOIA requests.

"Providing regulatory certainty to the thousands of farmers that rely on chlorpyrifos, while still protecting human health and the environment is critical," Amy Graham, EPA spokesperson, told Bloomberg BNA in an email. "We continue to examine the science surrounding chlorpyrifos while taking into account USDA's scientific concerns with the methodology used by the previous Administration."

'We Are Down to The Wire'

In early March, EPA staff began expressing concerns that the agency wouldn't meet a looming court deadline to act on the 2007 petition from the Natural Resources Defense Council and the Pesticide Action Network to revoke the legal tolerances of the pesticide on food.

"I am very concerned that we are down to the wire," Sarah Rees, director of the EPA's Office of Regulatory Policy and Management told Office of Policy associate administrator Samantha Dravis in a March 1 email.

Dravis, then a recent hire to Pruitt's coterie of advisers, asked for a briefing the following day.

It was still unclear by March 7 whether the EPA would meet the March 31 legal deadline for the decision. The agency's lawyers were ready to ask the U.S. Court of Appeals for the Ninth Circuit to extend the cutoff date to either accept or reject the petition.

But Pruitt had yet to hear from staff about the issue by March 7.

"It hasn't gotten on his calendar as far as I can tell," Wendy Cleland-Hamnett, acting chemicals chief, told Dravis. Nine days later, Cleland-Hamnett sent a draft denial of the petition.

Turnaround is "Absurdly Short"

Melanie Benesh, a legislative attorney with the Environmental Working Group, called the turnaround for a chlorpyrifos decision "absurdly short" for such an important decision.

"What is clear from these documents is that Administrator Pruitt's abrupt action to vacate the ban on chlorpyrifos was an ideological, not a health-based decision," Benesh told Bloomberg BNA in an email.

Chlorpyrifos was first registered as a pesticide in 1965 and developed by Dow Chemical Co. more than 70 years ago. It is widely used on corn, soybeans, fruits and vegetables, and on golf courses. The pesticide works by suppressing an enzyme that is essential for nerve function. Exposure in humans can lead to headaches, dizziness, and in some cases convulsions and death.

Several long-term population studies have also linked low exposure of chlorpyrifos to neurological delays in children who came in contact with the pesticide, or whose mothers were exposed while pregnant. Dow and the pesticide industry have rejected these studies as scientifically weak. In denying the petition, the EPA will have to decide how to regulate the insecticide by 2022 when the current registration on chlooriphyros expires.

Dow Agrosciences was not immediately available to comment to Bloomberg BNA on the emails.

EWG and the nonprofit American Oversight sued the EPA in June to compel the release of communications between Pruitt and agricultural interests relating to the order.

"American Oversight will continue to fight in court to combat Scott Pruitt's penchant for secrecy, including on pesticides," the organization's executive director Austin Evers said in a statement to Bloomberg BNA.

Peabody Mine May Survive if Railroad Extension Built

Posted August 18, 2017, 7:03 A.M. ET

By Stephen Lee

A group of business and government representatives are exploring the possibility of keeping alive a troubled coal mine in northern Arizona.

The Kayenta mine, operated by Peabody Energy, appears likely to shut down at the end of 2019, when the nearby Navajo Generating Station is also scheduled to close. The two are linked because the power plant is Kayenta's only customer. No rail line exists to ship the Kayenta coal to the outside world.

But now, a group of stakeholders that includes Peabody, the Bureau of Reclamation, and Rep. Tom O'Halleran (D-Ariz.) have come together to study the cost of building a rail extension to a Burlington Northern Santa Fe line 115 miles to the south.

The group's first step is to identify what a project like this would cost, O'Halleran told Bloomberg BNA. That work is under way now.

"They're kind of isolated," O'Halleran said. "The infrastructure is all geared towards pushing two trains of coal a day to the power plant, and that's not going to be available to them. But is a railroad tie feasible? How much time would it take to build? The delivery system is just not in place right now."

Environmentalists said a rail extension was unrealistic.

"The coal industry is in a permanent decline, and investors have fled and aren't coming back," Bill Corcoran, western campaign director for the Sierra Club's Beyond Coal campaign, told Bloomberg BNA. The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the majority owner of Bloomberg L.P., an affiliate of Bloomberg BNA.

Corcoran also pointed to recent public comments from Hunter Harrison, chief executive of rail giant CSX Transportation, about no longer investing in new infrastructure for coal.

Peabody spokeswoman Beth Sutton declined to comment on the rail spur, but said the company continues working with stakeholders that would allow NGS to stay open "well beyond 2019." That includes "engaging a globally recognized firm to identify a new ownership structure," Sutton said.

Gasification Plans Alive

O'Halleran also said the possibility of building a coal gasification plant to replace the Navajo Generating Station is on the table, corroborating statements made by Navajo Nation presidential spokesman Mihio Manus to Bloomberg BNA earlier this month.

Those comments have taken many industry watchers by surprise, in light of two recent high-profile stumbles in the coal gasification industry. Duke Energy's Edwardsport coal gasification plant in Indiana cost $1.5 billion more than originally planned and still doesn't run reliably, according to David Schlissel, director of resource planning analysis at the Institute for Energy Economics and Financial Analysis (IEEFA).

More recently, Mississippi regulators concerned about the rising costs of Southern Co.'s Kemper plant ordered the company last month to transition the plant to natural gas.

On Aug. 11, the IEEFA said coal gasified power at Edwardsport costs $64.40 per megawatt hour, compared to $44.37 at the Navajo Generating Station.

"The federal government should stop feeding fantasies about gasifiying or exporting coal and start investing in a diversified economic transition that has a plausible future," Corcoran said.

Energy Nominees' Industry Ties May Pose Conflict: Watchdog Groups

Posted August 18, 2017, 01:10 P.M. ET

By Rebecca Kern

Financial disclosure forms for two Energy Department undersecretary nominees show income from energy companies, including Southern Co. and TransCanada Corp., raising concerns from government watchdog groups of potential conflicts of interest.

Mark Menezes, nominated to the No. 3 position at the Energy Department, works in energy sector investment at Berkshire Hathaway Energy Co., while Paul Dabbar, nominated as the undersecretary for science, works in energy sector investment at J.P. Morgan. Both have personal investments in large energy companies. Menezes also previously lobbied for energy clients.

Menezes and Dabbar have said in agreements to the Office of Government Ethics that upon confirmation they will resign from their current jobs and divest from energy-related investments within 90 days. Both are awaiting a Senate floor vote on their nominations.

Government watchdog groups are concerned nonetheless with the potential for the nominees to be influenced by their past energy industry ties once they are confirmed.

"The financial or personal ties that a lobbyist or investor develops in the course of their previous employment may affect their ability to be impartial when making decisions as a representative of the public in the federal government," Brendan Fischer, director of federal and Federal Election Commission reform at the Campaign Legal Center, a nonprofit organization focused on election law, told Bloomberg BNA.

Menezes is vice president of federal relations for Berkshire Hathaway Energy Co., and has received income exceeding $5,000 in the previous two calendar years from Southern Co. and Berkshire Hathaway Energy Co., which includes the businesses of PacifiCorp and MidAmerican Energy Co., according to his public financial disclosure form.

Menezes previously was a partner at the law firm Hunton & Williams LLP, heading its energy practice group, where he was a registered lobbyist for energy companies such as Southern Co., Duke Energy Corp., Xcel Energy Inc., and Entergy Corp., according to the Center for Responsive Politics. He also previously worked as vice president and associate general counsel for American Electric Power Co. Inc., one of the largest electric utilities in the U.S., and participates in its pension plan. He said in his disclosure that he would not participate "personally or substantially" in a matter that has a "direct or predictable effect" on AEP unless he first obtained a written waiver. He also said he would divest from Alphabet Inc. and other entities. Dabbar is the managing director for

mergers and acquisitions at J.P. Morgan, overseeing energy investments, and has received income exceeding $5,000 in the previous two calendar years from TransCanada and Sempra Energy, along with 19 other large to mid-sized energy companies. He is invested in ConocoPhillips Co. Inc., Chevron Corp. and Phillips 66 Co., according to his public financial disclosure form. He said in his ethics agreement he would divest from these and other companies. Nick Loris, a fellow in environmental and energy policy at the conservative Heritage Foundation, said he's not too concerned about a perception of conflict of interest for the nominees.

"The federal government does robust checks and tries to have as much transparency as possible to ensure those types of activities don't happen whether it's a Democrat or Republican," Loris told Bloomberg BNA.

While the Office of Government Ethics is in charge of signing off on presidential nominees' ethics and financial disclosure forms, each federal agency has a designated ethics official who makes sure a new employee follows through on ethics agreements, an OGE staff member told Bloomberg BNA on background.

Setting Example

"It starts at the top, President Trump himself has an abundant number of conflicts of interest," Paul Seamus Ryan, vice president of policy and litigation at Common Cause, a nonpartisan good-government group, told Bloomberg BNA.

"President Trump ran on the promise of draining the swamp of corruption in Washington, but he instead only filled the swamp...and has brought a bunch of financially conflicted individuals into his administration," Ryan said.

While the president isn't subject to certain conflict of interest statutes, others in his administration must abide by them, he said.

In their ethics forms Menezes and Dabbar said they will exempt themselves from participating "personally or substantially" in any particular matter that would have a direct or predictable effect on their own financial interests, their families or former employers.

One way to avoid legal problems is to sell conflict-producing investment assets, which Menezes and Dabbar said they would do, he said.

The Campaign Legal Center's Fischer said his main concern is when representatives from the energy industry are taking on government posts "it suggests that the regulated are becoming the regulators." A concern is "that there will be an incentive to go on easier on their former friends and colleagues," he said.

The Trump administration has provided a number of waivers to political appointees in office. Walter Shaub, the former director of the Office of Government Ethics, resigned in July due to concerns that the Trump administration's ethics program was too weak.

Sheila Krumholz, executive director of the Center for Responsive Politics, told Bloomberg BNA that she agreed that the oversight and enforcement of conflict of interest waivers isn't as strong as it should be. She said the OGE is a small agency that's responsible for the entire federal government, and that "it's an onerous task to attempt to hold all political appointees accountable."

Southern Seeks Expanded Loan Guarantees for Troubled Plant

Posted August 18, 2017, 8:21 A.M. ET

By Mark Chediak, Ari Natter and Jennifer A. Dlouhy

Developers of a troubled nuclear plant in Georgia are seeking more federal support for the project, potentially increasing a record $8.3 billion loan guarantee it has already been promised, according to the two companies leading the project.

Southern Co. and Oglethorpe Power Corp., which are the lead owners of two new reactors under construction at Plant Vogtle, said they are in talks with the Energy Department to rework the terms of their guarantee, including increasing government financing.

"We have filed an application to potentially increase the amount of funds available for the Vogtle project under our DOE loan guarantee agreement to keep all options open for customers," Georgia Power spokesman Jacob Hawkins said in an email. Georgia Power, a unit of Southern, is the lead developer of the project with a 46 percent stake.

The growing costs of the project mean the companies could qualify for more federal support, according to people familiar with the discussions. The loan agreements required changes after the bankruptcy of Westinghouse Electric, the lead contractor. The Energy Department has been encouraging the companies to apply, they said. The people asked not to be identified because the talks are ongoing.

"The Department of Energy continues to have daily conversations with our borrowers about the status of Plant Vogtle," Shaylyn Hynes, a spokeswoman for the Energy Department, said in an email.

The Energy Department has already committed to back $8.3 billion in loans for the venture, which is the last new nuclear plant under construction in the U.S., after developers stopped work on a separate project in South Carolina. President Donald Trump has proposed killing the loan guarantee program, which provides a government guarantee that loans to the project will be repaid, and Congress may follow suit, and so the additional financing may need to be rushed through to beat any cutoff.

Oglethorpe said in a filing earlier this month that it estimated the cost to complete the reactors had increased from $5 billion to as much as $7.3 billion. The company has already withdrawn $1.7 billion in federal aid out of $3.1 billion promised.

"We have applied for a potential increase in our DOE loan amount to keep our financing options open while we continue to evaluate the future of Vogtle 3 and 4," Greg Jones, an Oglethorpe spokesman said in an email.

Southern is set to tell regulators in Georgia by month's end whether it plans to continue with construction plans for the plant. Regulators in the state signaled their support for the project, which is years delayed and billions dollars over budget, voting Aug. 15 to review a new cost estimate.

Earlier this month Southern said it estimated its portion of the cost to be at least $11.5 billion. Given Southern's 46 percent stake in the project, that would put the total cost of building the two reactors at $25 billion. "We need the administration to engage sooner than later," Tim Echols, the vice chairman of the Georgia Public Service Commission and a proponent of the project, said in an

email.

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Ban on Toxic Acid May Test Californians' Thirst for Cheap Fuel

Posted August 18, 2017, 9:52 A.M. ET

By Hailey Waller and Robert Tuttle

Californians are used to paying more for gasoline, but that may be tested soon if a pair of Los Angeles-area refineries are forced to stop their use of a toxic chemical.

The local air-quality regulator indicated this month that it may ban hydrofluoric acid from both PBF Energy Inc.'s Torrance refinery and one owned by Valero Energy Corp. eight miles away. The chemical, used by 35 percent of all U.S. refineries, boosts octane to make cleaner-burning gasoline. But some residents fear that if it were ever released, it could form a poisonous cloud that would threaten a quarter-million area lives.

Phasing out the acid may cause a surge in pump prices that dwarfs one seen in 2015, when an explosion at the Torrance refinery, then owned by Exxon Mobil Corp., raised California's retail gasoline price by a dollar in three months. Fuel demand on the West Coast is near a 10-year high, government data show. And the price for regular gasoline at California's pumps is already pushing $3 a gallon, more than 60 cents above the U.S. national average, according to data from AAA, the largest U.S. motoring group.

"There's a more-than-passing chance that it could create a scarcity situation for octane," said Vikas Dwivedi, senior analyst at Macquarie Capital Inc. in Houston. "A big pinch in octane could take prices way up. It would be pretty substantial and everybody would feel it in their wallets."

The 150,000 barrel-a-day Torrance plant is the second-biggest in Southern California, producing a fifth of the area's gasoline. Only California's 19 refineries, plus a handful overseas, are able to produce gasoline that meets the state's strict environmental fuel standards.

The 2015 explosion spurred some of the concern about using the acid, which has been controversial since the 1980s. The U.S. Chemical Safety Board called the incident, which injured four workers and almost halted fuel production for more than a year, a "near miss" after the explosion hurled a piece of machinery toward a tank of the acid.

"There's a real crisis of confidence with the Torrance refinery," state Assemblyman Al Muratsuchi said in a telephone interview, pointing to a series of mishaps including fires, power cuts and heavy flaring that have plagued the refinery since PBF took it over in June 2016. He has proposed legislation to phase out use of the acid in California by the end of the decade.

If limits on the acid create a scarcity in locally made fuel, Southern California would have to buy as much as 25 percent of its gasoline from places as far away as India and the U.K., driving prices higher, Dave Hackett, president of Irvine, California-based Stillwater Associates LLC, said in a report last month that was commissioned and reviewed by PBF. Gasoline imports could rival or surpass 2015 levels, when they rose more than 10-fold to almost 70,000 barrels a day, he said.

"This is not an end-of-the-world scenario," said Sally Hayati, a community resident and president of

the Torrance Refinery Action Alliance, the largest activist organization, who added that a short-term price increase would be a small price to pay. "It's an annoyance, an interruption in production, but it's not a game changer."

Price fears may also be overblown, Patrick Dehaan, a senior analyst at pump-price monitor Gasbuddy, said by telephone. A switch away from hydrofluoric acid "is one of those things that refineries know in advance" and the market can plan for, unlike explosions, he said.

Safety Question

Breathing hydrogen fluoride can damage the lungs causing swelling and fluid accumulation and can cause severe burns to skin, according to the U.S. Centers for Disease Control and Prevention. Breathing in high amounts can be fatal.

A phaseout would cost about $500 million per refinery, according to an estimate by Gordon Schremp, senior fuels analyst for the California Energy Commission. That's almost equal to the $538 million PBF agreed to pay for Torrance.

The acid at Torrance has been modified since 1997 with an additive that makes it less likely to spread through the air and making it safe to use, Mike Karlovich, a spokesman at PBF's headquarters in Parsippany, N.J., said by telephone.

The company's assurances haven't convinced the South Coast Air Quality Management District, the local regulator, which said in an Aug. 2 presentation that a phaseout would be a "preventative measure." It stated that PBF "did not sufficiently demonstrate" that a hydrofluoric acid cloud could be prevented.

PBF expressed disappointment in the stance, and a Valero statement issued after it alleged the regulator was "seeking drastic changes when there have been no HF related safety issues."

Dutch Fire

A late July fire at Royal Dutch Shell Plc's Pernis refinery in the Netherlands which released a hydrofluoric acid cloud heightened fears of a similar event in California, even though Shell said the cloud stayed within the refinery and wasn't in hazardous concentrations.

"The fire and acid release at the Shell refinery in Rotterdam is the latest sign that an accident could create a deadly acid plume," Hayati said, while acknowledging there could be a "temporary impact on gasoline prices."

Gasbuddy's Dehaan noted that while an acid phaseout might be reassuring for the refineries' neighbors, others in the state may not be so happy.

"For Californians who aren't in the immediate proximity of the refiners, they want to fill their tanks with as cheap gasoline as possible," he said. "Nobody likes spending money on gas."

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India Pressures Businesses to Improve Pollution Monitoring

Posted August 18, 2017, 12:26 P.M. ET

By Madhur Singh

Businesses in India could end up paying millions to comply with new guidelines on selecting and operating equipment to monitor air emissions and wastewater discharges.

India's Central Pollution Control Board found that large and medium-size companies, and shared incinerators wastewater and treatment plants were not properly monitoring emissions including particulate matter, carbon dioxide, sulfur oxides and nitrogen oxides, and discharges, or relaying the real-time information to state or federal regulators. Among the 17 business sectors that did not meet requirements were tanneries, mining and metalworks companies, and power plants.

Despite investments worth billions of rupees to meet the regulator's monitoring requirements, originally issued in February 2014, many businesses failed to achieve significant improvement in pollution control and compliance because they installed substandard devices or incorrectly installed and operated them, Sanjeev K. Kanchan of Delhi-based nonprofit Centre for Science & Environment, told Bloomberg BNA.

The board's new guidelines specify the basic characteristics of continuous emissions monitoring system devices; suggest technologies suitable for various industries; instruct how to install, operate, maintain, and calibrate devices; as well as how much data to send to the regulator and how often. Businesses could spend between 300,000 and 10 million rupees ($4,700 and $155,000) each to comply with guidelines, Sankar Kannan, national manager for product automation at monitoring equipment and services company SICK India, told Bloomberg BNA by phone Aug.16.

Many businesses that already installed analyzers are now worried that their equipment may not meet the new guidelines.

"The guidelines have specified the technology, the analyzer," Pradeep Manoor, a senior manager at JSW Energy, a power producer, told Bloomberg BNA, by phone Aug. 18. "Now the question is, do we install everything again?"

As of May 31, 2016, 1,733 industries had installed continuous emissions and effluent monitoring systems, and 667 were in the process of doing so. As many as 743 had been asked to close down for failing to respond, and the remaining had either shut down on their own or been exempted, according to a July 2016 update from the pollution control board.

Silk Road Cities Tap German Ingenuity to Tackle Climate in China

Posted August 18, 2017, 9:09 A.M. ET

By Bloomberg News

China is tapping German ingenuity to help cities at the farthest reaches of its ancient silk road adapt to climate change.

Scores of advisers from Germany and the European Union are working with officials in China to help transform hundreds of cities into oases of green power. Cleaning up China's cities has become a test for whether President Xi Jinping's government can hit pollution targets in the 2015 Paris agreement while spurring economic growth tied to its new silk road.

"The role of cities is crucial for reaching the Paris goals," said Beijing-based Sandra Retzer, who leads urban sustainability programs at GIZ China. The German state-owned group is working in China on projects from standardizing electric vehicle technology to creating new markets for carbon-emission certificates.

At least 1 billion people in China representing 70 percent of the world's population will move into cities by 2030, marking one of the greatest urban migrations in human history. More than $1 trillion investment will be needed by 2020 to help those cities reverse lethal levels of pollution, according to the Green Finance Committee of China's Society for Finance and Banking. Advice from Europe is aimed at helping authorities spend the money wisely.

The changes underway are part of bigger trends extending beyond China, where bicycle sharing services are spreading and sales of electric cars are skyrocketing.

At least 10 Chinese megacities including Guangzhou, Nanjing and Shenzhen take part in the C40 Cities Climate Leadership Group, supported by Bloomberg Philanthropies, which oversees all the charitable giving for Michael Bloomberg, former mayor of New York City. Bloomberg is also founder and majority owner of Bloomberg LP, parent of Bloomberg News and Bloomberg BNA.

Addressing Pollution

Cities like Dunhuang, more than 2,000 years old and once a major trading hub for silk road goods heading to Europe, are trying to reinvent themselves with the help of Fraunhofer Institute researchers based in Kassel, Germany.

Dunhuang's 200,000 people "can't take a path with a large amount of pollution and heavy energy consumption," according to Zhu Kexiang, head of the development and reform bureau in Dunhuang, located 1,467 miles (2,360 kilometers) northwest from Beijing. "Its only path will be green development."

Accordingly, Dunhuang generates all its power from a gigawatt-sized mix of photovoltaic panels, solar-thermal installations and hydropower plants, Zhu told a conference in Beijing last month. Germany's Fraunhofer Institute is trying to take the city even further, making it emissions free by 2025 using heat pumps, biomass and building efficiency measures.

Changing business-as-usual acts "not only as pressure but also as a driver for cities," said Hu Runqing, a director of industrial development research at the China National Renewable Energy Center. Higher demand for clean power along China's Belt and Road Initiative has boosted demand for photovoltaics, Bloomberg New Energy Finance says.

In Yinchuan, a city in northwestern China that's a vital cog on the new silk road, a large amount of solar capacity has been installed. It will hold a Sino-Arab summit next month to discuss economic and commercial cooperation under the belt and road initiative.

Climate adaptation in cities could also sustain flows into the global green bond market, which is expected to hit another record in 2017, according to analysts at HSBC Bank Plc.

"We are seeing a steady rise in green bond issuance to fund climate change mitigation and adaptation in cities," HSBC's Michael Ridley and Charlotte Edwards wrote earlier this month. "We anticipate a rise in local currency green emerging market city bonds, given rapid emerging market population growth and urbanization."

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Fracking Jobs Prove Elusive for Coal Miners Looking to Switch

Posted August 18, 2017, 8:09 A.M. ET

By Daniel Flatley

Robert Dennis has mined coal in West Virginia for 10 years but a recent evening found him in a classroom at his local community college. He came to learn about opportunities in fracking, a drilling technique used to produce natural gas—the very fuel that is threatening coal's future.

"I know mining inside and out," said Dennis, a 41-year-old shift foreman from Wetzel County, adjusting the black Adidas cap on his head. But now, "I just want more doors to be open."

He has earned a certificate in chemical and industrial operations, diligently searched job boards and filled out applications. So far, no luck.

Dennis is learning a hard lesson of fracking: While it has created a bonanza of jobs, displaced coal miners and their communities are sometimes left out of the boom. That's because many of the jobs require highly technical skills and are often going to experienced workers brought in from out of state who then move on to the next job without sinking roots.

"There are positive employment and wage effects," said Timothy M. Komarek, a professor of economics at Old Dominion University in Virginia. But, he said, they are "not as big as first thought when the boom first started."

Komarek concluded in a 2016 study that total employment in a county rises by 7 percent and wages by 11 percent in the three years after fracking comes—but the gains then taper off.

When the "shale gale" hits, hotels, trailer parks and restaurants get a boost. And some landowners make money for letting drillers extract oil and gas from their property.

Millionaires Created in West Virginia

In that way, fracking has "created a lot of millionaires in West Virginia," said Jeff Kessler, a former state senator from the state's northern area that has both coal and natural gas. "But it has not created the employment opportunities" area residents had hoped for, he said. "The ongoing benefits are relatively minute compared to the amount of land under lease."

That's bad news for towns like Wetzel County's New Martinsville where Dennis attended the community college session. While coal mines provide decades of steady work and sustain communities, a crew can frack a well in a month and leave behind automated machinery to recover the oil and gas.

The process, also known as hydraulic fracturing, involves injecting water and chemicals deep underground to break up rock and free trapped oil and gas.

It's unlocked vast stores of previously unobtainable fossil fuel and spurred a renaissance in energy production in states that had once been coal bastions. Coal, oil and natural gas are formed from the same plant matter and other forms of prehistoric life and can be found in the same places.

Fracking Eroded Status of Coal

But fracking has eroded the status of coal, which used to generate more than half the electricity in the U.S. but had slipped to just 30 percent last year. "If there was a War on Coal, it was really declared by natural gas," said Robert Godby, an economist at the University of Wyoming.

While some miners are hoping President Donald Trump will rescue their industry—West Virginia gave Trump 69 percent of its vote in 2016, the greatest share of the total in at least a century and a half—others are eyeing gas as an alternative employment opportunity.

The U.S. Bureau of Labor Statistics doesn't specifically count fracking jobs, but says there were more than 422,000 jobs directly associated with oil and gas extraction in the U.S. at the end of 2016. That has far eclipsed the number of jobs in underground coal mining: about 50,000 nationwide, down from 200,000 in the 1970s.

In West Virginia, there were 11,404 coal miners last year, about half the 23,000 who were working in 2011. There are about 6,000 working in oil and gas extraction.

To be sure, the fracking boom provided a much-needed economic boost in the years following the Great Recession. Fracking supported more than half a million jobs across the Marcellus Shale, an energy-rich geological formation that stretches from New York state to Virginia, according to a report commissioned by the American Petroleum Institute, a trade association. The group's numbers exceed the Labor Department estimates because they include workers at natural gas distribution facilities, petroleum refineries, petroleum product wholesalers and gas stations.

And much as coal and the Ohio River once lured steel plants and manufacturers to the area, cheap natural gas may bring chemical and other manufacturers to areas near shale drilling. Residents of New Martinsville, for example, are rooting for an ethane processing facility that may be built on the site of an old coal plant nearby.

Quick Boom Then Dropoff

In North Dakota, for example, the fracking boom allowed it become the fastest-growing economy in the nation by 2014. Even now, it has one of the lowest unemployment rates in the nation at 2.3 percent. But a downturn in the oil market brought drilling to a crawl and slowed investment in training and education programs.

"The boom was so quick and dropped off so quickly afterwards and the bust came so quickly that they really didn't get it done," said William Caraher, an associate professor of history at the University of North Dakota, of the state's education push.

Don Riggenbach is the president of the Chamber of Commerce in Wetzel County, where New Martinsville is located, and the owner of a tile and carpet installation company. He measures the economic effect of fracking in square feet of new flooring installed. So far, he says, something has been missing.

"In my business I need houses being built," he said. "You'd think that because of the gas and oil business they'd be hiring people. They do, but they're out-of-state workers ... They're not putting down roots."

Still, former miners who have made the transition to fracking, often with the assistance of government or industry-funded programs, say they are happy.

Robert Walker says he was shocked when he was laid off from his job at a Murray Energy Corp. coal mine in Marshall County in April 2015.

Flash forward a couple of years and Walker is working for The Williams Companies Inc., a company with extensive operations in the oil and gas field. He is making less money, down to $24 an hour from $30 when he was working in the mines. But he likes the work, and prefers his new coworkers. He says he is "a lot happier now."

Mine Skills Transfer Well

Curt Hippensteel, the director of the West Virginia Community College petroleum technology program, said miners have skills that transfer well to other trades, including safety training, welding and electrical work. Plus, miners are used to working long hours in austere conditions, which fits the profile of roustabout work quite nicely, he said.

But fracking, which requires the application of precise measurements of chemicals, sand and water applied under extreme pressure at specific times, requires its own set of unique skills.

And its job outlook is far from certain.

Technological improvements to fracking processes and practices have made the industry more efficient. In late 2016 and early 2017, more gas was produced using fewer workers in West Virginia than ever before.

Since 2014, gas production in the state has grown 50 percent while oil and gas employment has fall from 9,000 to less than 6,000, according to West Virginia University Bureau of Business and Economic Forecasting.

The recent recovery in prices has spurred companies to begin exploring for gas again, which may mean more hiring soon, according to Brian Lego, a West Virginia University assistant professor of economic forecasting. "But the overall level won't be a substantial amount," he said.

Dennis, the coal miner looking for fracking work, hopes to gain a few years experience in the oil and gas fields near New Martinsville until his children finish school.

After that, he's ready to give up on energy altogether and seek employment in North Carolina, where he feels there is more opportunity.

"What I want is a chance to move out of the area," he said. "There's more industry down there."

—With assistance from Jim Polson, Tim Loh, Daniel Levitt and Catarina Saraiva.

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Week Ahead: Chemical Society Event to Explore Industry's Impacts

Posted August 18, 2017, 11:39 A.M. ET

By Chuck McCutcheon

Chemistry's global economic impact is the focus of the American Chemical Society's national meeting Sunday through Thursday, one of several environment and energy events during the week of Aug. 21.

Among the speakers at the Washington conference is Chuck Kahle, a former vice president of coatings research and development for PPG Industries, a global supplier of paints, coatings, optical products, specialty materials, and fiberglass. Kahle is expected to talk about global trends, the growing emphasis on mergers and acquisitions, and strategies to improve success rates for chemical innovations.

Ivica Labuda, a Georgetown University adjunct assistant professor of biomedical graduate education, is expected to discuss research on pesticide detection in food, while George Mason University communications researcher John Kotcher is scheduled to explain ways of engaging different audiences on climate change.

The meeting will cover a broad array of other topics, including turning plant waste into carbon fiber for cars and airplanes, designing nanoparticles to sop up sunblock from oceans to save coral reefs, and redesigning quantum dots—very small semiconductor particles—so they release fewer hazardous metals when used in televisions and other products.

News conferences from the event will be on YouTube starting Monday. Pat Rizzuto and Tiffany Stecker will cover some of the meeting's sessions.

In Other News

Eclipse impacts: Monday's solar eclipse, which is set to bring total darkness to areas of the U.S., will offer power grid operators, utilities and electricity generators a rare opportunity to test an expected dropoff of more than 12,000 megawatts of solar power supplies. Bloomberg BNA staff will monitor.

Monuments changes: Thursday is the deadline for Interior Secretary Ryan Zinke to send a final report to President Donald Trump containing Zinke's recommendations for any changes to national monuments designated since January 1996. The issue springs from two Utah national monuments—Grand Staircase-Escalante, designated that year, and Bears Ears, designated last year. Zinke issued in June his interim suggestion that Bears Ears monument be reduced in size, while Grand Staircase-Escalante—which has coal reserves and may have natural gas reserves—remains to be mentioned. Alan Kovski will track.

Nuclear reactors: The Nuclear Regulatory Commission will hold a Thursday public meeting at its Rockville, Md., offices to get feedback on reactors that do not use light water as the coolant. Both the NRC and Energy Department are interested in helping industry develop technologies for such advanced reactors. Bloomberg BNA staff will monitor.

Drinking water workshop: The Environmental Protection Agency will hold a workshop from Tuesday to Thursday in Cincinnati with the Association of State Drinking Water Administrators on handling small drinking water system challenges.

Non-animal testing: EPA scientists will take part in the Tenth World Congress on Alternatives and Animal Use in the Life Sciences in Seattle on Sunday through Thursday. They will share the EPA's scientific advances in developing alternative, non-animal testing approaches for chemicals.

Climate change gathering: U.K. business and management publisher Allied Academies is holding a Congress on Climate Change Thursday and Friday in Birmingham, England. The event will focus on innovative research supporting effective responses to climate change.

South Korea and carbon: The United States Energy Association will hold a Monday briefing in Washington on South Korea's research on carbon capture, utilization and sequestration technology. South Korean President Moon Jae-in, who took office in May, has pledged a vigorous nuclear-free shift to renewable energy and vowed to use climate change as a driver for economic growth.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Mon 12/4/2017 10:22:58 PM
Subject: Today on Climate Beat

December 4, 2017

Today on Climate Beat . . .

. . . we got litigious, reporting that National Association of Manufacturers and other industry groups have quietly launched a new coalition, known as the Manufacturers' Accountability Project, to fight increasing litigation by states, environmentalists and other plaintiffs to force businesses to address climate change.

In advocacy news, members of the American Legislative Exchange Council plan to vote at its annual meeting this week on whether to approve a resolution urging EPA to scrap its greenhouse gas endangerment finding that forms the basis of nearly all its climate regulations.

And our daily news roundup looked at a couple of energy tax issues, including that the Senate's tax overhaul package could significantly undercut private equity financing for wind and solar projects, as well as new lobbying efforts from coal and nuclear backers for new tax breaks for those sectors.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 10/4/2017 12:09:03 PM
Subject: Oct. 04 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

October 04, 2017 - Number 191

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Georgia SIP/Regional Haze Progress Report
AIR

Final rule of the EPA approves a revision to the Georgia SIP regarding the state's regional haze progress report. The agency approves the state's determination that the regional haze plan is adequate to meet the reasonable progress goals for the first implementation period through 2018 and does not currently require substantive revisions. The rule is effective Nov. 3, 2017. Contact: Michele Notarianni; EPA Region 4, Air Planning and Implementation Branch; 404-562-9031; notarianni.michele@epa.gov. Citations: 40 CFR 52.570

82 FR 46136 (10/04/2017)

Regulatory Update

AIR
North Carolina SIP/Interstate Transport Good Neighbor Provision
AIR

Final rule of the EPA approves revisions to the North Carolina SIP regarding the good neighbor provisions of the 2008 eight-hour ozone NAAQS. The agency has determined that the SIP contains adequate provisions to prohibit emissions within the state from contributing significantly to nonattainment or interfering with maintenance of the 2008 eight-hour ozone NAAQS in any other state and that the SIP meets the requirements of prongs 1 and 2. The rule is effective Nov. 3, 2017. Contact: Ashten Bailey; EPA Region 4, Air Planning and Implementation Branch; 404-562-9164; bailey.ashten@epa.gov. Citations: 40 CFR 52.1770

82 FR 46134 (10/04/2017)

Regulatory Update

ENDANGERED SPECIES
Threatened Status for the Trispot Darter
ENDANGERED SPECIES

Proposed rule of the U.S. Fish and Wildlife Service would list the trispot darter as a threatened species. The proposal is in response to the agency's 12-month finding on a petition to list three freshwater fish, the holiday darter, the trispot darter, and the bridled darter, found in Alabama, Georgia, and Tennessee, as threatened or endangered. The agency has determined that listing the holiday and bridled darters is not warranted at this time. Hearing requests are due Nov. 20, 2017. Comments are due Dec. 4, 2017. Contact: Bill Pearson; USFWS, Alabama Ecological Services Field Office; 251-441-5181. Citations: 50 CFR 17.11

82 FR 46183 (10/04/2017)

Regulatory Update

ENDANGERED SPECIES
Virginia, West Virginia/Candy Darter Threatened Status
ENDANGERED SPECIES

Proposed rule of the U.S. Fish and Wildlife Service would list the candy darter, a freshwater fish species from Virginia and West Virginia, as a threatened species. The proposed listing is based on the agency's determination that hybridization with the variegate darter is the primary threat to the candy darter. The agency has prepared a species status assessment report that provides a compilation and assessment of the best scientific and commercial information available concerning the status of the candy darter, including the past, present, and future factors influencing the species. The agency seeks information not already included in the SSA Report regarding the species' biology, range, and population trends; factors affecting continued existence; the potential for additional introductions of the variegate darter into unaffected watersheds; and potential prohibitions and instream and bank habitat restoration activities to benefit the species. Hearing requests are due Nov. 20, 2017. Comments are due Dec. 4, 2017. Contact: John Schmidt; USFWS, West Virginia Ecological Services Field Office; 304-636-6586. Citations: 50 CFR 17.11

82 FR 46197 (10/04/2017)

Regulatory Update

FOOD SAFETY
Codex Intergovernmental Task Force on Antimicrobial Resistance
FOOD SAFETY

Notice of the Food Safety and Inspection Service announces a meeting to discuss agenda items and draft positions at the 5th Session of the Ad Hoc Codex Intergovernmental Task Force on Antimicrobial Resistance of the Codex Alimentarius Commission to be held Nov. 27-Dec. 1, 2017, in Jeju, South Korea. The agenda includes discussion of matters of the U.N. Food and Agriculture Organization, the World Health Organization, and other intergovernmental organizations, including a progress report on the request for scientific advice on foodborne antimicrobial resistance. The agenda also includes discussion of a proposed draft revision of the Code of Practice to Minimize and Contain Resistance and the draft guidelines on integrated surveillance of antimicrobial resistance. The meeting is scheduled for Nov. 7, 2017, in Washington, D.C., and via conference call. Comments are due Nov. 7, 2017. Contact: Kenneth Lowery; FSIS, U.S. Codex

Office; 202-690-4042; kenneth.lowery@fsis.usda.gov

82 FR 46212 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Advisory Committee on Reactor Safeguards Meeting Procedures
GENERAL ENVIRONMENT AND SAFETY

Notice of the NRC announces the availability of procedures for meetings conducted by the Advisory Committee on Reactor Safeguards. The procedures address public participation in ACRS full committee meetings, including the development of agendas. The procedures also remove requirements that ACRS subcommittee meetings apply Federal Advisory Committee Act requirements if the subcommittee's recommendations would be independently reviewed by its parent committee. The procedures also address closed sessions for discussion of proprietary information. Contact: Annette Vietti-Cook; NRC; 301-415-1969; NRCExecSec@nrc.gov

82 FR 46312 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Colorado/Bull Mountain Unit Master Development Plan
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Land Management announces the availability of the record of decision (ROD) for the Bull Mountain Unit Master Development Plan in Gunnison County, Colo. The BLM has selected the preferred Alternative D, as modified, for the project. The ROD is based on the July 8, 2016, final environmental impact statement (81 FR 44652). Contact: Gina Phillips; BLM, Uncompahgre Field Office; 970-240-5300; gphillips@blm.gov

82 FR 46280 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Drug and Biological Product Pregnancy and Lactation Labeling
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the FDA to seek OMB approval for a continuing information collection request concerning the content and format of labeling for human prescription drugs and biological products relating to pregnancy and lactation. The collection addresses the submission of a summary of the risks of using a drug during pregnancy and lactation and a discussion of the data supporting that summary. The collection also addresses inclusion on the label of information about pregnancy testing, contraception, and infertility to help health care providers make prescribing decisions and counsel patients about the use of drugs during pregnancy and lactation. Comments are due Dec. 4, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRAStaff@fda.hhs.gov

82 FR 46248 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Maine/American Tissue Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of an application by KEI (Maine) Power Management (III) LLC, of Gardiner, Maine, for a subsequent minor license for the American Tissue Hydroelectric Project, on the Cobbosseecontee Stream in Gardiner. The existing project involves a run-of-river mode with an average annual generation of 5,430 megawatt-hours. The proposed revision alters minimum flows into project facilities, upgrades the existing downstream fish passage facility, and reduces or ceases generation during nighttime hours during the downstream eel passage season if dead/injured or entrained eels are observed. The proposed revision also adds an upstream passage facility for American eel and revises the project boundary by removing most of the bypassed reach. Comments, protests, and motions to intervene are due Nov, 27, 2017. Contact: John Baummer; FERC; 202-502-6837; john.baummer@ferc.gov

82 FR 46228 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Massachusetts/Northfield Mountain Pumped Storage Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application for the Northfield Mountain Pumped Storage Project located on the Connecticut River in Franklin County, Mass. The applicant, FirstLight Hydro Generating Co., of Hartford, Conn., requests a temporary amendment of the minimum and maximum reservoir elevation requirement. The applicant requests an increase to the upper water surface evaluation limit level to 1,004.5 feet mean sea level (msl) and 920 feet msl for the lower limit. FirstLight specifies that the changes would result in an increase in the maximum daily generation to 10,779 megawatt-hours and provide Independent System Operator New England Inc., of Holyoke, Mass., with additional resources to address winter reliability needs. Comments, motions to intervene, and protests are due Oct. 30, 2017. Contact: Christopher Chaney; FERC; 202-502-6778; christopher.chaney@ferc.gov

82 FR 46234 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Patient Engagement Advisory Committee
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a webcast for a previously announced meeting of the Center for Devices and Radiological Health Patient Engagement Advisory Committee (82 FR 34681; 07/26/2017). The committee provides advice and recommendations to the FDA on complex issues relating to medical devices, the regulation of devices, and their use by patients. The agenda includes discussion of patient input into medical device clinical trials. The notice also updates meeting times. The meeting is scheduled for Oct. 11-12, 2017, in Gaithersburg, Md.

Contact: Letise Williams; FDA, Center for Devices and Radiological Health; 301-796-8398; Letise.Williams@fda.hhs.gov

82 FR 46250 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Renewable Fuel Standard Program
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the availability of supplemental data and a request for comments regarding a July 21, 2017, proposed rule (82 FR 34206) to establish renewable fuel percentage standards for all gasoline and diesel produced or imported in the U.S. The rule would reduce the required volume of all of the fuel categories other than biomass-based diesel from 2017 levels due to an anticipated shortfall in the production of cellulosic biofuel. The EPA seeks additional comments concerning ways to determine the 2018 and 2019 volume requirements for biomass-based diesel (BBD). The supplemental data addresses production, imports, and cost of renewable fuel and provides options for establishing the BBD volume requirements using the EPA's waiver authorities. Comments are due Oct. 19, 2017. Contact: Julia MacAllister; EPA, Office of Transportation and Air Quality; 734-214-4131; macallister.julia@epa.gov; Citations: 40 CFR 80

82 FR 46174 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Small Hydropower Projects/Preliminary Permits
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to seek OMB approval for two continuing information collection requests. The first collection (FERC-505) addresses preliminary permit extensions and licensing exemptions for qualifying small hydropower projects and conduit facilities. The second collection (FERC-512) addresses preliminary permit requirements for hydropower facilities to allow the applicants to conduct surveys to prepare maps, plans, specifications, and estimates; to conduct engineering, economic, and environmental feasibility studies; and to make financial arrangements. Comments are due Dec. 4, 2017. Contact: Ellen Brown; FERC; 202-502-8663; DataClearance@FERC.gov

82 FR 46231 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Southeast Market Pipelines Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of a draft supplemental environmental impact statement for the Southeast Market Pipelines Project. The project involves the construction and operation of three separate but interconnected pipeline systems totaling approximately 685 miles, including the Sabal Trail Project in Alabama, Florida, and Georgia; the Florida Southeast

Connection Project in Florida; and the Hillabee Expansion Project in Alabama. The SEIS is being prepared in response to a 2017 court opinion regarding FERC's environmental review of the project. The draft SEIS estimates the greenhouse gas emissions generated by the project's customers' downstream facilities, describes the methodology used to determine these estimates, addresses the magnitude of the emissions, and addresses the value of using the social cost of carbon tool. The draft SEIS also provides FERC's conclusion that with the applicants' implementation of impact avoidance, minimization, and mitigation measures, the project would not result in a significant impact on the environment. Comments are due Nov. 20, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 46233 (10/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Vermont/Great Falls Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application by the Village of Lyndonville Electric Department for the Great Falls Hydroelectric Project on the Passumpsic River in Lyndon, Vt. The applicant requests a new major license to continue operation of the project, install an automatic pond level control system, and develop a minimum flow monitoring plan. The project also would include construction and maintenance of a new carry-in boat access trail downstream of the tailrace, a bank fishing area, and a parking area outside the project gates. Lyndonville operates the existing project in a run-of-river mode with an annual average generation of approximately 3,960 megawatt-hours and is not proposing any changes in project operation. The commission requests comments on Scoping Document 1, which includes information to be addressed in the environmental assessment. Comments are due Oct. 27, 2017. Contact: Bill Connelly; FERC; 202-502-8587; william.connelly@ferc.gov

82 FR 46235 (10/04/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
New Mexico/San Mateo Uranium Mine Site
HAZARDOUS WASTE CLEANUP

Notice of the Department of Justice announces a proposed consent decree in United Nuclear Corp. v. United States (Civil Action No. 15-cv-411), lodged on Sept. 22, 2017, with the U.S. District Court for the District of New Mexico. The consent decree resolves claims and counterclaims under CERCLA for contamination associated with past uranium mining operations conducted by United Nuclear Corp., El Paso Natural Gas Co., and Homestake Mining Co. of California at the San Mateo Uranium Mine Site in Cibola County, N.M. The consent decree requires the U.S. to pay $1.595 million to the mining companies and requires the mining companies to pay $25,000 to the Superfund. The U.S. and the mining companies covenant not to sue or bring claims for past and future work concerning implementation of the unilateral administrative order or response costs, and the mining companies will be protected from contribution actions or claims. Comments are due Nov. 3, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 46286 (10/04/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Mine Accident Recordkeeping and Reporting
OCCUPATIONAL SAFETY AND HEALTH

Notice of the Mine Safety and Health Administration announces the submission of a continuing information collection request to the OMB concerning requirements to report mine accidents, injuries, and illnesses within 10 working days of any such incident and requirements to file quarterly mine employment and coal production data reports. The requirements apply to all mine operators and independent contractors working on mine property. The reports are used to improve agency safety and health enforcement programs, focus agency education and training efforts, and establish technical assistance activities in mine safety and health. Comments are due Nov. 3, 2017. Contact: Michel Smyth; Department of Labor; 202-693-4129; dol_pra_public@dol.gov. Citations: 30 CFR 50.20, 50.30

82 FR 46288 (10/04/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
NRC Notice to Employees
OCCUPATIONAL SAFETY AND HEALTH

Notice of the NRC announces the availability of a revised version of Form 3 that describes certain responsibilities and rights of employers and employees who engage in NRC-regulated activities. The form also describes how employees can report violations or other safety concerns directly to the NRC. The revisions correct the map of the NRC regions and clarify operation of the headquarters operations center. NRC licensees are required to post the revised form at prominent locations at the workplace within 30 days of receipt from the NRC. Contact: Lisamarie Jarriel; NRC, Office of Enforcement; 301-287-9006; Lisamarie.Jarriel@nrc.gov. Citations: 10 CFR 19.11

82 FR 46310 (10/04/2017)

Regulatory Update

WATER
Nevada/Clean Water Act Consent Decree
WATER

Notice of the Department of Justice announces a proposed consent decree in United States v. City of North Las Vegas (Civil Action No. 2:17-cv-02508), lodged on Sept. 27, 2017, with the U.S. District Court for the District of Nevada. The consent decree addresses alleged violations of the Clean Water Act, federal pretreatment standards requirements, the terms of the city's NPDES permit, federal pretreatment requirements, and state water pollution control law. The consent decree requires the city to pay a $385,000 civil penalty and to comply with its NPDES permit, federal pretreatment requirements, and state law. The consent decree also requires the city to submit its pretreatment program to the EPA for final approval. Comments are due Nov. 3, 2017. Contact: Henry Friedman; DOJ; 202-514-2701

82 FR 46287 (10/04/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission Hearing
WATER

Notice of the Susquehanna River Basin Commission announces a hearing to receive testimony regarding 18 projects, including new, renewed, and revised applications for groundwater and surface water withdrawals and consumptive water use. The hearing is scheduled for Nov. 2, 2017, in Harrisburg, Pa. Comments are due Nov. 13, 2017. Contact: Jason Oyler; SRBC; 717-238-0423

82 FR 46343 (10/04/2017)

Regulatory Update

WATER
Waiver of Compliance with Navigation Laws/Hurricane Maria
WATER

Notice of the Department of Homeland Security, Office of the Secretary, announces an immediate 10-day waiver of provisions of the Jones Act. The act requires certain vessels providing transportation of merchandise by water or by water and land between points in the U.S. to have a coastwise endorsement, or the vessel to have been built in and documented under U.S. laws and to be wholly owned by U.S. citizens. The waiver, which was requested by the Defense Department, is being provided due to severe damage to Puerto Rico's infrastructure by Hurricane Maria. The waiver is effective Sept. 28, 2017, and expires Oct. 18, 2017. Contact: DHS; 202-282-8010

82 FR 46254 (10/04/2017)

Regulatory Update

WATER
Washington State/Yakima River Basin Conservation Advisory Group
WATER

Notice of the Bureau of Reclamation announces a meeting of the Yakima River Basin Conservation Advisory Group. The agenda includes presentations and discussions regarding completed water projects, proposed projects, and projects currently under construction. The agenda also includes updates on current basin hydrology and operations, native fish issues, Riverware modeling, and state Department of Ecology projects and funding. The meeting is scheduled for Oct. 19, 2017, in Yakima, Wash. Comments are due Oct. 12, 2017. Contact: Gwendolyn Christensen; Bureau of Reclamation, Columbia-Cascades Area Office; 509-575-5848; gchristensen@usbr.gov

82 FR 46281 (10/04/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Sun 9/3/2017 3:43:25 PM
Subject: STATUS OF WATER SYSTEMS IN AREAS AFFECTED BY HARVEY

CONTACT: press@epa.gov

STATUS OF WATER SYSTEMS IN AREAS AFFECTED BY HARVEY

WASHINGTON (September 3, 2017) – Working together, the U.S. Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) continue to coordinate with local, state and federal officials to address the human health and environmental impacts of Hurricane Harvey and its aftermath, especially the water systems in the affected areas. As of Saturday, September 2nd, 2017, the following information is available:

- **Drinking Water:** Half (2300) of the 4500 drinking water systems potentially affected by Harvey have been contacted. Of those: 1514 systems are fully operational, 166 have boil-water notices, and 50 are shut down. The agencies are contacting remaining systems to gather updated information of their status. Assistance Teams are in the field working directly with system operators to expedite bringing systems back to operational status. Additional drinking water assessments should be up and running within the next day.

- **Waste Water and Sewage:** Currently, 1656 of approximately 2469 wastewater treatment plants are fully operational in the affected counties. The agencies are aware that releases of wastewater from sanitary sewers that is occurring, due to the historic flooding and are actively working to monitor facilities that have reported spills, conduct outreach and provide technical guidance to all other wastewater facilities in flood-impacted areas. EPA and TCEQ are working closely with the U.S. Coast Guard, the Texas Military Department, and other local and state agencies to continuously monitor wastewater systems. Houston's unified command will be up and running shortly to support water testing. Assistance Teams will be deployed to work directly with system operators to expedite bringing systems back to operational status.

- **Residential Wells:** EPA is developing a plan for sampling residential wells, and is coordinating with TCEQ to establish several locations where residents can bring water samples from their wells to be tested.

- **Flood Water:** Water quality sampling will be focused on industrial facilities and hazardous waste sites. Floodwaters contain many hazards, including bacteria and other contaminants. Precautions should be taken by anyone involved in cleanup activities or any others who may be exposed to flood waters. These precautions include heeding all warnings from local and state authorities regarding safety advisories. In addition to the drowning hazards of wading, swimming, or driving in swift floodwaters, these waters can carry large objects that are not always readily visible that can cause injuries to those in the water. Other potential hazards include downed power lines and possible injuries inflicted by animals displaced by the floodwaters.

Additional EPA/TCEQ updates include:

- **Superfund Sites:** EPA and TCEQ continue to get updates about the status of specific sites from the parties responsible for ongoing cleanup of the sites. The most recent information can be found here.

- **Air Quality Monitoring:** One of the many preparations for Hurricane Harvey included EPA, TCEQ, and other monitoring entities temporarily removing approximately 75 percent of the stationary air monitoring equipment from the greater Houston, Corpus Christi, and Beaumont areas. Since then, state and local authorities are working to get the systems up and running again. As of Saturday, September 2, over 70 percent of the monitors are up and working again; and authorities expect that the network will be fully operational again by next week. Of the available air monitoring data collected from August 24-September 2, 2017, all measured concentrations were well below levels of health concern. Monitors are showing that air quality at this time is not concerning and local residents should not be concerned about air quality issues related to the effects of the storm.

- **Fires at Arkema Facility in Crosby, Texas:** EPA and TCEQ are coordinating closely with Harris County Officials along with the U.S. Department of Homeland Security, and other local public safety officials. As a result of initial chemical fires while the facility was flooded, EPA has collected downstream surface water runoff samples at four locations outside the evacuation zone, near residential areas. EPA and TCEQ will maintain a 24 hour watch and maintain a 24-hour presence at the incident command operations center near this facility, to support local emergency personnel on the ground. The 1.5 mile radius evacuation zone remains in effect until local emergency response authorities announce it is safe.

- **Refineries/Fuel Waivers:** In addition to waivers for 38 states and D.C., EPA signed four No Action Assurance (NAA) letters on September 1, to help address fuel shortages. NAA will help expedite the distribution of existing gasoline supplies to both Texas and Louisiana, while the refineries work to re-start and resume normal operations. Each is effective until September 15, 2017, and should allow for the distribution in Texas of 10 million or more gallons of gasoline to consumers.

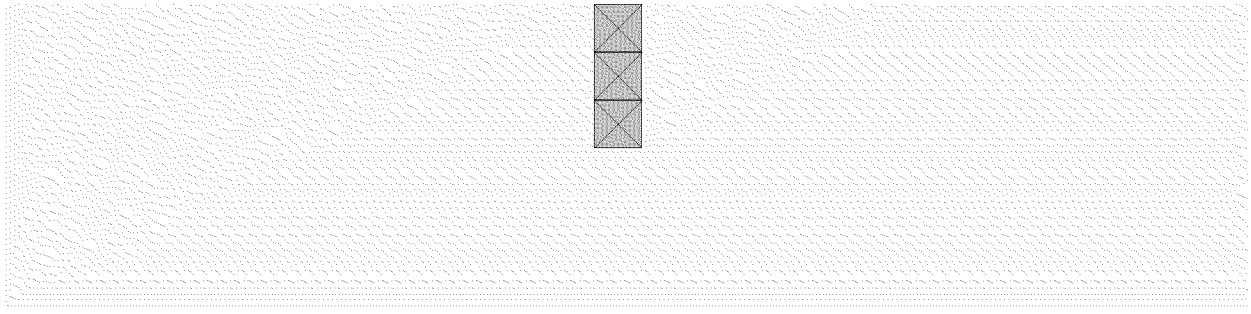
For additional information from TCEQ, please visit: https://www.tceq.texas.gov/response/hurricanes

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Wed 10/11/2017 11:25:01 AM
Subject: TX Officer Slain, Be a Survivor, Wanted Fugitive Deported, Soft Targets & Terror, DEA Takedown

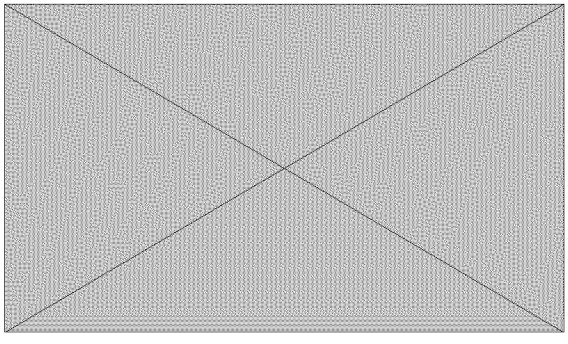




To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Tue 10/17/2017 10:03:56 AM
Subject: AEI Today: In one key respect, Macron complements President Trump

Strong stances in favor of an integrated Europe are often met with skepticism in Washington, especially among Republicans.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



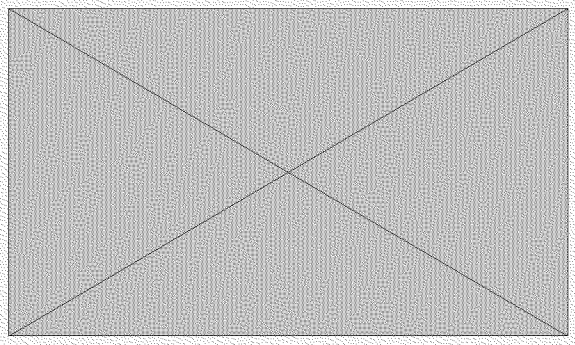
Reuters

In one key respect, Macron complements President Trump

Paul Zajac and Boris Toucas | The Hill

Strong stances in favor of an integrated Europe are often met with skepticism in Washington, particularly among Republicans. But since President Trump took office, he's complained about the so-called weakness of institutions and political leaders across the pond. Although they articulate opposite worldviews, the US president has high praise for Macron's

personality and resolve. The two men respect each other. Where does that lead us?

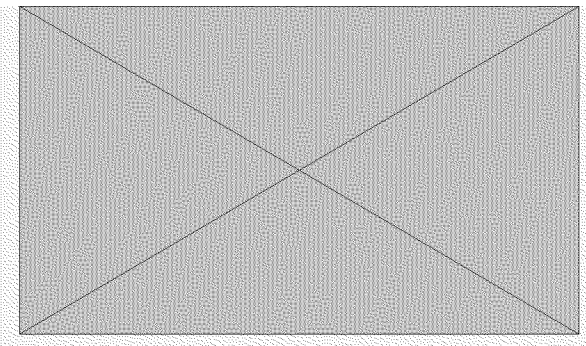


Warner Brothers

60-second take: The 'Blade Runner' curse of capitalism

Jonah Goldberg | AEI video

Ridley Scott crafted his 1982 film "Blade Runner" with an atmosphere of paranoia about corporate power. The logos of some of the most ubiquitous brands of the 1980s dominate the neon skyline of 2019 Los Angeles. But while it's implied that the companies in the film would endure, AEI's Jonah Goldberg explains that the nature of capitalism is for corporate behemoths to compete for survival as newer, better, more innovative businesses emerge.

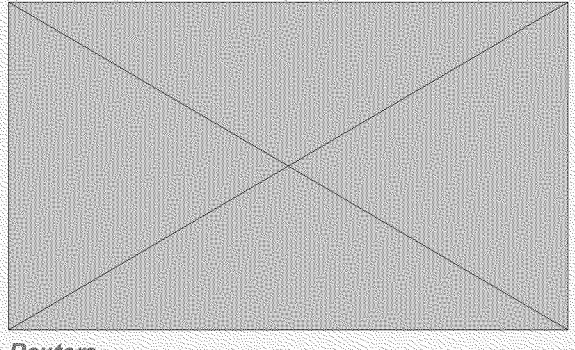


Reuters

A slow death for the Iran deal

John R. Bolton | The Wall Street Journal

As Abba Eban observed, "Men and nations behave wisely when they have exhausted all other resources." So it goes with America and the Iran deal. While Congress considers how to respond — or, more likely, not respond — we should focus on the grave threats inherent in the deal. Peripheral issues have often dominated the debate, but the core provisions are the central danger. There are no real "fixes" to this intrinsically misconceived agreement.



Reuters

The new 'New Europe' is within sight

Dalibor Rohac | The American Interest

When the four Visegrad countries joined the

European Union, hopes ran high for a reinvigoration. Today, reforms in Central Europe have not only stalled, but some of the main achievements of the post-1989 era, including independent media, judiciaries, and openness to foreign investment, are now under attack. Yet the tide might be turning again. Across Central Europe, new reformist parties are hoping to emulate Emmanuel Macron's success in France.



MORE FROM AEI

If data is the new oil, is Bezos the new Rockefeller?
James Pethokoukis | AEIdeas

Myopic focus on the Iran deal misses the point: America needs to contain, not negotiate
Marie Donovan | The Hill

Harvard demonstrates what's wrong with universities in one single-minded panel
Michael Rubin | Washington Examiner

As a major drug company transfers its patents to a Native American tribe, Congress moves in
Michael Rosen | AEIdeas

As chaos develops, what went wrong in Kirkuk, Iraq?
Michael Rubin | Washington Examiner

Why do American parents push their kids so hard at sports but not academics?
Mark J. Perry | AEIdeas

One-pager: The funding our military needs to deter and defeat adversaries across the globe
Mackenzie Eaglen | AEI

In India, 'Modinomics' is in trouble

Sadanand Dhume | The Wall Street Journal [paywall]

Watch live this morning: Alan Jacobs offers a survival guide for a world at odds

Ryan Streeter | AEI event today at 10:00 AM ET

Learning the lessons of Kurdistan, where racism is becoming a dangerous political tool

Michael Rubin | AEIdeas

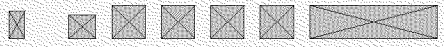
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 8/24/2017 9:45:08 AM
Subject: Morning Energy: DOE: Natural gas fueling coal's decline — Verdicts due today on host of national monuments — Energy industry readies for Gulf storm

By Anthony Adragna | 08/24/2017 05:43 AM EDT

With help from Ben Lefebvre and Esther Whieldon

PERRY'S GRID STUDY LAYS BLAME ON NATURAL GAS: Months of breathless anticipation culminated late Wednesday with the release of the Energy Department's grid study that concluded the surge in supplies of cheap natural gas had weighed on power prices and was the key factor in the closure of many coal-fired power plants, Pro's Darius Dixon reports . The report, requested by Secretary Rick Perry, doesn't call for Congress to change any laws or agencies to alter any specific rules but does seek "reforms" — from the Nuclear Regulatory Commission, the EPA and FERC — to power markets that would help bolster the electricity network's resilience and provide support for some plants.

The agency linked four factors — cheap gas, low electricity demand growth over the past decade, government regulations and the influx of renewable energy into the grid — to the struggles of coal and nuclear power, but didn't try to assign a percentage of blame to each of them.

Still, Perry did cast some side-eye at renewables incentives, saying in a letter accompanying the report "[i]t is apparent that in today's competitive markets certain regulations and subsidies are having a large impact on the functioning of markets, and thereby challenging our power generation mix. It is important for policy makers to consider their intended and unintended effects."

But the report takes a softer tone than Perry's April memo that ordered up the study, which said Obama era regulations had "destroyed jobs and economic growth" and threatened the grid**,** and suggested that federal support for renewable power "create[s] acute and chronic problems." That document, energy guru Peter Fox-Penner told Darius, was "looking through a preconceived, political lens broadly at baseload and blaming renewables policy, which is looking at the wrong culprit. The right direction for a solution is market design."

Part of the reason for DOE's call for FERC, EPA and other bodies to help alter electricity market and aid power plants is because the agency has limited power to direct energy policy. "DOE has no authority," former FERC Chairman Jon Wellinghoff, a Democrat, said ahead of the report's release. "It's FERC that has all the authority .. .and DOE does not control FERC. I would say that when I was there, and I'd say it now."

Other voices weigh in: Graham Richard, CEO of Advanced Energy Economy, said grid operators weren't having the troubles adjusting to a wide array of resources as suggested: "This report seriously overstates the challenges associated with new energy resources," he said. Consumer Energy Alliance President David Holt called it an important step in discussing the

future of the energy grid: "While utilities, electric cooperatives, and grid operators have been able to absorb the changes brought about by increases in renewable energy and the abundance of low-cost natural gas, it is clear that they will have significant challenges as the pace of change accelerates," he said in a statement. Others were not so positive. "Coal and nuclear can no longer compete on their own, and they are now pushing Trump to save them. This study is a shoddy attempt to do just that," the Sierra Club's Mary Anne Hitt said.

MONUMENTAL DECISION DAY: Today is Interior Secretary Ryan Zinke's deadline to send President Donald Trump recommendations on the future of 22 national monuments -- 16 of which could be on the chopping block. Zinke earlier this year issued a preliminary recommendation for Trump to reduce the size of the Bears Ears national monument in Utah and one news organization, Utah Policy, reported on Wednesday that Zinke may call for Trump gut the monument's footprint by up to 88 percent.

The secretary made a round of phone calls about the monument report with lawmakers on Wednesday, including House Natural Resources Committee Chairman Rob Bishop who, through a committee spokeswoman, declined to comment on their conversation. Bishop is holding a press briefing on the monuments this morning, and the Sierra Club and public land advocates are holding a rally outside of Interior's Washington headquarters at noon today. Sen. Martin Heinrich will hold his own press conference outside an REI in Albuquerque, N.M. today at 12:15 p.m. MST to oppose any changes to the national monuments.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and NOIA's Nicolette Nye was the first of many to identify Hawaii as the sole state to commercially grow coffee. For today: What country once issued a stamp in the shape of a banana? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

PROGRAMMING NOTE: Morning Energy will not publish from Aug. 28-Sept. 4. Our next Morning Energy newsletter will publish on Sept. 5. Please continue to follow Pro Energy issues here.

HARVEY OVER HOUSTON: Gulf of Mexico oil rigs and refineries are bracing for Tropical Storm Harvey, which looks likely to turn into a full-fledged hurricane. The storm could dump 16.5 inches of rain on the flood-prone coast that is the heart of U.S. energy production, according to forecasts. Oil producers are already starting to pull personnel off oil rigs, which could throw fuel prices higher until the extreme weather quiets down. Track Harvey's path here .

Perry, Texas' longest-serving governor, tweeted "Stay safe, Texas" ahead of landfall, linking to emergency preparedness resources.

IT'S DEJA VU ALL OVER AGAIN: Speaker Paul Ryan said Wednesday a short-term continuing resolution would likely be necessary to give Congress more time to iron out a longer-term spending package, POLITICO's Louis Nelson reports . "I think that will probably be necessary, yes, because I can't imagine the Senate will be able to process the appropriations bill as quickly as the House is," he said of a CR. And that comes even as the threat of government

shutdown grew over President Donald Trump's insistence Congress give him money for his border wall, POLITICO's Josh Dawsey reports, potentially opening up significant rifts within the president's own party if he sticks to his hard line.

WALDEN WEIGHS IN ON MALHEUR SITUATION: Asked about the 2016 occupation of the Malheur National Wildlife Refuge in his district, Energy and Commerce Chairman Greg Walden urged peaceful protest and respect for the laws for anyone seeking to protest the federal government. "Those that violate the law should be prosecuted," he said alongside Ryan Wednesday. "However these protests take place, they need not be armed, they need not be violent, they need not be vile."

THERE'S NO PLACE LIKE HOME: With his national monument review wrapping up, Zinke today heads to Missoula, Mont., for an "on-site briefing and [to] assess the situation involving ongoing wildfires in the Pacific Northwest and Northern Rockies." Along with Agriculture Secretary Sonny Perdue, Zinke will "inspect the on-the-ground operations."

GOING OUT GUNS BLAZING! Daniel Kammen resigned his post as State Department science envoy in a fiery letter addressed to Trump Wednesday in which eagle-eyed readers noted the first letter of each paragraph spelled out I-M-P-E-A-C-H. "Particularly troubling is the consistency of your response to Charlottesville with a broader pattern that enables sexism and racism, and disregards the welfare of young Americans, the global community and the planet," the University of California, Berkeley, professor wrote. "Your presence in the White House harms the United States domestically and abroad and threatens life on this planet."

PENCE: MORE VENEZUELAN SANCTIONS COMING: Expect the Trump administration to unveil yet another round of sanctions against Venezuelan government officials, Vice President Mike Pence told a gathering in the largest Venezuelan community in the U.S. "At President Trump's direction, the United States has already issued three rounds of targeted sanctions against Maduro and his inner circle — and there's more to come," Pence told the applauding crowd. "And we'll continue to act until the Maduro regime holds free and fair elections, releases all political prisoners, and ends the repression of the Venezuelan people." As POLITICO's Sergio Bustos reports, the vice president vowed to employ "full measure of U.S. economic and diplomatic power" to restore order in the oil-rich country.

WATCH THIS SPACE: Look for environmental advocates to pressure sympathetic attorneys general nationwide to launch all-out investigations into whether Exxon Mobil misled the public on climate science in light of Wednesday's peer-reviewed Harvard study with that conclusion. "Time for California AG @AGBecerra to join @MassAGO and @AGSchneiderman in a full scale investigation of what #ExxonKnew," Jamie Henn, a spokesman for 350.org, tweeted Wednesday. Back in July, Becerra told advocates that "though we don't announce publicly if we are doing an investigation, I'm very aware of that particular matter."

MAIL CALL! BISHOP SEEKS UNREDACTED BLM MISCONDUCT REPORT: House Natural Resources Chairman Rob Bishop has asked Interior's acting inspector general for an unredacted copy of a report outlining serious misconduct from a BLM law enforcement manager. According to a committee aide, the official allegedly removed moqui marbles from an evidence

room, gave several as gifts and asked an underling to pore through his emails and delete any that portrayed him badly.

MORE UTILITIES OPPOSE SUNIVA PETITION: Add the Electric Reliability Coordinating Council and Duke Energy to the list of entities opposing a bid by Suniva and SolarWorld Americas to have the International Trade Commission recommend duties on imported solar equipment in order to revive domestic manufacturing facilities. "The delivery of reliable, affordable, and increasingly clean energy relies upon international trade policies that increase supply chain stability, not policies that destabilize it," Diane Denton, managing director of federal policy for Duke, wrote.

SUPPORT URGED FOR INTERNATIONAL CLIMATE WORK: As Congress attempts to figure out what to do about the appropriations process, the Business Council for Sustainable Energy sent a letter to Senate leaders urging continued support for the United Nations Framework Convention on Climate Change and the International Panel on Climate Change, as well as the Green Climate Fund. "Preserving the U.S. financial contributions to these international programs and institutions not only protects the opportunity for U.S. governmental leadership but also protects and promotes the business interests of American companies," Lisa Jacobson, the group's president, wrote.

GETTING TO 100 RENEWABLE AROUND THE WORLD: A Stanford- and U.C. Berkeley-led peer-reviewed paper out Wednesday tackles individualized plans for 139 countries — which account for 99 percent of global emissions — to run on 100 percent renewable energy by 2050. It won't be easy though, as the study calls for "rapid technology transition" that will see electricity generated by wind, water and solar power replace fossil fuels. Additionally, hitting the targets will rely on public action around the world to pick "leaders who will implement strong policies, reduce barriers and confront entrenched interests." The journal *Joule* published the paper.

THAT'S A LOT OF PEOPLE! An estimated 17.6 million people live within a mile of an active oil or gas well, according to a peer-reviewed study published Wednesday in Environmental Health Perspectives. Researchers from PSE Healthy Energy; the University of California, Berkeley and Harvey Mudd College found 50 percent of West Virginians and 47 percent of Oklahomans live within a mile of active oil and gas development. The study also estimated the state with the most residents living near active wells as Texas, with some 4.5 million.

REPORT: ENERGY SECTOR SPENT BIG IN 2016: Clean Water Action released a report Wednesday finding the oil and gas industry spent $103 million during the 2016 election cycle, 88 percent of which went to Republican candidates. In addition, the report found the energy sector spent $119 million on lobbying in 2016, supporting 722 registered lobbyists to push their priorities.

RECORDS SOUGHT ON PARIS DECISION: The Center for Biological Diversity submitted open records requests to EPA, OMB and the State Department seeking all records related to the Trump administration's decision to pull out of the Paris climate accord. Those include any

relevant emails, telephone logs and notes from meetings involving Trump, EPA Administrator Scott Pruitt, Secretary of State Rex Tillerson and other officials.

REGULATORY TASK FORCE RECORDS SOUGHT: After EPA failed to respond to an open records request within statutory limits, the Southern Environmental Law Center filed a federal lawsuit seeking correspondence related to the agency's regulatory reform task force that seeks to identify possible regulations for elimination. "It's already absurd to have an arbitrary directive to strip away commonsense environmental protections, but to refuse to share any information about this process is alarming and simply un-American," Kym Hunter, a staff attorney with the group, said in a statement.

SLEEPING TOO WELL? Your ME host really, really, really hates rats, so this piece in the New Republic warning of the coming "ratpocalypse" due to shorter, warmer winters is quite disconcerting. And, there's a climate link! "I personally feel there is a connection with climate change, just because of logic and the biology of rats' reproductive cycle," Bobby Corrigan, one of the nation's leading rat experts (that's a thing), said.

QUICK HITS

— EPA Demands Answers From Valero Months After Massive Benicia Refinery Outage. KQED.

— Regulatory activity dips to new lows in Trump administration. BGov.

— Coal-burning Erickson Power Plant to go offline by 2025. Lansing State Journal.

— Another US agency deletes references to climate change on government website. The Guardian.

— Cheap oil undercuts U.S. rail, bus service: study. Reuters.

— EPA bowed to TVA, contractor on worker safety standards at nation's largest coal ash disaster, records say. USA Today.

HAPPENING TODAY

crickets

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To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/08/doe-natural-gas-fueling-coals-decline-024380

Stories from POLITICO Pro

DOE grid study: Gas drives power shift, but markets need reform Back

By Darius Dixon | 08/23/2017 10:08 PM EDT

The Trump administration's dive into the nation's power system delivered a conclusion Wednesday that the energy world reached long ago: Cheap natural gas is changing the face of the U.S. electric grid.

In an Energy Department report ordered by Secretary Rick Perry, the agency pointed to low power prices and the closure of many coal-fired power plants as mostly due to a surge in supplies of natural gas, which last year topped coal as the nation's biggest source of electricity. But the report also called for "reforms" to power markets that would help bolster the electricity network's resilience by easing the financial pressures on many power providers.

Perry drew a wave of criticism when he ordered the agency to produce the report, saying in his April memo that Obama-era regulations had "destroyed jobs and economic growth" and threaten the grid, and suggested that federal support for renewable power "create[s] acute and chronic problems." Critics warned that Perry appeared to be building a case for federal action to support the coal industry, a priority for President Donald Trump, who promised to revive the suffering industry.

But the new 187-page report paints a far more complex picture of the nation's power grid, and it laid out many of the issues that have been vexing states and federal regulators, particularly in the Northeast and Midwest.

"The biggest contributor to coal and nuclear plant retirements has been the advantaged economics of natural gas-fired generation," DOE's report says. "Low-cost, abundant natural gas and the development of highly-efficient [natural gas combined cycle] plants resulted in a new baseload competitor to the existing coal, nuclear, and hydroelectric plants."

The agency focused on four different factors that were eating away at the economics of coal and nuclear power: cheap gas, low electricity demand growth over the past decade, government regulations and the influx of renewable energy into the grid. But DOE officials said that assigning a percentage of blame to each of those factors was too great a lift — if it was possible at all. Nevertheless, one official said agency number-crunchers were able to identify natural gas as the biggest factor.

Despite highlighting natural gas as the prime factor that most analysts, utilities and regulators had already settled on, one DOE official said the new study was designed to approach the concern around the retirements of around-the-clock baseload power in a new way, and bring new attention to an important but underappreciated issue.

Perry, in a letter accompanying the report, said the power industry "has experienced massive change in recent years, and government has failed to keep pace."

"It is apparent that in today's competitive markets certain regulations and subsidies are having a

large impact on the functioning of markets, and thereby challenging our power generation mix. It is important for policy makers to consider their intended and unintended effects," he added.

The report's recommendations don't call for Congress to change any laws or agencies to alter any specific rules. Rather, it appears designed to nudge regulators like FERC to "expedite" its work with grid operators to figure out policies to bridge — or block — new state energy policies and establish fuel-neutral power markets that fairly pay power producers.

The study also suggests that the Nuclear Regulatory Commission, the EPA and FERC revisit a number of their regulations on the power industry, and boost research and development for grid management and coal power plant efficiency.

The report is not likely to be nearly as popular in the coal industry as Trump's early executive order on climate change and energy, which focused mostly on promoting coal by rolling back regulations at EPA and the Interior Department. Still, the report nodded to the president's call for "energy dominance."

"While DOE is not the main agency tasked in the Order, it should continue to prioritize energy dominance and implementing the Executive Order broadly and quickly," it states.

Paul Bailey, head of the American Coalition for Clean Coal Electricity, commended DOE and Perry in a statement "for studying the challenges that face the electricity grid. One of the biggest challenges is how to sustain the nation's coal fleet so it can continue supporting a reliable and resilient electricity grid."

Solar Energy Industries Association head Abigail Ross Hopper said the group was still reviewing the report. But she noted "it's been proven time and again that a diversified electricity mix is good for the overall system and poses no threat to the reliability of our nation's grid. On the contrary, solar and other renewables provide significant cost savings, relieve pressure on our nation's infrastructure and improve the grid's overall performance."

DOE's call for FERC, EPA and other bodies to help alter the electricity market and aid power plants is at least partly because of the agency's limited power to direct energy policy.

"DOE has no authority," said former FERC Chairman Jon Wellinghoff, a Democrat, ahead of the report's release. "It's FERC that has all the authority ... and DOE does not control FERC. I would say that when I was there, and I'd say it now."

Still, Tony Clark, a Republican former FERC commissioner, said DOE is often used by administrations as a "thought leader in the energy space," given the resources the agency has in its national labs and vast amounts of data.

One DOE official said that most studies of the power system have focused on its reliability. And though a gas-heavy grid is dependable, the official cautioned that those plants are reliable so long as the fuel is there, and the threats to pipelines, physical attacks and resilience deserve a lot of attention.

The study, which Perry had originally sought in June, was also notable for what it doesn't say.

In letters that became public on Tuesday, coal producer Murray Energy and other companies wrote that during private conversations with CEO Robert Murray, Trump had promised to use DOE emergency power to put in place a two-year moratorium that would require Ohio-based FirstEnergy to keep operating its coal-fired plants even if its power-generating subsidiary goes bankrupt. According to the letters, administration attorneys were concerned about the legality of such an action. One letter said Murray was present when Trump repeatedly directed Perry to grant the request to order the plants to stay open.

But DOE denied the request, saying that "the evidence does not warrant the use of this emergency authority."

Environmentalists, renewable energy advocates and some analysts were incensed by Perry's initial April 14 memo as well as some of his public statements about intervening with state energy policies, such as suggesting he planned to have a hand in keeping power plants running.

Perry's memo, energy guru Peter Fox-Penner said, was "looking through a preconceived, political lens broadly at baseload and blaming renewables policy, which is looking at the wrong culprit. The right direction for a solution is market design."

Just days after issuing the memo to his chief of staff, Perry said that keeping nuclear power on the grid served a national security interest and can justify moves by the federal government that override state authority.

"I was a very strong proponent of the 10th Amendment — thank you very much, we know how to run Texas," the former governor said at an energy event in New York City, referring to the amendment that lays out federal authority limits. "Shoe is on the other foot — or the boot is on the other foot — now."

But on Wednesday, DOE officials said they focused on the specific questions they were tasked with in Perry's memo and not his public statements.

Clark said the controversy around Perry's statements had gotten out of hand.

"Everything right now in D.C. seems to get spun out of control a little bit in terms of reaction on both sides," he said. "When it was first announced that there would be a DOE study, you had some folks say every coal plant in Ohio and Pennsylvania was going to be saved. And you had other people setting their hair on fire thinking that this would be the end of the wind and solar. ... To me, that was the D.C. spin machine."

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Ryan: 'I don't think anyone's interested in having a shutdown' Back

By Louis Nelson | 08/23/2017 03:09 PM EDT

House Speaker Paul Ryan said Wednesday he did not think Republican lawmakers are interested in shutting down the government over funding for President Donald Trump's long-promised border wall.

Trump told the crowd at a rally Tuesday night in Phoenix, "believe me, if we have to close down our government, we're building that wall," a promise that prompted the crowd to chant "build that wall."

But Ryan (R-Wis.), who spoke to reporters during a visit to Intel Corp. offices in Oregon, said the House has already passed border security legislation that includes money for a wall. He said lawmakers shouldn't have to choose between keeping the government open and making good on the president's border security pledge.

"I don't think a government shutdown is necessary, and I don't think most people want to see a government shutdown, ourselves included. And Congress, in the House, has already done its work on this issue. There are very legitimate problems and concerns on the border that need to be addressed," Ryan said. "I don't think anyone's interested in having a shutdown. I don't think it's in our interests to do so while we work on doing what we actually said we would do, what we've done already in the House and we need to do, which is to control our border. So I don't think you have to choose between the two."

Congress must pass funding legislation by the end of next month in order to avoid a government shutdown, and lawmakers are scheduled to have just 12 working days after their Sept. 5 return before the deadline hits. Ryan said he expects Congress will keep the government open via a short-term continuing resolution, as opposed to a full appropriations bill, because the schedule won't offer sufficient time for the Senate to process the latter.

"The fact is though, given the time of year it is and the rest of the appropriations we have to do, we're going to need more time to complete our appropriations process, particularly in the Senate. So that's something that I think we all recognize and understand, that we're going to have to have some more time to complete our appropriations process," the speaker said.

Asked if that meant a continuing resolution, he replied, "I think that will probably be necessary, yes, because I can't imagine the Senate will be able to process the appropriations bill as quickly as the House is."

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Shutdown threat grows as Trump digs in on wall Back

By Josh Dawsey | 08/23/2017 01:30 AM EDT

President Donald Trump's vow Tuesday to close down the government if he doesn't get money for the border wall mirrors private comments he has made to advisers in recent days — and could cause significant rifts within his own party if he follows through.

The fight over the wall is likely to explode in September as the administration wrangles over a new budget, an increase in the debt ceiling, the beginning of a tax reform package and a possible resuscitation of health care legislation.

Trump has told his advisers he will not accept a deal on other issues without money for the wall "and it has to be real money," said one senior White House official.

Trump has told senior White House officials and advisers he would be willing to go to whatever lengths are necessary to get money for the wall, a contentious claim even among his advisers.

He hasn't identified specific amounts of money that he wants, but he seeks "enough to really start building it," said one person who spoke to him last weekend.

"He is animated about the wall," the person said. "He cares about that more than many other things. He knows his base cares and chants about it."

At a campaign rally in Phoenix on Tuesday, the president reiterated to his loyalists that he is committed to his vision for securing the border. "If we have to close down our government," Trump said, "we're building that wall."

Some said Trump's preoccupation is in keeping with what he has said since before the election last year. "It should surprise exactly no one," presidential counselor Kellyanne Conway said. "Why are people surprised when they try to change his mind on something significant and fail?"

Few staff members in the West Wing are as concerned about it, senior administration officials said.

Some in the White House have urged Trump not to focus as much on the wall, try to pass a clean debt-ceiling bill and move to tax reform. "You have barely anyone here saying, 'Wall, wall, we have to get the wall at all costs,'" one White House official said.

It would be impossible to get Democrats on board for such a plan, Capitol Hill aides say, and Republicans will probably need Democratic support to enact a budget or raise the debt ceiling.

Rep. Mark Meadows (R-N.C.), who leads the conservative Freedom Caucus, praised the idea Tuesday — and Speaker Paul Ryan (R-Wis.) has promised to try to get money for the wall. The House passed a bill in July that delivers some wall funding, but it has little chance of becoming law.

Trump, on the campaign trail, said that Mexico would pay for the wall — a promise that has been widely mocked for its improbability.

Two people who have spoken to Trump said he sees not building the wall as a personal embarrassment — and that he has shown more interest in building the wall than in other issues, like the upcoming budget negotiations.

"You don't want a government shutdown," the White House official said. "He is told that. He says, 'I want money for the wall.'"

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By Anthony Adragna | 08/14/2017 05:43 AM EDT

With help from Darius Dixon

A NEW CA-vs.-EPA SHOWDOWN: California Attorney General Xavier Becerra is the latest Democratic official from the Golden State to take on EPA Administrator Scott Pruitt — this time with a public records lawsuit alleging he has failed to promptly hand over documents related to his ethics arrangements. Becerra filed the suit Friday, Pro's Alex Guillén reports. Pruitt, a prolific litigant challenging the Obama-era EPA, has agreed to stay away from lawsuits over the various rules he challenged in court, such as the Clean Power Plan or Waters of the U.S., although he says he is not barred from working to roll back the rules themselves. Becerra asked for documents outlining Pruitt's "compliance with federal ethics regulations and obligations" as well as agency "policies and procedures for determining who (if anyone) can assume the powers of the Administrator if he is recused or disqualified from participating in a matter."

EPA spokeswoman Liz Bowman said agency staff had reached out twice to Becerra's office to say they were working on a response. "It's unfortunate that California is suing the Agency, draining resources that could be better spent protecting human health and the environment — rather than working with EPA's career staff, as they can gather all the information requested," she said in a statement.

A few hours after Becerra filed his suit, the New York Times dropped a big report documenting limits on access to EPA — for both the public, press and even agency staff. Citing interviews with 20 current and former staffers, the Times reported that EPA employees now must leave their cellphones before meeting with Pruitt and must have an escort to see the administrator, who is accompanied by his armed security staff even at agency headquarters. ("None of this is true," Bowman told the Times. "It's all rumors.")

Pruitt's tactics aren't just controversial at agency headquarters. He's frequently met with tightly-screened industry groups and opted for interviews with friendly media figures. It was three such closed events in North Dakota that earned Pruitt a rebuke from Republican Sen. John Hoeven. "I think (meetings) should be open," he said, according to The Bismarck Tribune. "I guess I saw no reason not to have it open," he said.

But Pruitt isn't shifting approaches either. He leaned into a brewing controversy over a major federal climate change report blaming human activity for climate change, promising he and his staff would gauge the "accuracy" of its findings. It's a bizarre promise, Pro's Emily Holden reports, given Pruitt's concern over so-called politicization of science and the fact the report has already undergone "rigorous" peer-review by a 14-person committee at the National Academies with 132 pages of suggestions from the reviewers already incorporated into the final version. "It's a much more extensive process than a usual peer review, which does not typically come out

as a paperback book," said Bob Kopp, a lead report author and climate scientist at Rutgers University.

The administrator also dismissed the discussion over the role of human activity in climate change during a Texas radio show last week as "political" and a "wedge issue." "Why aren't we celebrating what we're achieving with respect to CO2 ... why do we continue to engage in this political football?" he said. Multiple science organizations have sought meetings with Pruitt to discuss why he doesn't acknowledge the scientific consensus that human activity is driving climate change.

WELCOME TO MONDAY AND HAPPY AUGUST EVERYONE! I'm your host Anthony Adragna, and hope everyone had a lovely start to August. Thank you to Pro's Alex Guillén, Darius Dixon, Annie Snider and Esther Whieldon for keeping this warm for me while I was away on my honeymoon! Geronimo Energy's Jenny Monson-Miller was first to correctly identify Marguerite Higgins on Friday as the Pulitzer Prize-winning female journalist buried at Arlington Cemetery. For today, in honor of the amazing performance of "42nd Street" I just saw in London: What play holds the record for the longest initial run in history (at over 26,000 and counting)? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

NEW YORK'S 'MAJOR STEP' TOWARD CARBON PRICE: New York's grid operator released a hotly-anticipated report Friday finding that the state could support its clean energy goals with minimum costs to consumers by incorporating the social cost of carbon emissions into the its electricity prices, POLITICO New York's Marie J. French reports . NYISO CEO Brad Jones and Public Service Commission Chairman John Rhodes said the document's release marked the first step in a collaborative process to further consider what a carbon price would look like and how it could be implemented. Setting a price on carbon would help incentivize greater investments in renewable energy and more efficient combined-cycle fossil fuel-powered generators while pushing out less-efficient technologies, the report argues.

SECOND TIME'S THE CHARM? White House officials are again titillated by the possibility of luring West Virginia Democratic Sen. Joe Manchin to serve as Energy secretary, a role still currently occupied by Rick Perry, Bloomberg reports . There's high interest because Manchin's seat would be filled by newly-minted GOP Gov. Jim Justice, potentially opening the possibility the Republican-led Senate might be able to pass some form of healthcare reform. ME readers likely remember Manchin interviewed for the slot that went to Perry during the transition though there's some thought Perry could jump the vacant Homeland Security job formerly held by White House Chief of Staff John Kelly. A spokesman for Manchin, for what it's worth, said "Senator Manchin has not had any recent conversations with the Administration about the Secretary of Energy position."

PERRY GOES WEST! Far from the Washington rumor mill, Perry is out in Eastern Oregon later today where he'll tour the Army Corps-operated McNary Lock and Dam in Umatilla. That'll be followed Tuesday by visits to the Pacific Northwest National Laboratory and DOE's Hanford Site. Joining Perry at various points of his trip are Senate Energy ranking member Maria Cantwell, Rep. Dan Newhouse and House Energy and Commerce Chairman Greg Walden.

QUE TAL CON LA VENEZUELA? Vice President Mike Pence is visiting Colombia, Argentina, Chile and Panama during a South American swing this week and senior administration officials expect Venezuela to dominate their talks. One official told reporters on Friday to expect discussion of "economic options, diplomatic options — every tool that's available" to amplify pressure on Venezuelan President Nicolás Maduro. One option that's been avoided to date would be placing sanctions on Venezuelan oil imports, something four Republican senators warned last week doing would harm Gulf Coast oil refiners.

All of this comes as Trump himself refused to rule out the U.S. pursuing "a military option" against Venezuela, though Pence downplayed such talk during a press conference Sunday night with Colombian President Juan Manuel Santos. "President Santos and I discussed in some detail additional measure that could be taken to further pressure the regime in Venezuela, economically," Pence said. "We'll continue on this trip and beyond to bring diplomatic pressure to bear." Santos in his remarks stressed any talk of military intervention "shouldn't even be considered."

AND THE BEAT GOES ON: Jeff Holmstead, the former EPA air chief during the George W. Bush administrations whose name briefly popped up as a potential number two at the agency, attended an OMB meeting last week on EPA's proposed Clean Power Plan repeal on behalf of the Electric Reliability Coordinating Council, according records posted by the White House, Pro's Alex Guillén reports in Energy Regulation Watch. Holmstead wasn't available for comment, but his Bracewell colleague Scott Segal said they discussed possible replacements rules, including implementation and enforcement issues, with administration officials who "seemed interested and engaged."

THIS IS... UNUSUAL: The family of West Virginia Republican Gov. Jim Justice has filed a lawsuit against two top Kentucky environmental regulators themselves — not the state of Kentucky for which they work — because they blame the officials for their company's failure to meet reclamation deadlines, the Courier-Journal reports. The lawsuits, filed on behalf of the Kentucky Fuel Corporation, allege the actions of Kentucky Department for Natural Resources Commissioner Allen Luttrell and Deputy Commissioner John D. Small could have cost the company up to $4.5 million in fines.

STEYER THROWS HIS WEIGHT AROUND: Billionaire environmentalist and Democratic mega-donor Tom Steyer said Saturday he and his organization NextGen America would only support pro-choice candidates for office, POLITICO's Gabriel Debenedetti reports. He also pointedly refused to rule out a run for office — whether that be the presidency or a statewide role in California. "Look, I promise: There is nothing that I would not do in order to have the most impact," he said in an interview on the sidelines of the progressive Netroots Nation conference in Atlanta.

MONIZ PLUCKS DOE STAFFER FOR NEW GROUP: Former Energy Secretary Ernest Moniz has hired Jeanette Pablo away from the Energy Department as the general counsel for his nascent Energy Futures Initiatives. Pablo, who will also be a senior associate with EFI, has spent more than 20 years working in the energy world, including a long stretch with the Tennessee

Valley Authority as well as positions with PNM Resources and American Water Co.. Up until last week she was the acting deputy director for energy systems with DOE's Office of Energy Policy and Systems Analysis.

NEW GIG FOR SCHRODER: Russia's largest oil company, Rosneft, has added former German Chancellor Gerhard Schröder as an "independent director" on its board, POLITICO Europe's Emmet Livingstone reports, citing an official government statement. Chancellor Angela Merkel's predecessor already chairs the shareholders' committee of Nord Stream AG, a gas-pipeline consortium set up to transport Russian gas across the Baltic Sea and into Germany.

MAIL CALL! HOUSE ENTERS SUNIVA FRACAS TOO: Hot on the heels of their Senate colleagues, a bipartisan group of 53 congressmen, led by Reps. Mark Sanford, Mike Thompson, Pat Meehan and Matt Cartwright, sent a letter Friday to the International Trade Commission urging it not to grant petitions from Suniva and SolarWorld Americas that would impose solar trade import tariffs. The lawmakers are throwing their weight around ahead of the first public hearing on the petitions Tuesday at which hundreds of solar workers are expected to testify about the impacts the tariffs would have on their jobs.

MOVER, SHAKER: Ciaran Clayton will soon be joining the Nature Conservancy as director of global media relations; she's been working with the Center for American Progress and was previously director for communications with NOAA.

QUICK HITS

— A Legacy of Environmental Racism. The Intercept.

— In Egypt, A Rising Sea — And Growing Worries About Climate Change's Effects. NPR.

— ConocoPhillips launches drilling at a North Slope oil field. Alaska Dispatch News.

— Kuwait to Finish Cleaning Up Oil Spill This Week. Reuters.

— Is Houston Missing the Next Energy Wave? Houston Chronicle.

HAPPENING THIS WEEK

MONDAY

9:00 a.m. — Sierra Club and AFL-CIO roundtable on NAFTA, Sierra Club Legislative Office, 50 F Street NW, Eighth Floor

TUESDAY

9:30 a.m. — U.S. International Trade Commission holds public hearing on Suniva trade petition, 500 E Street SW

10:00 a.m. — "Addressing the Water-Energy Nexus in an Integrated and Proactive Way," United States Energy Association, 1300 Pennsylvania Ave NW, Suite 550

THAT'S ALL FOR ME!

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/08/pruitts-commitment-to-transparency-questioned-024209

Stories from POLITICO Pro

California sues EPA for Pruitt ethics docs Back

By Alex Guillén | 08/11/2017 04:45 PM EDT

California Attorney General Xavier Becerra today sued EPA for documents related to Administrator Scott Pruitt's ethics agreements.

EPA has not yet responded to a request Becerra made in April under the Freedom of Information Act for the documents, according to the suit. The case was filed in U.S. District Court for D.C.

Becerra specifically requested details about Pruitt's "compliance with federal ethics regulations and obligations." Pruitt has recused himself from working on a number of lawsuits related to rules he sued over, including the Clean Power Plan and Waters of the U.S., although Pruitt said he is not barred from working on regulatory rollbacks or replacements of those rules.

Becerra also asked for the agency's "policies and procedures for determining who (if anyone) can assume the powers of the Administrator if he is recused or disqualified from participating in a matter."

WHAT'S NEXT: Becerra asked the court to force EPA to reply to his April public records request. The court will give EPA a chance to respond.

To view online click here.

Back

Pruitt: EPA will review 'politicized' climate science report Back

By Emily Holden | 08/11/2017 05:32 PM EDT

Environmental Protection Agency chief Scott Pruitt said his staff will gauge the "accuracy" of a major federal science report that blames human activity for climate change — just days after researchers voiced their fears to The New York Times that the Trump administration would alter or suppress its findings.

"Frankly this report ought to be subjected to peer-reviewed, objective-reviewed methodology and evaluation," Pruitt told a Texas radio show Thursday. "Science should not be politicized. Science is not something that should be just thrown about to try to dictate policy in Washington, D.C."

Pruitt, who has expressed doubts about carbon dioxide's role as a major driver of climate change, also dismissed the discussions in Washington about manmade carbon emissions, calling them "political."

Scientists called his remarks troubling, especially because the report — part of a broader, congressionally mandated National Climate Assessment — has already undergone "rigorous" peer-review by a 14-person committee at the National Academies. The reviewing scientists backed the report's conclusion from researchers at 13 federal agencies that humans are causing climate change by putting more greenhouse gases in the atmosphere, leading to a clear increase in global temperatures.

The report's authors implemented the 132 pages of suggestions from the reviewers, and now the Trump administration has one last opportunity to review the document before publication. Agencies are supposed to sign off by Aug. 18 and send their comments to the authors.

"It's a much more extensive process than a usual peer review, which does not typically come out as a paperback book," said Bob Kopp, a lead report author and climate scientist at Rutgers University.

Kopp said he has "no idea" what to expect after hearing Pruitt's comments. Staffers at EPA had already signed off on an earlier draft.

Eric Davidson, president of the American Geophysical Union, said the report has undergone "a very rigorous peer-review" and is "built on 50-some years of published research, and each of those papers went through its own peer review."

He added that while fears of Pruitt suppressing the climate report might be more imagined than real right now, he didn't rule it out.

"Certainly it's a possibility, and if the administration doesn't understand that it's already peer-reviewed, that really is a sign of concern that he may not understand the process," Davidson said. "If he's continuing to question why CO_2 is a big deal, that's also very concerning, because CO_2 is a big deal. ... To see those quotes continue to come out is definitely disconcerting."

Several climate experts said they welcomed scrutiny of the report, but they also expressed concerns that political biases could color the process.

"The question is will it be reviewed by people who are scientific experts or will it be reviewed by people who have a political agenda?" said Kathy Jacobs, who oversaw the broader National Climate Assessment under the Obama administration and now heads the Center for Climate

Adaptation Science and Solutions at the University of Arizona.

"The implication of [Pruitt's statement] is that it hasn't been linked to the data," she said of the report. "That certainly is not true. This is built on a mountain of evidence."

Even as Pruitt said EPA would review the report for objectivity, he criticized the Times for saying scientists worry that the administration might interfere with its publication.

"The New York Times out there saying they had to release this report because it's going to be suppressed is just simply legendary," he said. "It's just made-up news trying to create a distraction from the real work that's being done in Washington, D.C."

His comments Thursday came the same day that the National Oceanic and Atmospheric Administration issued a separate report confirming that 2016 was the warmest year on record, surpassing the records set in each of the two previous years.

This week's dust-up over the 13-agency climate report is far from the first climate science dispute for Pruitt, who as Oklahoma's attorney general sued to block a series of major EPA regulations. He drew criticism after announcing in June that he wanted to conduct a "red team, blue team" debate of climate science, a move that his detractors said would put fringe views on the same plane as established, peer-reviewed research.

The EPA chief defended his "red team-blue team" strategy in the radio interview, saying that "this debate, this discussion, I think it's good and healthy for the country."

Pruitt told the Texas radio show that his agency would review the 13-agency report "like all other 12 agencies and evaluate the merits and demerits and the methodology and accuracy of the report."

But EPA already plays a role in reviewing that document. The U.S. Global Change Research Program, which coordinates the agencies involved in the review, lists EPA's point person as Andrew Miller, a longtime employee and an associate director of climate research.

"On the one hand, EPA has been a very productive contributor the entire process, including during this administration," Rutgers University's Kopp said. "On the other hand, Administrator Pruitt has said things in the past that contradict sort of mainstream climate science and the findings of the report. But the process has been operating quite well. I'm hopeful that it will continue to operate well."

Katharine Hayhoe, another report author from Texas Tech University, said she strongly agreed with Pruitt that science shouldn't be politicized and the report should be peer-reviewed.

"Thankfully, all of this has *already happened*," she said in a lengthy email responding to Pruitt's comments.

"Science should not be politicized, and I and my colleagues deplore the attempts of politicians to

do so, their attempts to pretend as if a thermometer gives us a different answer if we are Democrat or Republican," she continued. She noted that the report found no alternative explanations for why climate change is happening other than human influence.

Another expert familiar with the process of crafting the report said the standards exceeded the typical scientific process.

Typically, the president's science adviser signs off on the report, but Trump has yet to appoint one. The U.S. Global Change Research Program, which coordinates the report, lists Kimberly Miller at the White House Office of Management and Budget as the president's liaison.

Democrats and other critics contend that Pruitt has criticized climate change policies because he wants to run for the U.S. Senate from Oklahoma, where his stance might resonate with conservative voters. EPA did not comment on that issue.

David Doniger, director of the Natural Resources Defense Council's climate program, said addressing climate change would affect the fossil fuel industries, and Pruitt has "lined up his personal political fortunes" with the economic interests of oil, gas and coal companies.

Science organizations have asked to meet with Pruitt to discuss why he doesn't acknowledge a link between human action and climate change.

In the radio interview, Pruitt accused the Obama administration of using carbon dioxide as a "wedge issue."

"Why aren't we celebrating what we're achieving with respect to CO_2? ... Why do we continue to engage in this political football?" he said.

To view online click here.

Back

Trump says he's not ruling out military option against Venezuela Back

By POLITICO Staff | 08/11/2017 06:38 PM EDT

President Donald Trump today said he would not rule out the U.S. pursuing "a military option" against Venezuela, which has come under increased pressure for its human rights abuses.

Speaking to reporters after meeting with Secretary of State Rex Tillerson and U.S. Ambassador to the U.N. Nikki Haley, Trump said he has "many options" for Venezuela, "including a possible military operation, if necessary."

The Treasury Department late last month targeted Venezuelan President Nicolás Maduro with sanctions, accusing him of widespread abuses of the Venezuelan people.

Treasury announced the sanctions following the election of an assembly to rewrite the South American country's constitution.

"By sanctioning Maduro, the United States makes clear our opposition to the policies of his regime and our support for the people of Venezuela who seek to return their country to a full and prosperous democracy," Treasury Secretary Steven Mnuchin said at the time.

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Back

Megadonor Steyer vows to only back candidates that support abortion rights Back

By Gabriel Debenedetti | 08/12/2017 09:38 AM EDT

ATLANTA — Democratic mega-donor Tom Steyer said on Saturday that he and his NextGen America group do not intend to work on behalf of anti-abortion politicians, jumping into the Democratic Party's ongoing debate on the topic.

"We're pro-choice," the hedge fund manager-turned-activist told POLITICO on the sidelines of the progressive Netroots Nation conference here.

Asked if his group would help candidates or sitting lawmakers who don't support abortion rights, he said, "We do not work for a single candidate who is not pro-choice. I think people like to have litmus tests. We are explicitly pro-choice. We work a lot with Planned Parenthood, we work a lot with NARAL. We are absolutely committed to it."

Those comments put Steyer — the Democratic Party's single largest donor in recent cycles thanks largely to the money he's put in the NextGen super PAC — on the side of activists who have been dismayed by comments made recently by some party leaders like Sen. Bernie Sanders and Democratic Congressional Campaign Committee chairman Ben Ray Lujan.

They have suggested at times that the party need not have a litmus test on abortion, spurring considerable controversy about which candidates to fund ahead of 2018's midterm elections.

Now, the word of the party's biggest funder is likely to weigh heavily on the debate.

Steyer also pointedly refused to rule out a run for office — including the presidency or a statewide role in California — in the near future.

"Particularly subsequent to November 8, 2016, the idea of not being fully involved in this seems to me to be — I don't know how I would do that," he said. "The only question is not how to do the biggest thing, but have the most differential impact to what otherwise would happen."

After spending over $165 million on Democrats in the 2014 and 2016 election cycles, he has long been considered a potential self-funding contender for 2018's gubernatorial race in California.

But as other candidates, including Lt. Gov. Gavin Newsom and former Los Angeles mayor Antonio Villaraigosa, have been running large-scale campaigns for months, Steyer has stayed away. He demurred when asked about getting into the race, choosing to heap praise on Gov. Jerry Brown instead when pressed on his feelings about the other candidates.

"The best thing I can say is people do not realize how good Jerry Brown is, full-stop," he said. "If you ask me about anyone else, it's sort of like: Do you know who hit third for the San Francisco Giants after Willie Mays retired? How'd it go for him?"

Asked about the potential for pursuing Sen. Dianne Feinstein's (D-Calif.) seat if she chooses to retire ahead of a 2018 re-election bid, he demurred again.

"I don't think Dianne's going to retire," he said. "Look, I promise: There is nothing that I would not do in order to have the most impact."

And, finally, pushed on the likelihood of his pursuing the White House, he replied: "I keep telling you I'm not ruling anything out."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Thur 8/3/2017 2:05:28 PM
Subject: POLITICO's Morning Score: Summer retirement watch is on — Hawley forms Senate exploratory committee — End Citizens United endorses Rosen — Hurd gets first major challenger in TX-23

By Daniel Strauss and Scott Bland | 08/03/2017 10:00 AM EDT

With Elena Schneider, Maggie Severns, Kevin Robillard and Zach Montellaro

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

RETIREMENT WATCH - August and September 2017 will be key months for the 2018 House landscape: Rep. Diane Black's (R-Tenn.) gubernatorial campaign launch on Wednesday means that there are now 18 House members who have announced they will leave their seats open in 2018 - a number that is sure to rise. That's partly because some not-quite-official Senate candidates, like GOP Reps. Todd Rokita and Lou Barletta, have not yet made things official, while GOP Rep. Jim Bridenstine of Oklahoma has said in the past that this would be his last term and is not raising money but hasn't spoken about it recently. But mostly, it's because of the biannual tradition that some members simply come back from recess and decide that they don't want to run again.

- Retirements will shape the battle for the House more than almost any other factor, apart from the president's approval and the general national environment. Republican incumbents showed much more ability to separate from Trump than open-seat candidates in 2016, and while that could fade now that he's president, their experience (and bank accounts) will come in handy with Republicans facing down a potentially forbidding political environment, especially in the 23 GOP districts that Hillary Clinton carried last year. So far, a plurality of the retirements have come from Republicans in safe seats. Democratic retirements by reps running for higher office have actually exposed two true swing seats (MN-01 and NV-03) versus just one for the GOP so far (FL-27). Whether those numbers shift, and by how much, is the big thing students of the House are watching with the end of summer already on the horizon.

MO-VING CLOSER - "Hawley forms exploratory committee for U.S. Senate run against McCaskill," by McClatchy's Lindsay Wise and Bryan Lowry: "Missouri Attorney General Josh Hawley is creating an exploratory committee to run for U.S. Senate against Democrat Claire McCaskill. 'As part of Josh's process to consider becoming a candidate for the United States Senate, this week he is filing paperwork to launch an exploratory committee with the Federal Election Commission,' said Hawley's spokesman, Scott Paradise, in an email...Former U.S. Sen. Jack Danforth, Republican megadonor David Humphreys and other prominent Missouri Republicans published an open letter months ago urging Hawley to jump into the race for U.S. Senate in 2018." **Full story.**

PRIMARY COLORS - "Justice Democrats raised almost $1M. What's next?" by Campaign Pro's Maggie Severns: "The anti-incumbent PAC Justice Democrats raised $923,803 during the first six months of this year ... [and] has endorsed a dozen candidates and started pushing a Medicare-for-all platform in Washington that will be a main focus this year. The group has raised enough money to make a big splash in a few selected primaries, if it decided to, but it has not elected to use the money as a traditional outside-spending or bundling PAC. ... Justice Democrats disclosed paying $429,850 for 'strategic consulting' to Brand New Congress, an affiliated LLC that is also led by Chakrabarti, during the first six months of 2016. Chakrabarti said the funds went to payroll and other expenses for Justice Democrats staff who are employed by both organizations. Brand New Congress is also offering itself as a consulting firm and hub for candidates endorsed by Justice Democrats." **Full story.**

FIRST IN SCORE - End Citizens United endorses Jacky Rosen in Nevada: The campaign finance reform group End Citizens United is the latest group to throw its support to Democratic Rep. Jacky Rosen in the race against GOP Sen. Dean Heller. ECU president Tiffany Muller said in a statement the Nevada Senate race will be "a top priority for ECU this cycle." ECU spent $2 million boosting now-Sen. Catherine Cortez Masto in 2016 and spent $150,000 for Rosen during her congressional race. The group found signs it thinks is promising in polling last cycle in Nevada: key groups of Nevada voters, including independents, were more swayed by messages with a money in politics theme than by other generic messaging.

Days until the 2017 election: 96.

Days until the 2018 election: 460.

Thanks for joining us. You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

HOUSE WATCH - "Rep. Will Hurd gets first major Democratic challenger for 2018," by the Texas Tribune's Patrick Svitek: "Gina Ortiz Jones, a former Air Force intelligence officer, is entering the race Wednesday, wading into a potentially crowded primary field for a shot at Hurd ... Jones said she was inspired to come home to San Antonio and run for Congress after witnessing up close the opening months of Donald Trump's presidency as a director in the Office of the U.S. Trade Representative ... Jones attended Boston University on a ROTC scholarship and served in the Air Force from 2003-2006, deploying to Iraq. After a stint in the private sector, she went to work for the Pentagon's Defense Intelligence Agency in 2008, ultimately becoming a special adviser to the deputy director." **Full story.**

- DIGITAL ADS - NRCC attacks Democrats with digital ads on single-payer, via Campaign Pro's Elena Schneider: The NRCC is out with digital ads targeting House Democrats in eight states on single-payer health care, as they return to their home districts during the August recess. The ad , which starts today, attack Democrats for supporting a single-payer

health care system, "a new plan, brought to you by the same Democrats who gave us Obamacare," the ad's narrator says. It also splices together news footage about Charlie Gard, a British infant with a rare condition who died, as his parents fought to take him to the United States for experimental treatment.

- REFORMA FISCAL - American Action Network launches Spanish-language radio ads on tax reform: The American Action Network's new tax reform push is launching Spanish-language radio spots in the districts of six vulnerable Republican lawmakers: Arizona's Martha McSally, California's Jeff Denham, Steve Knight, and David Valadao; Florida's Carlos Curbelo, and Texas' Will Hurd. "America's tax code is sabotaging our economy," an announcer says in the 60-second ad. "U.S. small businesses face the highest tax rates in the industrialized world - giving competitors in places like China an unfair advantage. So working families get left behind. But things, are about to change." The ad then praises the congressman for working to "make America's tax code simpler, fairer, and pro-growth." The ads will run throughout recess. **Listen to ad here.**

FIRST IN SCORE - PPP survey: Flake, health care repeal unpopular in Arizona, per Democratic poll: Another new survey from the Democratic firm Public Policy Polling shows a Republican senator up for reelection in 2018 in bad shape after months of congressional health care battles. This poll shows Arizona Sen. Jeff Flake with an 18 percent approval rating among voters and 62 percent disapproving of his job performance. In a generic ballot test, 47 percent said they would back a Democrat, versus 31 percent who said they'd back Flake. Another 22 percent said they were undecided. On the Senate health care bill, which died last week, 55 percent said they did not support it, while 31 percent backed it. Meanwhile, Trump's approval rating hovers at 44 percent. (Unlike yesterday's Nevada poll, there isn't much other data to compare this one to, so consider it with that caveat in mind.) "Drive for Our Lives," a coalition of liberal groups that are touring the country to target GOP on health care, released the poll. **Read the full polling results here.**

- "Drive for Our Lives" bus tour is scheduled to stop in Phoenix and Tucson, Ariz., on Aug. 4 and 5, with appearances from former Rep. Gabby Giffords and Mark Kelly.

GUESS WHO'S BACK - Trone enters MD-06: Millionaire wine retailer David Trone jumped into the Democratic primary to replace Rep. John Delaney, who's now running for president. "With your help, I'll pick right up where John leaves off," Trone, who lost a primary for a neighboring district in 2016, said in a campaign announcement released Wednesday. Trone said he would "fight President Trump and Congress's attempts to gut health care," along with promising to reject any contributions from corporations, lobbyists and PACs. Trone spent upwards of $13 million of his own money on his 2016 race, and he's expected to spend heavily again in the expensive district. **Watch the announcement video here.**

- GUESS WHO'S BACK, PART II? - "Sources: Michael Grimm eyes return to Congress," by NY1's Grace Rauh: "Sources told NY1 that Grimm is beginning to let a small number of political leaders on Staten Island know that he intends to run for Congress. Any campaign would be a challenge for someone in Grimm's position; he spent seven months in federal prison for tax fraud, and he was released in May of 2016. ... Grimm on Wednesday afternoon ... insisted he has

not made any decisions yet on his political future. But he did say that there are people who would like to see him run, and he said he plans to return to public office one day. Grimm's entry into the race would mean a Republican primary challenge for incumbent Congressman Dan Donovan." **Full story.**

TECH INVESTMENT - "Progressive Campaign Tech Innovator Makes Nearly $1.5M Initial Investment in First 10 Groundbreaking Companies ... Higher Ground Labs, the leading innovative incubator and accelerator for progressive political and campaign technology, has deployed nearly $1.5 million to 10 groundbreaking companies that will begin supercharging progressive campaign technology...The first round of 10 companies HGL is investing in include: Voter Circle ... Qriously ... GroundGame ... BallotReady ... Mobilize America ... Victory Guide ... Tuesday Strategies ... Hope ... Field Day ... Hustle ... "

STILL NOT RUNNING? - "Zuckerberg hires former Clinton pollster Joel Benenson," by POLITICO's Annie Karni: "Facebook CEO Mark Zuckerberg and his wife, Priscilla Chan, have hired Democratic pollster Joel Benenson, a former top adviser to President Barack Obama and the chief strategist to Hillary Clinton's failed 2016 presidential campaign, as a consultant, according to a person familiar with the hire. Benenson's company, Benenson Strategy Group, will be conducting research for the Chan Zuckerberg Initiative, the couple's philanthropy. The organization - whose mission statement, according to its website, is 'advancing human potential and promoting equality' - is endowed with the couple's Facebook fortune." **Full story.**

- And speaking of possible candidates - our Playbook colleagues Anna Palmer and Jake Sherman interviewed Colorado Gov. John Hickenlooper at a Playbook Exchange event and he didn't rule out a run in 2020, either for president or to challenge Sen. Cory Gardner. More from their interview here.

NO BROTHERLY LOVE - "Pa. Dems file ethics complaint over Barletta TV interview," by the Morning Call's Laura Olson: "The Pennsylvania Democratic Party has filed an ethics complaint against U.S. Rep. Lou Barletta over a television interview this week in which the Republican congressman stood in his district office answering questions about the Senate bid he's expected to announce soon. The complaint, filed with the U.S. House's Office of Congressional Ethics and signed by Democratic Party spokesman Max Steele, alleges that the interview's location violates House rules and potentially federal law ... Barletta's political consultant, John Brabender, responded that the comment came during an interview set up to discuss health care policy. He described the complaint as revealing anxiety among Democrats over someone who has not yet joined the Senate race." **Full story.**

CODA - QUOTE OF THE DAY: "Some of you have asked if this challenge means I'm running for public office" Facebook founder Mark Zuckerberg wrote on his Facebook in May. "I'm not."

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Subject: Barrasso presses EPA to quickly finish RFS studies

By Alex Guillén

12/01/2017 11:22 AM EDT

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) pressed EPA today to quickly finish studies of the Renewable Fuel Standard's environmental impacts.

The 2007 law shaping the RFS required EPA to study and report to Congress on whether the RFS will hurt air quality, which the agency has not done. EPA has also failed to update a review of the RFS' effects on resource conservation. EPA's inspector general dinged EPA last year for failing to complete those studies.

"Over the last several years, the U.S. Senate Committee on Environment and Public Works has heard increasing concerns about the environmental impacts of the RFS," Barrasso wrote in his letter.

The agency plans to finish the resource conservation report by the end of this month, but Barrasso blasted the 2024 target to complete the air quality impact study, calling it "unacceptable."

"EPA cannot ignore the will of Congress and the requirements of the Clean Air Act for 17 years," he wrote. "I ask that you complete this study no later than September 30, 2018."

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https://www.politicopro.com/energy/whiteboard/2017/12/barrasso-presses-epa-to-quickly-finish-rfs-studies-180355

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Subject: WSJ: Coal Makes a Comeback

THE WALL STREET JOURNAL

Coal Makes A Comeback

Trump's policies and exports to Europe are helping the industry.
Wall Street Journal
Editorial Board
August 16, 2017
https://www.wsj.com/articles/coal-makes-a-comeback-1502926053

Not long ago liberals hailed the demise of coal as inevitable while the Obama Administration strangled the industry with regulation. But don't look now, Tom Steyer, because coal is showing signs of a revival and breathing economic life into West Virginia and other coal states.

Former Environmental Protection Agency Administrator Gina McCarthy proclaimed in 2015 that coal "is no longer marketable." She planned to be the lead undertaker. The Obama Administration worked tirelessly to fulfill her mission and may have succeeded had Hillary Clinton become President. "We're going to put a lot of coal miners and coal companies out of work," the 2016 Democratic nominee famously promised.

Yet the Trump Presidency seems to have lifted animal spirits and coal. Weekly coal production has increased by 14.5% nationwide over last year with even bigger bumps in West Virginia (19%), Pennsylvania (19.7%) and Wyoming (19.8%). Exports were up 58% during the first quarter from last year. Apparently coal can be marketable if regulators let it be.

***

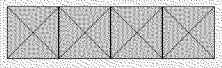
The Obama Administration first targeted coal consumption with rules on mercury emissions and ash disposal that would have made it next to impossible to build a new coal-burning power plant. Then came the 2015 Clean Power Plan that would have forced the existing fleet of coal plants into early retirement.

Finally, the Obama anti-coal warriors sought to shut down coal's export potential. Thick-seamed coal on federal land in the Powder River Basin overlying Wyoming and Montana is relatively clean-burning and inexpensive to mine. The Obama Interior Department suspended new coal leases on federal land last winter and then reassessed royalty payments—thereby reducing investment and profitability. In December came the *coup de grâce*: Interior's stream rule usurping state authority over permitting.

President Trump has called a cease fire to his predecessor's "war on coal." In February he signed a resolution repealing the stream rule under the Congressional Review Act. The Supreme Court stayed the Clean Power Plan in February 2016, and EPA Administrator Scott Pruitt is dismantling the power rule as well as the ash and mercury rules.

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From: Bloomberg BNA Environment & Energy
Sent: Fri 10/27/2017 8:39:58 PM
Subject: Environment & Energy Report Highlights

Environment & Energy
Friday, October 27, 2017

Highlights

Leading the News

Greenhouse Gas Rule for Truck Trailers Halted in Industry Win
By *Andrew Childers*
Federal judges hit the brakes today on the EPA's first-ever greenhouse gas standards for truck trailers, handing a victory to the industry.

Massive Fire at West Virginia Plastics Warehouse Releases Toxics
By *Sam Pearson*
The EPA has deployed a specialized aircraft to identify chemical contaminants that may have been released during a plastics warehouse fire in Parkersburg, W.Va., that is still smoldering after five days.

European Union Glyphosate Vote Set for Nov. 9
By *Stephen Gardner*
The European Union will hold a long-awaited vote Nov. 9 on the reauthorization of glyphosate, the active ingredient in Monsanto's Roundup and dozens of other herbicides.

Today's News

Regulator Wants Electric Grid Planning to Avoid 'Regrets'

By *Rebecca Kern*

The U.S. electric grid is resilient and reliable now, but the Federal Energy Regulatory Commission must prepare for future changes to the electricity mix and competitive energy markets, FERC Chairman Neil Chatterjee said.

Exxon: EPA Should Leverage Existing Chemical Exposure Data

By *Pat Rizzuto*

The EPA should partner with chemical and product makers in securing chemical exposure information to improve decisions, an Exxon Mobil scientist said.

One Way for a Gas Driller to Save Cash? the Water Pipe Business

By *Ryan Collins*

How does a U.S. shale gas explorer save money on all the water it needs to bring into fields and pump into wells? The answer, according to one driller: Build your own water pipelines.

Coal Standoff Hinders Merkel's Push for Next German Government

By *Rainer Buergin, Patrick Donahue* and *Brian Parkin*

A clash over climate change between two of Angela Merkel's potential government partners escalated to the point that the German chancellor had to step in to tone things down.

Brazil Pushes Deep-Water Exploration with Bid Round, Law Change

By *Sabrina Valle*

Brazil started auctioning areas in its most prized oil region Oct. 27 as lawmakers consider completely reversing nationalist oil policies to give a further boost to

exploration.

Trump China Trip to Broker Multibillion-Dollar U.S. Energy Deals

By Jennifer Jacobs and Justin Sink

Representatives from about 40 companies are expected to accompany President Donald Trump on the first presidential trade mission to China Nov. 8-10 and sign deals for billions of dollars in U.S. investments.

Battery Boom Relies on One African Nation Avoiding

Chaos of Past

By Tom Wilson

The cars of the future will depend increasingly upon supplies of an obscure metal from a country in the African tropics where there has never been a peaceful transition of power and child labor is still used in parts of the mining industry.

First Solar Surges Due to Possible Trump Tariffs on Rivals

By Christopher Martin

First Solar Inc. orders surged in the third quarter, a sign that developers are flocking to thin-film solar panels that won't be affected by import tariffs President Donald Trump may impose.

California Taps VW Cheating Penalty to Help Build Emissions Lab

By John Lippert and Ryan Beene

The California Air Resources Board plans to break ground today on a vehicle emissions test lab that will cost $419 million, with a third of the money coming from penalties that Volkswagen AG is paying because of its diesel cheating scandal.

Max Boegl Builds World's Tallest Wind Turbine With Storage Unit

By Brian Parkin

The German construction company Max Boegl Wind AG built what it says is the world's tallest wind turbine by placing a tower on an integrated hydro battery in the depths of the nation's Black Forest.

Oil Industry Seeks to Help Gasoline-Fueled Cars in Climate Fight

By Jessica Shankleman

Big oil is betting it can help the internal combustion engine, the heart of its business for a century, withstand the onslaught from electric cars.

Thursday Night Wrapup

Dynegy Inc. Could Benefit From Illinois Bill to Help Coal Plants

By *Stephen Joyce*

Legislation introduced in Illinois could allow Dynegy Inc. and other coal-fired plant owners to lock in electricity sales for three-year terms and charge higher prices in central and southern Illinois.

Connecticut Latest State to Throw Lifeline to Nuclear

By Jim Polson

Connecticut lawmakers took a step toward propping up the state's sole nuclear

plant, following in the footsteps of New York and Illinois in seeking to avert closures.

Paper Giants Thrive Amid China's Pollution

Crackdown

By *Emma Dai*

China's drive to tackle pollution is proving a boon for the country's top paper and packaging companies, as the closure of smaller factories and new restrictions on waste imports drive up product prices.

Wind Farms of a Certain Age Aim to Extend Lifespans

By *Brian Eckhouse*

Even for wind farms, middle age can be a time for replacement surgery.

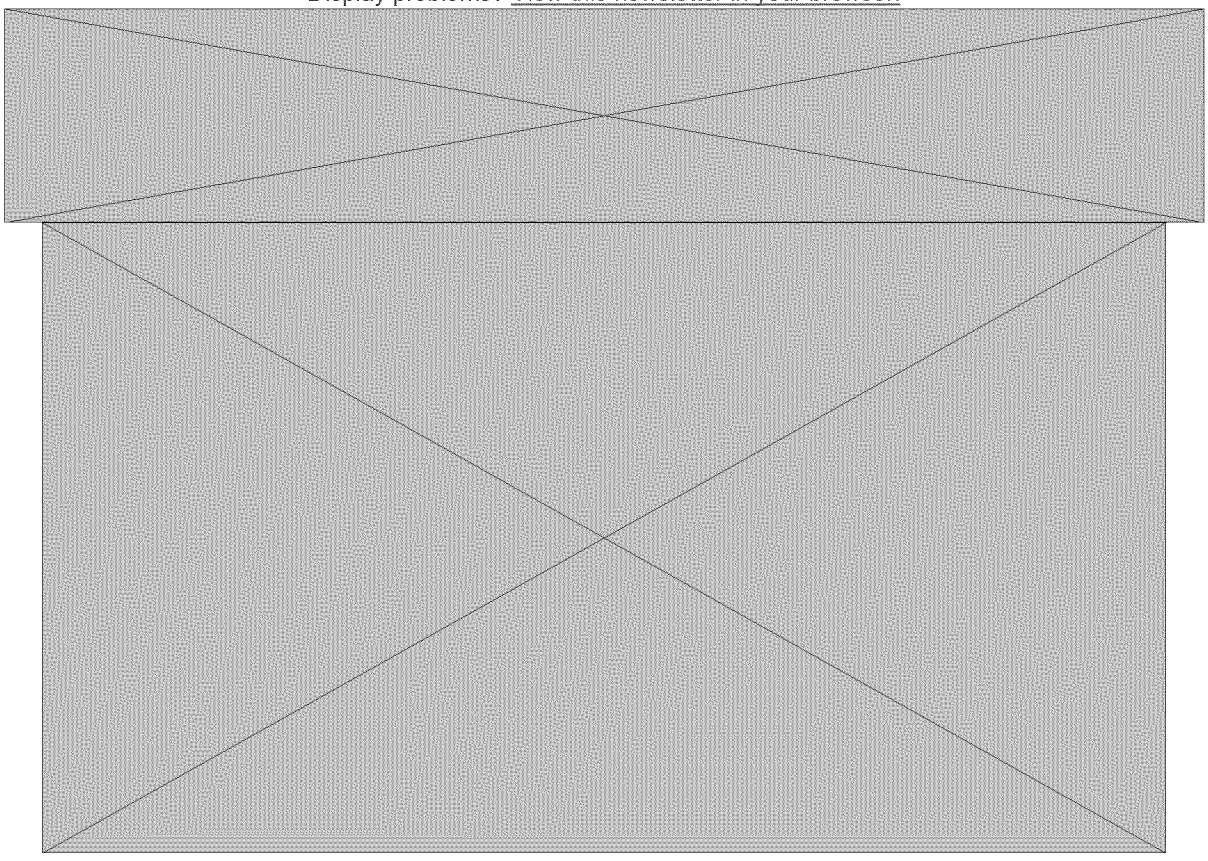
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Subject: Using Data to Find Insider Threats | Improving IT Staff Morale | Employees Wanting Mobile Access May Get It

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How Machine Learning is Helping Combat Insider Threats

The massive amounts of data that agencies collect to root out potential insider threats can overwhelm resources and complicate real-time analytics. Are new tools needed to help agencies pinpoint insider behavior and patterns? Read More

IT Staffs Lag in Job Satisfaction vs. Non-IT Workers

Some technology workers tend to feel less appreciated and more disconnected from company missions than non-technology workers, according to a new study. But IT leaders can overcome such problems by ensuring employees understand the overall mission and vision. They can see

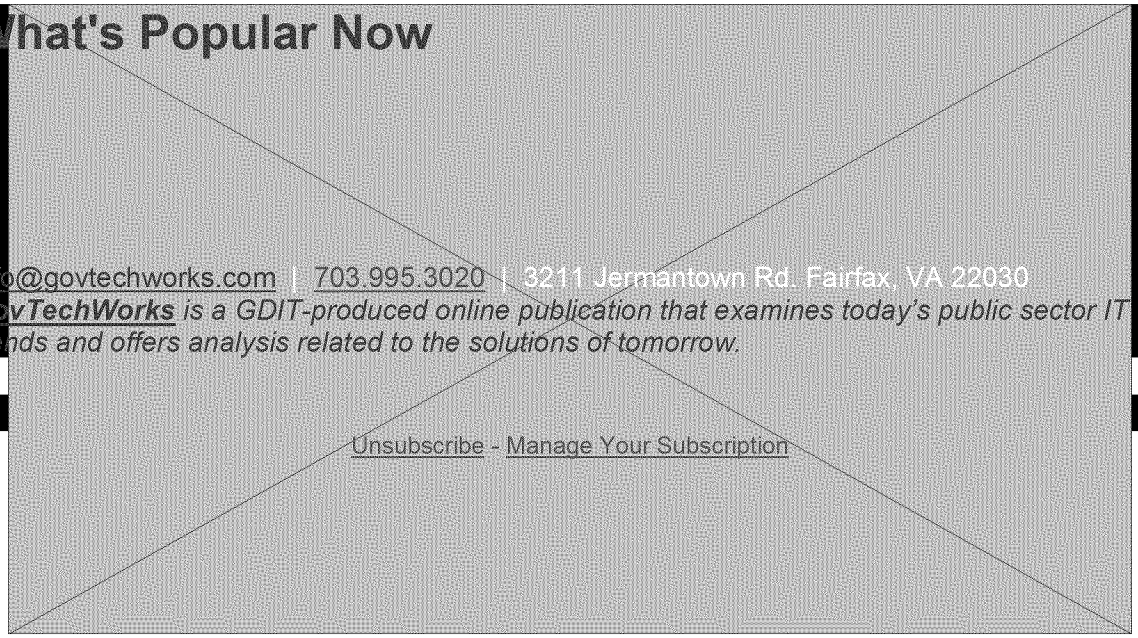
IT Departments' Challenge: Managing the Risks

What's Popular Now

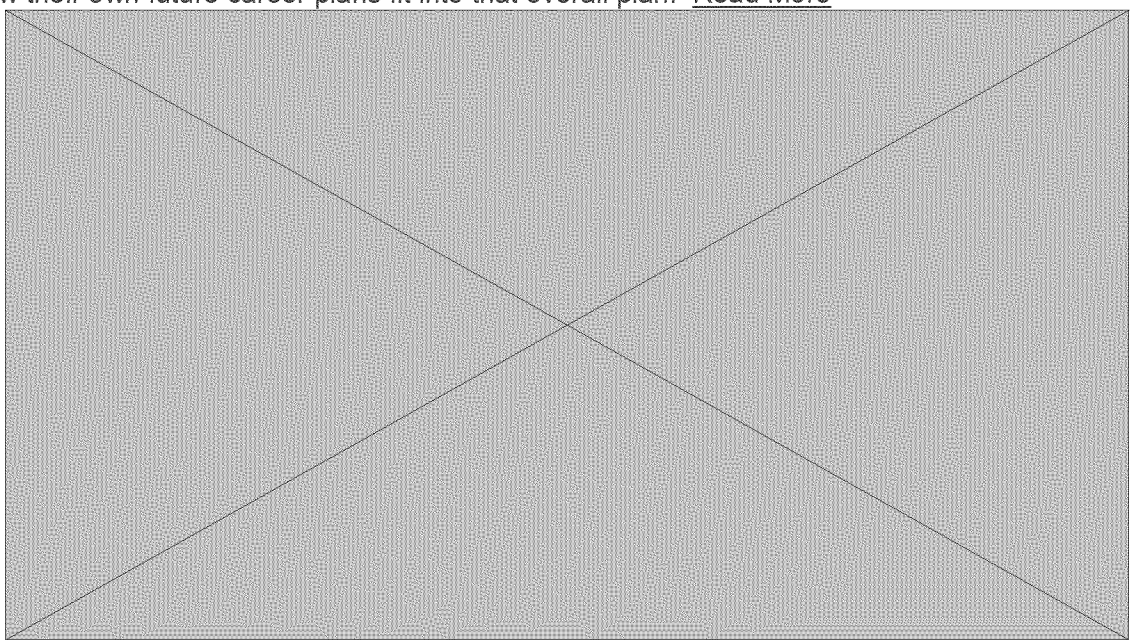
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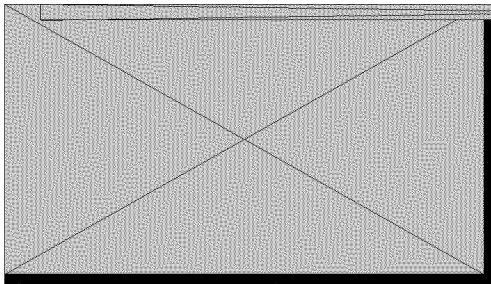


how their own future career plans fit into that overall plan. Read More



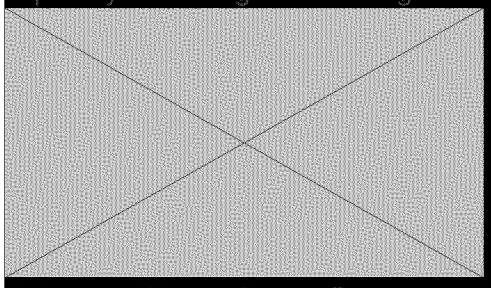
of Fed Employees' Mobile Migration

With mobile accounting for the majority of today's Internet traffic, federal employees want to join the mobile brigade. IT departments must manage their mobile risks — or employees will find ways to enable themselves. Read More



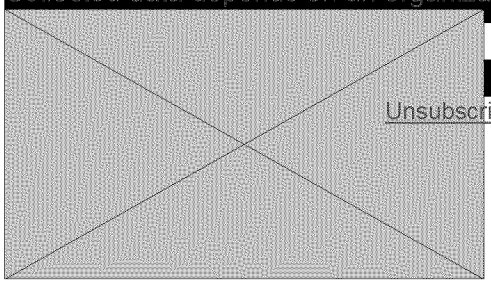
Close the Data Center – How One Agency Bought Into Cloud

The International Trade Administration's leap into cloud services cut costs and improved service in part by redefining the meaning and boundaries of its networks. Read More



A Long-Term Data Strategy Is Necessary to Stop Insider Threats

Insider threat protection programs accumulate massive storage volumes to monitor user activity. Collected data depends on an organization's risk tolerance and budget. Read More



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License Plate Readers Receive U.S. Border Upgrade

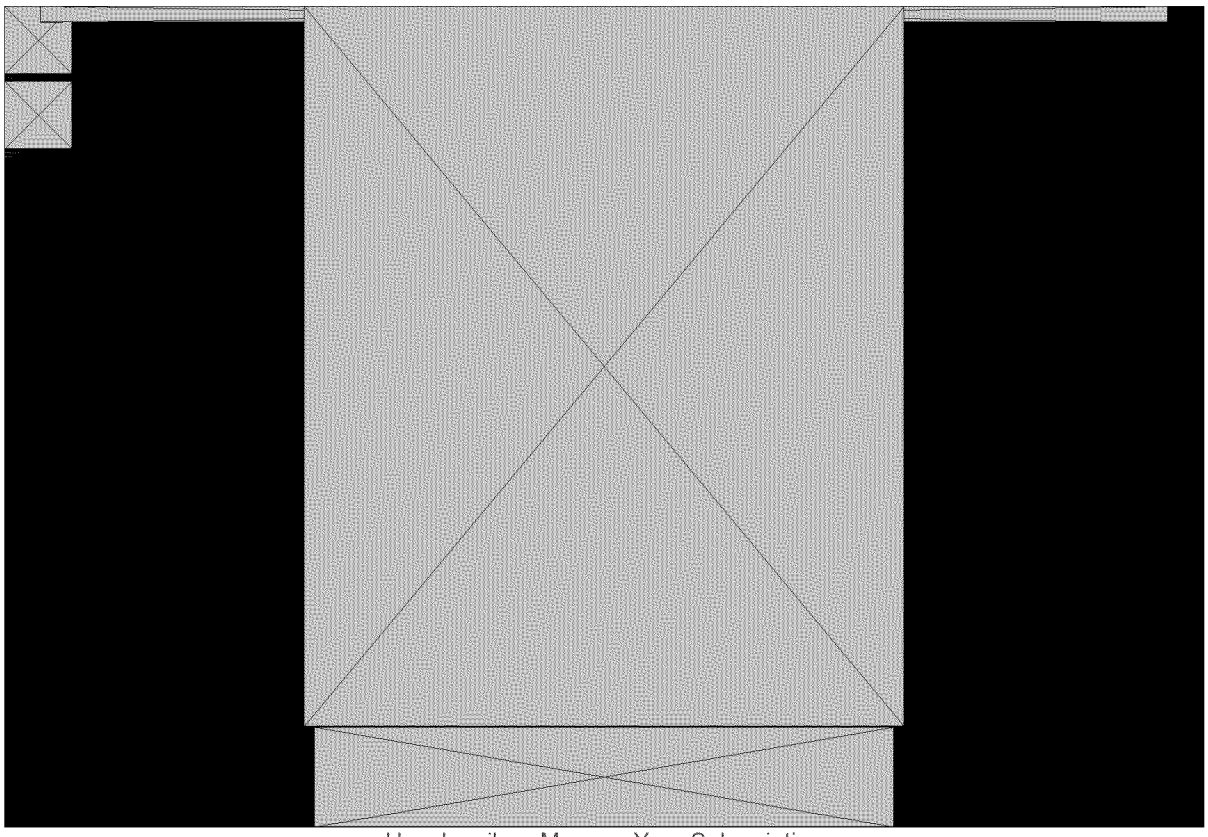
U.S. Customs and Border Protection is planning to upgrade automated license plate readers to help monitor traffic along the northern and southern borders. Read More

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 12/4/2017 10:08:55 PM
Subject: Head of conservative states' air group to take top EPA post

By Emily Holden

12/04/2017 05:07 PM EDT

EPA is hiring Clint Woods, the head of an association that represents conservative state air agencies that have challenged federal pollution and climate regulations, to become deputy assistant administrator of the agency's air office.

Woods is executive director of the Association of Air Pollution Control Agencies. He previously worked for the energy and environment subpanel of the House Science Committee and for the American Legislative Exchange Council, an organization of conservative state legislators and businesses. Before that, he was government affairs manager for the Recreation Vehicle Industry Association.

Woods will work under the agency's air chief, Bill Wehrum, a former Hunton & Williams lawyer who has represented fossil fuel and chemical companies and was acting head of the air office under the Bush administration. Woods says he will also work with Principal Deputy Assistant Administrator Mandy Gunasekara, who took up the role last month, and David Harlow, an EPA air adviser from the same law firm as Wehrum.

Woods did not say what his specific duties would be but noted that his time with state and local agencies through AAPCA will "draw a lot of parallels" with EPA's work in implementing the Clean Air Act through cooperative federalism.

He is currently based in Lexington, Ky., and will assume his new position in mid-December.

AAPCA President Stuart Spencer, the associate director of the Arkansas Department of Environmental Quality, said Woods helped grow membership, increased engagement with EPA and produced reports on the state role in environmental protection.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/12/head-of-conservative-states-air-group-to-take-top-epa-post-194208

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Energy and Climate Report

September 21, 2017 - Number 183

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News

Air Pollution

Almost 1 Million Pounds in Emissions Released in Valero Fire

A Valero Energy Corp. refinery fire in Texas released almost 1 million pounds in emissions, just as the region is tackling chemical leaks caused by Hurricane Harvey.

Climate Change

CORRECTION

The story, "Yale's Carbon-Neutral Goals May Be Costly, Leave Students Cold," that ran in the Sept. 18 report misidentified one of the university's schools. The correct name is the School of Forestry and Environmental Studies. The online version has been corrected.

Climate Change

Developing Nations to Get South Korea's Help on Climate Plans

South Korea's green technology industries could find business opportunities open up in developing countries like Mongolia or Laos if a government-nonprofit cooperation plan takes hold.

Climate Policy

Trump's HUD Keeps Climate-Smart Rebuilding Guide Under Wraps

Just a few months before a pair of blockbuster hurricanes hit Florida and Texas, the Trump administration received detailed guidelines from consultants for factoring climate change into how federal aid is spent.

Energy

Active Energy to Build Novel Biomass Plants in Southeast Asia

Jessica Shankleman: Active Energy Plc. said it will build eight plants in southeast Asia to make a novel form of biomass that could replace coal without the need for technological upgrades.

Energy

Chinese Truckers Play Savior to Energy Giants Fearing LNG Glut

Energy giants that invested hundreds of billions of dollars to liquefy natural gas have an

unlikely hero to thank for boosting demand and keeping their market out of a price-killing glut: the Chinese truck driver.

Energy
How Merkel's Green Energy Policy Has Fueled Demand for Coal
By 2030, the eastern German town of Poedelwitz will likely be razed to get at the rich veins of coal beneath its half-timbered houses. The reason: Chancellor Angela Merkel's effort to steer Germany toward greener energy, which has unexpectedly meant booming demand for dirty coal. While Merkel aims to wean the country from nuclear power and boost renewable energy, the shift has been slow—Germany's 140-plus coal-fired plants last year supplied 40 percent of the country's ...

Energy
Nuclear Scientists Head to China to Test Experimental Reactors
China is becoming the testing ground for a new breed of nuclear power stations designed to be safer and cheaper, as scientists from the U.S. and other Western nations find it difficult to raise enough money to build experimental plants at home.

Energy
Scana Says U.S. Attorney Probing Canceled Nuclear Project
Scana Corp., which had sought to recover $4.9 billion from customers for its canceled V.C. Summer nuclear power project in South Carolina, received a federal subpoena for documents related to the plant.

Hydraulic Fracturing
Obama Fracking Rule Restored Temporarily as Court Halts Case
The Obama administration's 2015 rule governing hydraulic fracturing on federal and tribal lands was temporarily reinstated today when a federal appeals court dismissed a bloc of states' lawsuit challenging the regulations.

Motor Vehicles
Mercedes Plots Tesla Attack with $1 Billion U.S. Electric Push
Daimler AG plans to spend $1 billion to start production of Mercedes-Benz electric vehicles at its Alabama factory, setting the world's largest luxury-car maker up to battle with battery-car specialist Tesla Inc. on its home turf.

Renewable Energy
'No Taboos': German Energy Giant Backs Electric Cars, Solar
German green energy company Innogy SE plans to tap electric vehicles, solar power, and fiber networks to expand its grid and retail power businesses.

Renewable Energy
Bigger Renewable Energy Buy Rule Considered in Massachusetts
Massachusetts lawmakers are considering ramping up the state's clean energy rules to require utilities to purchase more renewable energy sooner.

Renewable Energy
Elon Musk's Solar Partnership Doesn't Look So Crazy Now
Elon Musk took a lot of heat last year when his Tesla Inc. bought solar-panel installer SolarCity for $2 billion. The synergies between his two companies didn't seem immediately obvious, among other issues, critics said.

Renewable Energy

Here's Why Mitsui Mining Is Excited for Next-Gen Battery Storage
When it comes to batteries, the future may be solid.

Trade Policy
U.S. Tariffs on Solar Imports May Hinge on Free-Trade Deals
U.S. free-trade deals with South Korea, Mexico, and others may soften the impact of tariffs on imported solar panels should Suniva Inc. convince the government that it was hobbled by foreign competition.

Transportation
Pay to Raise Highways or Drive Underwater, Californians Told
Low-lying roads in the San Francisco Bay Area must be elevated to stay above rising waters from climate change, officials say. To help pay for it, they intend to tap into the region's history of willingness to approve transportation funding measures at the ballot box, hoping motorists say OK to hefty tolls.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sun 9/3/2017 2:53:23 PM
Subject: POLITICO Playbook, presented by American Bankers Association: TRUMP speaks after North Korea nuclear test: N.K. is 'very hostile and dangerous' to the US -- OBAMA's letter to TRUMP -- SPOTTED at David Zaslav's Hamptons party -- KYLE PLOTKIN's wedding

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Today's POLITICO Playbook presented by American Bankers Association

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Listen to the Playbook Audio Briefing

Driving the Day

Good Sunday morning. ON TRUMP'S PLATE: A rogue North Korea, which he cannot convince to stop testing deadly weapons. The dual threat of a government shutdown and debt ceiling default, which needs to be solved by the end of the month. America's fourth-largest city trying to recover from a historic storm, and a Congress that needs to spend billions of dollars to clean it up. A Republican leadership he's been warring with. A stalled agenda. The nation's longest war.

FIRST IN PLAYBOOK -- TRUMP'S WEEK: TUESDAY: The president meets with the Big Six on tax reform. The Big Six are Senate Finance Chairman Orrin Hatch, House Speaker Paul Ryan, Senate Majority Leader Mitch McConnell, House Ways and Means Chairman Kevin Brady, Treasury Secretary Steven Mnuchin and NEC Director Gary Cohn. **WEDNESDAY:** Trump meets with House and Senate leadership, and travels to North Dakota for a tax reform event. **THURSDAY:** Trump hosts Amir Sabah al-Ahmed al-Jaber al-Sabah of Kuwait.

SPOTTED -- VICE PRESIDENT MIKE PENCE and **SECOND LADY KAREN PENCE** at National Community Church on Barracks Row this morning.

PRESIDENT TRUMP also went to church this morning, per the White House pool. He attended St. John's, across from the White House.

BULLETIN -- NORTH KOREA TESTS HYDROGEN BOMB. NYT's CHOE SANG-HUN in Seoul: "North Korea carried out its sixth and most powerful nuclear test in an extraordinary show of defiance against President Trump on Sunday, saying it had detonated a hydrogen bomb that could be mounted on an intercontinental ballistic missile.

"The test, which the North called a 'complete success,' was the first to clearly surpass the destructive power of the bombs dropped on the Japanese cities of Hiroshima and Nagasaki in World War II.

"Mr. Trump threatened last month to bring 'fire and fury' to North Korea if it continued to threaten the United States with nuclear missiles, but the country and its leader, Kim Jong-un, has appeared unmoved, with the test on Sunday preceded by the launch last week of a ballistic missile over Japan into the north Pacific." http://nyti.ms/2x2hncr

PRESIDENT DONALD TRUMP is tweeting this morning warning North Korea about their actions. **@realDonaldTrump** at 7:30 a.m.: "North Korea has conducted a major Nuclear Test. Their words and actions continue to be very hostile and dangerous to the United States....." ... at **7:39 a.m.:** "..North Korea is a rogue nation which has become a great threat and embarrassment to China, which is trying to help but with little success." ... at **7:46 a.m.:** "South Korea is finding, as I have told them, that their talk of appeasement with North Korea will not work, they only understand one thing!"

-- WHITE HOUSE STATEMENT from Sarah Huckabee Sanders at 9:14 a.m., per pooler John Bennett of CQ Roll Call: "The National security team is monitoring this closely. The President and his national security team will have a meeting to discuss further later today. We will provide updates as necessary."

-- **Anna Fifield**, WaPo Tokyo bureau chief **(@annafifield):** "The nuclear device that North Korea tested today was almost eight times the size of the American atomic bomb that destroyed Hiroshima". ... **Jonathan Cheng (@JChengWSJ):** "Full statement from N. Korea on today's nuclear test." http://bit.ly/2wuxcai

MARTHA RADDATZ: speaks with **SEN. TED CRUZ (R-TEXAS)** on **ABC'S "THIS WEEK": RADDATZ** : "We have shows of force. We have sanctions. Nothing seems to work. Do you to think it hurt or helped when President Trump talked about fire and fury? Just a very simple answer. Hurt or help?" **CRUZ:** "The president speaks in ways that I wouldn't speak. But that is his prerogative. I do think it helps for North Korea and China to understand that we have a president who is strong. That is beneficial. I will say we're seeing some signs that China may be more helpful than they have in the past with North Korea. Now, I have very little trust that that will continue, but I think the only way we have a chance of it continuing is if it is coming from American strength and not a policy of weakness or appeasement."

TREASURY SECRETARY STEVEN MNUCHIN on **"FOX NEWS SUNDAY":** "I did speak with the president and it's clear that this behavior is completely unacceptable. We have already started with sanctions against North Korea but I am going to draft a sanctions package to send to the President for his strong consideration that anybody who wants to do trade or business with them would be prevented from doing trade or business with us. We are going to work with our allies, we will work with China but

people need to cut off North Korea economically. This is unacceptable behavior."

DEPT. OF DIPLOMACY -- "Trump preparing withdrawal from South Korea trade deal, a move opposed by top aides," by WaPo's Damian Paletta: "President Trump has instructed advisers to prepare to withdraw the United States from a free-trade agreement with South Korea, several people close to the process said, a move that would stoke economic tensions with the U.S. ally as both countries confront a crisis over North Korea's nuclear weapons program.

"Withdrawing from the trade deal would back up Trump's promises to crack down on what he considers unfair trade competition from other countries, but his top national security and economic advisers are pushing him to abandon the plan, arguing it would hamper U.S. economic growth and strain ties with an important ally. Officials including national security adviser H.R. McMaster, Defense Secretary Jim Mattis and National Economic Council director Gary Cohn oppose withdrawal, said people familiar with the process who spoke on the condition of anonymity to discuss internal White House deliberations.

"Although it is still possible Trump could decide to stay in the agreement to renegotiate its terms, the internal preparations for terminating the deal are far along, and the formal withdrawal process could begin as soon as this week, the people said." http://wapo.st/2wvna98

-- "A quick guide to the South Korea free trade deal," by WaPo's Amanda Erickson: "Experts say that withdrawing completely would lead to big increases on the tariffs levied against products the United States imports from South Korea. That would mean that all kinds of everyday goods, from Samsung electronics to cellphones and automobiles, would get more expensive. South Korea would probably raise tariffs against U.S. products too, including agriculture products." http://wapo.st/2gCZzh3

-- NICHOLAS BURNS, longtime diplomat **(@RNicholasBurns):** "This is no time to lecture South Korea or suspend free trade agreement. Best way to deter North Korea is to stand firmly with Seoul+Tokyo."

THIS COULD BE A PROBLEM -- "China's anger at West to overshadow tougher action on North Korea," by Reuters' Ben Blanchard and Philip Wen in Beijing: "North Korea's latest nuclear test is likely to pile more pressure on China to take tough action against its neighbor, but Beijing already doubts economic sanctions will work and says it is not its sole responsibility to rein in Pyongyang. China has lambasted the West and its allies over recent weeks for promoting the 'China responsibility theory' for North Korea, and been upset by Seoul and Washington's own military drills that Beijing says have done nothing to cool tensions." http://reut.rs/2wymBti

JOHN MCCAIN is attending the Ambrosetti Forum in Lake Como, Italy this week. **MCCAIN ON TRUMP**, via Time Magazine**:** "'I realize that I come to Italy at a time when many are questioning whether America is still committed to remaining engaged in the

world, to upholding our traditional alliances, and standing up for the values we share,' McCain, a Republican and frequent critic of the president, said, according to remarks shared by his staff: 'I also realize -- and there is no point in avoiding a little straight talk here -- that this doubt has much to do with some of the actions and statements of our President.'" http://ti.me/2x2B2Jr

****** **A message from the American Bankers Association:** Nearly 9 in 10 Americans surveyed say it's important to have banks of all sizes. They recognize that the diversity of America's banks is a source of strength for our $18 trillion economy. Learn more: http://politi.co/2gcsGrg ******

THE LATEST ON HARVEY RECOVERY ...

-- "In tale of two cities, parts of Houston survived untouched, while others begin flood cleanup," by L.A. Times' Matt Pearce, Hailey Branson-Potts in Houston and Anna M. Phillips in Los Angeles: "A week after Hurricane Harvey lashed Texas with record rainfall, President Trump returned to the Lone Star State, as storm survivors began to return to their neighborhoods and stark divisions between those who lost everything to the floodwaters and those who escaped relatively unscathed were on display.

"Parts of west Houston were still reeling on Saturday. In residential neighborhoods near the Addicks Reservoir, which overflowed during the storm, residents relied on boats including canoes and kayaks to run errands and commute to work. Some had power; some didn't. Some of the single- and two-story brick homes remained swamped with several feet of fetid water; others were dry." http://lat.ms/2x15bZs

-- "AP EXCLUSIVE: Toxic waste sites flooded in Houston area," by Jason Dearen: "The Associated Press surveyed seven Superfund sites in and around Houston during the flooding. All had been inundated with water, in some cases many feet deep. On Saturday, hours after the AP published its first report, the EPA said it had reviewed aerial imagery confirming that 13 of the 41 Superfund sites in Texas were flooded by Harvey and were 'experiencing possible damage' due to the storm.

"The statement confirmed the AP's reporting that the EPA had not yet been able to physically visit the Houston-area sites, saying the sites had 'not been accessible by response personnel.' EPA staff had checked on two Superfund sites in Corpus Christi on Thursday and found no significant damage. AP journalists used a boat to document the condition of one flooded Houston-area Superfund site, but accessed others with a vehicle or on foot. The EPA did not respond to questions about why its personnel had not yet been able to do so." http://bit.ly/2wy6ewR

SUNDAY BEST -- CHUCK TODD interviews **HOUSTON MAYOR SYLVESTER TURNER** on **NBC'S "MEET THE PRESS": TODD:** "I want to ask you about the President's visit. Helpful?" **TURNER:** "The President's visit on yesterday was very positive. The goal for this week for me, we're going to take it one week at a time, and

that's housing, housing, housing. Checking on people, especially in these communities that don't necessarily get all of the attention. But, you know, where senior citizens exist, people with disabilities, low income communities, we're checking on them. ...

"The other thing this week which is a high priority is debris removal. And every community, every part of this city, was touched by this storm. And so people now are already putting that debris out. And what I said to the president, 'We need to get that debris removed like yesterday, otherwise we'll have a public safety hazard.' And so the city's crews started on Thursday removing the debris. We're working every day. But we need advanced funding. ...

"The president was certainly amenable to that. And in fact, he issued a statement that it would be 90% reimbursable in that category. So housing, housing, housing for this week, debris removal this week. And then saying to our businesses and others, 'Let's get going. We're in the recovery phase. And so let's move forward. Open up the businesses. Provide the necessary employment. But let's get going.'"

-- DANA BASH speaks with **TEXAS GOV. GREG ABBOTT** on **CNN'S "STATE OF THE UNION": BASH:** "You're saying you believe that the federal government will need to give north of $100 billion?" **ABBOTT:** "In the overall equation, the cost of this, if I understand it correctly, to rebuild Katrina was over $120 billion. And when you consider the magnitude of the size of this storm, it's far larger than Katrina, both geographically and population wise. And when you look at the number of homes that have been mowed down and destroyed and damaged this is going to be a huge catastrophe that people need to come to grips with, it's going to take years for us to overcome this challenge

CLICKER -- "A View Inside the Houston Homes Hit by Hurricane Harvey" - photos by Mike Osborne on NewYorker.com -- ***15 pix*** http://bit.ly/2et8RrE ... **@WardDPatrick:** "As he puts on plastic gloves to serve food at NRG Stadium...President Trump turns to press and says: 'My hands are too big!'" http://bit.ly/2wvhNqx

NOTHING TO SEE HERE -- "Justice Department: No evidence Obama wiretapped Trump Tower," by Matt Nussbaum: "There is no evidence to support President Donald Trump's claim that Barack Obama ordered the wiretapping of Trump Tower during the 2016 presidential campaign, the Justice Department said in a new court filing. The DOJ made the statement in a motion for summary judgment filed Friday in response to a Freedom of Information Act lawsuit by the watchdog group American Oversight. 'Both FBI and NSD confirm that they have no records related to wiretaps as described by the March 4, 2017 tweets,' the government said, referring to the Justice Department's National Security Division." http://politi.co/2gtkMGw

WHAT AMERICA IS READING -- SAN JOSE MERCURY NEWS: "Spotlight increases on 'antifa': Violent protests boot pressure on fluid group" http://bit.ly/2evthAq ... **NEW ORLEANS TIMES-PICAYUNE:** "How could New Orleans handle a storm like Harvey: Scientists are searching for a better way to predict flooding" http://bit.ly/2wxOKkk ...

CHARLOTTE OBSERVER: "Wall Street players have bought thousands of Charlotte homes" http://bit.ly/2gCxfeE ... **HOUSTON CHRONICLE:** "Trump lifts spirits in Houston" http://bit.ly/2wyLYLO

BUSINESS INSIDER'S NATASHA BERTRAND (@NatashaBertrand): "In which the president's lawyer [Ty Cobb] writes me at 1:30 a.m. on a Saturday and asks me if I'm on drugs." http://bit.ly/2ezCgnL

SCOOP -- CNN's KEVIN LIPTAK got **BARACK OBAMA's** inauguration letter to Trump, who "has shown the letter to visitors in the Oval Office or his private White House residence," according to CNN. "Congratulations on a remarkable run. Millions have placed their hopes in you, and all of us, regardless of party, should hope for expanded prosperity and security during your tenure. ... This is a unique office, without a clear blueprint for success, so I don't know that any advice from me will be particularly helpful. Still, let me offer a few reflections from the past 8 years.

First, we've both been blessed, in different ways, with great good fortune. Not everyone is so lucky. It's up to us to do everything we can (to) build more ladders of success for every child and family that's willing to work hard.

Second, American leadership in this world really is indispensable . ... Third, we are just temporary occupants of this office. That makes us guardians of those democratic institutions and traditions -- like rule of law, separation of powers, equal protection and civil liberties -- that our forebears fought and bled for. ... And finally, take time, in the rush of events and responsibilities, for friends and family. They'll get you through the inevitable rough patches. Michelle and I wish you and Melania the very best as you embark on this great adventure, and know that we stand ready to help in any ways which we can." http://cnn.it/2ezThOO

SPORTS BLINK -- "Howard pulls biggest point-spread upset in college football history," by ESPN's David Purdum: "By point-spread standards, Howard pulled off perhaps the biggest upset in modern college football history Saturday night. The Bison, an FCS team from the Mid-Eastern Athletic Conference, entered as 45-point road underdogs against UNLV and stunned the Rebels 43-40 in Las Vegas. UNLV paid Howard $600,000 for the appearance. Las Vegas sportsbooks were not offering a money line on the game, but the Bison could be found as 600-1 long shots and even higher at some offshore books." http://es.pn/2eQOAgdn

Playbook Reads

PHOTO DU JUOR: President Donald Trump lifts up a young girl at a relief center in Houston and gives her a kiss as the first lady Melania Trump smiles. | Susan Walsh/AP Photo

KNOWING REP. JOE KENNEDY -- "The next Kennedy weighs his next move," by Heather Caygle: "Democrats are in search of new leaders to take on Donald Trump, and Rep. Joe Kennedy could fit the bill. But it's not clear he wants the job. In short order, Kennedy has garnered a loyal grassroots following with a series of viral speeches challenging Trump on everything from health care to hate speech, leading some Democrats to believe he could help fill the party's leadership vacuum.

"It's a shift for someone who, despite his famous last name and wavy red mane, has kept a low profile on the national scene since being elected to the House in 2012. Loath to be seen as a political celebrity, the 36-year-old from the outskirts of Boston has put in the work of a relative back-bencher and focused on delivering for his district. ... Kennedy has already proven he has the ability to harness his star power, after gaining national prominence for blasting GOP efforts to dismantle Obamacare earlier this year.

"But the key question for Democrats, including the more than two dozen interviewed for this story, is what's next for the young lawmaker they say is much more than a notable last name? It's one - to the quiet frustration of several in the party - that Kennedy seems in no hurry to answer." http://politi.co/2iSJEfb

SNEAK PEAK -- More than 300 pastors and church leaders are sending individualized letters today to Trump urging him to not get rid of DACA and work with Congress to pass legislation for Dreamers. The effort, organized by the Evangelical Immigration Table, comes after hundreds of religious leaders signed onto a letter to Trump, Senate Majority Leader Mitch McConnell (R-Ky.) and Speaker Paul Ryan (R-Wis.).

****** **A message from the American Bankers Association:** America's banks play a critical role in generating economic growth while delivering safety and convenience for customers. The two million women and men who work for America's banks safeguard $12.9 trillion in deposits and originate $2.4 trillion in home loans. They provide $331 billion in loans to small businesses and $175 billion in loans to farmers and ranchers. Banks' fraud protection measures stop at least $11 billion in attempted fraud each year. And thousands of banker volunteers deliver financial literacy lessons annually to millions of young Americans to help them become financially successful adults. Find out more at www.aba.com/AmericasBanks, #AmericasBanks ******

VALLEY TALK - "In Silicon Valley, Working 9 to 5 Is for Losers," by Dan Lyons in the NYT: "Silicon Valley prides itself on 'thinking different.' So maybe it makes sense that just as a lot of industries have begun paying more attention to work-life balance, Silicon Valley is taking the opposite approach - and branding workaholism as a desirable lifestyle choice. An entire cottage industry has sprung up there, selling an internet-centric prosperity gospel that says that there is no higher calling than to start your own company, and that to succeed you must be willing to give up everything.

"'Hustle' is the word that tech people use to describe this nerd-commando lifestyle. You hear it everywhere. You can buy hustle-themed T-shirts and coffee mugs, with slogans like 'Dream, hustle, profit, repeat' and 'Outgrind, outhustle, outwork everyone.'

You can go to an eight-week 'start-up hustle' boot camp. ... You can also attend Hustle Con, a one-day conference where successful 'hustlers' share their secrets. Tickets cost around $300 - or you can pay $2,000 to be a 'V.I.P. hustler.' This year's conference, in June, drew 2,800 people, including two dozen who ponied up for V.I.P. passes." http://nyti.ms/2vVrgUr

BONUS GREAT HOLIDAY WEEKEND READS, curated by Daniel Lippman:

- "Desperate Rohingya Flee Myanmar on Trail of Suffering. 'It Is All Gone,'" by NYT's Hannah Beech in Rezu Amtali, Bangladesh: "They are tens of thousands of Rohingya, who arrive bearing accounts of massacre at the hands of the Myanmar security forces and allied mobs that started on Aug. 25, after Rohingya militants staged attacks against government forces. The retaliation that followed was carried out in methodical assaults on villages, with helicopters raining down fire on civilians and front-line troops cutting off families' escape." http://nyti.ms/2guON91

-- "Sally Quinn's Next Act," by Michelle Cottle in Washingtonian: "Three years after Ben Bradlee's death, she has a memoir about embracing the supernatural. (She's given up the dark arts, though.)" http://bit.ly/2iNmwyG

-- "The Graduate," by Nora Ephron in Elle in Nov. 10, 2010: "It was gritty (the deadlines and dollar poker) and glamorous (movie stars and politicos for subjects) and everything I'd been longing for-to begin my life in New York as a journalist." http://bit.ly/1T41jqa (h/t Longform.org)

-- "Reflections of an Accidental Florist," by Althea Fann in Longreads: "When a painter stumbles into a floral career, she sees the ugly truth behind a colorful, fragrant industry." http://bit.ly/2eLSxCM

-- "A Beating in Berkeley," by The Weekly Standard's Matt Labash: "Antifa mayhem and malice in Martin Luther King Jr. Civic Center Park." http://tws.io/2eOtW0j

-- "Ken Burns's American Canon," by The New Yorker's Ian Parker: "Even in a fractious era, the filmmaker still believes that his documentaries can bring every viewer in." http://bit.ly/2gzdUuW

-- "Jenji Kohan's Hot Provocations," by The New Yorker's Emily Nussbaum: "The creator of 'Orange Is the New Black' and 'Weeds' wants her shows to break viewers out of their bubbles." http://bit.ly/2wtumm9

-- "Fairouz in Exile," by Matthew McNaught in n+1 magazine: "How hellish could it be after the horrors of Syria? Until Ahmad got to Germany, he could never fathom the warnings from these lucky Syrians in Europe." http://bit.ly/2vxYMVr (h/t Longform.org)

-- "Reality TV's Wildest Disaster," by Sam Knight in The New Yorker: "'Eden' aspired to remake society altogether. What could go wrong?" http://bit.ly/2esWtrC

-- **"Writer's Seat,"** by The Weekly Standard's Andrew Ferguson: "A walk through the home that inspired E. B. White's essays and stories." http://tws.io/2ePFtwb

-- **"This Tiny Country Feeds the World,"** by Frank Viviano in the September NatGeo: "The Netherlands has become an agricultural giant by showing what the future of farming could look like." http://on.natgeo.com/2iOWivE

-- **"Where gridlock kills,"** by Mindy Belz in World magazine: "Victims of ISIS face a fast-closing window of opportunity in Iraq, their prospects dimmed by politicking and paralysis gripping Republican leaders in Washington." http://bit.ly/2gACnjA

-- **"Off With Her Head,"** by Yashar Ali in NY Mag: "Kathy Griffin lost jobs, money, and friends after releasing a provocative image of President Trump. But the comedian refuses to bend the knee." http://bit.ly/2wYdd5g

-- **"What's Really Behind the Civil War to End Harvard's Fraternities?"** by John Sedgwick in September's Vanity Fair: "Breaking with centuries-old tradition, Harvard is moving to eliminate its all-male final clubs, charging that the Porcellian, A.D., Fox, Fly, and other high-end frats are bastions of patriarchal privilege, fomenters of sexual misconduct, and antithetical to its values. Is any of that true? An alumnus considers the legal, moral, and logical flaws in the college's crusade." http://bit.ly/2gpHWgX

Playbookers

SPOTTED: David Petraeus at the Lee Barber Shop in Arlington Saturday. "'Did anybody ever tell you that you look like General Petraeus?' [a starstruck young army major] asks the guy with lather on his sideburns and neck. 'I get that a lot,' the retired four-star replies, smiling, as the truth dawns on the younger man. Seeming to gather his nerve, the major asks if he could get a photo with the former military headliner (and CIA director). 'I'd be honored,' Petraeus replies, posing as soon as he's cleaned up." ...

... Sen. Luther Strange (R-Ala.) at ESPN College Gameday last night in Atlanta for Alabama's game against Florida State ... Carl Cameron at Daily Grill on Wisconsin Avenue on Saturday morning ... Jonathan Capehart walking on M Street with several shopping bags mid-day Saturday as it lightly rained

OUT AND ABOUT IN THE HAMPTONS - Pool report: "A meticulously sculpted sand castle, made of real sand and about 8 feet tall and also a rival to King's Landing, was one of the standout memorables of Discovery Communications CEO David and Pam Zaslav's big East Hampton gathering with a surprise, everyone on his or her feet performance by the legendary Diana Ross. Yes, she gave a spectacular encore. And yes, there was a massive 'shark cake' at the entrance to commemorate Discovery's 'Shark Week.' ... There was a huge oyster bar and designer tequilas." ***Pics -- Ross***

http://bit.ly/2vW1EH3 ... ***The shark cake*** http://bit.ly/2x2CATQ ... ***The sand castle*** http://bit.ly/2gBm31T

SPOTTED: Jeff Zucker, Alec Baldwin, Don Lemon, Sen. Chuck Schumer (D-N.Y.) and Iris Weinshall, N.Y. Gov. Andrew Cuomo and Sandra Lee, Andy Lack, Steve Clemons, Chris Licht, Harvey Weinstein, Matt Lauer, Kyle MacLachlan, Lloyd Blankfein, Marlo Thomas and Phil Donahue, Dan Loeb, Arianna Huffington, Nancy and Paul Pelosi, Alexandra Pelosi, Margaret Carlson, Liz Robbins, Leslie Moonves, Katie Couric and John Molner, Marcy Simon, Rita Braver, George Stephanopoulos, Savannah Guthrie and Mike Feldman, Mark Hoffman, Andrew Ross Sorkin, Gayle King, Joe Kernan, Lorne Michaels, Jonathan Wald, Mark and Sally Ein, Ken Auletta, Baruch Shemtov, Robert Zimmerman, Ken Lehrer and Carl Bernstein.

TRANSITIONS -- Jordan Vaughn has been named as the senior director of regional philanthropy at the Future Project. He was the finance director for the DNC's African American Leadership Council.

WEEKEND WEDDINGS -- Purple Strategies' **Kyle Plotkin,** former chief of staff for then-Louisiana Gov. Bobby Jindal, on Saturday married **Sara Cambon,** who works for Charlie Spies at Clark Hill. The ceremony was at Christ Church in Alexandria, and the reception was held at the Army Navy Country Club in Arlington. **Pool report:** "Kyle met Sara working in the governor's office in Baton Rouge. Sara is the daughter of Paul and Susan Cambon, Paul is of the Livingston Group and Jones Walker. A large Louisiana contingent was present. A second line parade brought guests from cocktail hour to the reception. Father of the Bride Paul Cambon took to all fours on the dance floor in New Orleans tradition and danced as a bulldog. Guests were pleased the LSU Tigers won their opening night college football game as the night was wrapping up." ***Pic*** http://bit.ly/2euXKPb

SPOTTED: Former Gov. Bobby Jindal and his wife Supriya Jolly Jindal, Rep. Mac Thornberry (R-Texas), Bob Livingston, Rory Cooper, Shannon Dirmann, Taylor Teepell, Bradley Engle, Curt Anderson, Stephen Moret, Calder Lynch, Stafford Palmieri, Mike Reed, and Sally Canfield.

-- Josh Brown, president of political consulting firm DP Strategies Group and a Brad Schneider and Jack Evans alum, on Saturday married **Alexa Wertman,** federal human capital consultant at Deloitte and an at large elected Democratic Committeewoman in DC. The ceremony and reception were at the Mayflower Hotel. The couple met at GW. ***Pics by Brooke Tyson Photography*** http://bit.ly/2euXvDL ... http://bit.ly/2ev3W9A

SPOTTED: Rep. Brad Schneider (D-Ill.), who signed their ketubah. He was later seen on the dance floor. Also spotted: Geoff Middleberg, Jeremy Iloulian and Sarah Schanz, Nicole Mann, Jaime Alonso, Thomas Bowman.

BIRTHDAYS: CNN's Brian Stelter (hat tip: Oliver Darcy) ... Rick Perlstein ... Shawn Sachs, CEO of Sunshine Sachs ... John Mercurio, managing director of Purple

Strategies ... Politico's Carly Sandstrom and Todd Lindeman ... Kim Rubey, head of global comms and strategic engagement at Airbnb ... John Zogby ... Time's Edward Felsenthal ... CBS News' Erica Brown ... Sarah Curran ... Lucia Alonzo, director at Podesta Group ... WSJ's Kristina Peterson ... Mari Manoogian, who's a Democratic candidate for the Michigan House of Reps. (h/t sister Alis) ... Jonathan Silver, clean energy investor and managing director at Tax Equity Advisors and former Obama staffer ... Rita Hite, EVP at the American Forest Foundation (h/ts Jon Haber) ... Dominic K. Hawkins, associate at SKDKnickerbocker ... Gary Zaetz ... Graeme Crews, comms associate at the Southern Poverty Law Center ... NBC News' Adam Reiss ... Tiffany Waddell ... John C. Cleveland ...

... Gillian Turner, VP of the Jones Group and a Fox News contributor ... Alex McConnell ... Samuel Lea ... Hillary Allen ... John McDonald ... Mara Stark-Alcala ... former Rep. Tom Reynolds (R-N.Y.), now a senior policy adviser at Holland & Knight ... former Rep. John Olver (D-Mass.) ... Thomas Caballero ... Joshua Gross ... Flin Hyre ... Kathi Wise ... Jon Corley ... Bob Simmons ... Caroline Lehman ... Niki Grant ... former Rep. Michael Huffington (R-Calif.) ... Jayne Visser ... Lois Kimmel ... Jim Gilio ... Melinda Warner ... Mary C. Curtis, Roll Call columnist ... Liz Hitchcock ... AFSCME's Tiffany Ricci ... Mohammad Naeem Sidhu ... Scott Horwitz ... Mary Moffitt ... Joshua Morin ... Sophie Pink ... Adam Ezring ... Doug Herman (h/ts Teresa Vilmain)

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What you need to know to start your day.

Sandy Boosts Carbon-Tax Talk • Murkowski Tackles Cyber • Making Chemical Ban Stick

By Chuck McCutcheon

It's been five years since Superstorm Sandy slammed into the East Coast, claiming more than 100 lives, ripping up Jersey Shore boardwalk rides, and leaving hundreds of thousands of New York-area residents without power. Some in the region now want the anniversary to provide a push for fighting climate change.

Environmental and community groups, headed by the organization New York Renews, are using Sandy's anniversary to call for "bold and immediate" actions on climate change. The groups are planning a rally and march—more than 125 organizations have signed on—across the Brooklyn Bridge on Saturday.

Waves break in front of a Seaside Heights, N.J., amusement park wrecked by Superstorm Sandy in October 2012.
Photo by Mario Tama/Getty Images

A few lawmakers in New York's Legislature already have introduced bills to impose a carbon tax, among them a measure to establish a $35-per-ton levy on all carbon-based fuel. The New York Independent System Operator and the state Public Service Commission also have been working on a plan to incorporate a carbon price into the wholesale price of electricity. Gerald Silverman will have a story this week.

The head of the Senate's energy committee long has sought to stop cyber attacks on the electricity grid as well as get a broad energy bill into law. She'll work toward both objectives at a hearing today.

Alaska Republican Sen. Lisa Murkowski's committee will listen to testimony from three of the department's national labs—Oak Ridge, Pacific Northwest, and Idaho—as well as cybersecurity technology firms Qubitekk Inc. and New Context Services Inc. They're expected to discuss advanced technologies that could be used to help protect the electric grid and energy infrastructure from cyberattacks. Rebecca Kern is covering.

PFOA, short for perfluorooctanoic acid, became famous in 1950s when DuPont started using the stuff in the process of making non-stick frying pans. It has found its way into everything from 3M's Scotchgard stain repellent to Gore-Tex clothing and stain resistant carpets—but it's also shown up at high levels in drinking water near factories.

Now efforts to ban the chemical through a global treaty may have hit a setback: a scientific panel has delayed issuing a recommendation for another year.

The decision was viewed as good news for chemical companies and manufacturers, especially large electronics companies such as Intel, Micron, and Samsung. But environmentalists say the delay on PFOA is a clear signal that pressure from manufacturing interests may be influencing the panel's thinking. Look for a story from Adam Allington later this morning.

Other Stories We're Covering

- Pharmaceutical, ammunition, circuit board, recreational vehicle, and other companies that aren't normally subject to the EPA's commercial chemical rules may have to comply with a mercury reporting proposal the agency will publish today. Pat Rizzuto is tracking.
- Mine safety commissioners will discuss today whether the CEO of coal behemoth Murray Energy has to read a statement to miners that they have the right to complain about safety conditions. After Bob Murray told workers at five of his mines that they must bring safety issues to managers' attention before they went to the Mine Safety and Health Administration, the agency cited the company for interfering with miners' rights. Lars-Eric Hedberg is following.
- President Donald Trump's picks to staff the EPA and the nation's nuclear regulator sailed through a Senate committee, but face a longer road to getting a confirmation vote from the rest of the chamber's members. Delaware Sen. Tom Carper, the Senate environment panel's top Democrat, called EPA chemical office nominee Michael Dourson "one of the most troubling nominees I have ever considered during my time on this committee." Dean Scott is watching.

Quote of the Day

"I am here because I really feel called to it. My desire each day is to bless the president and the decisions he's making."
—EPA Administrator Scott Pruitt, in an interview with Bloomberg News

Today's Events

- **12:30 p.m. • Natural Gas** • American Gas Association luncheon features U.S. Trade and Development Agency's energy sector worldwide team leader.
- **1:30 p.m. • Energy Star** • EPA offers webinar discussing ways to track and

report facilities' environmental data.
- **All Day • Sustainability** • Sustainable business conference wraps up in Huntington Beach, Calif.

Around the Web

- Europe's chemicals agency proposes to restrict hazardous substances in tattoo ink.
- Florida wildlife officials are looking for a dangerous lizard that's 4 to 5 feet long.
- Iroquois Pipeline Operating Company President Jeffrey Bruner is taking over as chairman of the Interstate Natural Gas Association of America's board.
- EPA starts looking for household hazardous waste in areas of fire-ravaged California.
- Environmental groups urge a Virginia water board to reject certifying two pipeline projects over pollution concerns.

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Today's POLITICO Playbook presented by Chevron

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

BIG NBC SCOOP -- "Trump Wanted Dramatic Increase in Nuclear Arsenal in Meeting With Military Leaders," by Courtney Kube, Kristen Welker, Carol Lee and Savannah Guthrie: "President Donald Trump said he wanted what amounted to a nearly tenfold increase in the U.S. nuclear arsenal during a gathering this past summer of the nation's highest ranking national security leaders, according to three officials who were in the room.

"Trump's comments, the officials said, came in response to a briefing slide he was shown that charted the steady reduction of U.S. nuclear weapons since the late 1960s. Trump indicated he wanted a bigger stockpile, not the bottom position on that downward-sloping curve.

"According to the officials present, Trump's advisers, among them the Joint Chiefs of Staff and Secretary of State Rex Tillerson, were surprised. Officials briefly explained the legal and practical impediments to a nuclear buildup and how the current military posture is stronger than it was at the height of the build-up. In interviews, they told NBC News that no such expansion is planned. The July 20 meeting was described as a lengthy and sometimes tense review of worldwide U.S. forces and operations. It was soon after the meeting broke up that officials who remained behind heard Tillerson say that Trump is a 'moron.'" http://nbcnews.to/2yYtoMX

-- ONE OF THESE THINGS IS NOT LIKE THE OTHER: A rare Savannah Guthrie byline.

E TU, TOM BARRACK?-- "'He's better than this,' says Thomas Barrack, Trump's loyal whisperer," by WaPo's Michael Kranish in New York: "Barrack, in interviews with

The Washington Post, said he has been 'shocked' and 'stunned' by some of the president's rhetoric and inflammatory tweets. He disagrees with some of Trump's proposals, including his efforts to ban immigrants from certain Muslim countries and his push for a border wall with Mexico. He wonders why his longtime friend spends so much of his time appealing to the fringes of American politics.

"'He thinks he has to be loyal to his base,' Barrack said. 'I keep on saying, 'But who is your base? You don't have a natural base. Your base now is the world and America, so you have all these constituencies; show them who you really are.' In my opinion, he's better than this.' I tell him all the time: I don't like the rhetoric,' Barrack, who runs a large real estate investment company, said at his Manhattan office." http://wapo.st/2guINhc

-- WHAT TRUMP WANTS TO FOCUS ON: **@realDonaldTrump** at 6:21 a.m.: "Stock Market has increased by 5.2 Trillion dollars since the election on November 8th, a 25% increase. Lowest unemployment in 16 years and.....if Congress gives us the massive tax cuts (and reform) I am asking for, those numbers will grow by leaps and bounds. #MAGA" ... **at 6:31 a.m.:** "It would be really nice if the Fake News Media would report the virtually unprecedented Stock Market growth since the election.Need tax cuts" ... **at 6:36 a.m.:** "The Democrats want MASSIVE tax increases & soft, crime producing borders.The Republicans want the biggest tax cut in history & the WALL!"

-- TO BE SURE: Some Republicans don't want the wall.

Good Wednesday morning. QUICK BULLETIN -- 2017 GENIUS GRANT WINNERS -- The MacArthur Foundation awards $625,000 grants each year to a group of people they think exhibits "exceptional creativity." Here is the list of the 2017 winners http://nyti.ms/2guJB5R

SCOOP -- HOWARD KURTZ is writing a book about the relationship between **PRESIDENT DONALD TRUMP** and the news media. Regnery expects to publish the book early next year.

CONGRESS PONYING UP ... -- BLOOMBERG: "House to Add $36.5 Billion for Hurricane Relief, Puerto Rico Aid," by Kevin Whitelaw: "House lawmakers unveiled a bill Tuesday night that would provide $36.5 billion in emergency funding for hurricane and wildfire relief requested by the Trump administration. With Congress under pressure to provide urgent help to storm victims in Texas, Florida and Puerto Rico, the House measure includes $18.7 billion for the Federal Emergency Management Agency's disaster relief fund, as well as $16 billion to replenish the nation's flood insurance program." https://bloom.bg/2g1fHW8

WILDFIRES RAVAGING NORCAL -- L.A. TIMES: "Toll from Northern California firestorms sharply rise: 2,000 structures destroyed, at least 17 dead," by Paige St. John, Phil Willon, Louis Sahagun, Sonali Kohli, and Nina Agrawal: "The toll from Northern California's ranging wildfires continued to grow Tuesday evening as officials said the fires destroyed up to 2,000 structures and killed at least 17 people. The

devastating losses establish firestorms among the most destructive in California history. The estimated losses of homes, businesses and other buildings jumped from 1,500 to 2,000, and officials fear the death toll will also continue to rise.

"Sonoma County alone has received about 200 reports of missing people since Sunday night, and sheriff's officials have located 45 of those people, said county spokeswoman Maggie Fleming. The majority of the fatalities are from Sonoma County, where huge swaths of the city of Santa Rosa were leveled by the Tubbs fire. Eleven people have died in Sonoma County as of 7 p.m. Tuesday, officials said. Two people have died in Napa County, three in Mendocino County and one in Yuba County, Cal Fire officials said." http://lat.ms/2y6qAAJ

-- "Seen From Above: Entire California Communities Reduced to Ash," by NYT's Josh Haner, Troy Griggs and Anjali Singhvi: http://nyti.ms/2fZ9LNa

WHAT D.C. WILL BE TALKING ABOUT TODAY -- Nationals vs. Cubs, 4 p.m., TBS. If the Nats lose, the season is over. Dusty is going with Tanner Roark over Stephen Strasburg. If you don't know about baseball and someone asks you what you think, tell them you think this is a really ... well ... curious decision. Blame Jake if you get yelled at. (You likely won't.) Today is the kind of day that could shape the D.C. sports psyche for years. The Nationals have become part of the fabric of our city. Cross your fingers.

WHAT TRUMP IS READING -- @NBCNews: "JUST IN: In letter to NFL owners, Roger Goodell says: 'We believe that everyone should stand for the National Anthem.'" http://bit.ly/2yZErpb

OUR ALLIES ...

-- "Wall Street Journal Reporter Sentenced to Prison by Turkish Court," by WSJ's Thomas Grove: "A Turkish court sentenced Wall Street Journal reporter Ayla Albayrak to two years and one month in prison Tuesday, declaring her guilty of engaging in terrorist propaganda in support of a banned Kurdish separatist organization through one of her Journal articles. ... Ms. Albayrak ... is currently in New York ... 'This was an unfounded criminal charge and wildly inappropriate conviction that wrongly singled out a balanced Wall Street Journal report,' said Wall Street Journal Editor in Chief Gerard Baker. 'The sole purpose of the article was to provide objective and independent reporting on events in Turkey, and it succeeded.'" http://on.wsj.com/2yf4GuC

-- "How Israel Caught Russian Hackers Scouring the World for U.S. Secrets," by NYT's Nicole Perlroth and Scott Shane: "It was a case of spies watching spies watching spies: Israeli intelligence officers looked on in real time as Russian government hackers searched computers around the world for the code names of American intelligence programs. What gave the Russian hacking, detected more than two years ago, such global reach was its improvised search tool -- antivirus software made by a Russian company, Kaspersky Lab, that is used by 400 million people worldwide, including by officials at some two dozen American government agencies. The Israeli officials who

had hacked into Kaspersky's own network alerted the United States to the broad Russian intrusion, which has not been previously reported, leading to a decision just last month to order Kaspersky software removed from government computers." http://nyti.ms/2yfWwBQ

JOSH ROGIN in WaPo, **"The Dalai Lama speaks on Trump and 'America first'":** "'Your ancestors really considered the importance of liberty, freedom, democracy, these things,' the Dalai Lama said in response to my question about his current view of the United States. 'The present president, in the very beginning he mentioned 'America first.' That sounded in my ear not very nice.' The Dalai Lama is concerned that the United States, despite being 'the leader of the free world,' was becoming more 'selfish, nationalist,' he said." http://wapo.st/2ygblir

THE LATEST ON IRAN DEAL -- "Democrats brace for Iran deal upheaval," by Elana Schor and Nahal Toosi: "Democrats and other defenders of the Iran nuclear deal have all but given up on President Donald Trump as he prepares to push the pact to the brink. So they've adopted a new strategy, if you can call it that: Appeal to cooler heads in Trump's orbit who want to keep the agreement in place, their boss' rhetoric notwithstanding.

"The aim is to avoid further inflaming tensions with U.S. allies or slowly strangling the deal after Trump declares Tehran out of compliance, which is expected to happen as soon as Thursday. European diplomats, former U.S. officials and like-minded activists are joining in with a ramped-up lobbying effort designed to dissuade the GOP-led Congress from responding to Trump by reimposing sanctions that are likely to destroy the deal." http://politi.co/2hBj1Yk

****** **A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: http://politi.co/2y5XNvF ******

NEW POLITICO/MORNING CONSULT POLL -- STEVEN SHEPARD -- "Majority backs stricter gun control laws after Vegas shooting": "A new POLITICO/Morning Consult poll shows that a majority of voters support stricter gun control laws in the wake of last week's mass murder of 58 concertgoers in Las Vegas by a single man with nearly two dozen firearms shooting from the window of his 32nd-floor hotel room.

"On most of the proposals to regulate gun ownership -- including background checks, restrictions on where Americans can carry firearms and prohibitions against accessories like the 'bump fire' stocks used by the Las Vegas gunman -- large majorities express support in the poll, conducted last Thursday through Monday.

"But despite those findings, voters still don't think the chances are high that Congress will act to strengthen federal firearm laws, even after the deadliest mass shooting in modern American history. And slightly more voters still say it's more important to protect Americans' right to own guns than it is, in general, to limit gun ownership."

http://politi.co/2guDZbE

MORE QUESTIONS ON ZINKE TRAVEL -- "Zinke's travels: Ski resort and Alaskan steakhouse," by Esther Whieldon and Ben Lefebvre: "Interior Secretary Ryan Zinke has attended at least two additional political fundraisers while traveling for official business, including a weekend ski getaway less than three weeks after he was sworn in where donors paid up to $3,000 to attend, according to sources and documents reviewed by POLITICO.

"Zinke's previously undisclosed attendance at the events adds to scrutiny he is facing over his habit of mixing political activities with official business when traveling outside of Washington, D.C., and to questions over travel expenses incurred by members of President Donald Trump's Cabinet. In addition to the fundraisers, Zinke has held at least a half-dozen other events with big donors or influential conservative organizations while on official trips.

"Zinke, a former Montana congressman who became secretary March 1, started his fundraising appearances even before attending a March 30 Virgin Islands Republican Party fundraiser in St. Croix that POLITICO reported last week, at which donors paid up to $5,000 per couple for a photo with him. The Justice Department's Office of Special Counsel, which is investigating Zinke's use of travel and political activities in office, has been asked by a watchdog group to look into his appearance there." http://politi.co/2xw560K

MURPHY TAKES A PASS ... -- "Democratic Sen. Chris Murphy says he's ruling out a 2020 presidential run" - CBS News: http://cbsn.ws/2wNDUGa

2018 WATCH -- "Senate Democrats worry Russia could jeopardize reelection bids," by Kyle Cheney, Elana Schor, and Cory Bennett: "Democratic senators fighting to hold on to their seats next year are increasingly worried about a troubling reality: Russia appears set to mess with U.S. elections - again. ... Democratic senators such as Heidi Heitkamp of North Dakota, Bob Casey of Pennsylvania and Jon Tester of Montana - who hail from states President Donald Trump won in 2016 - know they're already facing stiff reelection challenges.

"Now they're concerned the Trump administration is dragging its feet on thwarting sophisticated Russian cyber operations that could have significant impact on their races - and could even sway which party wins control of the Senate. The red- and purple-state Democratic seats are top targets for Republicans hoping to expand their two-seat majority in the Senate; Democrats likely would have to hold all of them if they are to have any hope of retaking the chamber. 'If there isn't some effort to take steps against Russian interference, every campaign is going to have to be on guard and working against it,' said Casey, describing himself as 'very concerned.'" http://politi.co/2g0MwT4

DACA UPDATE ...

-- "Meet the Republican who might cut a Dreamers deal," by Seung Min Kim: "As Donald Trump was pressing his hardline immigration platform en route to the GOP nomination last year, Republican Sen. Thom Tillis decided to go in a different direction entirely. Tillis, a reliable Republican on most issues, approached the No. 2 Senate Democrat, Dick Durbin, to discuss the fate of hundreds of thousands of 'Dreamers.' Sooner or later, Tillis thought, they would be at risk - a view that's come to life after Trump announced last month that nearly 700,000 young immigrants would begin losing legal protections early next year unless Capitol Hill intervenes.

"The freshman senator from North Carolina is now making his biggest immigration play yet, unveiling a plan to provide permanent relief to the undocumented immigrants who came here as minors. If a deal can be done to win over the warring parties and a president who has swung back and forth on the issue, it might start with Tillis, who has methodically carved out a profile as a pro-immigration Republican at a time when the GOP has swerved sharply to the right." http://politi.co/2g0oyrf

RUSSIA WATCH -- "Carter Page says he won't testify before Senate Intelligence panel in Russia probe," by Ali Watkins: "Carter Page, a former foreign policy adviser to the Trump campaign, informed the Senate Intelligence Committee on Tuesday that he will not be cooperating with any requests to appear before the panel for its investigation into Russian meddling in the 2016 election and would plead the Fifth, according to a source familiar with the matter. A former naval-officer-turned-energy consultant, Page came under fire last year after reports emerged that he had met with high-level associates of Russian President Vladimir Putin in Moscow in 2016. While Page denied those meetings occurred, the Trump campaign distanced itself from the adviser not long after, with former officials saying that Page and Trump had never met." http://politi.co/2zcViFP

ON PUERTO RICO -- "Trump's Puerto Rico video tells positive story but leaves a lot on cutting-room floor," by WaPo's Jenna Johnson: "The 8-minute-48-second video provides the kind of narrow, positive view of relief efforts in Puerto Rico that the president has been trying to convey amid the humanitarian crisis there -- a montage of stacks of bottled water, helicopters moving concrete slabs and supplies, boats carrying medical items and trucks hauling diesel. There are many more federal workers and military members featured than Puerto Ricans in need of aid, and there is no mention of the fact that 84 percent of the island is still without power and more than one-third of residents do not have access to clean drinking water. The last 81 seconds are devoted to documenting Trump's four-hour visit to the island last week." http://wapo.st/2yfLtJ1 ... ***The video*** http://bit.ly/2zeJmn0

-- "José Andrés, Patrick O'Connell, and Aaron Silverman Will Cook a Michelin All-Star Dinner at Pineapple and Pearls," by Washingtonian's Anna Spiegel: "ThinkFoodGroup restaurateur José Andrés, chef Patrick O'Connell of the Inn at Little Washington, and Pineapple and Pearls chef/owner Aaron Silverman are teaming up at the latter restaurant on October 18 to raise funds for hurricane victims in Puerto Rico, and those affected by the earthquakes in Mexico. ... Tickets are $595 per person ...

[and] the chefs are thinking nine dishes, or three each ... Online reservations will go live on the Pineapple and Pearls website on Wednesday, October 11 at 10 a.m. Only 56 seats are available for two seatings." http://bit.ly/2ycPKeG ... ***Where to try to get tickets at 10 a.m.*** http://bit.ly/2yg9akf

-- ANOTHER INTERESTING TAKE AWAY from the POLITICO/Morning Consult Poll: Only 32% believe the federal government has done enough for Puerto Rico compared to 47 percent for Texas and Louisiana and 46 percent for Florida. **AND...** 47% believe Puerto Rico should be a state while 26% disagree. The breakdown on party lines: 60% of Democrats say yes, while 17% say no. 36% of Republicans say yes, while 38% say no.

FOR YOUR RADAR -- "U.S. flies bombers over Korea as Trump discusses options," by Reuters' Christine Kim in Seoul and Eric Beech in Washington: "The U.S. military flew two strategic bombers over the Korean peninsula in a show of force late on Tuesday, as President Donald Trump met top defense officials to discuss how to respond to any threat from North Korea." http://reut.rs/2zeqPqY

-- "Navy fires two officers over USS McCain collision, says deadly accident was 'preventable,'" by WaPo's Andrew deGrandpre: "The U.S. Navy on Tuesday fired the USS John S. McCain's top two officers, calling the warship's deadly August collision with an oil tanker 'preventable.' Cmdr. Alfredo J. Sanchez, the McCain's commander, and Cmdr. Jessie L. Sanchez, its executive officer, were relieved of their duties and reassigned, Navy officials announced in a statement. Both were fired due to a lack of confidence, officials said. The McCain, a guided-missile destroyer, collided with the merchant vessel Alnic MC on Aug. 21 near Singapore. Ten American Sailors died and five others were injured." http://wapo.st/2ybDTNT

-- "McMaster: 'We have devolved responsibility back to the departments,'" by Bryan Bender: "National Security Adviser H.R. McMaster [on Tuesday] said he is steadily seeking to return more power to the Pentagon, State Department and other Cabinet agencies after what he characterized as a misuse of the National Security Council in recent years. McMaster, at an appearance at the Center for Strategic and International Studies marking the 70th anniversary of the NSC, said he believes too much operational authority was centralized in the White House body - originally designed as the president's principal forum for addressing security and foreign policy matters but not to carry out policy. 'It did cross a line,' the three-star Army general said, 'into an execution arm of the government.'"

-- "Experts: North Korea Targeted U.S. Electric Power Companies," by NBC News' Andrea Mitchell and Ken Dilanian: "The cybersecurity company FireEye says in a new report to private clients, obtained exclusively by NBC News, that hackers linked to North Korea recently targeted U.S. electric power companies with spearphishing emails. The emails used fake invitations to a fundraiser to target victims ... A victim who downloaded the invitation attached to the email would also be downloading malware into his or her computer network ... The company did not dispute NBC's characterization of the report,

but declined to comment." http://nbcnews.to/2yX8xK1

TRUMP'S WEDNESDAY -- Trump will meet with Canadian Prime Minister Justin Trudeau. He will travel to Harrisburg, Pennsylvania, to give a speech on tax reform and talk to Sean Hannity. He will then return to Washington.

-- On the agenda: Trump and Trudeau will talk trade and international security and "discuss strengthening the excellent bilateral relationship between our two countries by creating new opportunities for economic growth on both sides of the border," according to a Trudeau spokesman. **TRUDEAU** is also going to Capitol Hill.

THE JUICE ...

-- JOSH PITCOCK, former chief of staff to VP Mike Pence, is joining Oracle's government affairs team, Nancy Cook and Anna report. http://politi.co/2zdqaGt

-- PARTY TIME: POLITICO's annual 50 List party is here. Sign up for more information on the Oct. 12 event. http://bit.ly/2kEvzTM ... ***The full list*** http://politi.co/2wBYXOw

-- HOT ONLINE: EMINEM's verses on Donald Trump http://bit.ly/2yXAu4q

-- "Twitter reverses decision, will allow Blackburn to promote Senate ad," by Kevin Robillard: http://politi.co/2i20jgt

SPORTS BLINK -- "USA Misses World Cup as Doomsday Scenario Plays Out Across CONCACAF," by Sports Illustrated's Grant Wahl in Couva, Trinidad and Tobago: "On the most surreal and embarrassing night in U.S. soccer history, the U.S. men's national team lost 2-1 to Trinidad and Tobago (the worst team in the CONCACAF Hexagonal) and was eliminated from contention for World Cup 2018. ... All the U.S. needed to do to qualify for the World Cup was to win or tie. And they lost, a deserving defeat that ended a miserable qualifying campaign-three wins in 10 Hexagonal games-and will raise enormous questions about the overall direction of the U.S. Soccer Federation, the players and coach Bruce Arena." http://on.si.com/2ycPoob

#WOMENRULE PODCAST -- Anna sat down with SoulCycle CEO Melanie Whelan to talk about politics in the studio, how she doesn't believe work-life balance is a thing, why yellow is the new color for millennials and how women can succeed in their careers. ***Listen to the podcast*** http://politi.co/2olmtJ7

Playbook Reads

PHOTO DU JOUR: The sun rises through a cloud of smoke after a wildfire swept through the area in Sonoma County on Oct. 10 in Santa Rosa, Calif. | Paul Kitagaki Jr./The Sacramento Bee via AP

REVOLVING DOOR -- "Trump hires Hogan Gidley as a White House spokesman," by WaPo's Phil Rucker: "President Trump has hired Hogan Gidley, a longtime Republican campaign operative with deep roots in the conservative movement, to serve as a deputy White House press secretary ... This will be a reunion of sorts for [Sarah Huckabee] Sanders and Gidley, who worked together on campaigns for the press secretary's father, former Arkansas governor Mike Huckabee. Gidley served as a communications strategist on two presidential campaigns, Huckabee's in 2016 and former senator Rick Santorum's (Penn.) in 2012, logging tens of thousands of miles with both candidates." http://wapo.st/2zeGJlo

--SPOTTED: Hogan Gidley celebrating his new job with friends last night at Bluejacket in Navy Yard

GABE DEBENEDETTI in Bozeman, Montana: "Steve Bullock and the Lost Art of Political Persuasion": http://politi.co/2yfgCwr

HOLLYWOODLAND -- TMZ: "Harvey Weinstein Flying to Europe Tonight for Sex Addiction Rehab" http://bit.ly/2yg163B

--"Ronan Farrow on Harvey Weinstein Story: 'I Was Threatened With a Lawsuit,'" by Variety's Brian Steinberg: "Ronan Farrow didn't break the first story of shocking allegations about movie mogul Harvey Weinstein, but his New Yorker piece published Tuesday has added a new sordid dimension to the scandal. Farrow discussed his story Tuesday evening on MSNBC's 'The Rachel Maddow Show,' and there's good reason: He started the story under NBC's auspices. Asked why the story ran in the New Yorker rather than on NBC, Farrow told Maddow, 'You would have to ask NBC and NBC executives about the details.'

"'I will say that over many years, many news organizations have circled this story and faced a great deal of pressure in doing so,' he continued. 'There are now reports emerging about the kind of pressure news organizations have faced. That is real. And in the course of this reporting, I was threatened with a lawsuit personally by Mr. Weinstein.' He also challenged NBC's statement that the version of the story they saw wasn't publishable. 'I walked into the door at the New Yorker with an explosively reportable piece that should have been public,' he said. 'Immediately the New Yorker recognized that and it was not accurate to say that it was not reportable. In fact, there were multiple determinations at NBC that it was reportable.'" http://bit.ly/2yaLVsy ... ***Ronan's piece*** http://bit.ly/2yEUf4r

--"Harvey Weinstein's Wife Georgina Chapman Is Leaving Him: 'My Heart Breaks for All the Women Who Have Suffered,'" by People's Mary Green and Jodi Guglielmi: http://bit.ly/2yXu7hw

--@CBSNews: "DCCC says they will donate all of Harvey Weinstein's donations to non-

profit Futures Without Violence, @edatpost reports on Red & Blue." http://bit.ly/2zfFimD

--"NYPD Was Ready to Arrest Harvey Weinstein in 2015 After Model Said She Was Groped," by The Daily Beast's Michael Daly: http://thebea.st/2g0Xnwx

****** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2y5XNvF ******

MEDIAWATCH -- Jessica Bennett is the new gender editor of the New York Times. She is the author of "Feminist Fight Club," and has been a columnist for Time.com and also worked for Newsweek and Tumblr. ... **Ashley Feinberg** has been hired as a senior reporter at HuffPost. She most recently has been a senior writer at Wired and is also a Gawker alum.

Playbookers

SPOTTED at Capitol Lounge last night for a party in honor of former Rep. Jason Altmire's (D-Pa.) book, "Dead Center: How Political Polarization Divided America and What We Can Do About It" -- ***$19.33 on Amazon*** http://amzn.to/2i2W7gt ... ***Staff reunion pics*** http://bit.ly/2yace2o: Reps. Debbie Wasserman Schultz (D-Fla.), Bill Shuster (R-Pa.), Kathy Castor (D-Fla.), Val Demings (D-Fla.), Darren Soto (D-Fla.), Carlos Curbelo (R-Fla.), Kurt Schrader (D-Ore.), and Jerry McNerney (D-Calif.), former Reps. Nick Rahall, Jack Kingston, Jim Moran, Bob Carr, Jeff Miller, Cliff Stearns, Allen Boyd, and Earl Pomeroy, Tom Scully, Rachael Heisler, Bob Cusack, Reid Wilson, Greg Giroux, Justin Sayfie, Fred Graefe.

-- SPOTTED: Chelsea Clinton keynoting the Girl Scouts National Convention: G.I.R.L. 2017 over the weekend in Columbus, Ohio -- ***pic*** http://bit.ly/2guRkAT

TRANSITIONS - Former Rep. Joe Garcia (D-Fla.) is the new co-chairman of Mercury and will be based in the firm's Miami office. ... **Fabion Seaton** is the new communications director of the Maryland Democratic Party. He most recently was press secretary for Rep. Elijah Cummings (D-Md.) and also worked for former Sen. Barbara Boxer (D-Calif.).

... Marcus Reese is joining Crosscut Strategies as a senior adviser. He is former VP of government affairs at Herbalife and is an alum of the Bush-Cheney 2004 campaign and was also chief of staff at Tusk Strategies.

BIRTHDAY OF THE DAY: Charlie Black, chairman of the Prime Policy Group, is 7-0. **How he's celebrating:** "My wife Judy and I are going on a cruise ship around the Greek

Islands next week, with good friends, including Trisha and Trent Lott." **Read his Playbook Plus Q&A:** http://politi.co/2gbDy9p

BIRTHDAYS: USTR Robert Lighthizer is 7-0 ... Katie Boyd, comms director for Sen. Roy Blunt (R-Mo.) ... Maura Gillespie, comms director for Rep. Adam Kinzinger (R-Ill.) ... Veronica Walsh ... Sen. Patty Murray (D-Wash.) is 67 ... former Defense Secretary William Perry is 9-0 ... Jamie Weinstein, founding partner of JMW Strategies, is 34 ... Ron Prosor ... Tishman and Speyer CEO Rob Speyer ... Joel Riethmiller ... Trey Bohn ... Bruce DePuyt ... Bruce Bartlett is 66 ... Wendy Riemann ... USA Today alum Cooper Allen ... Mike Riggs, reporter at Reason magazine ... BuzzFeed's Tarini Parti ... Rep. Chuck Fleischmann (R-Tenn.) is 55 ... Rep. Sam Johnson (R-Tex.) is 87 ... Politico's Sara Smith ... John Lipp ... Ben Mendelson ...

... Lauren Culbertson, public policy manager at Twitter ... Kristina Costa, CAP senior fellow ... Mandy Frohlich, COO of the American Physical Therapy Association (h/t Michael Frohlich) ... John Robinson, a Gore and Edwards alum (h/t Ryan Morgan) ... Bill Triplett ... Ashley Drummond Garcia ... Jennifer Williams ... Rachel Deahl ... ProPublica's Talia Buford ... former Rep. Bob Inglis (R-S.C.) is 58 ... Meaghan Gilmore ... Maggie Fly ... Alice Berman ... Marcus Veazey ... Ken Danieli ... Sandra Klassen ... Frank Lucician ... Mike Wolfe ... Karen Sommer Shalett ... Jessica Lerner ... Amanda Cooper (h/ts Teresa Vilmain)

****** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2y5XNvF ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 10/17/2017 9:42:44 AM
Subject: Morning Energy, presented by the National Biodiesel Board: Tensions elevated as Pruitt meets corn-state senators on biofuels — BLM clears way for controversial Cadiz project — Carper bashes inadequate responses from EPA nominees

By Anthony Adragna | 10/17/2017 05:40 AM EDT

With help from Eric Wolff, Tim Starks and Esther Whieldon

BIOFUEL FIGHT HEATS UP TODAY: Iowa Sen. Chuck Grassley, joined by home-state colleague Joni Ernst, Nebraska's Deb Fischer and possibly others, will meet with EPA Administrator Scott Pruitt today amid growing concern that President Donald Trump is reneging on a campaign promise and undermining the biofuels industry, Pro's Eric Wolff reports . EPA's recent proposal to cut biomass-based biodiesel quotas for 2018 and 2019, as well as recent reports the agency was considering allowing the use of credits from ethanol shipped overseas, has drawn multiple Senate letters in recent weeks, including a bipartisan letter from 38 senators and another with 29 signatures.

The recent moves have proven a huge financial boon for the oil refiners and rattled the market for biofuel credits known as RINs. Pruitt, who had immensely close ties to the oil industry as Oklahoma attorney general, is looking for ways to help them out, according to an administration official and oil industry sources who have spoken with EPA. "The administrator wants to drive down RIN prices," said one oil refining source who recently spoke to multiple EPA career and political officials. "The reason he wants to do that, he's going to screw them on point of obligation. He's willing to [push] any crazy idea that accomplishes that goal in the short term. It doesn't matter what the litigation risk is."

Remember Trump made his support for the Renewable Fuel Standard a rare policy-heavy portion of his campaign in Iowa, and Grassley, in particular, took Pruitt's proposed changes personally. He recently called them a "bait and switch" from what the administrator had told him before his nomination. Separately, four Republican governors — Kim Reynolds (Iowa), Sam Brownback (Kan.), Eric Greitens (Mo.) and Dennis Daugaard (S.D.) — sent a letter to Trump Monday voicing concern over EPA's recent RFS moves. "Cutting the biomass-based diesel volume set a year ago is not only unnecessary, it's highly disruptive, unprecedented and potentially catastrophic," they wrote.

Another refining industry source sums up the administration's dilemma to Eric: "The administration faces a conundrum on this issue. On the one hand guys are really leaning on them and talking about how they made a promise to rural America. On the other hand, the president made a promise to protect manufacturing jobs.... Politically what they're facing is a lot of heat."

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and NEI's Robert Powers was first out of the gate to identify Mark Neumann as the previous holder of Speaker Paul Ryan's House seat. For today: Who defeated a sitting party leader to win the Senate seat they currently hold? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on

Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

BRINGING INDUSTRY TO THE TABLE: In his Monday move to end what he terms EPA's sue and settle practice, Pruitt vowed to seek the consent of the companies the agency regulates before agreeing to any deadlines for environmental action, Pro's Alex Guillén reports. "EPA shall seek to receive the concurrence of any affected states and/or regulated entities before entering into a consent decree or settlement agreement," he said. EPA noted the directive does not outright require industry consent on any agreement, while adding it applied to lawsuits from both environmental and industry groups.

But critics argue his action targets a non-existent problem that will empower the entities Pruitt is supposed to be regulating. "His targeting of legal settlements, especially where EPA has no defense to breaking the law, will just allow violations to persist, along with harms to Americans," NRDC's John Walke said. During the Obama administration, EPA frequently entered into settlements with environmental groups after missing statutory deadlines. But the subsequent regulations still went through the lengthy rulemaking process, and a 2014 GAO study concluded the "effect of settlements in deadline suits on EPA's rulemaking priorities is limited."

BLM CLEARS WAY FOR CONTROVERSIAL CALIFORNIA WATER PROJECT: Regulators cleared the biggest remaining federal obstacle for Cadiz Inc. water pipeline in California's Mojave Desert when ruled the project can move forward without additional BLM approval, Pro's Esther Whieldon reports, citing a letter released Monday. Acting Director Mike Nedd axed an Obama-era 2015 finding that the project could not use an existing railroad right of way and would need to apply for its own. Cadiz in a statement said it will begin working on final engineering designs, contracts and obtaining a conveyance agreement with the Metropolitan Water District of Southern California.

Opponents slammed the move: Sen. Dianne Feinstein, a longtime opponent of the project, said Cadiz's pipeline would draw more water than the aquifer can recharge naturally and expose residents to potentially harmful levels of chemicals. "The Trump administration might be willing to let Cadiz profit by harming our public lands but California shouldn't give up," she said in a statement. "Our state can still require a stronger review of Cadiz's plans. The fight to protect our desert isn't over."

The Bernhardt question: A spokeswoman said Interior Deputy Secretary David Bernhardt "has absolutely no role in anything related to Cadiz." The agency's number two did legal work for Cadiz before joining the agency, and his former firm stands to benefit if it's completed.

CARPER BASHES EPA NOMINEE RESPONSES: Sen. Tom Carper, top Democrat on the Environment and Public Works Committee, released responses to questions from four nominees to senior EPA roles that he told ME were "shocking" in their lack of substance. He was in particular critical of the responses of the agency's chemicals pick, Michael Dourson, who didn't provide specific answers on a host of questions related to the agency's implementation of the Toxic Substances Control Act and air chief, Bill Wehrum, who provided vague answers on topics like the Paris Climate Accord and how he would approach various air regulations. But ME didn't get a sense from Carper or aides that committee Democrats were likely to boycott a

Wednesday vote on the nominations of Dourson and Wehrum, as well the picks of David Ross to head the water office, Matthew Leopold to be general counsel and Jeff Baran's re-nomination to the NRC.

Read the responses to Carper's questions for the record here.

EPA OFFICIAL LANDS IN PUERTO RICO : Newly sworn in EPA Region 2 Administrator Peter Lopez landed in Puerto Rico Monday to meet with local officials "to make sure my team at the EPA continues to help lift these communities up." Army Lt. Gen. Jeffrey Buchanan, leading the administration's response to the disaster, said in a statement it would be "months" before the electric grid could be rebuilt: "FEMA asked the Army Corps of Engineers to take the lead in that, not necessarily with military power guys, but with contracts with local workers," he said. A short-term priority is getting water treatment plants back up and running through generators followed by the longer-term goal of getting other critical infrastructure back on the electric grid.

Sign of the times: NBC News correspondent Gabe Gutierrez tweeted a picture of a drinking water well on a Superfund site with protective fencing ripped off. "People are desperate," Lopez told Gutierrez, adding people are breaking into sealed-off wells.

Trump critical of island again: Once again casting the island's struggles as partially self-inflicted, Trump said the military "shouldn't have to be" distributing food and water on the island, POLITICO's Cristiano Lima reports. Meanwhile, the Senate is likely to take up a House-passed relief package H.R. 2266 (115) once it passes its budget.

ALASKAN PICKED FOR INTERIOR ROLE: Trump late Monday announced his intent to nominate Tara Sweeney, executive vice president of external affairs for Arctic Slope Regional Corporation, as assistant Interior secretary of for Indian Affairs. She chaired the Arctic Economic Council from 2015 to 2017. "Secretary Zinke could not have chosen a better leader to help him fulfill the federal government's trust responsibility," Senate Energy Chairman Lisa Murkowski said in a statement.

** **Presented by the National Biodiesel Board:** More than 64,000 jobs are supported by clean-burning biodiesel. But the EPA is threatening to reduce biodiesel use and weaken the Renewable Fuel Standard (RFS). We must protect those biodiesel jobs with a strong RFS program. Watch the president promise to protect the RFS here: http://bit.ly/2xn5Sgm **

HOLD YOUR HORSES: Senate Majority Leader Mitch McConnell used a lunch with the president Monday to stress that Steve Bannon was going after some staunch supporters of Trump's agenda, such as John Barrasso and Deb Fischer, with his pledge to recruit primary challengers for sitting Republican senators, POLITICO's Matthew Nussbaum and Cristiano Lima report . That point apparently resonated with Trump, who later told reporters: "Some of the people he may be looking at, I'm going to see if we talk him out of that."

UNITED WE STAND? Even as Trump and McConnell projected a united front Monday, White House officials behind-the-scenes are increasingly wondering what's going on in the Senate and afraid the chamber won't be able to pass Republican tax overhaul, POLITICO's Burgess Everett

and Josh Dawsey report. "You ask me if the Republican-controlled Senate is an impediment to the administration's agenda: All I can tell you is so far, the answer's yes," OMB Director Mick Mulvaney, a former member of the House Freedom Caucus, said.

RALLYING AGAINST ANWR LANGUAGE: Six Senate Democrats — Ed Markey, Michael Bennet, Tom Udall, Maria Cantwell, Al Franken and Jeff Merkley — are joining environmental groups at 11:15 a.m. in the Senate swamp to urge the removal of language opening ANWR to drilling from the fiscal 2018 budget resolution.

DOE WATCHDOG: CLOSE, BUT NOT QUITE: The Department of Energy needs to improve control over who can access systems, the security of its web applications and mitigation of vulnerabilities, according to a recently released inspector general report. The IG had pointed out those flaws and others in a prior report. "The weaknesses identified occurred, in part, because department officials had not fully developed and/or implemented policies and procedures related to the issues identified in our report," the IG concluded. "Without improvements to its cybersecurity program in areas such as enhanced controls over vulnerability management and access controls, the department's systems and information may be at a higher-than-necessary risk of compromise, loss, and/or modification." Overall, however, DOE had addressed 13 of the 16 weaknesses the IG previously identified.

TAKE A GLANCE! NUTRIENT CREDIT PROGRAM USE LIMITED: Despite 11 states having 19 nutrient credit trading programs meant to help hit discharge limits, use has been limited, according to a report released by GAO Monday. Programs in Connecticut, Pennsylvania and Virginia saw the bulk of credit trading.

GTM: HIGHER TARIFFS MEAN LESS SOLAR: A 40 cents per watt tariff would cut solar demand in half, GTM Research says in a study out today. The research group found that lower tariffs had less of an impact: For example, adding 10 cents per watt would drive down sales 9 percent. The study also found that utility scale solar would be hardest hit, as utilities are more sensitive to cost than the residential market.

REPORT: LET'S COMMISSION A COASTAL COMMISSION: The Regional Plan Association released a report Monday calling for New York, New Jersey and Connecticut to form a new coastal commission as the region prepares for the impacts of climate change over the next decades.

HOT DOC: The Environmental Defense Fund released a new document called "Pruitt's Playbook" chronicling what it says is Pruitt's assault on EPA's mission.

WINTER IS COMING: The American Gas Association today predicts cooler temperatures this winter will mean a five percent increase, on average, on heating bills as consumers are likely to use three percent more natural gas.

MAIL CALL! MORE CRITICISM OF MONUMENT REVIEW: More than 350 National Park Service employees sent Zinke a letter today saying they are "extremely disappointed" in his review of national monuments designated under the Antiquities Act.

— Separately, more than 350 companies largely from the outdoor recreation retail industry in a Monday letter to Trump urged the president to "embrace the conservation ethic of your predecessors and keep current protections in place for our public lands and waters." The letter also asks Trump not to roll back protections on monuments. The Commerce Department has until Oct. 25 to send the White House a report on marine monuments and Trump is mulling Interior Secretary Ryan Zinke's recommendations to shrink and/or allow mining, commercial fishing and logging in 10 existing monuments.

MOVER, SHAKER: Bryan Rice, an Interior veteran and member of the Cherokee Nation of Oklahoma, started as director of the Bureau of Indian Affairs on Monday. He most recently led the agency's Office of Wildland Fire as the latest stop on a federal career spanning more than 20 years.

QUICK HITS

— Joe Manchin backs Rick Perry's plan to subsidize coal, nuclear plants. Washington Examiner.

— EPA Says Higher Radiation Levels Pose 'No Harmful Health Effect'. Bloomberg.

— Get ready to see a plan for billions of dollars in parks and water improvements on California's 2018 ballot. Los Angeles Times.

— Officials ID person missing after Lake Pontchartrain oil platform explosion. Times-Picayune.

— Iraq's Kurdistan shuts 350,000 bpd of oil output due to security: sources. Reuters.

— World petrol demand 'likely to peak by 2030 as electric car sales rise'. The Guardian.

HAPPENING TODAY

POSTPONED — Senate Appropriations subcommittee markup of Interior-Environment bill, 124 Dirksen

9:30 a.m. — "Working Towards Clean Cars and Clear Skies in Los Angeles, Hong Kong and the Pearl River Delta," Wilson Center, One Woodrow Wilson Plaza, 1300 Pennsylvania Ave. NW

11:15 a.m. — Democratic senators host press conference calling for removal of Arctic Refuge drilling language from budget, Senate swamp

THAT'S ALL FOR ME!

** **Presented by the National Biodiesel Board:** Made from an increasingly diverse mix of resources such as recycled cooking oil, soybean oil and animal fats, biodiesel is a renewable, clean-burning diesel replacement that can be used in existing diesel engines without modification. EPA wants to reduce biodiesel volumes in the Renewable Fuel Standard (RFS),

which would kill jobs, thwart economic growth and potentially bankrupt farmers. We must support U.S. workers and grow the economy with more biodiesel in a growing RFS. Make your voice heard with the EPA: http://bit.ly/2ghDLo3 **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/10/tensions-elevated-as-pruitt-meets-grassley-on-biofuels-025078

Stories from POLITICO Pro

EPA's Pruitt boosts industry role in negotiations with green groups Back

By Alex Guillén | 10/16/2017 03:57 PM EDT

Industry groups will soon get a seat at the table when EPA decides how to respond to some lawsuits from environmental groups.

EPA will ask for the consent of the industries and companies it regulates before agreeing to any deadlines for environmental action sought by "special interest groups," according to a new directive issued by Administrator Scott Pruitt.

EPA will notify states or industries of any petitions or lawsuits that may affect them and will take "any and all appropriate steps to achieve the participation" of industry during negotiations, Pruitt wrote in his directive that is intended to end the agency's so-called sue and settle practice.

"Accordingly, EPA shall seek to receive the concurrence of any affected states and/or regulated entities before entering into a consent decree or settlement agreement," Pruitt continued.

In response to questions from POLITICO, EPA noted the directive does not outright require industry consent on any agreement. And the agency said Pruitt's directive applies to both environmental and industry groups' suits.

But EPA's new directive to seek industry approval first could lead to "back-room deals" between the agency and those it regulates, according to Amit Narang, a regulatory expert at watchdog group Public Citizen.

"There's simply nothing for industry groups to come in and discuss with the EPA related to these lawsuits except how they want the EPA to potentially craft a new regulation that was already unlawfully delayed in a way that's industry-friendly," he said.

"Pruitt's doing nothing more than posturing about a non-existent problem and political fiction," said John Walke of the Natural Resources Defense Council. "His targeting of legal settlements, especially where EPA has no defense to breaking the law, will just allow violations to persist, along with harms to Americans."

Republicans have complained for years that environmental groups would sue EPA and quickly

reach a deal for the agency to take certain actions, bypassing industry input, a practice they termed "sue and settle." They note that it was those type of lawsuits that led EPA to write the Clean Power Plan, for example.

"Sue and settle ... interferes with the rights of the American people to provide their views on proposed regulatory decisions and have the agency thoughtfully consider those views before making a final decision," Pruitt wrote in a memo accompanying his directive.

Democrats and environmentalists argue that the deals Republicans have complained about largely targeted missed statutory deadlines, and that any subsequent regulations were still open to the full rulemaking process. And the Clean Power Plan may have been spurred in part by a settlement agreement, but the final rule was developed with all required public input and was subject to legal challenge.

A 2014 study by the Government Accountability Office concluded that the "effect of settlements in deadline suits on EPA's rulemaking priorities is limited." That study also said that long-standing Justice Department policy prevents EPA from striking a deal in a deadline suit that specifies the substance of any subsequent rule.

Pruitt's directive quickly landed plaudits from conservative groups.

"The EPA is making it clear that the public and the integrity of the rulemaking process are no longer going to be sacrificed for the political objectives of narrow interests," Daren Bakst of The Heritage Foundation said in a statement.

William Yeatman of the Competitive Enterprise Institute called it a "welcome" first step, but added that EPA had routinely missed deadlines for years under the Clean Air Act and other laws, and should seek more resources from Congress to meet those deadlines and avoid environmental groups suing.

The 2014 GAO study also noted that EPA's proposed consent decrees, published in the Federal Register, traditionally took public comment for 30 days before moving forward.

Pruitt acknowledged that in his memo, and while he admitted those comments sometimes led to changes in the final agreements, "numerous stakeholders lack faith in the effectiveness of this comment opportunity" because EPA and environmental groups "have already agreed in principle to the proposed settlement."

It remains unclear how EPA plans to defend itself in court over clearly missed deadlines set by Congress. The agency said only that it "will handle any lawsuits consistent with today's directive."

But the agency's critics say there's simply no viable defense.

"These are the simplest lawsuits for environmental groups to win and for the EPA to lose. There's no point in EPA fighting these lawsuits. The evidence is as simple as looking at the

calendar and saying a congressional deadline has been missed," said Narang. "If EPA was to fight these cases in court, that would be one of the most wasteful uses of taxpayer money."

In recent weeks, Pruitt has racked up several such deadline suits.

For example, Democratic attorneys general and environmental groups are preparing to sue Pruitt for missing a key implementation deadline for the 2015 ozone standard. EPA is also facing down a lawsuit from the state of Maryland for failing to respond to its petition seeking pollution controls on upwind power plants.

Similar consent decrees have been reached in the past with industry groups as well. The agreement setting deadlines for EPA to issue its 2014-16 Renewable Fuel Standard volumes, for example, was reached with oil and refining industry groups.

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BLM clears the way for Cadiz California water pipeline Back

By Esther Whieldon | 10/16/2017 06:06 PM EDT

The Bureau of Land Management has ruled the proposed Cadiz Inc. water pipeline in California's Mojave Desert can move forward without agency approval, effectively clearing the biggest remaining federal hurdle for the project.

In a Friday letter, which Cadiz released today, BLM acting Director Mike Nedd reversed a 2015 finding by the Obama administration that the project could not use an existing railroad right of way and would need to apply for its own.

The proposed pipeline would pump groundwater from a desert aquifer across 43 miles of land, much of it federally owned, and the project's opponents have argued it would draw more water than the aquifer can recharge naturally.

The Interior Department in September also reversed a legal interpretation made under the Obama administration and found railroads have broad discretion to lease their rights of way. The Center for Biological Diversity has filed a public records request with Interior to figure out why the agency revoked that legal interpretation.

David Bernhardt, Interior's second-in-command, did legal work for Cadiz before joining the agency. An Interior spokeswoman in an emailed statement said "the Deputy Secretary has absolutely no role in anything related to Cadiz."

WHAT'S NEXT: Cadiz in a statement said it will begin working on final engineering designs, contracts and obtaining a conveyance agreement with the Metropolitan Water District of

Southern California. A Cadiz spokeswoman in an email said the storage component of the project will still require federal permits.

To view online click here.

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Trump: Military 'shouldn't have to be' distributing food in Puerto Rico Back

By Cristiano Lima | 10/16/2017 03:39 PM EDT

President Donald Trump said military personnel assisting in Hurricane Maria recovery efforts "shouldn't have to be" distributing food in Puerto Rico, again casting the U.S. territory's challenges as partially self-inflicted during a Monday press conference.

The president said that while federal agencies have provided "massive" amounts of food and water to Puerto Rico — where access to resources and power remains severely hampered by last month's storm — they should not also be expected to distribute them. Trump has previously said Puerto Ricans relied too much on federal government resources instead of a "community effort" to rebuild.

"We have massive amounts of water. We have massive amounts of food," Trump said at the White House, where he spoke alongside Senate Majority Leader Mitch McConnell. "But they have to distribute the food."

Trump added: "We now actually have military distributing food — something that, really, they shouldn't have to be doing."

The president has singled out issues with infrastructure and other challenges in Puerto Rico that he said pre-dated the storm as hurdles in the path to recovery. He has also warned that he won't leave federal employees in Puerto Rico indefinitely.

"We cannot keep FEMA, the Military & the First Responders, who have been amazing (under the most difficult circumstances) in P.R. forever!" he tweeted.

The House of Representatives on Thursday overwhelmingly approved a $36.5 billion relief package for Puerto Rico and other impacted regions. It is headed to the Senate, where it is expected to be approved.

To view online click here.

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Trump expresses wariness of Bannon's war on GOP establishment Back

By Matthew Nussbaum and Cristiano Lima | 10/16/2017 12:44 PM EDT

President Donald Trump, who in 2016 ran as the nontraditional, nationalist insurgent riding roughshod over the establishment, on Monday expressed skepticism about Steve Bannon's attempt to produce a wave of such candidates in coming Republican primaries.

"Some of the people he may be looking at, I'm going to see if we talk him out of that," Trump said during a Rose Garden news conference when asked about Bannon's pledge to recruit primary challengers to all but one sitting Republican senator in 2018.

While it's unclear whether Trump will follow through, his comments could mark a line in the sand, with Trump appearing to describe a willingness to stand by Republican incumbents against Bannon-backed challengers.

Trump's stance was muddied, however, because roughly two hours earlier he appeared to voice support for Bannon's avowed war on establishment figures, including Senate Majority Leader Mitch McConnell. Trump told reporters that Bannon "is a friend of mine" and is "very committed to getting things passed" when asked about the Breitbart News chief's attacks on McConnell and other GOP leaders who have failed to pass his legislative agenda.

But after a private meeting with McConnell, Trump expressed the skepticism about Bannon's efforts, especially his support for GOP Senate candidates who will challenge McConnell's leadership role.

"Just so you understand, the Republican Party is very, very unified," Trump declared during the Rose Garden news conference, with McConnell by his side.

Trump's pronouncement came after he and McConnell discussed primaries over lunch, according to a person briefed on the exchange. McConnell told Trump that Bannon was targeting senators who were supporters of Trump's agenda, like Sens. Deb Fischer (R-Neb.) and John Barrasso (R-Wyo.). That point resonated with Trump, according to the person briefed, and McConnell went on to explain how past insurgent primary winners had wound up losing in the general election.

Trump's apparent commitment to stand by incumbent Republican senators against his former campaign CEO and White House strategist shows that even a tradition-bucking president may hew to the party line in the interest of moving his agenda forward and maintaining a governing majority.

McConnell, of whom Bannon has been publicly critical since he was ousted from his West Wing role in August, said that despite any differences between himself and Bannon, his goal was simple: "to win elections in November."

The Senate Republican leader said that regardless of who won during the party primaries, what mattered was that they carried their victory into the general election.

"You have to nominate people who can actually win because winners make policy and losers go home," he said. In a swipe at Bannon, he cited controversial Republican candidates from recent elections who, after beating more moderate opponents in primaries, lost to Democrats in what were widely seen as winnable races.

Bannon on Saturday ratcheted up his war against the GOP establishment — and McConnell specifically — as he vowed to challenge any Senate Republican who doesn't publicly condemn attacks on Trump.

"Yeah, Mitch, the donors are not happy. They've all left you. We've cut your oxygen off," Bannon said during a speech to religious conservatives at the Values Voter Summit in Washington.

"There's a time and season for everything and right now it's a season of war against a GOP establishment," Bannon added. "It's no longer acceptable to come and pat you on the head and tell you everything is going to be fine just to get those people in office."

Since leaving the West Wing, Bannon has raised his public profile, holding campaign events and delivering speeches to further his campaign against establishment figures. He's also relying on the powerful forces of the Breitbart News platform and the support of the ultrawealthy Mercer family to further his agenda.

Trump's own frustration with GOP establishment leaders was clear on Monday. He told reporters earlier in the day that he "can understand where Steve Bannon is coming from" given Republican lawmakers' failure so far to pass Obamacare repeal, tax reform and other big ticket items.

While Trump stressed that he had "great relationships with many senators," he gave a grim assessment of the work by GOP lawmakers on Capitol Hill. "They are not getting the job done," Trump told reporters while meeting with his Cabinet. "And I'm not going to blame myself. They are not getting the job done."

The president added that "there are Republicans frankly that should be ashamed of themselves" for their inability to follow through on repealing the Affordable Care Act and passing major tax reform legislation.

But at the Rose Garden news conference, Trump and McConnell, standing side by side, sought to strike a united front.

"We've been friends for a long time. We are probably now — despite what we read — we're probably now, I think, at least as far as I'm concerned, closer than ever before," Trump said, glossing over their public feuding in recent months. "And the relationship is very good. We're fighting for the same thing."

"I wanna underscore what the president said: We have the same agenda," McConnell said.

Trump has also already shown a comfort in breaking with Bannon, joining McConnell to support

Alabama Sen. Luther Strange against a primary challenge from the far-right former judge, Roy Moore.

Moore won by about 9 points, and Bannon introduced him for his victory speech.

Alex Isenstadt contributed to this report.

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Trump White House fed up with the Senate Back

By Burgess Everett and Josh Dawsey | 10/16/2017 07:01 PM EDT

President Donald Trump and Mitch McConnell stood side by side at the White House Monday afternoon to declare they're "together totally" and "very united" heading into this fall's tax reform battle.

But behind the scenes, Trump, his administration and even some senators are increasingly worried that taxes will go the way of Obamacare repeal in the Senate: Months of bickering ending in extreme embarrassment.

The debate hasn't even started on the GOP's plan, yet some senators are pushing their own tax proposals, while others are increasingly emboldened to defy the Republican president. It's a dangerous mix considering that McConnell can lose only two votes assuming Democrats band together in opposition.

"We look at the Senate and go: 'What the hell is going on?'" White House budget director Mick Mulvaney said in an interview Friday.

"The House passed health care, the House has already passed its budget, which is the first step of tax reform. The Senate hasn't done any of that. Hell, the Senate can't pass any of our confirmations," Mulvaney fumed in an interview, slapping a table for emphasis. "You ask me if the Republican-controlled Senate is an impediment to the administration's agenda: All I can tell you is so far, the answer's yes."

The revulsion for the Senate's age-old traditions and byzantine procedure boiled over in public repeatedly on Monday. Trump complained in front of TV cameras that the Senate is "not getting the job done" and said he sees where Steve Bannon — his former chief strategist now planning to run primary challengers against incumbent Republican senators — "is coming from."

And House Speaker Paul Ryan (R-Wis.), when asked Monday to name the biggest impediment to tax reform, replied: "You ever heard of the United States Senate before?"

Shortly after, Trump and McConnell held an unusual 40-minute unity news conference intended to sooth a jittery party that's watched Trump attack "Mitch M" for failing on health care reform and McConnell assert that Trump had "excessive expectations" for Congress. Trump suggested he would try to get Bannon to back off on some of McConnell's incumbents, and McConnell sought to keep the tax reform critics at bay after Trump said he wants it done this year.

"We're gonna get this job done and the goal is to get it done by the end of the year," McConnell said after lunching with the president. The meeting had been long-planned, but the impromptu news conference was Trump's idea, two sources familiar with the event said.

McConnell is expected to hold a vote this week on the budget — a precondition for tax reform — and GOP aides expect it to pass. That will relieve some of the pressure on the chamber, which has been receiving flak nonstop from donors, House members and the president since the health care implosion this summer.

Administration officials are hoping that frustration produces enough pressure to force the Senate to pass tax reform. But already, there are signs of trouble.

Sen. Ron Johnson (R-Wis.) is so skeptical that the Senate can enact the GOP's tax framework that he's begun pitching his own tax plans to colleagues. It would shift the burden of corporate taxes onto shareholders and allow individuals to opt out of the existing tax code and into a system without the confusing array of tax preferences and deductions that people can now choose.

It's radically different from what congressional leaders and the president proposed. But Johnson said in an interview that leadership's plan "is going to be very difficult to pass. We've already seen with the outline now, with the principles given, that's going to be a challenge."

"I don't want to be a problem child here, but what I'm offering is a plan B," Johnson added. "If they can't get the votes ... I've got an alternative."

Senate Majority Whip John Cornyn (R-Texas) brushed off any negativity about the Senate's work, insisting that he never thought the party's agenda is "off track." But he said the sniping from Mulvaney and Ryan — and skepticism from some Republican senators about the prospects for tax reform — is not helpful.

"I don't think that sort of thing is very constructive myself," Cornyn said Monday.

The House is sure to labor to pass tax reform, too. Members from high-tax states are already rebelling against plans to gut the deduction for state and local taxes. But two White House officials said the most serious concerns are in the Senate.

"I was really not happy that this Congress couldn't control its own members and get to a winning vote on health care," said Sen. David Perdue (R-Ga.). "This tax code is something we've got to do. We've got to do that this year. It's a test of the Republican majority."

But like with health care, the tax reform process is moving more slowly than many Republicans would like. There's no bill yet, for starters. And White House officials have deliberately left some policy details vague because they're unsure what it will take for various senators to get on board and want to leave their options open, one of these people said.

The White House officials expect a multitude of demands from Sen. Bob Corker (R-Tenn.) regarding the deficit, and from Sen. Rand Paul (R-Ky.) on middle-class tax cuts. Nevada Sen. Dean Heller, perhaps the most endangered Republican senator on the ballot next year, is expected to have his own asks.

Other moderate Republicans senators are expected to hold major sway as well, including Lisa Murkowski of Alaska and Susan Collins of Maine. Another wild card is Sen. John McCain (R-Ariz.), who has voted against past tax cuts and cast the decisive vote against Obamacare repeal.

"We're expecting to have to make some deals here," one official said.

Rattled that many senators are still on the fence, the Koch network encouraged its donors at a recent retreat to call Republican senators and push them to vote for tax reform. Vice President Mike Pence told donors at the Koch summit that they thought they could convince Paul and that Trump planned to travel more to win over wavering senators.

And after working for months on an Obamacare repeal-and-replace bill that went nowhere, senators say they feel more urgency than they ever have on taxes.

"If you just stand there you get run over," said Sen. John Kennedy (R-La.). "I don't want to see what happened to us on health care happen to us on tax reform. Which is basically, we analyze it until we are paralyzed."

If that happens again, Republicans are warning of dire consequences: Losing the House and possibly the Senate, and inviting a new wave of ire at incumbents. In an urgent plea over the weekend, Sen. Lindsey Graham (R-S.C.) even suggested on CBS' "Face the Nation" that if the party can't pass tax reform and repeal Obamacare within the next few months, "it will be the end of Mitch McConnell as we know it."

People close to Trump said the White House isn't there yet.

"We don't get into leadership races down here," Mulvaney said. But maybe, he suggested, the pressure on McConnell and "the Senate's failure to pass health care might actually help us to get tax reform passed. Because I think they know they need to get something done."

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Today's Playbook Power Briefing presented by BP

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Friday afternoon. SPOTTED: Sen. Susan Collins (R-Maine), receiving a round of applause at the Bangor Airport this morning. **...** Mitch McConnell waiting at DCA for a flight to Louisville this morning. ... Making the rounds in the West Wing on Friday afternoon, GOP strategist J. Hogan Gidley.

WHAT WE'VE HEARD is that there are talks beginning between individual members of the House and Senate on charting a way forward for health care. Rep. Mark Meadows (R-N.C.), the leader of the Freedom Caucus who is close with President Donald Trump, is reaching out quietly to members of the Senate, including Sen. Lindsey Graham (R-S.C.). Graham is also talking to Trump today. There is a belief across the GOP on the Hill, however, that there is not a single product that can get through the House and Senate, so they have their work cut out for them.

SEN. CHUCK SCHUMER (D-N.Y.) and **HOUSE MINORITY LEADER NANCY PELOSI (D-CALIF.)** have both reached out to Ryan since the Senate bill went down. This becomes much more complicated internally for Republicans if they start working with Democrats.

THE SENATE and **HOUSE** are now scheduled to be out of session until Sept. 4.

SPEAKER PAUL RYAN: NEXT UP? TAX REFORM. BUT GET TO WORK IN THE SENATE ON HEALTH CARE! -- "While the House delivered a bill to repeal and replace Obamacare, unfortunately the Senate was unable to reach a consensus. I am disappointed and frustrated, but we should not give up. I encourage the Senate to continue working toward a real solution that keeps our promise. We have so much work still to do, and the House will continue to focus on issues that are important to the American people. At the top of that list is cutting taxes for middle class families and fixing our broken tax code. I'm glad that members will now take time to hear directly from those they represent and make the case for historic tax reform that we intend to pursue in the fall."

REINCE PRIEBUS and **ANTHONY SCARAMUCCI** are on AF1 with Trump to New York. Scaramucci said it was "better not to comment" on his phone call to the New Yorker's Ryan Lizza to pooler Sarah Westwood of the Washington Examiner.

FROM THE PRESIDENT -- @realDonaldTrump at 9:46 a.m.: "If Republicans are going to pass great future legislation in the Senate, they must immediately go to a 51 vote majority, not senseless 60..." ... **at 10 a.m.:** "...Even though parts of healthcare could pass at 51, some really good things need 60. So many great future bills & budgets need 60 votes...."

PRESIDENT TRUMP is holding a rally Aug. 3 in Huntington, W.Va.

IF YOU'RE GOING TO Politicon in California tomorrow, Jake and Anna are moderating the "Trump vs. the Media" panel at 3:30 p.m. local time. The panel will have Bill Kristol, Jason Miller, Jon Lovett and Symone Sanders, so make sure to stop by! Who won't be at Politicon? Anthony Scaramucci -- WaPo's Abby Phillip reports that he pulled out "overnight."

****** **A message from BP: We produced and refined 1.3 million barrels per day of oil and natural gas last year - enough energy to light the entire country.** *Flip through our Economic Impact Report to learn more.* ******

ANOTHER DPRK LAUNCH -- "US detects North Korea missile launch," by Zachary Cohen and Barbara Starr: "The US detected a ballistic missile launch out of North Korea at approximately 10:45 am. EST on Friday, the Pentagon confirmed to CNN. They are assessing the launch and will have more soon. Japanese Prime Minister Shinzo Abe told Japanese broadcaster NHK: 'I have received the first report that North Korea again launched a missile and it possibly landed inside the exclusive economic zone.'" http://cnn.it/2tQ1EMg

ALEX CONANT in POLITICO Magazine, **"Why Trump's White House Won't Stop Leaking:** Sorry, Anthony Scaramucci. Your mole hunt is doomed": "President Trump is completely justified to be outraged about the leaks in his White House. But mole hunts inevitably lead only to more moles, and more leaks. Trump's White House is not leaky because of a few bad apples. The No. 1 reason why it leaks is because his team lacks unity. It's not without irony that many of the leaks are about the very staff infighting that is causing the leaks. ... The leaks are also the result of deep disloyalty, for which the president has only himself to blame. Trump demands blind loyalty from his subordinates. But blind loyalty does not exist in politics, except among sycophants and people without principles-neither of whom make for trustworthy aides." http://politi.co/2vOPjFz

ANALYZING A MOMENT -- "Watch The Shocking Moment John McCain Killed The Republican Health Care Bill," by BuzzFeed News' David Mack http://bzfd.it/2tQ2Qj6

****** **A message from BP: We operate an oil and gas pipeline network across**

America that spans nearly 4,000 miles - farther than New York to San Francisco. *Watch this short video for more on our U.S. footprint.* ******

HIGH ART -- "Donald Trump's Drawing of the New York City Skyline Just Sold for $29,184 at Auction," by ArtNet News' Henri Neuendorf: "According to Los Angeles-based auction house Nate D. Sanders, the work was created by the president for a charity auction promoting worldwide literacy in 2005 and was consigned to the auction house by the winner of the original charity event. The charity auction also included works by fellow Republican John McCain, and former Democrat Senator Joseph Lieberman, as well as actors Charlize Theron and Benicio Del Toro. The sketch is drawn on a large envelope made of a stock type of paper, and according to Michael Kirk of Nate D. Sanders auctioneers, there are only two other known variants of the drawing. The variants 'feature the same skyline with slight variations,' making it an extremely rare example of presidential memorabilia. On Thursday night, there were 11 bids for the drawing, starting at $9,000." http://artnt.cm/2u5nAhW

TO INFINITY AND BEYOND? -- "Will Trump get a man to Mars?," by Negassi Tesfamichael: "President Donald Trump made a bold promise in April: He would send a human to Mars during his first term - 'or, at worst, during my second term.' Vice President Mike Pence doubled down earlier this month. 'Here from this bridge to space, our nation will return to the moon ad we will put American boots on the face of Mars,' Pence said at the Kennedy Space Center. But just about everyone else is saying fat chance. Even Trump's space policy adviser for his campaign and transition says getting a man or woman on the face of Mars by 2024 is virtually impossible." http://politi.co/2tPWFeO

MEDIAWATCH -- TECH CRUNCH: "Laurene Powell Jobs' Emerson Collective is buying a majority stake in The Atlantic": "Emerson Collective, the organization founded by Laurene Powell Jobs, has agreed to purchase a majority stake in The Atlantic. In a memo to the staff of The Atlantic, chairman and owner David Bradley writes that he started looking for a buyer when he realized his sons were not interested in owning a media company. (Axios, which was backed by both the Emerson Collective and Bradley,obtained the memo.)

"Bradley, who is 64, says he will still own 'a large share' of the 160-year-old magazine, though it's 'likely' that he will sell his remaining stake to Emerson in three to five years. He also remains the full owner of the other Atlantic Media properties, including Quartz. Peter Lattman (previously the media editor at The New York Times) will become vice chairman of The Atlantic. Other than that, it sounds like the magazine's leadership will not be changing." http://tcrn.ch/2w6G1UV

-- "How Trump derailed MSNBC's centrist makeover," by Mic's Kelsey Sutton: "[T]he election of Donald Trump has complicated [an news-centric] evolution, raising the profile and popularity of MSNBC's liberal hosts just as [MSNBC and NBC News chairman Andrew] Lack sought to dial back the network's liberal identity. While MSNBC's dayside programming has indeed tottered toward the center of the political spectrum, its prime-

time shows, led by figures like Rachel Maddow and Chris Hayes, drives public perception of the channel as an anti-Trump liberal haven.

"Five company insiders told Mic they believe Lack is caught in between these two MSNBCs. The sources, who spoke to Mic on the condition of anonymity to protect their jobs or their relationships with the company, said Trump's unexpected presidential win has complicated Lack's plans to move to the center. Amid this channel reinvention, many of the high-profile diverse voices and faces have disappeared from the screen, making some both inside and outside the company worry that diversity, for which MSNBC was once celebrated, has been put on the back burner." http://bit.ly/2tPVpbm

-- @mlcalderone: "After three decades at NYT, [Michael R. Gordon] taking buyout. Memo" http://bit.ly/2u5FiBW

TRANSITIONS -- Loni Hagerup and **Matt Bisenius** will both be co-chiefs of staff in Rep. Jim Sensenbrenner's (R-Wis.) office starting in August. Hagerup is currently Sensenbrenner's deputy chief of staff and Bisenius is director of legislative affairs at the National Propane Gas Association. Current Chief of Staff **Bart Forsyth** has accepted a new position with the PhRMA.

SPOTTED last night at the Capitol Hill American Legion attending "A Capitol Benefit" for those injured June 14 at The Congressional Baseball Game practice: Rep. Collin Peterson (D-Minn.) on stage with band the Second Amendments, Rep. Rick Crawford (R-Ark.), on stage with the Wil Gravatt Band, Fred Humphries, Suhail Kahn, Ryan Thompson, Phil Bianchi, Erica Arbetter, Ben Cantrell, Jana Plat, Kelle Strickland and Kenny Hulshof. Proceeds benefited the Capitol Hill Police Memorial Fund.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Hadas Gold - POLITICO Media
Sent: Mon 8/14/2017 9:43:22 AM
Subject: Morning Media: New Trump ad attacks the media -- Doc crew filming New York Times reporters -- James Risen joins The Intercept

By Hadas Gold | 08/14/2017 05:41 AM EDT

With Alex Weprin

TALK ABOUT TIMING. THE DAY AFTER THE HORRIFIC EVENTS IN CHARLOTTESVILLE, PRESIDENT DONALD TRUMP'S CAMPAIGN RELEASED A NEW AD. But instead of a message about something like uniting the country, the ad goes after Democratic politicians and the media, claiming the media is "attacking our president," accompanied by a photo splash of CNN and MSNBC anchors. "The president's enemies don't want him to succeed" the ad says over a second iteration of the photo splash.

MEANWHILE, THE PRESIDENT TOOK A WHILE TO COME AROUND TO CONDEMNING NAZIS AND WHITE SUPREMACISTS THIS WEEKEND, with the White House finally updating its original statement on the violence in Charlottesville. Via my colleague Nancy Cook : "The Trump administration on Sunday tried to reframe the president's earlier, vague statement that blamed "many sides" for violence in Charlottesville, Virginia, a day earlier, after his comments sparked outrage from at least a dozen prominent Republican lawmakers. In a statement, the White House sought to clarify that President Donald Trump condemns violence, bigotry and hatred, and it said 'of course that includes white supremacists, KKK, neo-Nazis and all extremist groups.'" But that statement remains only attributed to a White House official. "Press corps specifically asked this if statement this [morning] could be attributed on the record. Spox said no," tweeted Washington Examiner's Gabby Morrongiello who was pool reporter on Sunday.

"The problem with vague condemnations of hatred is they allow hate groups to interpret the condemnations as they see fit," CNN's Jake Tapper tweeted. Case in point: The neo-Nazi website The Daily Stormer praised the president's comments as "good" for not directly attacking them.

-- On Friday Trump told pool reporters he'd be holding a "pretty big press conference" on Monday. But the daily guidance released by the White House late last night makes no mention of a press conference today.

-- Vice President Mike Pence assailed the media for criticizing Trump, saying during a visit to Colombia that it was appropriate to criticize not only the white supremacists behind the "Unite the Right" march but also counter-protesters on the scene. "I will say I take issue with the fact that many in the national media spent more time criticizing the president's words than they did criticizing those that perpetrated the violence to begin with," he said.

-- The latest on the ground from Charlottesville via my colleague Ben Schreckinger.

FIRST IN MORNING MEDIA: A CREW IS FILMING INSIDE THE NEW YORK

TIMES for a documentary about the paper's coverage of the president, two sources told me. They've filmed meetings, reporters on the phone and other material in both Washington and New York. It's not clear who is behind the film and Times spokespeople declined to comment. But it wouldn't be the first time a documentary crew has been given ample access to the Times for a documentary. Remember "Page One", Andrew Rossi's 2011 documentary about the Times (and its media columnist David Carr) in a changing technological era? If you haven't seen, I highly recommend it.

Good morning and welcome to Morning Media! Until Aug. 16 you can reach me at hgold@politico.com / and forever more at @Hadas_Gold. Morning Media is edited by **Alex Weprin** (@alexweprin / alexweprin@gmail.com) and produced with writing/reporting help from **Cristiano Lima**. (clima@politico.com / @ludacristiano). Archives. Subscribe.

RUPERT MURDOCH DINED WITH PRESIDENT TRUMP EARLIER THIS MONTH, CNN reports. The two are known to be in touch frequently, often speaking often by phone. A White House dinner isn't that surprising, even though Murdoch's Wall Street Journal is getting tougher on Trump in its editorial content. Murdoch, of course, also leads Fox News, which is arguably Trump's biggest defender in the mainstream media.

YASHAR ALI'S LAWYERS ARE DEMANDING ERIC BOLLING DROP HIS LAWSUIT, writing in a letter to Bolling on Friday that the the suit is "utterly devoid of merit." The letter notes that the Fox News host chose to only target Ali in his $50 million lawsuit, not HuffPost, which Ali's lawyer, Patricia Glaser, claims is "a calculated effort to harass and intimidate Mr. Ali personally." Bolling remains suspended from Fox which says an investigation into his alleged sending of lewd text messages is ongoing.

-- In a statement to HuffPost, Bolling's lawyer said "it is ironic and telling that Ms. Glaser accuses us of a publicity stunt in a letter she has yet to send me and that I learned about from the New York Times ... She is right about one thing, no evidence has been produced about these claims, and that is why we filed suit so that the evidence and truth will come out."

-- Ali's lawyer's letter is not the formal response to the summons with notice that Bolling filed last week, so Ali still needs to formally respond. "If they choose not to withdraw their claim, we will defend Yashar Ali vigorously. We don't believe this claim has any merit," one of Ali's lawyers, Jill Basinger told me.

MATT DRUDGE THINKS STEPHEN BANNON IS A WHITE HOUSE LEAKER according to the Daily Caller. Drudge, who for reasons unknown has long portrayed Bannon in a negative light on his influential site, "has previously suspected Bannon of leaking in an email reviewed by TheDC, and he is known to link to articles that paint reported Bannon foe Jared Kushner in a positive light," the Daily Caller reports. The tidbit was part of a larger, sort of insane story about former Trump advisor Sam Nunberg threatening dire consequences for Drudge if Bannon is fired.

ALASKA DISPATCH NEWS FILES FOR BANKRUPTCY, NAMES NEW PUBLISHER: Alaska's largest newspaper filed for Chapter 11 bankruptcy protection over the weekend and will

soon be sold to siblings Ryan Binkley, Wade Binkley, James Binkley and Kai Binkley Sims, as well as Alaska Media LLC, which owns three rural Alaska newspapers, the Dispatch reports. The Binkley family is "an Alaska family that made its fortune hauling freight and tourists on the Yukon River and its tributaries, and a company that owns rural newspapers in the state."

OMAROSA APPEARANCE AT NABJ CONFERENCE CAUSES UPROAR , via Cristiano Lima: White House aide Omarosa Manigault's panel appearance caused an uproar at the National Association of Black Journalists annual conference in New Orleans on Friday. Manigault, director of communications for the Office of Public Liaison and an assistant to president Donald Trump, repeatedly received jeers and groans from the crowd during her comments, according to social media posts from numerous journalists in attendance. The panel featured appearances from relatives of prominent victims of police violence, but the discussion was frequently derailed as Manigault engaged in several heated exchanges with others onstage. At one point, Manigault was pressed on Trump's July comments that seemed to encourage police violence during arrests. At first Manigault hesitated, according to multiple reporters in attendance, before affirming she felt the comments had been out of line. Read more here.

REVOLVING DOOR:

-- James Risen, the legendary Pulitzer-prize winning national security reporter, is joining The Intercept to cover national security. Risen will also be director of First Look's Press Freedom Defense Fund. He recently took a buyout at The New York Times. [HuffPost]

-- The Washington Post has announced a "rapid response investigative team" that includes Beth Reinhard, who joins from The Wall Street Journal, Jack Gillum, who joined the Post in June from the Associated Press, Andrew Ba Tran, who joined in May from the Connecticut Mirror, and current Posties Shawn Boburg, Emma Brown and Aaron Davis. [Washington Post]

SOUNDBITE: "Nazis are a lot like cats. If they like you, it's probably because you're feeding them." -- [John Oliver]

TIL: The man who created Wonder Woman also contributed to the invention of the polygraph test [National Academy Press].

EXTRAS:

-- Fox News once called leak investigations into journalists "chilling." Now? Not so much, Margaret Sullivan finds. [Washington Post]

-- A man claiming to be Andrea Tantaros' ghostwriter is suing the former Fox News host. [Courthouse News]

-- After firing Jeffrey Lord and losing Kayleigh McEnany, will CNN seek to hire more pro-Trump voices? [THR]

-- "It's not easy being the first and only Fox News host in Silicon Valley." [NY Times]

-- Rolling Stone retracted a story for mischaracterizing comments it originally attributed to Charlamagne Tha God. [Rolling Stone]

-- Former New York City mayor and current media mogul Michael Bloomberg has an op-ed in The Guardian, taking aim at Trump and climate change. [The Guardian]

-- RIP Wayne Woodlief, Boston Herald political columnist, who died this past week at age 82. [Boston Herald]

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/08/14/new-trump-ad-attacks-the-media-doc-crew-filming-new-york-times-reporters-james-risen-joins-the-intercept-001331

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Thur 8/3/2017 2:05:23 PM
Subject: POLITICO's Morning Energy: FERC quorum a-coming? — Pruitt reverses course on ozone delay — No place like Gold King in August

By Annie Snider | 08/03/2017 10:00 AM EDT

With help from Eric Wolff, Alex Guillén, Darius Dixon and Esther Whieldon.

FERC QUORUM SO CLOSE YOU CAN ALMOST TASTE IT: Late Wednesday, the White House officially sent the nominations for FERC nominees Rich Glick and Kevin McIntyre to the Senate, raising the prospect that the agency's six-month stretch without a quorum will finally get resolved, Darius Dixon reports.

FERC has been unable to make major decisions on everything from interstate natural gas pipelines to liquefied natural gas export terminals to anti-market manipulation cases since early February. With the paperwork delivered, particularly for Democratic nominee Glick, the industry's Eye of Sauron-like attention is trained entirely on the Senate. GOP nominees Neil Chatterjee and Rob Powelson received approval from the Senate Energy and Natural Resources Committee in June, but their confirmations were stalled by Democrats amid battles over Obamacare and the tradition of molding bipartisan nomination packages for the agency.
The calculation happening now is determining whether Glick's nomination - rather than his actually confirmation - is enough for Democrats to accept Chatterjee and Powelson being confirmed before the Senate skips town for recess. "They're trying to structure a package that gets both sides interested enough to get everybody behind it," Sen. John Thune, the GOP No. 3, told ME. "I know that the FERC absences are on everybody's radar screen." Other senators said they expect a plan for FERC action to materials today.

Nominations across the federal government have been piling up for potential 11th-hour action ahead of the Senate's plans to depart for its abbreviated August break, no later than next week. The White House also officially delivered nominations Wednesday for John Henderson to lead the Air Force's energy, environment and installations program and Ryan Nelson to be Interior Department Solicitor.

In the meantime, Senate Majority Leader Mitch McConnell teed up a noon vote today on Dan Brouillette's nomination to be Deputy Secretary of Energy.

Optimistic Yucca foe: Nevada Sen. Dean Heller, who held up the nomination to protest Brouillette's support for a nuclear waste repository in his home state, lifted that hold after making progress on Yucca Mountain, his office told ME, declining to elaborate.

PRUITT REVERSES COURSE ON OZONE IMPLEMENTATION DELAY: EPA Administrator Scott Pruitt has dropped his plan to delay a key step in implementing the 2015 ozone standard - deciding which areas hit the air quality target. Pruitt had originally said he didn't think EPA had the necessary data to decide on the designations by the Oct. 1 deadline, a move that drew lawsuits from environmental groups and blue states. But a pre-publication

Federal Register notice Pruitt signed Wednesday says that "the information gaps that formed the basis of the extension may not be as expansive as we previously believed."

The notice hints, however, that there may yet be regional delays made on a case-by-case basis. "The Administrator may still determine that an extension of time to complete designations is necessary, but is not making such a determination at this time," it states. Here's Alex Guillén with more.

YOU MADE IT TO THURSDAY! I'm your fill-in host, Annie Snider, and I know it's not surprising, but I am still impressed with y'all's knowledge of nuclear history. Dan Meyer of the Duberstein group was the first across the finish line with yesterday's trivia, correctly answering that the August 2, 1939 letter written by Leo Szilard and signed by Albert Einstein warned President Franklin D. Roosevelt that Germany could develop an atomic bomb and urged the U.S. to begin its own nuclear program - which eventually became the Manhattan project. Dan has today's question: Name the official currently in the line of presidential succession who is ineligible to be president. Send your guesses - and your tips, energy gossip and comments to asnider@politico.com or follow us on Twitter @AnnElizabeth18, @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

THE GLASS IS NOW 40 PERCENT FULL: EPA put out an annual report Wednesday touting decreased emissions amid a growing economy over the last quarter-century - old news to those following the issue. But as Mother Jones reporter Rebecca Leber pointed out Wednesday on Twitter, the 40 percent non-attainment rate for ozone EPA Administrator Scott Pruitt has used in the past to attack the Obama administration's environmental record is now an EPA win. "Despite this success, there is more work to be done," Pruitt said in a statement. He vowed to work with states to improve air quality. Environmentalists also noted a changed tune. EPA's report credits the pollution reductions to "implementation of the Clean Air Act and technological advancements." As the NRDC's John Walke pointed out, many innovations came about because of demand created by regulations. "It's not like electric utility sector was clamoring for scrubbers prior to any Clean Air Act rules warranted using them," he wrote.

ANNIVERSARY GETAWAY: Pruitt is scheduled to tour the Gold King Mine with Colorado Gov. John Hickenlooper (D) and Sen. Cory Gardner (R-Colo.) on Friday, just ahead of the 2-year anniversary of the 2015 spill of 3 million gallons of wastewater by an EPA crew, the Denver Post reports. The disaster has become a favorite example for congressional Republicans of EPA ineptitude.

Gina McCarthy, who was EPA administrator at the time of the spill, visited command centers and people affected by the toxic wastewater that eventually reached the Colorado River, but did not visit the actual mine. EPA said at the time that the area was too remote and difficult to access, and that they did not want to interfere with emergency operations underway.

Road-trippin': Already on the road, Pruitt swung through Indiana Wednesday, where he spoke Wednesday with Gov. Eric Holcomb (R) and farm interests about the Waters of the U.S. rule, which EPA is in the midst of withdrawing and rewriting, and also visited Liberty Mine. Next week he'll be back on the topic of the water rule while in North Dakota, the Bismarck Tribune

reports.

INTERIOR NO. 2 CALLS OUT EMPLOYEES WHO "PARROT" SPECIAL INTERESTS: After being sworn in as Deputy Interior Secretary on Tuesday, David Bernhardt sent a missive to department employees calling out "a few people" who he said "parrot comments of special interests rather than carry out their governmental duties." Bernhardt, who was opposed by most Senate Democrats, in part over potential conflict of interests concerns related to his former job as a lobbyist and lawyer for various industries, warned employees in the email obtained by POLITICO that such people "often avoid grounding their views in the actual facts or the law." Esther Whieldon's got the rundown here.

FALSE ALARM? Some climate change information disappeared from the Department of Agriculture's website late last week before reappearing late yesterday, according to a report from the Environmental Data & Governance Initiative. The missing pages from USDA's "Climate Hubs," which provide tools to help farmers and land managers adapt to climate change, "were the result of the site being migrated to a new server," an agency spokeswoman said.

Agriculture Secretary Sony Perdue and the nominee to be his chief scientist, Sam Clovis, have both questioned human-caused climate change. But Perdue has said he's committed to "digging ever deeper" into research about agricultural production in a changing climate.

NOTHIN' TO SEE HERE: Southern Co. CEO Tom Fanning spent Wednesday morning trying to squash speculation that the Vogtle nuclear project is facing a similar fate to the two-reactor project slated for shutdown in South Carolina. On a call with analysts, Fanning argued "there are a host of differences" between the two projects, with project backers on track to decide by the end of this month how to proceed. Here's Darius Dixon with more.

SPECIAL COUNSEL INVESTIGATING OBAMA-ERA WHISTLEBLOWER FIRING: The U.S. Office of Special Counsel has launched a whistleblower investigation into the Obama administration's firing of an Interior Department employee who raised concerns over the agency's plan to approve Shell's Arctic offshore drilling lease, Esther Whieldon reports. The U.S. Merit Systems Protection Board this week granted the counsel's request to require the agency to reinstate Jeffrey Missal as the regional environmental officer with the agency's Bureau of Safety and Environmental Enforcement in Anchorage, Alaska while the office of special counsel investigates.

A MONIZ FOR THE AGES: Former Energy Secretary Ernest Moniz returned to old stomping grounds at the Energy Department Wednesday as a guest of honor for the unveiling of his official portrait to an auditorium of current and former agency employees. NNSA Administrator Frank Klotz presided, and Moniz's successor, Rick Perry, gave speech. Both Moniz and Perry got plenty of laughs out of the attendees, which included ex-Energy Secretary Bill Richardson, former DOE deputies Elizabeth Sherwood-Randall and Dan Poneman, and Obama Health and Human Services chief Sylvia Burwell, who is now president of American University.

Moniz quipped that he was honored so many people gathered for his "official designation as a historical artifact" before engaging in an extended explanation of everything in Chris Saper's

painting, which included "The Future of Natural Gas" report he led while at MIT, a DOE Quadrennial Technology Review, the Obama administration's Quadrennial Energy Review - an effort he pushed for well before he was secretary - and the Iran nuclear agreement he helped negotiate. DOE's Flickr account has dozens of photos.

GREENS, DEM STATES URGE COURT AGAINST HEARING METHANE APPEAL: The coalition of Democratic states and environmental groups that challenged EPA Administrator Scott Pruitt's 90-day stay of the methane rule for new oil and gas wells yesterday urged the D.C. Circuit Court of Appeals not to hear an appeal. The full court on Monday reinstated the rule while it considers requests from industry groups and Republican states for an appeal heard by all 11 judges. The stay's opponents argued yesterday that the case "does not come close to satisfying the demanding standards for granting *en banc* rehearing." EPA has remained silent on the matter so far, but may weigh in by this afternoon's final brief deadline, along with the stay's industry and state supporters. The court could decide whether to hear the appeal as soon as Friday.

EPA PANEL ON PRUITT CO2 REMARK: OPINIONS DON'T VIOLATE INTEGRITY POLICY: After a letter circulated in conservative news outlets Tuesday clearing Pruitt from scientific integrity allegations for his controversial remark that carbon dioxide is not the primary driver of climate change, the agency released a four-page report Wednesday compiled by five senior career staffers. The panel found Pruitt's comment did not violate the agency's scientific integrity policy because it was not a "significant departure from accepted practices of the relevant scientific or scholarly community." However, the report did not discuss how the remark diverged from scientists' consensus, and concluded "expressing an opinion" does not violate the integrity policy.

ZINKE TAKES ANOTHER MONUMENT OFF CHOPPING BLOCK: Interior Secretary Ryan Zinke on Tuesday announced he will recommend Trump leave intact the Upper Missouri River Breaks National Monument in central Montana. "The monument is one of the only free-flowing areas of the Missouri that remains as Lewis and Clark saw it more than 200 years ago," Zinke said in a statement. Zinke has until Aug. 24 to send his recommendations on the remaining monuments on his list.

BIODIESEL'S DC TEAM MOTORS AWAY: The National Biodiesel Board, which is based in Missouri, is losing two of its three Washington staffers. Anne Steckel, the head of the D.C. office, and Sandra Franco, the head of regulatory affairs and general counsel, are both leaving the group, NBB spokesperson Rosemarie Calabro Tully told ME. Chief Operating Officer Doug Whitehead will come to D.C. to run the office. The move comes at an awkward time, as lobbying is ramping up to get a biodiesel producers tax credit into any future tax overhaul bill, the group's members want EPA to increase the biodiesel requirements in the Renewable Fuel Standard, and they're looking to the Commerce Department to slap sanctions on Argentina and Indonesia.

MAINE LEGISLATURE SUSTAINS VETO ON SOLAR BILL: The Maine Legislature on Wednesday did not override Gov. Paul LePage's veto of L.D. 1504, a measure that would have had utility regulators formulate new recommendations on the future of net metering in 2019. The Legislature passed the measure in June with a veto-proof majority but on Tuesday the House fell short of the votes needed to override the veto.

REPORT SAYS STATES ILL-EQUIPPED TO TAKE ON ESA: A report out Tuesday by University of California Irvine School of Law suggests that most states are legally and financially ill-equipped to take over protecting and recovering threatened and endangered species. It notes that state expenditures on conservation of federally listed species make up only about 5 percent of total national spending on ESA, and found that compared with the requirements of the Endangered Species Act, some state laws fall short.

MOVER, SHAKER: Monica Trauzzi, managing editor and anchor of E&E News' video operation, is heading to the Nuclear Energy Institute in September as senior director of external communications.

Joan Card, a Western water expert who served as senior policy advisor in EPA's Region 8 office until January, has joined the natural resources consulting firm Culp & Kelly, LLP.

QUICK HITS

- Pacific Northwest threatened by hottest weather ever recorded. Washington Post.

- Tesla's quarterly loss widens as it rolls out the mass-market Model 3. New York Times.

- Kentucky coal employment, production declined in last three months. Lexington Herald Leader.

- China's nuclear export ambitions run into friction. Financial Times.

- OPEC's catch-22: How to unwind its deal to cut oil output. Wall Street Journal.

THAT'S ALL FOR ME!

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http://www.politico.com/tipsheets/morning-energy/2017/08/03/ferc-quorum-a-coming-221678

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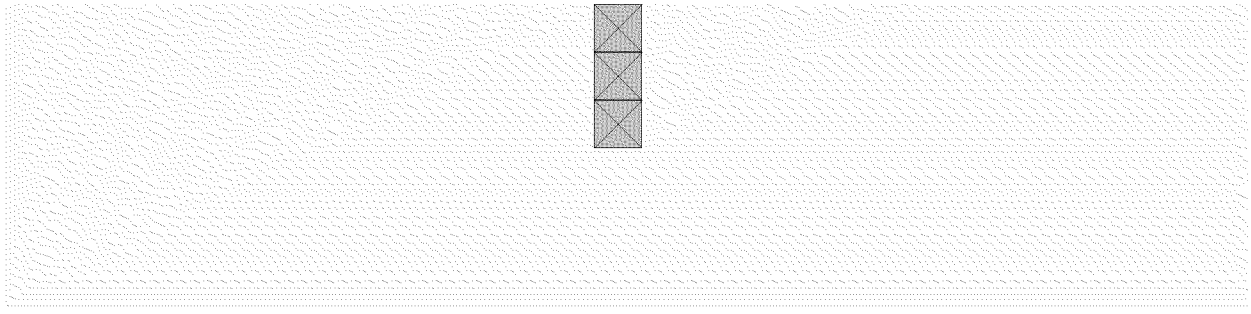
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From: American Security Today
Sent: Mon 10/9/2017 10:02:41 AM
Subject: NYC Terror Plot, ICE Blasts SB54, Bomb Threats Arrest, LV Mystery, OJP Protects Kids, Ask TSA





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 12/1/2017 4:22:09 PM
Subject: BREAKING NEWS: Flynn pleads guilty to lying to the FBI

Former White House national security adviser Michael Flynn pleaded guilty Friday to one felony count of making a false statement to the FBI.

It's the latest step in the investigation by special counsel Robert Mueller into Russian meddling in the 2016 election that is closing in on President Donald Trump's close associates.

Trump's former national security adviser admitted to one count of lying to FBI agents about conversations he had with Russia's then-ambassador to the U.S., Sergey Kislyak, during the presidential transition period in late December 2016.

Read the full story here.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 10/18/2017 7:58:23 PM
Subject: Barrasso aims to reschedule nominee vote next week

By Anthony Adragna

10/18/2017 03:56 PM EDT

Environment and Public Works Chairman John Barrasso said today he hopes to reschedule a markup on several EPA, NRC and federal highway nominees for next week.

Asked why today's scheduled vote was shelved, Barrasso told POLITICO "one of the members wanted to get a little additional information from one of the nominees," but he declined to provide further details.

But the chairman was likely referring to Iowa Sen. Joni Ernst, who declined to voice her support on Tuesday for air chief nominee Bill Wehrum.

Ernst's office did not respond to requests for comment. Republicans hold an 11-10 majority over Democrats on the committee so they cannot afford any defections.

The other nominations likely to get votes when the vote gets rescheduled include Michael Dourson for EPA chemicals chief, David Ross as head of the EPA water office, Matthew Leopold for EPA general counsel, Jeff Baran's re-nomination to the NRC and Paul Trombino's selection to be administrator of the FHWA.

WHAT'S NEXT: Barrasso hopes to schedule a vote on the various nominees next week.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/barrasso-aims-to-reschedule-nominee-vote-next-week-094470

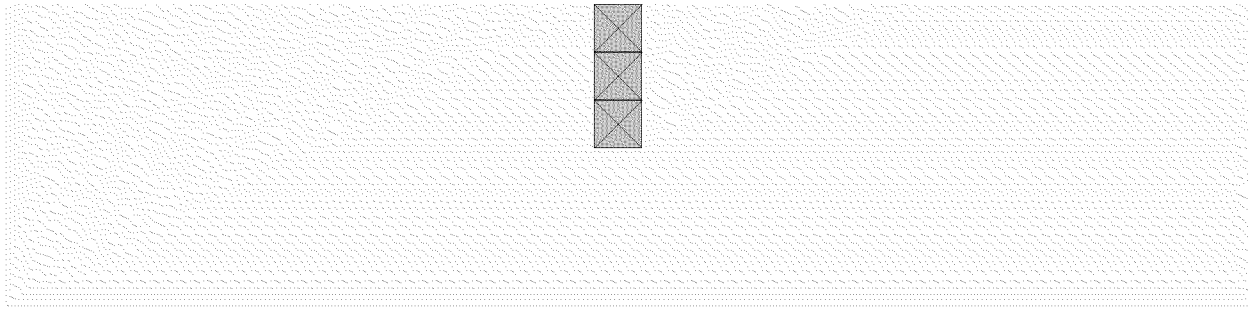
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Tue 8/22/2017 11:26:00 AM
Subject: OH Judge Shot, Search for USS McCain Sailors, USS Indianapolis Found, Coast Guard Rescue





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 9/27/2017 5:14:12 PM
Subject: BREAKING NEWS: Trump on whether he'll fire Price: 'We'll see'

President Donald Trump on Wednesday expressed his sharp displeasure with Secretary of Health and Human Services Tom Price over his use of expensive private jets, and said "we'll see" when asked by reporters if he would fire Price.

"I was looking into it and I will look into it. And I will tell you personally, I'm not happy about it," Trump said in a brief exchange with reporters. "I am not happy about it. I'm going to look at it. I am not happy about it, and I let him know it."

POLITICO revealed that Price has flown 26 times on private aircraft since last May at a cost of hundreds of thousands of dollars, a break with the practice of his predecessors who generally took commercial flights.

Read more: http://www.politico.com/story/2017/09/27/trump-price-243211

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From: Bloomberg Environment
Sent: Mon 12/4/2017 9:46:34 PM
Subject: Environment & Energy Report Highlights

Environment & Energy
Monday, December 04, 2017

Highlights

Leading the News

Trump to Shrink Utah Monuments Holding Artifacts, Minerals

By Jennifer A. Dlouhy and Justin Sink

President Donald Trump said Dec. 4 that he'll shrink two national monuments in Utah that contain stunning red-sandstone vistas, historic relics and energy resources, arguing his predecessor overstepped in protecting the land.

Hardrock Miners Avoid Millions in Cleanup Assurance Costs

By *Sylvia Carignan*

Mining industry and state government representatives have convinced the EPA to back down from a Superfund regulation that would have cost the industry more than $170 million annually and required companies to pay for environmental cleanup.

Volvo, Truck Groups Say EPA Glider Plan Comes At Their Expense

By *Abby Smith*

Exempting some trucks from federal greenhouse gas emissions requirements "makes a mockery of the massive investments" companies such as Volvo have made to clean up their vehicles, industry representatives told the EPA.

Today's News

EPA Taps State Association Head for Air Office Deputy

By *Jennifer Lu*

The EPA has found the deputy assistant administrator for its air office in Clint Woods, who is stepping down as head of a state association of air pollution officials to join the federal agency.

Trump Disbands Group Meant to Prepare Cities for Climate Shocks

By *Christopher Flavelle*

The Trump administration has terminated a cross-agency group created to help local officials protect their residents against extreme weather and natural disasters.

Scalia Opinion Looms Over EPA Rethink of Waters Rule

By *Amena H. Saiyid*

An attorney cautioned the Trump administration Dec. 4 against rewriting the rule clarifying the reach of the Clean Water Act by relying solely on the late Justice Antonin Scalia's narrow reading of the law.

Dakota Access Judge Tightens Oversight Citing Keystone Rupture

By Andrew Harris

Citing the Keystone pipeline rupture in South Dakota last month, the federal judge overseeing a lawsuit over the Dakota Access pipeline ordered its builders, opponents and the Army Corps of Engineers to give him a spill-response plan by April 1.

Planes, Trains and Automobiles—America's New

Pollution King

By Tom Randall

For the first time in 40 years, power plants are no longer the biggest source of U.S. greenhouse gas pollution. That dubious distinction now belongs to the transport sector: cars, trucks, planes, trains and boats.

What We Know About How Tax Bill Affects Energy, Renewables

By Jonathan Levin, Andrew Pollack and Drew Armstrong

The tax bill passed by Republicans in the U.S. Senate over the weekend may boost profits for industries from banking to retail to fossil fuels. It also could put the squeeze on hospitals and renewable energy firms.

Tax Reform Losers from Biofuels to Coal to Get Second Chance

By *Ari Natter*

Energy lobbyists, who failed to get a range of expired breaks for biofuels to coal-fired power plants into the $1.5 trillion tax overhaul bill making its way through Congress, may get a second chance before the end of the year.

A $12 Billion Clean-Energy Tool That U.S. Tax Reform Could Kill

By Brian Eckhouse

The tax-reform proposal the U.S. Senate passed over the weekend would hobble—and potentially cripple—the supply of tax-equity investment, an esoteric but critical source of clean-energy finance.

Tax Reform Could Stifle JPMorgan's Support for Renewable Energy

By *Joe Ryan* and *Brian Eckhouse*

Clean-energy developers are learning the hard way that every line of the U.S. tax code is connected.

Texas Governor Asks EPA to Cut Biofuel Quotas, Citing Hardship

By Mario Parker and Jennifer A. Dlouhy

Texas Gov. Greg Abbott (R) asked EPA Administrator Scott Pruitt to lower conventional renewable-fuel quotas to no more than 9.7 percent of total gasoline consumption, saying that costs for biofuel credits "are creating a severe economic hardship for refiners," among other parties.

Ozone Delays Draw Lawsuit From Environmental Groups

By *Jennifer Lu*

Environmental groups made good on their promise to sue the EPA over delays in determining the areas in the U.S. where air quality does not meet federal ozone

standards.

China Is Said to Plan Extending Electric Vehicle Tax Rebate

By *Tian Ying*, *Heng Xie* and *Yan Zhang*

China is planning to extend a tax rebate on the purchase of new-energy vehicles after the incentive helped the country become the world's biggest market for clean fuel automobiles, according to people with direct knowledge of the matter.

Austria Doubles Down on Hydro in Bid to Green Its

Power Supply

By Jonathan Tirone

Austria's biggest utility expects to squeeze more profit from hydropower and upgrade its distribution grid as Europe shifts toward getting more of its electricity from numerous types of sources.

Brazil May Pour Nearly $3 Billion More Into Waterway Project

By *Michael Kepp*

Privatizing Brazil's state power company could pump another 9 billion reais ($2.34 billion) into the country's effort to revitalize the basin of its second largest waterway over the next three decades.

Tropical Countries Push Green Supply Chains for Forestry

By *Lucien O. Chauvin*

Countries that export tropical timber are pushing toward more sustainable forestry practices in response to demands from countries, such as China, for greener supply chains.

Friday Night Wrapup

Trump Agrees to Meet with Senators Warring Over Biofuel Policy

By *Jennifer A. Dlouhy* and *Ari Natter*

President Donald Trump has agreed to meet with key senators and Cabinet-level officials to discuss U.S. biofuel policy, according to four people familiar with the plan.

Exxon Claim of Bogus Schneiderman Probe Questioned by Judge

By Erik Larson

A federal judge questioned Exxon Mobil Corp.'s claim that a securities-fraud probe by New York's Attorney General is flawed because its focus shifted from a suspected climate-change cover-up to whether investors were misled.

Duffy Wants Flood Program Extension Separate From Spending Bill

By *Brandon Ross*

The chairman of the House Financial Services Committee's insurance panel wants extensions of the National Flood Insurance Program to be separate from a government spending bill, a Republican aide told Bloomberg Government.

Southern Strikes a Deal on Costs of Failed 'Clean Coal' Plant

By *Mark Chediak*

Southern Co. has reached an agreement with Mississippi regulators that would have customers paying less for a failed, $7.5 billion "clean coal" project.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Thur 10/5/2017 5:10:42 PM
Subject: Playbook Power Briefing, presented by Koch Industries: PAUL RYAN says bump stocks will be looked at -- White House to demand hardline immigration changes for DACA fix -- TRUMP could make IRAN DEAL announcement next week -- HOUSE passes BUDGET

View online version | Add politicoplaybook@politico.com to your address book.

Today's Playbook Power Briefing presented by Koch Industries

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Thursday afternoon. PROGRAMMING NOTE: Power Briefing will not publish on Monday, but still expect Playbook in your inbox in the morning.

PAUL RYAN told MSNBC host Hugh Hewitt that **BUMP STOCKS** need to be looked at: "Yeah, look, I didn't even know what they were until this week, and I'm an avid sportsman. So I think we're quickly coming up to speed with what this is. Fully automatic weapons have been banned for a long time. Apparently this allows you to take a semi-automatic, turn it into a fully automatic, so clearly that's something that we need to look into." http://nbcnews.to/2xk0GK8

-- "NRA bans bump stocks at its own firing range," by Lorraine Woellert: "Many firing ranges, including the one at National Rifle Association headquarters, ban the use of bump fire systems like that used by Las Vegas shooter Stephen Paddock, according to firearms experts. Bump stocks increase the speed at which bullets are fired and cause the entire weapon to move back and forth in the shooter's grip. As a result, they decrease accuracy and are less safe, the experts say." http://politi.co/2gdTODF

TRUMP INC. -- "Three Trump Cabinet members attended mining lobbyist meeting at Trump International Hotel," by WaPo's Dino Grandoni and Juliet Eilperin: "The National Mining Association drew the high-ranking officials to the fall board of directors meeting it held at Trump International Hotel, just blocks from the White House, on Tuesday and Wednesday. Interior Secretary Ryan Zinke was initially scheduled to attend, but according to the department's deputy communications director, Russell Newell, he 'is traveling and so was unavailable for the meeting.' Interior Deputy Secretary David Bernhardt attended Wednesday in his place.

"On Tuesday morning, Commerce Secretary Wilbur Ross headlined a general session. In the afternoon, Labor Secretary Alexander Acosta spoke with NMA members during a lunch sponsored by Jennmar Corp. and Royal Gold, a mining-equipment maker and precious metals company, respectively. And on Wednesday morning, Energy Secretary Rick Perry spoke at a breakfast sponsored by Komatsu Mining Corp., a

mining division of a Japanese conglomerate, posting about his speech on Twitter." http://wapo.st/2fTF9kb

WHAT'S NEXT FOR DACA -- "White House plans to demand immigration cuts in exchange for DACA fix," by Josh Dawsey, Andrew Restuccia and Matt Nussbaum: "The White House is finalizing a plan to demand hardline immigration reforms in exchange for supporting a fix on the DACA program, according to three people familiar with the talks - an approach that risks alienating Democrats and even many Republicans, potentially tanking any deal. The White House proposal is being crafted by Stephen Miller, the administration's top immigration adviser, and includes cutting legal immigration by half over the next decade, an idea that's already been panned by lawmakers in both parties.

"The principles would likely be a political non-starter for Democrats, infuriating Senate Minority Leader Chuck Schumer and House Minority Leader Nancy Pelosi, who have negotiated with President Donald Trump on immigration and left a White House meeting last month indicating a solution was near. They could also divide Republicans, many of whom oppose cutting legal immigration.

"Miller was upset after Trump's dinner with Schumer and Pelosi and has been working since to bring the president back to the tougher stance he took during his campaign." http://politi.co/2fTRiW7

-- "Flake tries to strike DACA compromise," by Burgess Everett: "[Sen Jeff Flake's (R-Ariz.) bill would give children who have been in the United States continuously since 2012, or those protected by the Deferred Action for Childhood Arrivals, conditional resident status for 10 years if they meet certain education or employment conditions. Eventually those people would be eligible for a green card, and ultimately, citizenship. Trump is set to rescind the DACA program in March and is urging Congress to act; he's met with both conservatives and Democrats in efforts to strike a deal.

"In return, Flake's bill would deliver $1.6 billion for border security, build more border access roads and beef up interior enforcement in the United States, which may rankle Democrats. Flake aims to target gang and cartel members for deportation, which is currently not allowed." http://politi.co/2yKjQoR

-- WE'VE had private conversations with Democrats on the House side, who have said they will oppose a bill that beefs up interior enforcement.

****** **A message from Koch Industries:** Koch has been the Environmental Protection Agency's (EPA) first- or second-ranked company for pollution prevention initiatives since 2012. What's more, since 2012, we have implemented more than 1,000 pollution prevention activities across the United States. See how at ChallengeAccepted.com.
******

HURRICANE RELIEF UPDATE -- "RSC chief stakes opposition to hurricane relief

without offsets," by Sarah Ferris: "The Republican Study Committee's chairman is threatening to oppose the next round of hurricane relief funding if Congress doesn't cut spending to cover the costs. 'We're going to come out strong for those to be offset,' Rep. Mark Walker (R-N.C.) told POLITICO late Wednesday. 'Just because Republicans are in charge doesn't mean deficits and debts no longer matter.'

"Walker said he has for weeks told fellow lawmakers, including those in leadership, to demand offsets. Now he is going public with his position as Congress considers the White House's new $29 billion disaster aid request." http://politi.co/2yKFAkv

YOUR MOVE, SENATE -- "House passes budget in first step toward tax reform," by Jen Scholtes: "The House passed a budget Thursday that paves the way for tax reform, slashes spending over 10 years and calls for lawmakers to find at least $203 billion in extra savings from mandatory programs. After months of intra-party wrangling, GOP leaders succeeded in advancing the fiscal 2018 resolution, H. Con. Res. 71 (115), on a 219-206 vote." http://politi.co/2geqNaT

ON THE PRESIDENT'S MIND -- @realDonaldTrump at 6:44 a.m. : "So wonderful to be in Las Vegas yesterday and meet with people, from police to doctors to the victims themselves, who I will never forget!" ... **at 6:59 a.m.:** "Why Isn't the Senate Intel Committee looking into the Fake News Networks in OUR country to see why so much of our news is just made up-FAKE!" ... **at 7:09 a.m.:** "Stock Market hits an ALL-TIME high! Unemployment lowest in 16 years! Business and manufacturing enthusiasm at highest level in decades!" ... **at 7:50 a.m.:** "Rex Tillerson never threatened to resign. This is Fake News put out by @NBCNews. Low news and reporting standards. No verification from me."

ABOUT THOSE VISITOR LOGS -- "Secret Service: No visitor logs for Mar-a-Lago," by Josh Gerstein: "There are no visitor logs or other system of tracking those who visited President Donald Trump at his winter retreat known as Mar-a-Lago, a Secret Service official confirmed Wednesday. Responding to a Freedom of Information Act lawsuit, Special Agent Kim Campbell said that her agency had a smattering of records regarding some foreign dignitaries and law enforcement officers who met Trump earlier this year during his stays at the Palm Beach resort he owns.

"However, Campbell acknowledged the lack of a comprehensive or even a routine process for tracking such visitors, such as the one used for the White House." http://politi.co/2yJzErY

AT JUSTICE -- "Jeff Sessions Just Reversed A Policy That Protects Transgender Workers From Discrimination," by BuzzFeed's Dominic Holden: "U.S. Attorney General Jeff Sessions has reversed a federal government policy that said transgender workers were protected from discrimination under a 1964 civil rights law, according to a memo dated Wednesday to US attorneys across the country and heads of federal agencies.

"Sessions' memo, obtained by BuzzFeed News, says, 'Title VII's prohibition on sex discrimination encompasses discrimination between men and women but does not encompass discrimination based on gender identity per se, including transgender status.' It adds that the government will take this position in pending and future matters, which could have far-reaching implications across the federal government and may result in the Justice Department fighting against transgender workers in court." http://bzfd.it/2yLdiGs

MARK YOUR CALENDARS -- "Nuke deal hangs in balance as Trump plans Iran policy speech," by the AP's Bradley Klapper and Matthew Lee: "President Donald Trump could announce his secret decision on the future of the Iran nuclear deal next week. U.S. officials familiar with the president's planning said Wednesday he is preparing to deliver an Iran policy speech in which he is expected to declare the landmark 2015 agreement contrary to America's national security interests.

"The speech has been tentatively scheduled for Oct. 12 at an as yet undetermined venue in Washington, according to two officials who weren't authorized to publicly discuss the planning for the event and demanded anonymity. They cautioned that plans could still change, and the White House declined to comment on the timing or substance of Trump's pending announcement." http://bit.ly/2xk1OgQ

REPORTER'S NOTEBOOK -- "Trump Feels His Trip To Puerto Rico Went Great. But What Happens Next Will Define Him," by BuzzFeed's Adrian Carrasquillo: "I was the press pool reporter for the trip, responsible for sending reports to hundreds of reporters around the country. And I am, as far as I know, the only White House press corps reporter of Puerto Rican descent. The trip meant a lot to me. I wanted to capture as faithfully as I could what was happening during the visit, but also what the president's actions and words meant for the island and its struggling residents going forward." http://bzfd.it/2yKimL4

IN THE STATES -- "Blackburn enters Tennessee Senate race, as Haslam passes," by Kevin Robillard http://politi.co/2gdkRik

ACROSS THE POND -- "Theresa May's speech nightmare unites her warring party," by POLITICO Europe's Tom McTague, Annabelle Dickson and Charlie Cooper: "It was excruciating, embarrassing, hard to watch. British Prime Minister Theresa May stood, alone, in front of the nation, coughing and spluttering, her voice giving way as she gave the closing address at her party's annual conference on Wednesday.

"It was meant to be a chance for the U.K. prime minister to resurrect her leadership after a downbeat conference beset by stories of Cabinet splits. Instead, the speech exemplified a wounded prime minister willed on by a party with no appetite for a leadership contest and no credible alternative. The Tory leader, who last year bathed in the warm affection of a party with its eyes fixed on delivering Brexit, clung on as the disasters kept coming. ... As journalists covered their eyes in embarrassment, the party faithful did all they could to get her through it." http://politi.co/2yL4cJZ

MEDIAWATCH -- "NBC Is Opening a News Bureau in San Juan," by TVNewser's Chris Ariens: "The network will rent a house where news crews will be based covering the story of the recovery after Hurricane Maria. NBC will have a full time presence for now, then periodically as the story warrants." http://bit.ly/2fURuo6

-- Maegan Vazquez is joining CNN's breaking news team. She was previously a White House reporter at IJR.

-- Michael Hudson has been named the AP's global investigations editor. He was previously at International Consortium of Investigative Journalists.

SPOTTED: Rick Tyler on an American flight this morning from DCA to Miami ... Michael Hayden walking on the street near 14th and New York Ave. early yesterday evening

OUT AND ABOUT -- John McCarthy, Janie Kim and Michelle Kim hosted a book party last night at the Watergate for Patrick Jephson, former chief of staff for Princess Diana on the re-release of his memoir "Shadows of a Princess." ***$7.34 on Amazon*** http://amzn.to/2y1ZwS5 **SPOTTED:** former Rep. Bart Stupak (D-Mich.), Ambassador Laura Kennedy, Ambassador Barbara Stephenson, Hadas Gold, Hunter Schwarz, Janet Donovan, Artur Orkisz, Olivia Nuzzi, Kandy Dickerson, LaRhonda Burley, Carol Joynt, Dennis Wholey, Fritz and Brooke Brogan, Michael Tiedemann, Michael Greenwald, Raul Alvillar, Kaitlan Collins and Adam Shapiro.

ENGAGED - Journalist **Sasha Issenberg,** Washington correspondent for Monocle, recently proposed to **Amy Levin** , a partner at the Benenson Strategy Group who runs their West Coast operation. Issenberg, author of "The Victory Lab," is finishing work on a new book about gay marriage. "We met last November in Denver at an International Association of Political Consultants conference, where we both speaking on different panels ... We owe some thanks to John Hickenlooper, as we technically met at a cocktail reception at the Governor's Mansion. I proposed this past Saturday at Michael's, a restaurant near where we live in Santa Monica, California, which was the site of our first dinner date." ***Pic*** http://politi.co/2yKOlLc

WELCOME TO THE WORLD - John Rich, regional communications manager for Americans for Prosperity, and **Christina Massetti Rich,** a physician relations executive for Inova Health System, recently welcomed Easton Cole Rich at 8 lbs and 20.5 in. long. "Although dad is a season ticket holder to the Orioles, Easton was eager to support the hometown team's push in the playoffs!" ***Pic*** http://bit.ly/2hQ2ELj

****** **A message from Koch Industries:** It's one thing to say we're committed to environmental responsibility. But quite another to demonstrate it. This year, Koch was named the EPA's ENERGY STAR® Partner of the Year. The award recognizes organizations that have made outstanding contributions to protecting the environment through energy efficiency. To-date we've invested $600 million into energy saving initiatives. And over the last five years, we've saved enough energy to power 360,000

households for an entire year. See our contributions at ChallengeAccepted.com. ******

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Subject: Sep. 22 -- Daily Environment Report



Daily Environment Report

September 22, 2017 - Number 183

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Leading the News

Chemicals

Chemical Companies See More Risk Than Reward in Brexit

Chemical companies in the U.K. are skeptical about abandoning European Union regulations, including the landmark REACH regulation, as British Prime Minister Theresa May prepares to deliver a big Brexit speech in Italy Sept. 22.

Hydraulic Fracturing

Obama Fracking Rule Restored Temporarily as Court Halts Case

The Obama administration's 2015 rule governing hydraulic fracturing on federal and tribal lands was temporarily reinstated today when a federal appeals court dismissed a bloc of states' lawsuit challenging the regulations.

News

Air Pollution

Almost 1 Million Pounds in Emissions Released in Valero Fire

A Valero Energy Corp. refinery fire in Texas released almost 1 million pounds in emissions, just as the region is tackling chemical leaks caused by Hurricane Harvey.

Climate Change

CORRECTION

The story, "Yale's Carbon-Neutral Goals May Be Costly, Leave Students Cold," that ran in the Sept. 18 report misidentified one of the university's schools. The correct name is the School of Forestry and Environmental Studies. The online version has been corrected.

Climate Change

Developing Nations to Get South Korea's Help on Climate Plans

South Korea's green technology industries could find business opportunities open up in developing countries like Mongolia or Laos if a government-nonprofit cooperation plan takes hold.

Climate Policy

Trump's HUD Keeps Climate-Smart Rebuilding Guide Under Wraps

Just a few months before a pair of blockbuster hurricanes hit Florida and Texas, the Trump administration received detailed guidelines from consultants for factoring climate change into how federal aid is spent.

Drinking Water

Nestlé Makes Billions Bottling Water It Pays Nearly Nothing For

In rural Mecosta County, Mich., sits a near-windowless facility with a footprint about the size of Buckingham Palace. It's just one of Nestlé's roughly 100 bottled water factories in 34 countries around the world. Inside, workers wear hairnets, hard hats, goggles, gloves, and earplugs. Ten production lines snake through the space, funneling local spring water into 8-ounce to 2.5-gallon containers; most of the lines run 24/7, each pumping out 500 to 1,200 bottles per minute. ...

Energy

Active Energy to Build Novel Biomass Plants in Southeast Asia

Jessica Shankleman: Active Energy Plc. said it will build eight plants in southeast Asia to make a novel form of biomass that could replace coal without the need for technological upgrades.

Energy

Chinese Truckers Play Savior to Energy Giants Fearing LNG Glut

Energy giants that invested hundreds of billions of dollars to liquefy natural gas have an unlikely hero to thank for boosting demand and keeping their market out of a price-killing glut: the Chinese truck driver.

Energy

How Merkel's Green Energy Policy Has Fueled Demand for Coal

By 2030, the eastern German town of Poedelwitz will likely be razed to get at the rich veins of coal beneath its half-timbered houses. The reason: Chancellor Angela Merkel's effort to steer Germany toward greener energy, which has unexpectedly meant booming demand for dirty coal. While Merkel aims to wean the country from nuclear power and boost renewable energy, the shift has been slow—Germany's 140-plus coal-fired plants last year supplied 40 percent of the country's ...

Energy

Nuclear Scientists Head to China to Test Experimental Reactors

China is becoming the testing ground for a new breed of nuclear power stations designed to be safer and cheaper, as scientists from the U.S. and other Western nations find it difficult to raise enough money to build experimental plants at home.

Energy

Scana Says U.S. Attorney Probing Canceled Nuclear Project

Scana Corp., which had sought to recover $4.9 billion from customers for its canceled V.C. Summer nuclear power project in South Carolina, received a federal subpoena for documents related to the plant.

Motor Vehicles

Mercedes Plots Tesla Attack with $1 Billion U.S. Electric Push

Daimler AG plans to spend $1 billion to start production of Mercedes-Benz electric vehicles at its Alabama factory, setting the world's largest luxury-car maker up to battle with battery-car specialist Tesla Inc. on its home turf.

Renewable Energy

'No Taboos': German Energy Giant Backs Electric Cars, Solar

German green energy company Innogy SE plans to tap electric vehicles, solar power, and fiber networks to expand its grid and retail power businesses.

Renewable Energy

Bigger Renewable Energy Buy Rule Considered in Massachusetts

Massachusetts lawmakers are considering ramping up the state's clean energy rules to require utilities to purchase more renewable energy sooner.

Renewable Energy

Elon Musk's Solar Partnership Doesn't Look So Crazy Now

Elon Musk took a lot of heat last year when his Tesla Inc. bought solar-panel installer SolarCity for $2 billion. The synergies between his two companies didn't seem immediately obvious, among other issues, critics said.

Renewable Energy

Here's Why Mitsui Mining Is Excited for Next-Gen Battery Storage

When it comes to batteries, the future may be solid.

Superfund

Superfund Cleanups Slowed by Decades-Long EPA Practices

The EPA administrator is vowing to change a longtime Superfund program practice blamed for slowing or in some cases stopping cleanup work at some hazardous waste sites.

Trade Policy

U.S. Tariffs on Solar Imports May Hinge on Free-Trade Deals

U.S. free-trade deals with South Korea, Mexico, and others may soften the impact of tariffs on imported solar panels should Suniva Inc. convince the government that it was hobbled by foreign competition.

Transportation

Pay to Raise Highways or Drive Underwater, Californians Told

Low-lying roads in the San Francisco Bay Area must be elevated to stay above rising waters from climate change, officials say. To help pay for it, they intend to tap into the region's history of willingness to approve transportation funding measures at the ballot box, hoping motorists say OK to hefty tolls.

Water Pollution

Barrier at Gold King Will Prevent Another Release, EPA Says

Large, sudden wastewater spills at southwestern Colorado's Gold King Mine—such as the 3-million-gallon leak in August 2015—will be prevented by a new barrier and valve the EPA is installing, federal officials told Bloomberg BNA.

Practitioner Insights

Chemicals

Practitioner Insights: Should Firms Ask for Chemical Risk Reviews?

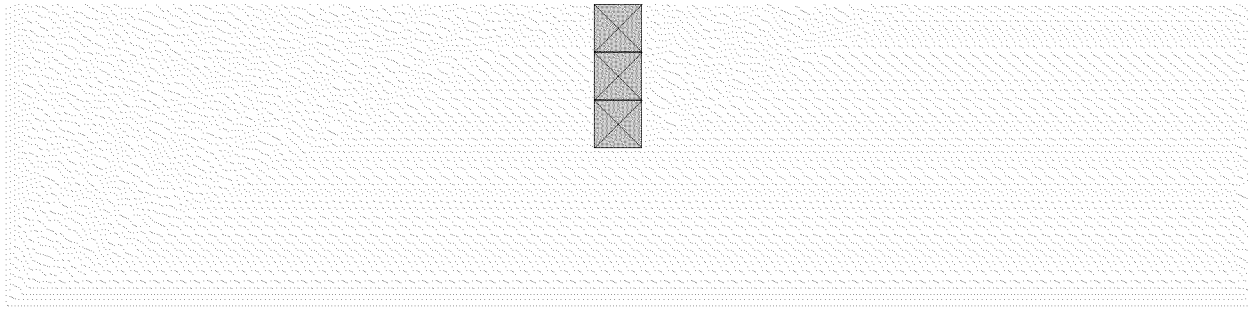
As a general rule, chemical manufacturers (and their counsel) avoid actions that will encourage or increase regulatory scrutiny of their products or operations. Regulatory scrutiny generally is bad for business, since it exposes companies to risk of reputational injury, fines and injunctive actions, competitive disadvantage, and general market uncertainty.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Wed 10/4/2017 11:10:02 AM
Subject: LV Officer Killed, Fugitive of Week, Border Patrol Rescue, NY Man Sextortion, 'Angel Island'





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Thur 10/26/2017 10:50:01 AM
Subject: EPA's Pruitt Denies He's an Ally of Polluters, Vows to Get Tough

BLOOMBERG

EPA's Pruitt Denies He's an Ally of Polluters, Vows to Get Tough

Jennifer A Dlouhy and Jennifer Jacobs
Bloomberg
October 25, 2017
https://www.bloomberg.com/news/articles/2017-10-25/epa-s-pruitt-denies-he-s-an-ally-of-polluters-vows-to-get-tough

Scott Pruitt, the head of the Environmental Protection Agency, vowed that he will get tough on corporate polluters, dismissing critics who cast him as too cozy with industry.

"They don't know me," Pruitt said, during an interview with Bloomberg News in his Washington office. "I've led a grand jury. We are going to do enforcement, to go after bad actors and go after polluters."

Pruitt, the former Oklahoma attorney general, is leading the efforts to roll back Obama-era environmental regulations, including the first limits on carbon dioxide emissions from power plants and an overhaul of clean-water rules. Despite moving to rescind those measures, those that remain in place will be fully enforced, he said.

"I know what it means to prosecute people," he said. "And we've got some of those folks across the country -- those people that are intentionally taking steps to pollute our water, to pollute our air."

While coal miners, manufacturers and oil companies have praised Pruitt's efforts to halt or rescind regulations, environmental advocates say he's the leading example of a Trump administration appointee who has an agenda that conflicts with the very nature of the agency he leads.

Under former President Barack Obama, the EPA played a pivotal role in the government's fight against climate change, proposing sweeping rules to limit on methane leaks from oil wells and carbon-dioxide emissions from coal plants. Pruitt, who sued the EPA more than a dozen time to challenge those and other regulations, by contrast, is pursuing what he calls a "back to basics" agenda that he says will prioritize action on traditional pollutants.

...

Pruitt highlighted the EPA's decision earlier this month to approve a plan for removing toxins from the San Jacinto Waste Pits, a Superfund site near Houston that began leaking cancer-causing dioxin after flooding from Hurricane Harvey.

That included ordering two companies -- International Paper Co. and a subsidiary of Waste Management Inc. -- to pay an estimated $115 million toward excavating more than 212,000 cubic

yards of contaminated waste from the site. Both companies have objected to the cleanup plan.

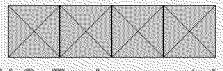
"And they are already barking down there," Pruitt said, referencing those companies' complaints. Pruitt said he was told some people would be "surprised" he would seek to hold Fortune 500 companies accountable.

Another example: In June, the Trump administration filed a lawsuit alleging that a Colorado-based oil company repeatedly violated clean air rules by allowing volatile organic compounds to escape from of storage-tank batteries. According to the complaint filed in that civil case, the EPA alleged that PDC Energy Inc. failed to adequately design, operate and maintain control systems on those tanks., resulting in those leaks. That case is ongoing.

"I am here because I really feel called to it," Pruitt said. "My desire each day is to bless the president and the decisions he's making."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 11/3/2017 10:24:20 PM
Subject: GAO to review Pruitt appearance in beef group's anti-WOTUS video

By Alex Guillén

11/03/2017 06:22 PM EDT

The Government Accountability Office will investigate EPA Administrator Scott Pruitt's appearance in an industry group's video calling for public comments in favor of repealing the Waters of the U.S. rule, according to a letter released today by House Democrats.

Rep. Peter DeFazio (D-Ore.) asked GAO to investigate whether Pruitt's actions violated laws "on the use of appropriated funds for lobbying and publicity or propaganda purposes and the Antideficiency Act," according to the letter, dated. Oct. 31.

The video was posted on Aug. 16 by the National Cattlemen's Beef Association, a major critic of the Obama-era WOTUS regulation. It includes an interview in which Pruitt discusses his criticisms of the rule, along with text urging viewers to submit pre-written comments via the NCBA's website.

The video quickly drew criticisms from environmental groups. EPA at the time said Pruitt sought "engagement with all stakeholders, especially those who felt their voices were ignored by the previous Administration."

GAO previously dinged the Obama-era EPA in 2015 when it concluded the agency's use of a "Thunderclap" social media campaign promoting the WOTUS rule amounted to "covert propaganda."

WHAT'S NEXT: GAO's letter does not specify how long the inquiry will take.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/gao-to-review-pruitt-appearance-in-beef-groups-anti-wotus-video-095223

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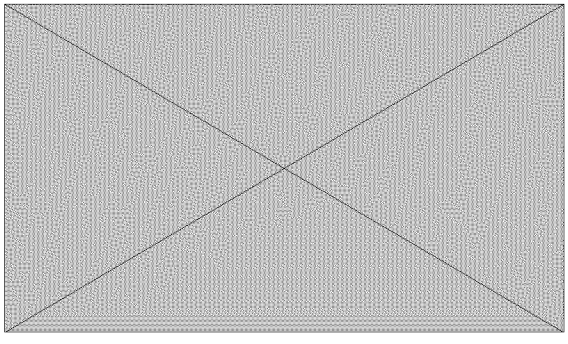
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Wed 10/11/2017 10:04:29 AM
Subject: AEI Today: America can't fix poverty until it stops hating poor people

Research consistently finds that Americans exhibit a disturbing level of antipathy toward those on the economic margins.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



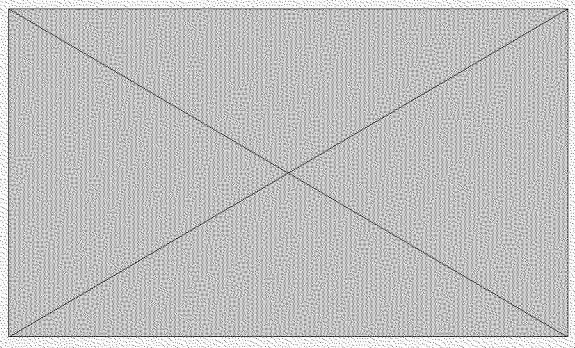
Twenty20

America can't fix poverty until it stops hating poor people

Arthur C. Brooks and john a. powell | CityLab

Research consistently finds that Americans exhibit a disturbing level of antipathy toward those on the economic margins. For growing percentages of middle- and upper-class people, interactions with the poor and working class are rare. We need to address the forces that are pulling us apart along social and economic lines. And we need, both personally and structurally, to change

the way we see those who are struggling.

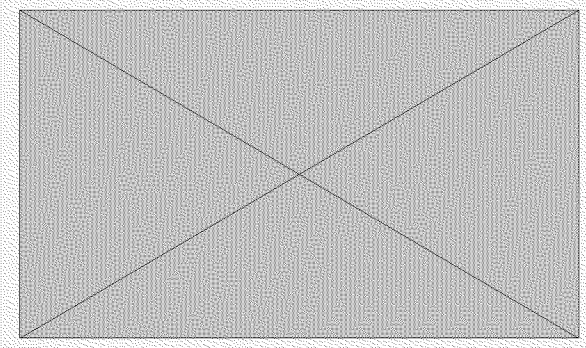


Twenty20

Do kindergartners learn from playacting discrimination?

Frederick M. Hess and Grant Addison | National Review

In a Chicago school this past April, one kindergartner fretted that he wouldn't be able to get to his spare underpants if he had an accident. Why? Staff at the prestigious Catherine Cook School had opted to deny 5- and 6-year-olds access to their cubbies to school them on discrimination. If one student did this to another, we'd call it bullying. What do we call it when educators do it?

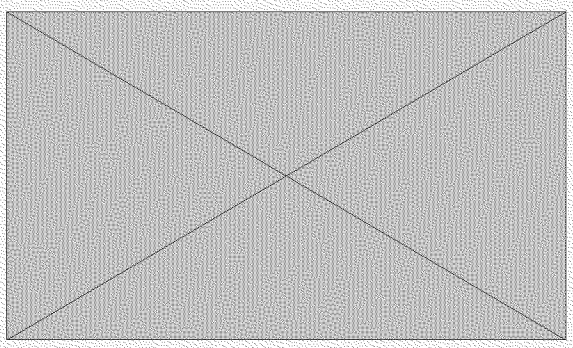


Reuters

The Washington Post gets retirement wrong

Andrew G. Biggs | National Review Online

Experts disagree on how well prepared Americans are for retirement, and any researcher would admit that a legitimate debate rages on. That's what makes The Washington Post's lengthy exposition of "The New Reality of Old Age in America" so disheartening. It has everything that poor journalism exhibits: reliance on anecdotes, misleading and sometimes outright incorrect data, and one-sided citation of experts.



Twenty20

The link between GDP and corporate taxes

Matt Jensen, Aparna Mathur, and Cody Kallen | AEIdeas

Given that corporate tax reform feels more likely now than ever before in recent memory, AEI researchers are sharing an approach that anyone can use to generate reasonable estimates of how economy-wide investment and GDP would respond to corporate tax changes. This approach is quite useful when considering alternative paths for corporate income tax reform.

MORE FROM AEI

The next Fed chair will be handed a big stick of dynamite with a short fuse
Desmond Lachman | The Hill

Republicans don't have a plan to balance the budget. In fact, they don't have a budget plan at all.
James C. Capretta | Real Clear Policy

After passing one of the nation's most expansive paid leave laws, DC is weighing its options
Aparna Mathur, Isabel Sawhill, and Abby McCloskey | The Washington Post

Both parties' extremists seem determined to lose the next elections
Michael Barone | Washington Examiner

1970s' fuel standards led to a generation of inferior vehicles. Let's not make the same mistake.
Mark J. Perry | The Sacramento Bee

It makes no sense to decertify the Iran deal and not withdraw from it
John R. Bolton | The Hill

The loophole in our gun laws that all Republicans should want to close
Marc A. Thiessen | The Washington Post

A brief history of Nobel Prize winners at AEI
AEI Staff | AEIdeas

The pitfalls of embracing a temporary cut in the corporate tax rate
Alan D. Viard | Tax Notes

Kurdish independence could promote Middle Eastern security better than the collapsing WWI order
John R. Bolton | Pittsburgh Tribune Review

Republicans, the way to disarm critics of tax reform is to say exactly what you want to do

Michael R. Strain | Bloomberg View

Podcast: Liz Simon on coding boot camps and nontraditional learning

Andy Smarick and John P. Bailey | AEI 'New Skills Marketplace' podcast

The child tax credit versus the earned income tax credit, powered by Open Source Policy Modeling

Aparna Mathur and Cody Kallen | AEI Tax Brief

The remarkable history of the Nobel Prize, from 1901 to 2017

Mark J. Perry | AEIdeas

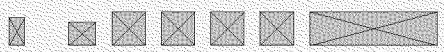
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Tue 10/17/2017 9:40:16 AM
Subject: Morning Media: Press threats at home and abroad --Trump's taking questions -- BuzzFeed 'revolt' -- Governor Scarborough? -- New York Magazine turns 50

By Michael Calderone | 10/17/2017 05:38 AM EDT

PRESIDENT DONALD TRUMP'S ATTACKS on The New York Times, CNN and NBC grab headlines, but the effect of his rhetoric may be most felt by reporters on the ground in American cities and contentious spots like Standing Rock, as well as in countries where press freedom is a constitutional guarantee.

- "The most dangerous place to be a journalist in America is at a protest," Peter Sterne and Jonathan Peters write in the Columbia Journalism Review, noting that most of the 20 arrests and 21 physical attacks on the press so far this year have occurred at demonstrations. They also tie such mistreatment to an anti-press climate fueled by Trump, writing that "with his near-daily denouncements of the press, the president has helped normalize abuses against journalists by ordinary people."

- As I wrote Thursday, Trump's recent suggestion that someone "look into" news organizations over their coverage was at odds with the U.S. State Department's condemnation of Turkey that same day for convicting a Wall Street Journal reporter. Such comments carry "a worldwide price," writes The Washington Post's Margaret Sullivan. Joel Simon, executive director of the Committee to Protect Journalists, agreed, telling Sullivan that "when the president consistently speaks that way, there's a loss of U.S. influence and credibility on matters of press freedom."

Good morning and welcome to Morning Media. Drop a line at mcalderone@politico.com and follow @mlcalderone. Archives. Subscribe.

SPEAKING OF PRESS FREEDOM, FCC Chairman Ajit Pai has to make a choice in responding to Trump's suggesting last week that NBC lose its "license" following critical coverage: free press or the president. POLITICO'S Margaret Harding McGill reports that "Pai could confront public questions about the issue as soon as Tuesday at a telecom law event in Washington, forcing him to choose between his longstanding defense of freedom of speech and the man who made him chairman."

TRUMP'S IMPROMPTU PRESS EVENTS, like the one Monday afternoon in the Rose Garden, can play to his strengths and the media's weaknesses. POLITICO'S Jason Schwartz writes how it "had not been listed on the president's official schedule and, with scant time to set up chairs, reporters bunched in on the White House lawn. As Trump pointed out to call on different reporters, many took to shouting out their questions over each other." Still, some White House reporters are happy to get the opportunity.

- "The President is taking questions much more frequently in recent weeks and that is a good thing," ABC's Jonathan Karl said. "There is no substitute for a formal press conference, but regardless of format, it is important to have the opportunity to ask the president questions and

that is happening much more often." Karl also said that he has "probably had more opportunities to ask questions of President Trump over the past two weeks than I had of President Obama during the last two years of his presidency."

MORE ON TRUMP'S ROSE GARDEN PERFORMANCE, from POLITICO'S Josh Dawsey: "It was the latest instance of Trump bypassing his own communications staff to speak directly to the press, and the public, after weeks of blistering criticism and as White House aides struggle with the increasing possibility that they may end the year without accomplishing any of their grand legislative goals."

BREITBART CHAIRMAN STEVE BANNON will attend an event today in Scottsdale, Arizona in support of Kelli Ward, who is challenging incumbent Republican Sen. (and Trump critic) Jeff Flake for the party's nomination. Laura Ingraham, the conservative radio host whose new 10 p.m. Fox News show will premiere later this month, is headlining the event.

TRUMP HAS BYPASSED CONSERVATIVE TALK RADIO: CNN's Oliver Darcy writes on the president's "mysterious absence" from a presumably well-suited medium, and notes how the drought may end. "Last week, as this story was being prepared for publication, CNN asked the White House if the president planned on appearing on talk radio," Darcy writes. "On Monday, a White House official told CNN the president has carved time out of his schedule to participate in a talk radio event at the White House on Tuesday."

WEINSTEIN EFFECT, CONT'D: The Times' Jim Rutenberg, Rachel Adams and Melena Ryzik write on the floodgates opening in Hollywood: "Facebook, Instagram and Twitter were flooded with messages from women who used the hashtag #MeToo to acknowledge that they had dealt with sexual harassment or assault. A tweet posted by the actress Alyssa Milano inspired the online campaign. ... Twitter promoted the #MeToo campaign on Moments, its platform of highlighted stories, and the hashtag went on to be used more than 500,000 times in its first 24 hours by people from all lines of work."

NATE SILVER QUESTIONS WEINSTEIN-CLINTON FRAMING: "It's amazing to me that both the right-wing and the mainstream media have tried so hard to make the Weinstein scandal about Hillary Clinton when the real scandal is so much worse and implies that the establishment which helped to enable it is deeply corrupt," he tweets. "If you're really 'anti-establishment,' you should be *outraged* by Weinstein in ways that have nothing much to do with Clinton or Democrats."

MANAGING A MEDIA-OBSESSED PRESIDENT: White House aides try to manage Trump with "frequent praise" in public and showing him positive news coverage, as The Washington Post's Ashley Parker and Greg Jaffe report. In addition, they write, "some aides and outside advisers hoping to push their allies and friends for top postings, such as ambassadorships, made sure their candidates appeared speaking favorably about Trump in conservative news outlets - and that those news clippings ended up on the president's desk."

WASHINGTON POST AND "60 MINUTES" GET RESULTS: "President Trump declined on Monday to express confidence in Rep. Tom Marino (R-Pa.), his drug czar nominee, in the

wake of the Washington Post/"60 Minutes" investigation that found the lawmaker helped steer legislation that made it harder for the government to take some enforcement actions against giant drug companies."

BUZZFEED STAFFERS 'REVOLT' OVER ROGER STONE PIECE: Splinter's David Uberti writes: "Several BuzzFeed staffers openly criticized their site's decision Friday to publish an op-ed arguing that GOP political operative Roger Stone and President Donald Trump share 'a long history as an ally of the LGBT community,' renewing questions on the acceptable range of voices in public debate and how opinion journalists balance provocation and facts in the Trump era."

GOVERNOR SCARBOROUGH? MSNBC host and now-political independent Joe Scarborough prompted speculation Friday that he'd consider running for governor of Connecticut, where he lives, after tweeting an an emoji in response to a suggestion that he enter the race. But Scarborough tamped down the chatter Monday after being added to a local poll. "No thank you," he tweeted with another emoji. Scarborough, a former Florida congressman, has flirted before with running for office. An MSNBC spokesman did not immediately respond to a request for comment.

TRAGEDY: Maltese journalist Daphne Caruana Galizia, who has reported deeply on government corruption and the Panama Papers disclosures, was killed in a car bombing Monday.

NEW YORK MAGAZINE TURNS 50: The new issue, with cover illustrations by Alex Katz, kicks off a year-long celebration for the magazine that includes next month's publication of "Highbrow, Lowbrow, Brilliant, Despicable: 50 Years of New York Magazine."

REVOLVING DOOR:

Kinsey Wilson, who was recently the New York Times' executive vice president for product and technology and remains a senior adviser to president and CEO Mark Thompson, has been named Shorenstein Center visiting fellow for fall 2017 and spring 2018. Shorenstein director Nicco Mele said Wilson's "role in an advisory capacity, as we work on various projects related to the sustainability of news, will be immensely valuable."

Matthew Ingram, a highly regarded writer on media and technology, and most recently at Fortune, is joining the Columbia Journalism Review as chief digital writer.

David Byler, most recently with Real Clear Politics, is joining The Weekly Standard as staff writer and chief elections analyst.

And **Cristiano Lima**, who has contributed to this newsletter, is now a POLITICO breaking news reporter.

EXTRAS:

- The Times' Michael Grynbaum talks to Breitbart White House reporter Charlie Spiering.

- Ex-Obama staffer-turned podcaster Tommy Vietor feuds with Fox News' John Roberts.

- Longreads is looking to raise $25,000 to help support writers, photographers and illustrators.

- NBC fires "Today" editor over leaked Lawrence O'Donnell clip.

- North Korean hackers targeted British broadcaster Channel 4 over a planned "series about a British nuclear scientist kidnapped in Pyongyang."

- Frank Bruni, Maggie Haberman and other NYTers sing Stephen Sondheim's "Broadway Baby."

KICKER:

"I think it's embarrassing to report on a president like this. It's kind of humiliating in a way to the entire institution - and that institution, the presidency, includes the White House press corps. And so instead of facing full-frontal that fact, I think journalists try to make it seem a little bit more normal than it really is," - *NYU professor and press critic Jay Rosen on MSNBC's "The Beat with Ari Melber."*

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Sent: Wed 8/23/2017 11:59:37 PM
Subject: Aug. 23 -- Energy and Climate Report



Energy and Climate Report

August 23, 2017 - Number 163

News

Agriculture
Senators Urge President Trump to Withdraw USDA Nomination
The Senate minority leader and a fellow Democrat are urging President Donald Trump to withdraw his nomination of Sam Clovis to be the Agriculture Department's chief scientist.

Air Pollution
China's Air Pollution Worsens in Beijing, 12 Other Cities
Air pollution increased in Beijing and 12 other large cities in the surrounding region in the first half of the year, despite the government's efforts to fight it.

Air Pollution
Correction
The Aug. 17 story, "Saudi Arabia Calls for Pollution Monitors on Industrial Chimneys," misstated that networked monitoring systems were part of an effort to reduce greenhouse gas emissions. They are intended to reduce air pollution. The story has been corrected.

Biofuels
Argentine Biodiesel Left With Nowhere to Go
Argentina has almost nowhere left to send its biodiesel without facing the wrath of trade fines.

Climate Change
Correction
The Aug. 23 story, "California Auction Raises $640 Million for Greenhouse Gas Fund," misstated that the permits were auctioned to curb carbon emissions. The permits allow emissions of carbon dioxides. The story has been corrected.

Climate Change
Exxon Duped Public Over Climate Concerns, Harvard Research Says
Exxon Mobil Corp. spent the last 40 years undermining public concern over climate change, even as its own scientists determined man-made global warming was real and a serious threat, according to Harvard University researchers writing in a peer-reviewed journal.

Energy
Brazil Power Wizard Takes Center Stage in Surprise Privatization
It took less than 10 days to decide to privatize Latin America's largest power company.

Energy

Carbon Cap Proposal Reflects Nine States' Compromise

A proposal to raise the carbon emissions cap for Northeastern electricity generators marks a compromise between states with aggressive climate-change goals, such as Massachusetts and New York, and more conservative states such as Maine and New Hampshire.

Energy

U.S. to Say Power Markets Must 'Evolve' to Value Coal, Nuclear

The U.S. Energy Department will issue a long-anticipated report late Aug. 23 that will stress the need to "evolve" the nation's power markets so they value resources such as coal and nuclear more, a document obtained by Bloomberg shows.

Motor Vehicles

Audi Aims to Put Solar Cells on Car Roofs

Audi AG is working with Alta Devices Inc. to outfit the rooftops of select models from the German car maker with solar cells.

Oil & Gas

Oil and Gas Pipeline Plan Falls Short, Colorado Lawmakers Say

Colorado Democratic state lawmakers say Gov. John Hickenlooper's (D) plan to address underground oil and gas flow lines won't do enough to protect public health and safety, while industry officials maintain they will work with the governor on the proposed changes.

Renewable Energy

Largest Green Bond Fund for Emerging Markets Nears $2 Billion

The World Bank's International Finance Corp. and European asset manager Amundi SA are targeting year-end to raise $2 billion for what is expected to be the world's largest green-bond fund dedicated to emerging markets.

Water Pollution

Ruling Muddies the Waters in Power Plant Pollution Case

The future of a lawsuit over EPA limits on power plant pollution is uncertain after an appeals court ruled that only parts of the suit could move forward, but did not specify which parts.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: AEI Publications
Sent: Fri 12/1/2017 3:04:25 PM
Subject: Waters of the US Rule and Clean Water Act fail to provide cost-effective improvements in water quality

Waters of the US Rule and Clean Water Act fail to provide cost-effective improvements in water quality

November 2017

Nathan P. Hendricks

Key points

- **The Clean Water Rule — commonly referred to as the Waters of the US (WOTUS) rule — defines the jurisdiction of the Clean Water Act over all waters that have a "significant nexus" with navigable waters.**
- **The WOTUS rule creates regulatory uncertainty since much of the jurisdiction is left to case-by-case determination and is burdensome given the large fines imposed by the Clean Water Act.**
- **The WOTUS rule would have little impact on water quality because nonpoint emissions are largely exempt.**
- **Markets for water quality provide an opportunity for cost-effective improvements in water quality, but property rights for emissions must be clearly defined.**

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Also of interest

Agricultural policy in disarray: Reforming the farm bill

Vincent H. Smith et al. | American Enterprise Institute | October 2017

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 10/18/2017 7:50:02 PM
Subject: EPA deputy nominee Wheeler represented ethanol group

By Alex Guillén

10/18/2017 03:47 PM EDT

Andrew Wheeler, the nominee for EPA deputy administrator, worked for the ethanol group Growth Energy this year, according to his financial disclosure documents.

Wheeler, an attorney at Faegre Baker Daniels, was previously known to lobby for coal producer Murray Energy, among several other companies, as revealed in lobbying disclosures. But his financial disclosure shows Wheeler provided "strategic advice and counseling" rather than lobbying services to Growth Energy.

Growth Energy hired FBD for lobbying earlier this year, according to records, but Wheeler was never named on those disclosures.

"We hired Faegre Baker Daniels for lobbying and consultant help on renewable fuels issues. Andrew Wheeler has not lobbied on our behalf but has provided consultant services," Growth Energy spokeswoman Jenni Roberson said in an email. Wheeler did not return a request for comment today.

Growth Energy was one of the groups that successfully sued EPA over its 2014-2016 Renewable Fuel Standard volumes. It has also opposed EPA Administrator Scott Pruitt's recent move to potentially weaken biodiesel requirements, a proposal that has angered several key corn state Republican senators and threatened to hold up several other EPA nominees.

The financial disclosure shows Wheeler also provided advice and counsel, but not lobbying work, to International Paper, Archer Daniels Midland and General Mills. Previously reported lobbying clients included Xcel Energy, Bear Head LNG and Energy Fuels Resources.

WHAT'S NEXT: Wheeler was nominated earlier this month and has yet to have a nomination hearing in the Senate.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Fri 10/27/2017 6:51:24 PM
Subject: U.S. Court stays EPA truck trailer rule

By Eric Wolff

10/27/2017 02:48 PM EDT

The D.C. Circuit Court of Appeals today stayed an EPA rule that would have required truck trailers to be more aerodynamic.

"The EPA Final Rule on review is hereby stayed insofar as it purports to regulate trailers," the court wrote. "Petitioner has satisfied the stringent requirements for a stay pending court review."

The grant of a stay signals that the petitioners could win on the merits.

The Truck Trailer Manufacturers Association challenged the rule soon after it was finalized last year. The case has been held in abeyance at EPA's request, but the rule was set to go into effect on Jan. 1.

The lawsuit was a narrow challenge to EPA's requirement that the trailers used to haul cargo meet new regulations designed to make them lighter and more aerodynamic to reduce their fuel use and emissions.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/us-court-stays-epa-truck-trailer-rule-094894

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Subject: Aug. 15 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

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Power Plant Rule Rewrite to Focus on Two Waste Streams: EPA

Posted August 15, 2017, 12:41 P.M. ET

By Amena H. Saiyid

The EPA will rewrite toxic wastewater limits from air pollution controls and bottom ash at power plants, affecting more than a thousand plants nationwide.

The change involves limits for wastewater associated with using scrubbers to reduce sulfur dioxide emissions and transporting bottom ash that contain arsenic, selenium, nitrates, mercury, zinc and other pollutants, the Environmental Protection Agency told the U.S. Court of Appeals for the Fifth Circuit in a motion filed Aug. 14.

The Fifth Circuit, which is reviewing challenges to a 2015 rule, had stayed the case pending EPA's decision on what part of the rule it would reconsider.

Power plants are responsible for 30 percent of all industrial discharges of toxic pollutants into the surface waters, according to an EPA factsheet. The 2015 rule would require all owners and operators of power plants to invest significant capital into building and designing pollution controls and associated infrastructure for each plant to comply with the rule. The EPA estimated these costs at $480 million, but engineers say the costs would be much higher.

The 2015 effluent limits for steam generating electricity plants (RIN:2040-AF14) required the power plant industry to install best available technology that is economically achievable to control six sources of wastewater.

The Utility Water Act Group, the Southwestern Electric Power Co., a subsidiary of American Electric Power, and Union Electric Co., an Ameren Corp. subsidiary, petitioned the EPA March 24 and the Small Business Administration Office of Advocacy petitioned the agency April 5, all asking for reconsideration of the rule's impact on jobs. The groups also asked the EPA to postpone compliance dates related to the six waste streams. The rule would have taken effect Jan. 1, 2018.

The EPA sought comment on the postponement, but hasn't yet decided whether it will postpone all the dates, or just those associated with the two waste streams for which it has decided to rewrite regulations.

Exxon Mobil's $2.6M Fine for Ruptured Pipeline Tossed

Posted August 15, 2017, 04:09 P.M. ET

By Andrew M. Ballard

Exxon Mobil will get a break on a $2.6 million fine levied against it for a 2013 pipeline spill in Arkansas.

The U.S. Court of Appeals for the Fifth Circuit ordered the Pipeline and Hazardous Materials Safety Administration to reconsider the fine in an Aug. 14 ruling because the company properly complied with certain safety regulations at issue (ExxonMobil Pipeline Co. v. DOT, 5th Cir. App., No. 16-60448, 8/14/17).

Exxon Mobil's Pegasus Pipeline ruptured near Mayflower, Ark., spilling several thousand barrels of crude oil about 22 miles north of the state's capital, Little Rock.

Seam Defect

A PHMSA investigation into the accident identified the cause as a manufacturing defect in the seam of the pipe maintained by Exxon Mobil Pipeline Co., and the agency assessed the $2.6 million fine in October 2015, based on nine alleged regulatory violations. The citations arose from risk factor and pipeline integrity assessments.

Exxon Mobil challenged six of the violations cited by regulators, and the Fifth Circuit found five of those decisions to be "arbitrary and capricious," because it said the company reasonably complied with applicable guidance.

The appeals court did affirm the agency's decision regarding one of the challenged violations, which requires pipeline operators to develop and follow a written integrity management program. But the court said the $783,300 elevated penalty for that cited violation also needed to be lowered as there was no indication the company's failure to use a proper assessment tool was a cause of the spill.

Requirements Followed

"According to the unambiguous text of the pipeline integrity regulations, pipeline operators are required to 'consider' various risk factors when they prioritize pipelines for assessment," according to Judge Jennifer Walker Elrod. "This is a process-based requirement that does not mandate a particular outcome, but rather prescribes a careful, informed decision-making process that pipeline operators must undergo in good faith," Elrod said in her Aug. 14 opinion.

As Exxon Mobil complied with that requirement when it determined the Pegasus Pipeline was not susceptible to seam failure by applying the appropriate methodology, the bulk of the violations were incorrectly cited and the fine required revision, Elrod wrote.

Suann Guthrie, a spokesperson for Exxon Mobil, told Bloomberg BNA Aug. 15 that company officials were "still reviewing the decision" and declined to comment further.

Agency representatives didn't immediately respond to requests for comment.

Liability Relief Central to Superfund Site Reuse, Investors Say

Posted August 15, 2017, 7:00 A.M. ET

By Sylvia Carignan

Liability concerns may scare off investors interested in renovating Superfund sites, which could hobble the EPA's new effort to woo third parties to clean up the properties.

Enticing companies to redevelop properties with contaminated groundwater or soil would likely require the Environmental Protection Agency to protect landowners from long-term cleanup liabilities, building on similar provisions commonly used for less-contaminated brownfields, people involved with the Superfund program told Bloomberg BNA.

The EPA's Superfund task force recommendations, released in July, emphasize leveraging private investment to clean up Superfund sites for reuse, much as the agency's Brownfields Program provides grants to developers to redevelop sites. The task force has focused on changes it can make to the Superfund program that don't require legislation.

Private investment in brownfields sites can be a catalyst for redevelopment, Dan French, chief executive officer of Brownfield Listings, which runs an online bulletin board for brownfields sites open for redevelopment and developers looking for sites, told Bloomberg BNA. But the Superfund program doesn't yet work that way.

"Can Superfund be opened up and made more flexible? Yeah, it's time for a refresh," French said. A lack of new sources of capital may be "the bigger problem undercutting the program's potential."

Though questions linger about liability and funding, the possibility of modeling Superfund after brownfields intrigues some investors.

Third Party Funding

Superfund sites would have to be more appealing investments to get third parties interested in the initial purchase, Mathy Stanislaus—former assistant administrator at the EPA's Office of Land and Emergency Management, which handles Superfund—told Bloomberg BNA.

"The reason that [Superfund] is a government program is because it's fundamentally a health risk and an ecological risk" program, Stanislaus said. Investors were more willing to clean up brownfields, which were spun off from the Superfund program in 2002, once they were shielded from the liability.

Brownfields sites can be contaminated, but are generally not as toxic as Superfund sites. Brownfield properties are sites where redevelopment or reuse "may be complicated by the presence of a hazardous substance, pollutant, or contaminant," according to the Small Business Liability Relief and Brownfields Revitalization Act (SBLRBRA).

Albert "Kel" Kelly, EPA Administrator Scott Pruitt's special adviser on Superfundtold Bloomberg BNA the agency wants to make the Superfund program more like the Brownfields Program by drawing on

Superfund money to leverage more private funding.

"Making Superfund more like the Brownfields [Program] is the dream of many redevelopment pros," French said.

But Stanislaus said the task force's desire to blend the Superfund and Brownfields programs shows a "fundamental misunderstanding" of why they're separate.

"You're not fundamentally going to promote third-party investment in these properties—these are large liabilities," Stanislaus said. "You will get the private sector to invest in a real estate transaction when the market conditions are right and the liability concerns are appropriately managed."

Sarah Sieloff, executive director of the Center for Creative Land Recycling, said some firms may be primed to take that role. "EPA sees the role of a third party as a potential business opportunity for firms that already invest in highly contaminated land, and have some expertise managing the requirements," she told Bloomberg BNA.

That may encourage a market for Superfund sites to grow out of the existing real estate field, attracting firms that had not previously been interested in contaminated lands.

"Whether or not they invest in Superfund sites," she said, "these firms would be some of the most likely to possess the capacity to act in the role EPA anticipates."

Banking on Land Banks

The city of Cleveland's Industrial-Commercial Land Bank takes on site assessments and other pre-redevelopment tasks to prepare properties for reuse.

The land bank has addressed brownfields as well as closed Superfund sites that needed more remedial work.

According to David Ebersole, the city's interim director for economic development, the land bank helps fund further cleanup efforts at closed Superfund sites so that the properties can be put back into productive use.

Ebersole told Bloomberg BNA that the land bank has not yet had to decide whether to start working with any active Superfund sites.

But if the opportunity arises, Ebersole said, the EPA and responsible parties would have to provide certain assurances on potential liability and cleanup funding before the land bank would consider taking on an active Superfund site.

Arthur Bogen, president of the Connecticut Brownfield Land Bank, said the bank approaches sites as transactions. "We help the project by organizing it, identifying regulatory compliance and liability relief, and locking down the redevelopment plan and developer," he told Bloomberg BNA.

Bogen said the bank has not considered Superfund sites, and that the sites are much more expensive to clean up.

"There are some Superfund sites we are aware of in Connecticut, but the cost of the cleanup exceeds the funding we could envision," he told Bloomberg BNA.

Legal Protections

Eric Williams, president of Legacy Land Stewardship, primarily takes on mining properties and former industrial properties where potentially responsible parties can pay for cleanup.

His public benefit corporation is working on properties such as the former Cotter Corp. uranium mill, a Superfund site outside Canon City, Colo. "We get involved in properties that oftentimes don't have strong real estate value," he told Bloomberg BNA.

Legacy Land Stewardship completes the closure of the site on the responsible party's behalf. But, he said, that may not be the end of it.

"In most cases, properties are never fully cleaned up, and so there's long-term care that's still required for those properties," he said.

The EPA's task force notes in its recommendations that "even the most comprehensive arrangement" does not protect a responsible party from being sued by EPA in the future for new contamination discovered at its Superfund site.

"Five years from now, if [EPA representatives] are unhappy with the cleanup, or are critical of it, they may come back to you as the original owner and say, 'You need to fix this,'" said Ron Tenpas, partner at Morgan, Lewis & Bockius and counsel for the Superfund Settlements Project, which represents companies active on waste issues.

On the Hook

The EPA's task force recommendations suggest site-specific agreements that would allow third parties to assume legal liability and remediation responsibilities at a site. The agency must now decide how to implement the recommendations by the end of fiscal year 2018.

Those third parties are separate from contractors that are hired to perform cleanup work at a site, such as engineering company Bechtel's construction of a radioactive waste treatment plant at the Department of Energy's Hanford Superfund site in Washington state.

For example, Stanislaus said, a third party might be interested in taking on a Superfund site with soil and groundwater contamination.

"If a third party just wants to pay for soil cleanup, not groundwater, that may be a legitimate transaction, but at some point, someone needs to be on the hook for the long-term obligations of the groundwater cleanup," Stanislaus told Bloomberg BNA.

An agreement that exists in the brownfields world could be adapted for Superfund sites, Tenpas said.

The "bona fide prospective purchaser" (BFPP) provision in the 2002 brownfields act protects landowners from liability for cleanup costs if they meet certain conditions, including:

- reviewing records and inspecting the site for the presence or possibility of contamination;

- demonstrating that the purchaser is not affiliated with any liable party;

• complying with land use restrictions; and

• cooperating with information requests.

"Some third parties still remain concerned about potential liability and the availability of the BFPP protection at contaminated properties," the EPA's task force recommendations state.

To protect third parties from future liabilities, Tenpas said the EPA would need to provide long-term assurances when the third party buys the contaminated site, not just EPA guidance that covers the subject.

"You need a mechanism at the time of the sale," Tenpas said.

Trump Said to Be Signing Order to Speed Up Public-Works Permits

Posted August 15, 2017, 11:02 A.M. ET

By Mark Niquette

President Donald Trump plans to sign an executive order August 15 designed to streamline the approval process for building roads, bridges and other infrastructure by establishing "one federal decision" for major projects and setting a two-year goal for permitting.

The order will create accountability and discipline for the permitting process and will not require a change in law, said a person familiar with the matter. The process can sometimes involve approvals by multiple agencies and duplicative reviews, officials have said.

Trump is expected to participate in an infrastructure discussion during his visit to Trump Tower in New York City with his team including Transportation Secretary Elaine Chao and Gary Cohn, director of the National Economic Council, the White House said.

Because the federal government owns less than 10 percent of U.S. infrastructure, the Trump administration has focused on efforts to accelerate environmental reviews and permitting for projects that can take years and create unpredictability for investors.

"This is the most boring thing we do but absolutely the most impactful thing," DJ Gribbin, special assistant to the president for infrastructure policy, said during a June 23 appearance at the U.S. Conference of Mayors in Florida.

The Trump administration has said it plans to release a legislative package by this fall to meet the president's pledge to invest $1 trillion to upgrade U.S. infrastructure. The White House signaled it wants to allocate $200 billion in federal dollars over 10 years to pay for large-scale and rural projects and to induce states, localities and the private sector to spend $800 billion.

Previous Order

Trump approved an earlier executive order just four days after taking office to expedite environmental reviews and approvals for high-priority infrastructure projects, and White House officials in March convened a working group of federal agencies to identify policies, regulations and statutes that hinder project approvals.

The president also announced on June 9 during the White House's "infrastructure week" that he was creating a council that already exists, the Federal Permitting Improvement Steering Council. It was authorized by Congress in 2015 and implemented by President Barack Obama. The council is not meeting its potential, the White House said at the time.

The Business Roundtable sent Cohn a letter on April 7 reiterating that "existing law already provides a mechanism for comprehensive reform" of the permitting process for major projects. Critics say that while existing procedures can be streamlined, most delays are caused by the need for state and local approvals and other factors including available funding.

A fact sheet the administration released with its budget on May 23 calls for designating a single federal entity to shepherd each project through the review and permitting process instead of navigating multiple agencies, as well as shifting infrastructure permitting to state and local officials where appropriate.

That's particularly important for private-sector investors, who have capital available but lack enough projects and certainty about deals, Chao has said.

Democrats have urged the administration to focus on the streamlining provisions that have already been approved but not yet fully implemented and said the problem is really a lack of direct federal spending for projects.

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Profitable Pickup Trucks, SUVs May Get Break in Trump Review

Posted August 15, 2017, 9:48 A.M. ET

By Ryan Beene and John Lippert

A move under consideration by the Trump administration could ease tough fuel-efficiency standards set to take effect in 2021 on pickups, SUVs and other light trucks, the bulwark of U.S. auto industry sales and profits.

For the 2021 model year, light trucks must average roughly 33 miles per gallon to comply with the current standards, a gain of more than 6 percent from model year 2020, according to estimates from the National Highway Traffic Safety Administration. That's triple the pace of any annual gain for trucks starting in model year 2017, the first year of the current standards, which were finalized in 2012.

President Donald Trump hasn't proposed any changes to the standards yet. But in recent weeks, both NHTSA and the U.S. Environmental Protection Agency signaled a new willingness to alter the rules earlier than originally planned. The EPA formally asked for public comment on whether its 2021 standards are appropriate and NHTSA said it may review the year in an upcoming rulemaking.

"The domestic Big Three are the big winners, and Fiat Chrysler is arguably the most advantaged" if Trump freezes the standards, said Gopal Duleep, president of H-D Systems, a Washington, D.C.-based research company.

General Motors Co., Ford Motor Co. and Fiat Chrysler Automobiles NV derive more than three-

quarters of their U.S. sales from light trucks. Even Toyota Motor Corp., which has car and truck sales more closely balanced, would catch a break. For the 2016 model year, Toyota forecasts that its light truck fleet may fall nearly 9 percent below the government's fuel economy target, according to figures released by NHTSA.

Any short-term regulatory relief could handcuff automakers if it allows them to fall behind in a global race to cut emissions with electric motors that either supplement or replace gasoline engines, said Duleep. But in the short run, automakers are likely to welcome any easing of the regulations, he said.

Automakers have been preparing for the rules since they were announced in 2011, and analysts say they're unlikely to make significant changes even if Trump moved to weaken the rules. Instead, carmakers would see a huge increase in efficiency credits they could use to help them meet stiffer targets in later years, said Dave Cooke, senior vehicles analyst with the Union of Concerned Scientists, an environmental group.

"If their plans are in place and they receive additional credits, it just makes the later years' standards that much easier to meet," Cooke said.

Fiat Chrysler Chief Executive Officer Sergio Marchionne may be bringing out new Ram Pickup and Jeep SUV models, but he's not ignoring electrification. He told investors in July that after 2022, half of his Maserati models will be battery powered.

According to the agreement the Obama administration reached with automakers and announced in 2011, much of the efficiency increase—particularly for trucks—was to come after 2020 to give automakers time to comply. The delay was seen as a crucial factor in the decision by most automakers to endorse the plan. Ford's F-Series pickup trucks alone account for the majority of the company's North American profits.

NHTSA also has said it will study freezing the standards after model year 2020 as a baseline scenario in an environmental review of pending fuel economy requirements for 2022-2025. The deliberations come as part of a so-called mid-term review included in the Obama administration's plan to boost fuel economy to a fleet average of more than 50 miles per gallon by 2025.

A freeze or cut after 2020 would make good on Trump's pledge to the chief executives of Detroit's automakers to slash environmental regulations that he made during his first days in office. It would come as GM is cutting shifts at its passenger-car assembly plants to avoid excessive inventories, Ford is reviving dormant truck nameplates like the Bronco and the Ranger and as Fiat Chrysler has already killed its slow-selling Chrysler 200 sedan.

But for now, automakers say they're simply welcoming Trump's reopening of the review after Obama sought to end parts of it during his last days in office, and are not backing a specific set of revisions.

"Global Automakers has only asked that the mid-term review be conducted in a transparent and deliberate process, based on the facts," said Lauren Boland, communications manager for the trade group, which includes Toyota and Honda Motor Co.

The trade group has not asked to put the already-final 2021 rules under review. Nor has the Alliance of Automobile Manufacturers, which represents GM, Ford, Fiat Chrysler and others, according to spokeswoman Gloria Bergquist.

"Let the facts come in and let the evidence dictate a decision next spring that optimizes our nation's environmental and economic objectives, consistent with affordability," she said in an email.

The EPA plans to determine whether the tailpipe standards for 2021 need to change by next April. That ruling could carry another risk for automakers: driving a wedge between California and Washington regulators, who've been coordinating their rules since 2011 to allow the companies to sell the same vehicles in all 50 states.

The state of California has already said it has no plans to change its 2025 emissions targets, which are followed by several other states that combined account for around 30 percent of U.S. auto sales.

"It was very difficult to get a national standard in the first place," said Stephanie Brinley, senior automotive analyst at IHS Markit. "It's best for the country to have a common standard."

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Authorization for Freeport LNG Export Facility Upheld by Court

Posted August 15, 2017, 11:19 A.M. ET

By Rebecca Kern

A federal appeals court upheld the Energy Department's authorization of a Freeport LNG Development L.P., liquefied natural gas export facility in Texas, rejecting the Sierra Club's assertion that the department didn't go far enough to assess the indirect environmental impacts of the project.

The U.S. Court of Appeals for the District of Columbia Circuit held that "the department offered a reasoned explanation as to why it believed the indirect effects pertaining to increased gas production were not reasonably foreseeable."

The Sierra Club claimed in its lawsuit that the Energy Department didn't assess the indirect effects of LNG exports, including the impacts of a likely increase in natural gas production and usage that will result from the export authorization. However, the D.C. Circuit said the department was not required to "foresee the unforeseeable."

"We cannot say that the department failed to fulfill its obligations under [the National Environmental Policy Act] by declining to make specific projections about environmental impacts stemming from specific levels of export-induced gas production," D.C. Circuit Judge Robert Wilkins wrote in an Aug. 15 opinion.

Last year, the D.C. Circuit denied a Sierra Club lawsuit over the Federal Energy Regulatory Commission's approval of the Freeport LNG terminal, saying the indirect environmental impacts of LNG exports would be better addressed by the Energy Department. It was one of four Sierra Club LNG petitions against FERC that the D.C. Circuit denied.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, founder of Bloomberg L.P. Bloomberg BNA is an affiliate of Bloomberg L.P.

The export facility, located on Quintana Island about 70 miles south of Houston, is expected to be

completed in 2019 and will produce and export 15 metric tons per annum (MTPA) of LNG, according to the company's website.

Nuclear Power's Woes Imperil U.S. National Security, Moniz Says

Posted August 15, 2017, 7:49 A.M. ET

By Ari Natter

The decline of the U.S. nuclear-power industry puts America's security at risk, according to a report being released Aug. 15 by former Energy Secretary Ernest Moniz that calls for greater federal investment.

The report from the Energy Futures Initiative and obtained by Bloomberg News says a commercial atomic power sector is necessary to keep uranium-processing technology away from terrorists and other bad actors as well as support nuclear-powered Navy vessels.

The report by Moniz, a nuclear scientist who served as energy secretary under President Barack Obama, calls for expanded government loan guarantees, tax incentives and research on nuclear technology. The report doesn't mention President Donald Trump, who is proposing cutting nuclear research funding and killing the loan guarantee program.

Nuclear power makes up about 20 percent of U.S. electricity generation, but the industry has been struggling. Five nuclear plants, with a combined capacity of 5 gigawatts, have closed early since 2013, and an additional six plants are scheduled to shutter early over the next nine years. Of the two new nuclear plants under construction in the U.S., one was halted by Scana Corp. last month and backers of the other, Southern Co.'s Vogtle plant in Georgia, are seeking additional aid from the federal government.

Westinghouse Electric Co., the nuclear technology pioneer that is part of Toshiba Corp., went bankrupt in March, after it hit delays with its AP1000 reactors at each of those plants. After it declared bankruptcy, Westinghouse—whose technology is used in more than half the world's nuclear power plants—said it shifted its focus from building reactors to helping dismantle them.

Trump pledged to help the industry and Energy Secretary Rick Perry is conducting a study of the electric grid aimed at helping so-called baseload power plants, which includes coal and nuclear. But Trump's budget also proposed deep cuts to the Energy Department, including shuttering the loan guarantee program Moniz says should be expanded and cutting research spending.

Moniz, who served as Energy Secretary from 2013 to January 2017, also serves as CEO of the Nuclear Threat Initiative, a nonprofit organization that works for nuclear disarmament, securing nuclear materials, and nonproliferation.

The U.S. needs companies and engineers that can both build and run nuclear enterprises, Moniz, a nuclear physicist himself, said in the report. The U.S. Navy's reactors require supplies and qualified engineers, and American nuclear scientists fill vital national security roles, it said.

Companies, such as BWX Technologies Inc. of Lynchburg, Virginia manufacture nuclear components for both the commercial nuclear industry and naval reactors. If the commercial business collapses, that may mean one less company able to process highly enriched uranium, according to the report.

Shrinking Enterprise

"A shrinking commercial enterprise will have long term spillover effects on the Navy supply chain, including by lessened enthusiasm among American citizens to pursue nuclear technology careers," according to the report.

In addition to extending a tax credit for new nuclear power and the Energy Department's loan guarantee program, the report says the federal government could also direct the Federal Energy Regulatory Commission to "place a greater emphasis on the national security importance of nuclear power and its associated supply chain."

Coal and nuclear power "need to be properly compensated to recognize the value they provide to the system" and "should be recognized as an essential part of the fuel mix," FERC Chairman Neil Chatterjee said Aug. 14

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Southern Wins Early Review of Nuclear Reactor Cost Overruns

Posted August 15, 2017, 02:05 P.M. ET

By Mark Chediak and Margaret Newkirk

U.S. utility owner Southern Co. may have a better idea of how much of an estimated $25 billion nuclear power project it will be allowed to charge Georgia customers before a reactor is even online.

Georgia utility regulators voted 4 to 1 on Tuesday to review a new cost estimate for two delayed reactors under construction in the next few months. The move could offer Southern, which supported the measure, clarity sooner on how much of the billions it's investing in the project are recoverable through customer rates. The state Public Service Commission and Southern had previously agreed to assess expenses once a reactor was finished.

"This would send a message to the company, company's partners, Wall Street and ratepayers that the commission continues to be supportive of this project," Georgia Public Service Commission Chairman Stan Wise said at the meeting.

Although the measure included an amendment that would allow the commission to rescind Tuesday's vote or any others if Southern decides to abandon the project, it signals support among regulators for the project to continue, according to analysts at Guggenheim Securities LLC. Georgia regulators would need to sign off in order for it to go forward given the cost increases and delays.

"While Chairman Wise's motion could be viewed as punitive to the extent it leaves the door open for the commission to re-visit prior approvals, we view it as a push toward proceeding with construction," Shahriar Pourreza, a New York-based analyst for Guggenheim Securities, said in a note.

Costs Spiral

Earlier this month, Southern released new estimates indicating that the costs of the Vogtle reactors may total more than $25 billion, almost double original estimates. In March, the project's lead

contractor, Westinghouse Electric Co., filed for bankruptcy, and the first reactor may not be finished until 2022.

The reactors, already years behind schedule, are the only ones actively under construction in the U.S. They've come to represent the last and best hope for a nuclear renaissance that has failed to materialize in the U.S. following Japan's Fukushima accident. Scana Corp. pulled the plug in July on a similar plant in South Carolina after the costs of that project jumped to more than $20 billion.

Southern is slated to decide by the end of this month whether it even wants to move forward with the Vogtle plant. The company's chief executive officer, Tom Fanning, stressed in an Aug. 2 interview that dropping the work altogether would leave the company with "nothing to show" for its investment.

Backers of the troubled nuclear project have meanwhile asked the Trump administration to help get it finished, people familiar with the talks said earlier this month. That could include increasing or speeding up disbursements of $8.3 billion in federal loan guarantees to the companies behind the plant, the people said, asking not to be identified because the negotiations are ongoing.

Georgia Power, the Southern unit building the reactors, said it's required by law to seek approval of new cost and schedule forecasts. "We expect to file our comprehensive schedule, cost-to-complete and cancellation assessments by the end of August and make a recommendation to the Georgia PSC based on that assessment," Jacob Hawkins, a company spokesman, said in an emailed statement on Tuesday.

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How Elon Musk and Cheap Oil Doomed Push for Another Car Fuel

Posted August 15, 2017, 01:31 P.M. ET

By Patrick Martin

The idea was nothing short of revolutionary: convert the nation's millions of trucks, buses and other commercial vehicles to run on natural gas instead of gasoline and diesel.

Back in 2008, the proposal by energy magnate T. Boone Pickens had some appeal. U.S. oil production was plunging, and the world's biggest fuel-consuming country was becoming ever more dependent on foreign crude. Oil jumped to a record near $150 a barrel, while natural gas was comparatively cheap. Pickens co-founded Clean Energy Fuels Corp. to profit from the switch. The maker of natural gas filling stations was once valued at about $1.8 billion.

But there was a different kind of revolution. New drilling techniques led to a boom in oil supplies from the U.S., and electric cars took off. Tesla Inc., which had yet to deliver its first electric car a decade ago, now has 455,000 reservations for its Model 3—almost 20 times the number of natural-gas vehicles on U.S. roads as of 2015. Shares of Clean Energy Fuels are down 90 percent from a 2012 peak, and the company concedes that natural gas may only be a niche market as a transportation fuel.

"I'm not sure America is set up" for widespread use of passenger natural gas vehicles given all the infrastructure needed to get supplies to customers, Andrew Littlefair, Clean Energy Fuels' chief executive officer, said by phone. "There are a lot of reasons it would make sense to look at that again, but I don't know that I'm ready to say that's going to happen."

Pickens, who made his first fortune as an oil wildcatter five decades ago, had high hopes for natural gas because he believed crude supplies were peaking. In op-eds, media interviews and meetings with politicians including then-President Barack Obama, Pickens said the nation's heavy-duty trucks and fleet vehicles should run on natural gas. The U.S. could reduce its reliance on oil imports and use more wind and solar power, he said.

Pickens, 89, wasn't able to comment, according to Jay Rosser, a spokesman for BP Capital LLC, the energy hedge fund Pickens founded.

Shale Boom

By 2011, U.S. oil output began to surge with the shale boom. Three years later, prices for crude, diesel and gasoline were tumbling. While natural gas has become a staple for domestic power plants, supplanting coal, the prospect for cheaper alternatives made it less attractive as a vehicle fuel.

In April, the most recent month for data from the Department of Energy, liquefied natural gas sold for $2.52 per diesel-gallon-equivalent, compared with $2.55 for diesel. That's hardly a bargain, considering Pavel Molchanov, an analyst at Raymond James Financial Inc., estimates that trucks that run on LNG cost about $30,000 to $50,000 more than a comparable diesel rig.

Even though natural gas has remained cheap—trading at $2.948 per million British thermal units at 8 a.m. in New York on Aug. 15—using it to fuel vehicles is "not something that has taken off," said Salim Morsy, an analyst at Bloomberg New Energy Finance in New York. "Gasoline and diesel are undoubtedly the cheapest in total cost of ownership, but as technology improves and batteries get cheaper," the number of electric cars will at least double.

The number of plug-in autos in the U.S. almost tripled between 2008 and 2015, government data show. Tesla, the company founded by billionaire Elon Musk, has introduced three models since 2012, and other manufacturers are jumping into the market. Volvo AB has said all its new cars from 2019 will be hybrid or all-electric, and BMW AG is developing a self-driving electric to replace the 7-Series as the company's flagship in 2021.

Natural gas vehicles have seen their share of the auto market shrink. Chesapeake Energy Corp., one of biggest U.S. gas producers, eliminated the team working on natural-gas vehicles in 2013. Honda Motor Co. discontinued a natural-gas-fueled model of its popular Civic sedan in 2015.

Last year, with oil locked in a prolonged price slump, Pickens sold about 4 million shares of Newport Beach, California-based Clean Energy Fuels, which operates more than 500 natural gas filling stations across the country. While the company has declined in value, Tesla traded at a record high in June.

Still, Littlefair sees opportunities for growth, especially in the fleets of vehicles owned by municipal governments trying to reduce tail-pipe emissions and operating costs. Dallas Area Rapid Transit, which uses 537 buses and 123 shuttles that run on natural gas, this month extended its operation and maintenance contract with Clean Energy Fuels. California cities including Los Angeles and Fresno also have contracts with the company.

Clean Energy Fuels is also seeking a way to expand its reach by using natural gas extracted from landfills and farms to supply filling stations.

Few Stations

While companies including AT&T Inc. and Ryder System Inc. use natural gas in trucks that make short trips and return to the same depot each day, limited infrastructure has prevented wider use. There are 1,828 natural-gas filling stations in the U.S., compared with almost seventy times as many conventional gas stations and around 38 times as many non-residential plug-in stations and charging outlets for electric vehicles, government and industry data show.

It can cost $1.8 million to build a filling station that supplies compressed natural gas, according to the National Renewable Energy Laboratory. Electric vehicles, in contrast, can be plugged into a home outlet.

"The infrastructure would be costly" for widespread use of natural gas vehicles, said Lee Klaskow, a senior analyst for transportation and logistics at Bloomberg Intelligence. "You would have to have some huge cost savings."

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Big Oil Follows Silicon Valley into Backing Green Energy Firms

Posted August 15, 2017, 8:20 A.M. ET

By Anna Hirtenstein

Major oil companies are joining Silicon Valley in backing energy-technology start-ups, a signal that that those with the deepest pockets in the industry are casting around for a new strategy.

From Royal Dutch Shell Plc to Total SA and Exxon Mobil Corp., the biggest investor-owned oil companies are dribbling money into ventures probing the edge of energy technologies. The investments go beyond wind and solar power into projects that improve electricity grids and brew new fuels from renewable resources.

While the money involved is small—a fraction of the $7.5 billion that venture capital and private equity injected into the clean energy industry last year—the funds support work that may evolve into major income streams in the decades ahead as governments work to limit fossil-fuel pollution and global warming.

"In the energy industry, small companies have quite a lot of disruptive power," Geert van de Wouw, managing director of Shell Technology Ventures, said in an interview. "We always have to look over our shoulder to make sure that we stay ahead of the game."

Following is a list of the projects the biggest oil companies are supporting:

Shell Technology Ventures

The unit of Royal Dutch Shell Plc splits its spending between oil and gas technology and clean energy equally. The green share may increase to about 60 percent in the years ahead, according to van de Wouw, declining to detail his annual budget. The fund's total size is "hundreds of millions of dollars," he said. It has put money into:

• Kite Power Systems, a maker of a kite that flies on wind currents to generate renewable electricity;

• Glasspoint Solar Inc, a company that has developed a way to make steam for enhanced oil recovery with solar energy; and

• Sense, a start-up that creates devices that monitor home power consumption.

Total Energy Ventures International SAS

The unit of the French oil major Total SA has invested $160 million to date with almost three quarters flowing into North America, according to the fund's CEO Francois Badoual. It only takes minority stakes. It has invested in:

• AutoGrid, a California-based company that designs smart-grid software;

• United Wind, a company that leases wind turbines to retail customers and small businesses; and

• Off Grid Electric, a Tanzania-based installer of rooftop solar panels that works in low energy-access areas in Sub-Saharan Africa.

"We try to detect and invest in innovation," Badoual said. "The shift can accelerate at a pace which is difficult to really foresee, but you have to be ready and to adapt."

BP Ventures Inc.

BP Plc's VC fund has invested $325 million to date. It tends to skew more towards chemicals or fuels, rather than renewable electricity. It has funneled money into:

• Tricoya Technologies, a maker of a technology that changes the chemical structure of wood chips to make a building material that's more durable and energy efficient;

• Fulcrum, a producer of bio-jet fuel made from municipal waste, which raised $30 million from BP; and

• Solidia, a company that is working on reducing the carbon footprint of concrete.

"BP Venture's goal is to be both an investor and an end-user of the technologies in which we invest," said Jonathan Tudor, managing director of the fund. "That requires a longer-term commitment because we look beyond a quick financial return. We take an active role in the evolution of these companies and want to see their new technologies commercialized and deployed into BP's existing businesses."

Exxon Mobil Corp.

Exxon has a different approach to frontier technology. It prefers to conduct research internally and with partners rather than buy minority stakes in start-ups. It's studying biofuels, carbon capture and storage, energy-efficiency processes and energy-saving materials, according to spokesman William Holbrook, and is working with:

• Synthetic Genomics Inc., which studies how to make biofuels from algae; and

• FuelCell Energy Inc., which is developing carbonate fuel cells to capture CO2 emissions from natural gas plants while also producing electricity.

"We conduct R&D through in-house efforts, via partnerships with other industries and by funding academic and other nongovernmental research projects," Holbrook said by email. "These studies

help inform the company on emerging technologies, define our potential contribution to the science, and assess the future applicability of the technologies to our businesses."

Chevron Corp.

Chevron has been investing in start-ups since 1999 and divides its portfolio between oil and gas, advanced materials, communications infrastructure and information technologies and emerging and alternative energy. On the latter, it has invested in the following:

• Acumentrics, a fuel cell company that can make its products from ceramics;

• Ensyn, a maker of fuels and chemicals from residue from forests and agriculture; and

• Inventys, a developer of carbon capture technology that traps CO2 from industrial gas streams.

The fund "serves as a window and an on-ramp" for emerging technologies, said Chevron spokesman Kent Robertson by email. The technologies are "well aligned with projected energy needs."

Statoil Energy Ventures

The unit of Norway's state oil company, Statoil ASA, has invested $20 million since February 2016. It only funds renewable start-ups, listing among its investment themes wind, solar, storage, transportation, energy efficiency and smart grids. To date, it has put money into:

• ChargePoint Inc., an electric-vehicle charging point operator based in California;

• Oxford Photovoltaics Ltd., a solar technology company that is developing panels with perovskite. The substance could make traditional photovoltaics as much as 30 percent more efficient; and

• Convergent, a large-scale energy storage developer working on projects with lead acid, lithium-ion and flywheel batteries in the U.S. and Canada.

"In the transition into clean energy, it's not clear who would be the winners and losers," said Bala Nagarajan, investment director at Statoil Energy Ventures. "So for us, the investment is a means to understand which business models and which technologies are likely to be more successful. These investments help us position ourselves in the right part of the value chain."

Of course the oil companies have always dabbled in other forms of energy, backing solar after the 1973 oil crisis. Exxon backed nuclear power in the 1980s. Shell vowed to push into renewables ahead of the landmark Kyoto Protocol on climate change in 1997.

Those efforts fizzled when dips in the oil price sharpened the industry's focus on costs. More recently, Shell has taken big stakes in offshore wind projects, BP revived its wind business and Total pressed into solar through an investment in SunPower Corp.

Big Oil's push into venture capital adds to the sense that technology is moving rapidly in the energy industry, leaving a question mark over what will dominate supply for the first time in almost a century.

"A lot of these companies are still figuring out how to get involved on a larger scale," said Rick Wheatley, head of leadership and innovation at Xynteo Ltd., a consultant that advises Shell, Statoil and Eni SpA on sustainability and long-term planning. "They invest in start-ups to learn and to

demonstrate intent. For the cost of a drilling campaign, they can invest in dozens of start-ups."

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Brazil's Solar Expected to Grow With State's New Regulation

Posted August 15, 2017, 03:56 P.M. ET

By Michael Kepp

A new solar energy regulation in Brazil's Sao Paulo state is expected to encourage more small and large-scale solar systems to be built and help those under construction come online more quickly.

"The now-clear rules for licensing solar [photovoltatic] systems in Sao Paulo state will lower project risks and boost solar PV investments there," Alexandre Franceschi, project development manager of the Cobra Group, a solar developer building a large-scale system in the state, told Bloomberg BNA.

The regulation is significant because Sao Paulo accounts for over 30 percent of Brazil's gross domestic product and is among the most solar-powered states in a country that's trying to boost usage of the renewable source.

The Sao Paulo State Environmental Secretariat (SMA)'s previously issued solar system licenses on a project-by-project basis without clear or standardized guidelines to inform developers about the need or specific type of license. Under the Environmental Secretariat's new regulation, issued Aug. 4, small-scale solar systems—those with installed capacity of fewer than 5 megawatts—need only be licensed if their installation requires cutting vegetation or if they are to be located in government-protected areas.

Sao Paulo has the second-largest number of such systems in terms of installed capacity among Brazil's 26 states.

Those systems are small rooftop and ground-mounted systems that homeowners and small businesses install to supply their own electricity. The systems sometimes use net metering—a billing mechanism that credits solar energy system owners for the excess electricity they add to the grid.

Developers of medium-to-large–scale solar systems, those ranging in capacity from 5 megawatts to 90 megawatts, must submit a simplified environmental study to get a license under the new regulation. Developers of ultra-large-scale systems—ground-mounted systems with a capacity of over 90 megawatts— must submit a preliminary environmental study (RAP), which has far fewer requirements than an environmental impact assessment for projects with a potentially substantial environmental footprint.

Developers of solar PV systems that need licenses still must first get a preliminary permit and then comply with SMA-imposed conditions to get installation and operating licenses that are required to come online.

The new regulation "is a positive initiative that other states should adopt," Rodrigo Sauaia, CEO of the Brazilian Photovoltaic Solar Energy Association (Absolar), told Bloomberg BNA Aug. 14.

Cobra Group's solar system, currently under construction, will have an installed capacity of 120 megawatts. The company also has a license to build a second 150-megawatt solar system there.

"Now that SMA analysts have standardized licensing rules to follow, they will be able to more quickly decide if a solar PV project is feasible and should be licensed, and under what conditions," Franceschi told Bloomberg BNA. "And this will speed up the completion of solar PV projects being planned or now underway."

Brazil's latest 10-year energy expansion plan said large-scale (non-rooftop) solar power, which accounted for just .01 percent (21 megawatts) of the electricity mix in 2016, would account for 4.5 percent (9,660 megawatts) by 2026.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 8/22/2017 10:36:00 AM
Subject: POLITICO Playbook, presented by Chevron: PRESIDENT TRUMP'S WAR -- SPOTTED at Sinclair HQ: Laura Ingraham -- TRUMP aides plot immigration deal -- HOW THE TRUMP SONS are running the family biz -- MNUCHIN's wife gets heat for Insta post -- B'DAY: Rich Lowry

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Today's POLITICO Playbook presented by Chevron
08/22/2017 06:33 AM EDT

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Tuesday morning. SIREN: INSIDE THE DEBT-CEILING DRAMA ... THE NATION'S BORROWING LIMIT needs to be lifted in the next month or so, and House and Senate Republicans and the Trump administration have **NO IDEA AND NO PLAN** how it's going to get done, according to sources in each corner of the fight. **ELEMENTS IN THE WHITE HOUSE** have signaled to Hill leaders they believe Congress will pass a clean increase -- lifting the debt cap without other provisions. This will not fly with some conservative members, who want some sort of policy concessions. **HOUSE** and **SENATE REPUBLICANS** tell us they have not decided on a strategy as of yet. The prevailing theory among GOP aides continues to be that the Senate will pass a clean debt ceiling increase and jam the House with it. That seems risky, and aides are worried.

-- MITCH MCCONNELL, yesterday in Kentucky: "There is zero chance -- no chance -- we will not raise the debt ceiling."

-- FROM A GOP HILL AIDE: "Leadership has no plan for debt ceiling. Zero specifics on tax reform. We are six weeks away for funding the government and no one has any idea what will happen. Leadership has nothing they've articulated."

THE BOSTON GLOBE'S VICKY MCGRANE -- "Businesses fret over Congress' ability to avoid debt default" http://bit.ly/2vUBW8X

NANCY COOK on tax reform: "There is broad consensus, according to five sources familiar with the behind-the-scenes talks, on some of the best ways to pay for cutting both the individual and corporate tax rates. The options include capping the mortgage

interest deduction for homeowners; scrapping people's ability to deduct state and local taxes; and eliminating businesses' ability to deduct interest, while also phasing in so-called full expensing for small businesses that allows them to immediately deduct investments like new equipment or facilities." http://politi.co/2imiAoC

ABOUT LAST NIGHT ... PRESIDENT TRUMP'S WAR ....

-- NYT's MARK LANDLER and **MAGGIE HABERMAN: "Angry Trump Grilled His Generals About Troop Increase, Then Gave In":** "President Trump's skepticism about America's involvement in Afghanistan was no secret to his staff. But his top national security officials were still taken aback at a meeting in the Situation Room on July 19, when an angry Mr. Trump began ripping apart their latest proposal to send thousands of additional American troops to the country. 'We're losing,' the president declared, according to a person who was in the room. The plan, he complained, was vague and open-ended, with no definition of victory. 'What does success look like?' he asked.

"The day before that meeting, Mr. Trump had invited four soldiers who had served in Afghanistan to the White House for lunch. His exchanges with these enlisted men, an official said, left him sober about the prospects for turning around a war that has dragged on for nearly 16 years. He showed up the next day determined to ask hard questions." http://nyti.ms/2x8hUGr ... ***Video of Trump's speech*** http://bit.ly/2imLhS9

-- ELIANA JOHNSON: "How Trump swallowed a bitter Afghanistan pill,": "The plan - which will maintain an unspecified U.S. troop presence without withdrawal timetables and intensify pressure on Pakistan to crack down on terrorist safe havens - was the product of a months-long strategy review in which the president's national security team talked him out of ending the costly 16-year war. 'It wasn't a debate,' said a senior White House aide. 'It was an attempt to convince the president.' ... If there was a worldview behind the remarks, it was what Trump called a 'principled realism' devoted to rooting out terrorists without building up the countries that host them - a balance between the president's isolationist tendencies and the neoconservative ideology that animated the last Republican administration. 'We are not nation-building again,' Trump said. 'We are killing terrorists.'" http://politi.co/2wsSVRg

-- WAPO'S PHIL RUCKER and **BOB COSTA:** "Trump's private deliberations -- detailed in interviews with more than a dozen senior administration officials and outside allies -- revealed a president un-attached to any particular foreign-policy doctrine, but willing to be persuaded as long as he could be seen as a strong and decisive leader. 'This has been many months in the making,' said Kellyanne Conway, counselor to the president. 'The hallmark of leadership is a deliberative process, not an impulsive reaction, and that is precisely the protocol he followed here.'

"Part of that listening included hearing out the military about sharing the burden in the region and getting Pakistan more involved in managing the war. 'When Secretary [Jim] Mattis said this would be a South Asia strategy, that tells you a lot,' said John Bolton, a former U.S. ambassador to the United Nations, referring to recent remarks by the

defense secretary. 'The big issue wasn't land-war tactics. The big issue is Pakistan.' He called Trump's Monday speech the 'defining moment of the Trump policy seven months into the administration.'" http://wapo.st/2wz7HVS

-- POLITICAL REALITY, via WaPo's Thomas Gibbons-Neff and Anne Gearan: "Trump's decision is a middle path that does not hew to either of the main foreign policy themes he articulated as a candidate: to stay out of expensive overseas quagmires, and to decisively win any conflict worth entering." http://wapo.st/2v1XbGZ

BREITBART HEADLINES: "Trump Reverses Course, Will Send More Troops to Afghanistan" ... **"Defends Flip-Flop in Somber Speech"** ... **"...TRUMP'S 'AMERICA FIRST' BASE UNHAPPY WITH FLIP-FLOP AFGHANISTAN SPEECH..."** ... **"...HIS MCMASTER'S VOICE: IS TRUMP'S AFGHANISTAN POLICY THAT DIFFERENT FROM OBAMA'S?"** http://bit.ly/1FMhXpk

-- SUSAN GLASSER: "America Is Out of Ideas in Afghanistan": "President Trump proved one thing beyond the shadow of a doubt in his Afghanistan strategy speech Monday night: After nearly 16 years of fighting America's longest war, there are no new ideas. He called his plan 'dramatically different.' It wasn't. The only thing that seemed a striking change from his two presidential predecessors' approach to the war launched after the attacks of September 11, 2001, was Trump's escalatory rhetoric. He repeatedly vowed to 'win' a conflict that his Defense Secretary James Mattis told Congress recently 'we are not winning' and sharply criticized Afghanistan's neighbor Pakistan, a troublesome ally Trump excoriated for offering 'safe haven' to terrorists." http://politi.co/2g0WUxg

-- WHAT KABUL IS THINKING -- AP: "Afghanistan's government is applauding President Donald Trump's speech for focusing on needs and conditions instead of timelines. Afghan Ambassador to the U.S. Hamdullah Mohib calls it a '10 out of 10.' He tells The Associated Press by telephone from Kabul that Afghans heard 'exactly what we needed to.' Mohib says critiques of the speech for failing to disclose troop numbers are misguided. He says the focus on numbers detracts from the 'real focus' on conditions and support needed for Afghanistan to succeed and achieve peace.

"The ambassador is also praising Trump for 'breaking the silence' about Pakistan's sheltering of what he calls terrorists. Trump emphasized the need for Pakistan to stop harboring the Taliban. Mohib says Afghanistan has made progress and is committed to pursuing reforms to show it merits continuing help from the U.S." http://bit.ly/2wzxWvf

WHAT TRUMP IS WAKING UP TO -- N.Y. POST: "THE TRUMP DOCTRINE: We stay in A'Stan, but 'no nation building'" http://nyp.st/2algwpl ... **N.Y. DAILY NEWS:** "MAKE WAR SURGE AGAIN: Trump touts new plan for Afghanistan but won't give strategy" http://nydn.us/2vUhEMX ... **ANOTHER DAILY NEWS COVER:** "NOT TOO BRIGHT!: Trump ignores fake news warning, stares at eclipse" ... **N.Y. TIMES:** "IN SPEECH, TRUMP SETS U.S. STRATEGY FOR AFGHAN WAR ... Generals' Warnings Overrode Initial Skepticism ... Expanding Role in a Conflict He Once Called Futile"

http://nyti.ms/2wzQOKT ...

... **WAPO:** "Troop increase planned in Afghan war ... Behind the decision: Debate, infighting and stalemate, and finally a bow to the generals ... NEW STRATEGY AFTER INTERNAL REVIEW: Trump previously called conflict a waste of time" ... **WSJ:** "Trump Vows New Afghan Tack: President will boost pressure on Pakistan, avoid telegraphing U.S. military strategy".

-- ONE THOUGHT: Trump says he will not detail publicly how many more troops he's sending to Afghanistan. We'll see if that flies with lawmakers when Defense Secretary Jim Mattis heads to Capitol Hill to testify this fall.

****** **A message from Chevron**: When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: http://politi.co/2ie5v0A ******

FOR YOUR RADAR -- "Navy to Pause Operations, Review Collisions, With 10 Missing: Defense Secretary Jim Mattis responds as storm impedes search for sailors from USS John S. McCain," by WSJ's Nancy Youssef in Washington and Jake Maxwell Watts in Singapore: "The U.S. Navy announced a pause in its global operations and patrols and has begun a broad investigation after the destroyer USS John S. McCain on Monday collided with a merchant vessel, leaving 10 sailors missing, the second such incident in just over two months.

"The response by the U.S. military signals the Navy believes it needs to examine whether there may be institutional problems behind the deadly collisions, and that it may need to retrain some of its personnel in seamanship. Navy Adm. John Richardson, the chief of naval operations, announced 'an operational pause be taken in all of our fleets around the world' -- a move that officials said was rare." http://on.wsj.com/2g1ZEdN

TRUMP'S TUESDAY -- TRUMP is going out west. He'll head to Yuma, Arizona, at noon. He'll go on a tour of "U.S. Customs and Border Protection equipment" and meet with Marines. He'll then head to Phoenix for a campaign rally.

-- WE HEAR the White House was working the Hill to drum up support for Trump's trip to the border. The House Freedom Caucus is taking the lead in that effort.

VP MIKE PENCE is accompanying Trump to the rally in Phoenix. **JUST A NOTE:** Pence and Jeff Flake served together in the House and know each other well. If Trump attacks Flake, it will be interesting to see Pence's reaction.

NEXT UP... "GOP on eggshells as Trump storms into Phoenix," by Alex Isenstadt in Phoenix: "President Donald Trump faces a decision on Tuesday evening with profound implications for his already strained relationship with the GOP: Whether to attack a vulnerable Republican senator on his home turf. While White House officials won't say exactly what's on Trump's agenda when he holds a campaign-style rally here, there is a

widespread expectation that he will go after GOP Sen. Jeff Flake, a loud critic of the president who recently published an anti-Trump manifesto, 'Conscience of a Conservative.'

"Senate Majority Leader Mitch McConnell, Majority Whip John Cornyn, and [NRSC] Chairman Cory Gardner all declared that Flake had their full support. On Tuesday morning, Senate Leadership Fund, a super PAC closely aligned with McConnell, will amp the pressure. The group is set to release a blistering digital ad campaign that targets former Kelli Ward, a conservative former state senator and Flake primary opponent who Trump praised in a tweet last week.

"The ad paints Ward as an extreme figure with 'crazy ideas' who engages in 'embarrassing behavior.' People close to the group describe the offensive as part of a broader effort to show that any Trump-led push to undermine Flake, or any GOP incumbent for that matter, won't go uncontested." http://politi.co/2vkusZf ... ***The ad*** http://bit.ly/2wzsVmq

-- @KFILE: ".@kelliwardaz's new ad ties Jeff Flake to Obama, but it looks like a photo from bill signing for judge killed in the Giffords attack." http://bit.ly/2imtLO4

-- SEN. JEFF FLAKE (R-ARIZ.) to Kurtis Lee of the L.A. Times: "What did he think about Trump calling him toxic on Twitter, reporters asked Flake on Monday after speaking to a gathering of local business leaders? 'I don't worry about it at all,' Flake said at an events center here in the suburbs east of Phoenix. Is Trump right in offering aid and comfort to his primary challenger, former state Sen. Kelli Ward? 'That's not my realm. That's somebody else's. I just - I'm running my own campaign. It's going well. And what the president does, that's his prerogative,' Flake said." http://lat.ms/2vUpgis

-- "Arpaio keeping his calendar clear for possible Trump pardon," by Ted Hesson: "Former Maricopa County Sheriff Joe Arpaio said Monday that he doesn't know whether President Donald Trump will grant him a pardon this week -- but he's keeping his calendar open. When asked whether he would be available when Trump visits Phoenix on Tuesday, the 85-year-old former Arizona lawman told POLITICO that 'of course' he would be. ... The former sheriff was convicted in late July of criminal contempt in a racial profiling case and faces a maximum of six months in jail. He is scheduled to be sentenced Oct. 5." http://politi.co/2x7Z0j7

BEHIND THE SCENES -- "Trump aides plot big immigration deal - that breaks a campaign promise," by McClatchy's Anita Kumar: "Donald Trump's top aides are pushing him to protect young people brought into the country illegally as children -- and then use the issue as a bargaining chip for a larger immigration deal -- despite the president's campaign vow to deport so-called Dreamers. The White House officials want Trump to strike an ambitious deal with Congress that offers Dreamers protection in exchange for legislation that pays for a border wall and more detention facilities, curbs legal immigration and implements E-verify, an online system that allows businesses to check immigration status, according to a half-dozen people familiar with situation, most

involved with the negotiations.

"The group includes former and current White House chiefs of staff, Reince Priebus and John Kelly, the president's daughter, Ivanka Trump, and her husband, Jared Kushner, who both serve as presidential advisers, they said. Others who have not been as vocal publicly about their stance but are thought to agree include Vice President Mike Pence, who as a congressman worked on a failed immigration deal that called for citizenship, National Security Adviser H.R. McMaster and Gary Cohn, a Democrat who serves as director of the National Economic Council. ...

"On the other side, a smaller group - including Attorney General Jeff Sessions and his former aides, Stephen Miller, who serves as Trump's senior policy adviser, and Rick Dearborn, White House deputy chief of staff - opposes citizenship, according to sources familiar with the discussions. ... Miller was ordered not to brief the president on the issue in recent months, according to two of the people." http://bit.ly/2vaiYIy

RYAN FACES LOCAL PEPPERING -- FIRST TOWN HALL SINCE 2015 -- "Ryan faces heat back home in Wisconsin," by Rachael Bade in Racine, Wisconsin: "Paul Ryan was one of most popular Republicans in the country last fall, routing his Democratic challenger and beating back a Donald Trump-inspired primary challenger who trolled him at every turn. Yet there he was, taking flak from discontent constituents at a town hall in Racine on Monday night. ...

"In this small southeast Wisconsin town on Lake Michigan, the speaker fares no better than any other congressional Republican facing unhappy crowds. And in some ways his powerful position in Washington makes it worse because he controls the 240-strong House Republican majority. While the CNN-hosted Ryan town hall was carefully choreographed, packed with about 300 well-behaved attendees, interviews with constituents who have voted for Ryan showed many were disquieted by the GOP's failure to deliver on key campaign promises. ...

"To be sure, Ryan is still extremely popular with Republicans here in the First District. All but one Republican interviewed for this story said he or she would vote for Ryan again, and many praised him as 'honest,' 'tenacious' and 'hard-working.' Some, like Franksville-native Bill Jaeck, even parroted Ryan's talking points about House-passed bills stalled in the Senate -- an echo worthy of Ryan's Washington press conference.

"But there's a sinking feeling among some Ryan supporters that the man they've known and voted in for years is not the superman they'd hoped. 'Being speaker of the House has become a setback. ... It's basically ruined his career for a while, because he's forced to do many unpopular things,' said Marlene Lamberton of Caledonia, a longtime supporter." http://politi.co/2in2zyq

INTERESTING BITES FROM RYAN... ON NEW AFGHANISTAN STRATEGY: "I'm pleased with the decision. I'm actually pleased with the way he went about making this

decision. ... So I also think what I heard tonight for the first time -- this is what I wasn't briefed on -- is I think I heard a new Trump strategy, or a doctrine, so to speak. Principled realism I think is how he described it."

-- ON TRUMP'S HANDLING OF THE CHARLOTTESVILLE SITUATION: "[I] think it was in New York on an infrastructure press conference, in answer to a question, I think he made comments that were much more morally ambiguous, much more confusing. And I do think he could have done better. I think he needed to do better. I actually think what he did two days ago in commending the peaceful protests against the hate in Boston was a good start. And I think just what I heard, I don't know, 25 minutes ago, was exactly what a president needs to say and what we needed to hear. So I do believe that he messed up in his comments on Tuesday, when it -- it -- it sounded like a moral equivocation, or at the very least moral ambiguity, when we need extreme moral clarity."

-- ON CENSURING TRUMP: "I will not support that. I think that would be -- that would be so counterproductive. If we descend this issue into some partisan hack-fest, into some bickering against each other, and demean it down to some political food fight, what good does that do to unify this country?"

PER BEN WHITE'S MORNING MONEY - "MNUCHIN'S WIFE HITS TURBULENCE - Lot of buzz on Twitter last night over an Instagram post and reply from Louise Linton, the actress who recently wed Treasury Secretary Steven Mnuchin. The initial post showed Linton and Mnuchin getting off an official plane from a trip to Kentucky. And Linton hashtagged just about everything including her high end ensemble featuring #tomford sunglasses, #roulandmouret pants and #hermesscarf. A commenter on the post said: 'Glad we could pay for your little getaway. #deplorable.' That apparently set Linton off. In a long response she said, among other things: 'Have you given more to the economy than me or my husband. ... I'm pretty sure we paid more taxes toward our day 'trip' than you did. ... Thanks for your passive aggressive nasty comment.' ... Linton's Insta account is now private. Needless to say, saying 'my husband and I are richer than you' is probably not a great move." ***The deleted Instapic*** http://bit.ly/2wiD1IK

THE JUICE ...

-- SPOTTED AT THE SINCLAIR BROADCAST GROUP OFFICES: Laura Ingraham yesterday meeting with David Smith, the company's executive chairman.

-- AMERICAN ACTION NETWORK is doubling down on tax reform. The group is running ads in 34 congressional districts as part of a $1 million radio campaign running through the end of the month. Six of the districts will be up with a Spanish version. ***The ad*** http://bit.ly/2v1U6GX

MEDIAWATCH - "Ross Levinsohn named new publisher and CEO of Los Angeles Times as top editors ousted," by LA Times' Meg James: "In a dramatic shakeup at the Los Angeles Times, the Chicago-based parent company has installed new leadership and plans to invest more resources in the news organization to move it more

quickly into the digital age. Ross Levinsohn, 54, a veteran media executive who worked at Fox and served as interim chief of Yahoo, was named publisher and chief executive of the 135-year-old news organization. ...

"Jim Kirk, 52, a veteran Chicago news executive, who was publisher and editor of the Chicago Sun-Times until last week, was named interim editor of the storied newspaper. The two men replace Davan Maharaj, who has served as both editor and publisher since March 2016. Maharaj was terminated Monday morning, along with a handful of other senior editors, including Managing Editor Marc Duvoisin, Deputy Managing Editor for Digital Megan Garvey and Assistant Managing Editor of Investigations Matt Doig." http://lat.ms/2x8gSKU

Playbook Reads

PHOTO DU JOUR: President Donald Trump looks up towards the partial solar eclipse while joined by First Lady Melania Trump on the Truman Balcony at the White House on August 21. | Mark Wilson/Getty Images

TOP ECLIPSE TWEETS -- @GeorgeHWBush: "Four generations of family taking in the partial eclipse today. Already looking forward to the next one in Texas in 2024!" http://bit.ly/2x8w36G ... **@JoePerticone:** "Most adorable eclipse photo goes to... Jeff Sessions" http://bit.ly/2vkAPfe ... **@LaraLeaTrump:** "When you don't have #EclipseGlasses, you find the next best option in a builder's office: #WeldingMask #eclipse2017" http://bit.ly/2wzuctW ... **@IvankaTrump:** "Sharing the #Eclipse2017 experience with the President, First Lady & Cabinet Secretaries on the White House Truman Balcony. #STEM #NASA" http://bit.ly/2wiQ5xM ... **@ScottGustin:** "International Space Station #Eclipse photobomb via @NASA" http://bit.ly/2g16gcB ... **@AP:** "This multiple exposure photo shows the eclipse as it passed over the St. Louis Arch." http://bit.ly/2xnSBQ4

-- CLICKERS: CNN -- ***22 eclipse pix on one page*** http://cnn.it/2x8nhWl ... **NYT -- *55 reader pix on one page*** http://nyti.ms/2g12Rdz

JUST POSTED - TRUMP. INC - "Here's How the Trump Brothers Are Running the Family Business: Usually with other people's money, sometimes with dubious partners. Inside the empire, under new management," by Bloomberg Businessweek's Peter Robison and Michael Smith: "Donald Jr., 39, and Eric, 33, ... [have] repeatedly pursued licensing arrangements in which they attach the family name to projects, generating cash without bearing much risk. They have a seemingly ad hoc, opportunistic style that's sometimes led to partnerships with questionable characters, including people barred for securities violations or sued for fraud. And they've walked away, leaving employees, customers, or business partners with the fallout." https://bloom.bg/2in30cn

FIRST PERSON - "How I Became Fake News: I witnessed a terrorist attack in Charlottesville. Then the conspiracy theories began," by Brennan Gilmore in POLITICO Magazine: "On Saturday morning I witnessed James Fields smash his car into a crowd of demonstrators, killing Heather Heyer and wounding 19 others. Although I immediately shared the footage with police on the scene, it took me a half hour to decide to post it publicly. ... Desperate to lay blame on anyone besides the alt-right, [conspiracy theorists] seized on these facts to suggest a counter-narrative to the attack, claiming there was no way that someone with my background just happened to be right there to take the video. ...

"They wrote that I was a CIA operative, funded by (choose your own adventure) George Soros, Hillary Clinton, Barack Obama, the IMF/World Bank, and/or a global Jewish mafia to orchestrate the Charlottesville attack in order to turn the general public against the alt-right. I had staged the attack and then worked with MSNBC and other outlets controlled by the left to spread propaganda. They claimed my ultimate goal was to start a race war that would undermine and then overthrow Donald Trump on behalf of the 'Deep State.' (I'm generalizing here as the theories are widely variant, logically inconsistent and I'm only aware of the small percentage I could be bothered to read.)" http://politi.co/2v1zgHP

THE BENCH -- "Dems' first wave of recruits 'outsiders' in 2017 version of Tea Party," by Heidi Przybyla in Murphysboro, Illinois: "Much like the Republican men and women who swept into Washington in the 2010 Tea Party wave, the majority of Democratic candidates are new to state-level or national politics. Unlike the Tea Party, many of these Democrats have a long record of public service. They are former public prosecutors, doctors, CIA operatives and veterans, and they are concentrated in 'heartland' states like Kansas, Iowa, Indiana and Minnesota." https://usat.ly/2vZRU06

2020 WATCH ... HAVE AT IT! -- "This House Democrat Lost A Leadership Race To Nancy Pelosi. Now He May Run For President," by BuzzFeed's Alexis Levinson in Manchester, New Hampshire: "It's still more than three years until the next presidential election, and yet here was Ray Buckley -- the chairman of the New Hampshire Democratic Party for the last decade -- riding shotgun last Wednesday from Boston to Hopkinton, New Hampshire, with Rep. Tim Ryan, the 44-year old Democrat from Youngstown, Ohio. ... last week's New Hampshire visit was not just a reunion of old friends. In June, Ryan campaigned for a Democratic candidate in South Carolina. Next month, he'll make his second trip of the year to Iowa." http://bzfd.it/2vjYT1W

-- "Dems prep for Trump primary challengers in 2020," by Gabe Debenedetti: "The [DNC] is conducting full-scale opposition research on multiple Republicans it believes could challenge President Donald Trump for reelection - or are likely to run if he does not. The effort, which began in late spring, covers Vice President Mike Pence, Ohio Gov. John Kasich, United Nations Ambassador Nikki Haley and Nebraska Sen. Ben Sasse, among others." http://politi.co/2wzoE2i

****** **A message from Chevron**: This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2ie5v0A ******

JON MEACHAM in the **NYT, "Why Lee Should Go, and Washington Should Stay":** "'I wonder,' Mr. Trump said, 'is it George Washington next week, and is it Thomas Jefferson the week after? You know, you really have to ask yourself, where does it stop?' "To me, the answer to Mr. Trump's question begins with a straightforward test: Was the person to whom a monument is erected on public property devoted to the American experiment in liberty and self-government? Washington and Jefferson and Andrew Jackson were. Each owned slaves; each was largely a creature of his time and place on matters of race. Yet each also believed in the transcendent significance of the nation, and each was committed to the journey toward 'a more perfect Union.

"By definition, the Confederate hierarchy fails that test. Those who took up arms against the Union were explicitly attempting to stop the American odyssey. While we should judge each individual on the totality of their lives (defenders of [Robert E.] Lee, for instance, point to his attempts to be a figure of reconciliation after the war), the forces of hate and of exclusion long ago made Confederate imagery their own. Monuments in public places of veneration to those who believed it their duty to fight the Union have no place in the Union of the 21st century - a view with which Lee himself might have agreed. 'I think it wiser,' he wrote in 1866, 'not to keep open the sores of war.'" http://nyti.ms/2v9rtnh ... ***Meacham's latest for Time, "American Hate, a History"*** http://ti.me/2g1af8Z

TEVI TROY in POLITICO Magazine, "Why the White House Needs Another Bannon: Every GOP president needs an intellectual wrangler. Trump can't succeed without one": "For the past four decades, Republicans have viewed themselves as the party of ideas -- and a crucial part of that self-perception has been having a person inside the White House to serve as a conduit to conservative thinkers. ... Steve Bannon wasn't a traditional liaison to that world, but there's no question he served this function for the Trump administration ... One major difference between Bannon and his predecessors, though, is that he did not appear to be able to get his boss interested in his reading. [Daniel Patrick] Moynihan often recommended books to Nixon, and [Karl] Rove even had a reading contest with Bush." http://politi.co/2x8h8cK

ISAAC DOVERE talks with **REV. AL SHARPTON** and **REP. JERRY NADLER (D-N.Y.)** in the latest "Off Message" podcast. "We're in a poisonous atmosphere that is being increased by the president of the United States. It's like turning on the gas in a room," Sharpton told Dovere. "Any match could lead to an explosion, and we're getting that kind of atmosphere from this president." Nadler, who wrote the censure resolution, told Dovere he thinks Trump should quit, and warned Republicans now not to count on House Democrats for the votes to pass a continuing resolution or raise the debt ceiling, unless both are clean-even if that leads to a shutdown or economic meltdown: "We can't

give in to that kind of blackmail."

As for the Jewish aides who defend Trump, including his daughter and son-in-law Jared Kushner: "I don't care what Jared Kushner said about the fact that Donald Trump loves, loves him and Ivanka and other people," Nadler said. "He was willing to traffic in anti-Semitism. He was willing to use anti-Semitic imagery. And then, when caught up in it, refused to repudiate it, and denied that it was what it clearly was." http://politi.co/2v1T6CM

FUTURE OF NEWS -- "CNN Launches a Daily News Show for Snapchat," by WSJ's Alexandra Bruell: "CNN is launching a daily news show for Snapchat called 'The Update,' the latest reflection of how media companies are stepping up their interest in the mobile messaging platform. The show will include a news roundup that airs at 6 p.m., with updates from CNN's anchors and reporters around the world, said Turner, the network's parent company, in a statement. There will also be breaking news segments. If news breaks after the show, CNN might update the running list of news featured on its show and change the cover photo to reflect the update." http://on.wsj.com/2wjcgUz

Playbookers

SPOTTED: Sean Spicer in his Navy uniform at the Pentagon Monday for reserve duty.

TRANSITIONS - Julie Morse starts next Monday as a producer at "CBS This Morning". She has her last day as a producer for MSNBC Friday.

WEEKEND WEDDINGS -- OBAMA ALUMNI -- Melissa Nitti, public affairs manager at Google, and **Mark Beatty,** partner at 270 Strategies, got married on Sunday. Pool report: The couple "said their vows ... in Hood River, [Oregon] against the majestic backdrop of Mt. Hood -- the same mountain that welcomed Melissa's great, great grandparents when they made their journey along the Oregon Trail. The bride and groom met on the 2012 Obama for America campaign where Melissa was a member of the media team and Mark served as deputy battleground states director. The happy couple was feted by friends and family -- including proud parents Rick and Jan Nitti and Duane and Elaine Beatty -- who came from around the country to join the celebration." ***Pic*** http://politi.co/2v27BXn

SPOTTED: Jeremy Bird (who served as the wedding officiant), best man Stephen Brokaw, Mitch Stewart, Isaac Baker, Kristina Peterson, Betsy Hoover, Lauren Kidwell, Meg Ansara, Lynda Tran, Sara El-Amine, Jeff Gabriel, Greg Schultz, and Chris Wyant, Kelly Norton, Anne Sokolov, Kate Sokolov, and Stephanie Gent, Jessica Santillo, Keith Maley, Niraj Chokshi, Jamie Hill and Stephanie Gunter.

WELCOME TO THE WORLD -- Erik Elam, LD for Sen. Dan Sullivan (R-Alaska), and **Amy Elam,** events principal at HIS/Markit, on Sunday welcomed their son Everett

Brooks Elam into the world. He's 6 lbs, 9 oz. ***Pic*** http://politi.co/2vl64a4

BIRTHDAY OF THE DAY: National Review editor **Rich Lowry** is 49. He tells us he's "been reading almost exclusively about nationalism lately for a potential book project." **How he got his start in journalism:** "I wrote for an alternative conservative publication at UVa called the Virginia Advocate. I still have boxes of old issues that are fun, if wince-inducing, to look back at. I always tell people that I was sophomoric as a first-year -- I was precocious that way.

"My first real journalism job was as a research assistant with Charles Krauthammer. This was back before he was a TV star. Probably the most notable thing I did working for him was inadvertently insert a typo into his Washington Post column at the last minute. I mentioned this at a tribute dinner to Charles a couple of years ago, and merciful and gracious man that he is, he officially forgave me." **Read his Playbook Plus Q&A:** http://politi.co/2vkL2bL

BIRTHDAYS: Luke Russert is ageless ... Obama WH alum Jess Allen, a JD candidate at NYU Law, is 28 (hat tip: Rachel Racusen) ... Paul Singer is 73 ... Steve Kroft is 72 ... Morton Dean is 81 ... Jennifer Loven, managing director at Glover Park Group and an AP alum ... Steve Brill, celebrating with a road trip up the coast of Maine (h/t wife Cynthia) ... Tom Edsall is 76 ... HPS alum Sabrina Siddiqui ... Jen Nedeau, head of marketing and comms at Bully Pulpit Interactive ... Robin Wright of the U.S. Institute of Peace and the Wilson International Center ... MSNBC's Steve Kornacki is 38 ... Sen. Cory Gardner (R-Colo.) is 43 ... Rep. Trey Gowdy (R-SC) is 53 ... former Rep. Thad McCotter (R-Mich.) ... Chris Smith ... Grazia Salvemini ... Ryan Patmintra ... AP's Nebi Qena is 4-0 ... Ken Farnaso, digital comms at the House Small Business Cmte. and an NRCC alum (h/t Alex Stroman) ... Carolyn Harrold, new AtlanticLIVE director of business development and former SXSW head of programming, celebrating her first birthday in DC since making the move from Austin (h/t Patrick Garrigan) ...

... Bill Miller, SVP at the Business Roundtable ... Bill Cortese ... Jim Strader ... Abby Denburg ... Sward Tondoneh ... Bill Turenne Jr. ... Elizabeth Lubben ... Eleanor Strom of Google ... Natalie Apsell ... Sinclair's AnnaMaria Di Pietro ... Selena Strandberg ... Katie Gordon ... Morgan Canup ... Matthew Barnes ... Claire Stein-Ross ... Pema Levy of Mother Jones ... Gigi Sukin, digital editor at Colorado Biz magazine (h/t Gordon Bronson) ... Chad Connelly, RNC's director of faith engagement ... Tori Amos is 54 (h/t Tracy Sefl) ... Nick Mildebrath ... Alex Pellegrino ... Adrian Slater ... Katie Bloodgood ... Nick Greene ... Jordan Goldes ... Rob Borden ... Charlotte Day-Reiss ... former Rep. Bud Cramer (D-Ala.) is 7-0 ... Megan Paulsen ... Chris Pumphrey ... Essence Motley ... Alyssa Palisi ... Mac Flores ... Brystol English ... Julia Rothwax ... Pat Eltman ... Chris Lapetina ... Hailey Arends ... Phoebe Link (h/ts Teresa Vilmain)

****** **A message from Chevron**: This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video:

http://politi.co/2ie5v0A ******

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Energy and Climate Report

October 12, 2017 - Number 197

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News

Air Pollution

Philip Morris Joins Growing Group of Carbon-Pricing Corporations

Philip Morris International Inc., the maker of Marlboro cigarettes, now uses an internal cost of carbon emissions in its business decisions, joining a group of almost 1,400 companies that agreed to consider how greenhouse gas emissions will affect their industries, according to a statement Oct. 12 from environment group CDP.

Climate Policy

Merkel Signals Deeper Green Ambitions as Pollution Overshoots

Chancellor Angela Merkel's government signaled it will step up its green programs after acknowledging Germany's emissions are on track to overshoot a target a little more than two years away.

Coal Mining

China's Top Coal Region to Cut Pollution by 40 Percent

China's second-largest coal producing region is planning to cut pollution by two fifths over the autumn and winter seasons, Xinhua News Agency reported.

Coal Mining

Coal's Comeback Is Running Out of Steam After a Year of Growth

For all the talk of coal's comeback under President Donald Trump, the actual rebound in U.S. production started months before November's election—and it may be fizzling out.

EPA

EPA Veteran to Head Agency's Midwest Region

An EPA veteran with support from both sides of the political aisle will oversee the agency's work in the Midwest.

Energy

Australia to Fund Companies to Scale Back Energy Use This Summer

Australia will pay 10 large industrial energy users and small businesses to reduce energy use at times of extreme peak demand under a pilot program that has received A$35.7 million

($27.9 million) in government grants.

Energy
China Mulls Storage Salve for $4 Billion Renewables Headache
China is considering a prescription for nearly $4 billion worth of wasted electricity production looming over its push into clean energy.

Energy
Danish Company Dong Turns Trash into Energy
The U.K. might soon be powering its lights with energy that comes from the trash. A Danish energy company is working on new machines that sort household trash from recycling, while rapidly breaking down organic materials like food to create power from biogas produced by the process.

Energy
Feds Must Support Nuclear Power for National Security, Perry Says
The commercial nuclear power industry needs a federal boost for national security reasons to prevent the U.S. from falling behind global competitors such as Russia and China, Energy Secretary Rick Perry told lawmakers.

Energy
Russia-backed Pipeline May Need to Comply With EU Energy Law
The European Commission plans to propose in November an update of its natural-gas security regulation that would make new pipelines—including the controversial Nord Stream 2 link from Russia to Germany—subject to the European Union energy law.

Energy
U.K. Eyes Cap on 'Rip-Off' Power, Gas Prices
The U.K. government published its plans to cap domestic power and gas prices to protect millions of households from what it calls "rip-off" charges at the hands of the biggest utilities.

Oil & Gas
Dakota Access Boosts Drillers but Won't Be a Bakken Game-Changer
Once hailed as the spur for a North American "energy renaissance," the $3.8 billion Dakota Access pipeline has limited driller costs in its first four months in operation.

Oil & Gas
House Republicans Push Bills to Promote Oil and Gas
Republicans in the House are lining up more oil and gas legislation, including a bill on offshore drilling, and a rewrite of the law on national monuments, all with solid opposition from Democrats.

Oil & Gas
Local Drilling Rules Draw Industry Lawsuit in Colorado
A Colorado city's new drilling rules impede the state's interest in uniformly regulating oil and gas operations and should be tossed out, oil industry groups argue in a lawsuit.

Renewable Energy
Aussie Green Energy Bank Warns Funds at Risk If Targets Scrapped
Australia's government-owned green bank said investments in renewable energy generation will drop if the nation doesn't extend into the next decade clean energy targets and the financial incentives to meet them.

Renewable Energy

Brazil Experiments With Floating Solar Panels Above Dams

Floating solar panels on the reservoirs above two state-owned dams will showcase technology that could eventually help Brazil diversify its energy sector as the country grapples with severe droughts.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Mon 12/4/2017 9:32:14 PM
Subject: BREAKING NEWS: Supreme Court lets Trump fully impose latest travel ban

The Supreme Court has given President Donald Trump the go-ahead to implement the newest version of his travel ban policy in its entirety.

Lower court rulings had exempted from the travel restrictions foreigners with "bona fide" family or business or educational ties to the United States, but the justices issued a stay Monday that allows Trump to carry out the new policy even on those with U.S. connections, at least for now.

The third iteration of Trump's travel ban sought to limit to varying degrees issuance of visas for travel to the U.S. by citizens of eight countries, six of which are majority Muslim.

Two liberal justices, Ruth Bader Ginsburg and Sonia Sotomayor, indicated they would have denied the Trump administration request to fully implement the policy, which Trump issued by proclamation in September.

Read more: https://www.politico.com/story/2017/12/04/supreme-court-trump-travel-ban-278782

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Today's POLITICO Playbook presented by American Bankers Association

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Listen to the Playbook Audio Briefing

Driving the Day

Good Saturday morning. PRESIDENT DONALD TRUMP announced more than three dozen White House appointments late Friday night. He tapped Oklahoma Rep. Jim Bridenstine to run NASA and Pennsylvania Rep. Tom Marino to become the next drug czar. Marino previously turned down the position citing a family illness.

THESE NOMINATIONS will spark special elections in Oklahoma and Pennsylvania. Both seats are solidly conservative. But special elections are tricky. You never quite know what you're going to get.

BRIDENSTINE'S APPOINTMENT won't be without controversy. Florida Playbooker Marc Caputo scooped that both Republican Sen. Marco Rubio and Democratic Sen. Bill Nelson of Florida voiced early opposition to his pick.

CAPUTO: "Republican Marco Rubio and Democrat Bill Nelson wouldn't say if they'd buck the president and vote against Bridenstine, who was nominated Friday. But they suggested the GOP congressman's political past would needlessly spark a partisan fight in the Senate that could ultimately damage NASA. Bridenstine also trashed Rubio during last year's GOP presidential primary, although Rubio said he doesn't hold that against the congressman.

"The bipartisan pushback against Trump's nominee for NASA administrator underscores the importance of the agency to Florida, home of the Kennedy Space Center in Cape Canaveral. Nelson, as a member of Congress in 1986 flew on a Space Shuttle Columbia mission; he also has a home on what's known as the state's Space Coast. 'The head of NASA ought to be a space professional, not a politician,' Nelson said in a brief written statement to POLITICO." http://politi.co/2vzkGYf

RICHARD GRENELL , former spokesman for the U.S. mission to the United Nations under President George W. Bush, was also nominated to be the next ambassador of Germany. ***Full list of last night's appointments*** http://politi.co/2wvr9R7

SCHOCK UPDATE -- "Prosecutors deny probing Schock's sexuality," by Josh Gerstein: "Prosecutors are denying claims that they improperly investigated former Rep. Aaron Schock's sexuality as they probed allegations that he used his office and campaign funds for personal purposes. In a late-night court filing Friday, prosecutors rejected Schock's lawyers arguments that such inquiries into the former lawmaker's personal life were part of a pattern of prosecutorial misconduct so outrageous that the criminal case against the Illinois Republican should be thrown out.

"The prosecution team denied investigating Schock's sexuality, but said it did need to establish the nature of his relationship with a Panamanian diplomat because his travels with her appeared related to campaign expenses the government believed may have been unrelated to his campaign. 'We fully agree with Defendant Schock that his sexuality is completely irrelevant in this criminal matter,' prosecutors Timothy Bass and Eugene Miller wrote in the filing in federal court in Urbana. 'It was not of interest to the government, and the government did not inquire about it.'" http://politi.co/2vAj68A

--AN INTERESTING NUGGET FROM THE LEGAL WRANGLING - From a recent government filing: "[I]n late 2013 ... Schock accused a former staffer of inappropriately accessing his friend's (Karla Gonzalez's) social media account and falsely advised the former staffer that the FBI and Capitol Police were investigating the matter. As a result of Defendant Schock's accusation and false representation of a law enforcement investigation, the former staffer retained legal counsel and incurred legal fees of more than $10,000, which were paid by the former staffer's father. Defendant Schock later acknowledged, after being confronted by the former staffer's father, that his statement of a law enforcement investigation was false, stating in an email to the staffer's father that 'I apologized and offered to take care of things,' and he agreed to reimburse the staffer's father for $7,500 of the legal fees."

INSIDE THE WHITE HOUSE -- NYT A1, "Forceful Chief of Staff Grates on Trump, and the Feeling Is Mutual," by Glenn Thrush and Maggie Haberman: "President Trump was in an especially ornery mood after staff members gently suggested he refrain from injecting politics into day-to-day issues of governing after last month's raucous rally in Arizona, and he responded by lashing out at the most senior aide in his presence. It happened to be his new chief of staff, John F. Kelly. Mr. Kelly ... reacted calmly, but he later told other White House staff members that he had never been spoken to like that during 35 years of serving his country. In the future, he said, he would not abide such treatment ...

"The question now is how long Mr. Kelly will stay, with estimates ranging from a month to a year at the most. ... The president, for his part, has marveled at the installation of management controls that would have been considered routine in any

other White House. 'I now have time to think,' a surprised Mr. Trump has told one of his senior aides repeatedly over the last few weeks. Mr. Kelly cannot stop Mr. Trump from binge-watching Fox News, which aides describe as the president's primary source of information gathering. But Mr. Trump does not have a web browser on his phone, and does not use a laptop, so he was dependent on aides like Stephen K. Bannon, his former chief strategist, to hand-deliver printouts of articles from conservative media outlets.

"Now Mr. Kelly has thinned out his package of printouts so much that Mr. Trump plaintively asked a friend recently where The Daily Caller and Breitbart were. ... While Mr. Trump still reaches out to allies outside the administration ... more often than not it has been through the White House switchboard and not on his personal phone. And Mr. Kelly has usually listened in on the calls, according to two people with direct knowledge." http://nyti.ms/2wsmVeO

-- "John Kelly Pushing Out Omarosa for 'Triggering' Trump," by The Daily Beast's Lachlan Markay and Asawin Suebsaeng: "Newly minted White House chief of staff John Kelly has sought to put a dent in the influence of one of President Donald Trump's most famous advisers: Omarosa Manigault. The former Apprentice co-star-who currently serves as the communications director for the Office of Public Liaison-has seen her direct access to the president limited since Kelly took the top White House job in late July ... In particular, Kelly has taken steps to prevent her and other senior staffers from getting unvetted news articles on the president's Resolute desk-a key method for influencing the president's thinking, and one that Manigualt used to rile up Trump about internal White House drama." http://thebea.st/2vzZfWU

REUTERS'S JIM OLIPHANT: TRUMP'S EMPATHY TEST -- "For a man who prefers to project a glowering brusqueness, Donald Trump's trip to Houston on Saturday provides him with the opportunity to show a warmer, more empathetic side - and perhaps connect with some Americans critical of his presidency. Trump's predecessor, Barack Obama, became known as the 'comforter-in-chief' for his role in consoling victims of mass shootings and terror attacks. But the flooding caused by Hurricane Harvey marks the first large-scale national tragedy under Trump's watch." http://reut.rs/2xF4GBr

"The White House said Trump will first travel to Houston to meet with flood survivors and volunteers who assisted in relief efforts and then will move on to Lake Charles, Louisiana, another area hammered by the storm. Trump first visited the region on Tuesday, but stayed clear of the disaster zone, saying he did not want to hamper rescue efforts. Instead, he met with cabinet members, state and local leaders, and first responders. He was criticized, however, for not meeting with victims of the worst storm to hit Texas in 50 years, and for largely focusing on the logistics of the government response rather than the suffering of residents." http://reut.rs/2xF4GBr

TRUMP'S SATURDAY -- THE PRESIDENT is traveling to Ellington Field, Texas, where he will visit with people impacted by the hurricane. He then will head to a Harvey relief center and meet with members of the Texas congressional delegation. He then goes to

Chennault International in Lake Charles, Louisiana, where he meets with "members of the county emergency operations center, National Guard and Cajun Navy."

FOR YOUR RADAR -- REUTERS: "Russia's Putin won't attend U.N. General Assembly" http://reut.rs/2x0zSOs

****** **A message from the American Bankers Association:** It's no secret that banks help create jobs and economic growth by lending to America's employers. But America's banks themselves employ thousands of women and men. Can you guess how many? Is it 200,000, 1 million or 2 million? Find out: http://politi.co/2wc3FR6 ******

THE LATEST ON HARVEY RELIEF -- "White House rejiggers Harvey request as dollars dwindle," by Jen Scholtes, Sarah Ferris, and Rachael Bade: "The federal government is burning through cash even faster than the White House estimated in responding to Hurricane Harvey, prompting the Trump administration to revamp its emergency funding request. The White House sent a formal plea to lawmakers Friday evening seeking $7.85 billion as a down payment in aid for areas ravaged by the superstorm -- nearly $2 billion more than the administration estimated earlier in the day.

"The total includes $7.4 billion for [FEMA's] disaster relief account and $450 million to support the Small Business Administration's disaster loan program for small businesses and homeowners. The White House warned that further delays in raising the debt limit could jeopardize recovery efforts, after previously cautioning that action would be needed by month's end to avoid a downgraded credit rating and, ultimately, default.

"'Indeed, if the debt ceiling is not raised, it may not be possible to outlay the requested supplemental appropriations or funds for other critical Government operations,' White House budget director Mick Mulvaney wrote in the request. The House is expected to pass its first installment of hurricane aid next week, but congressional leaders are still talking with the Trump administration about process and timing in the Senate." http://politi.co/2vSutUl ... ***Mulvaney's letter*** http://politi.co/2vzB2Aa

-- TOP REPUBLICAN LEADERS have been telling us that the easiest way to get this through is to lift the debt ceiling at the same time.

-- "Harvey is likely to be the second-most costly natural disaster in U.S. history," by L.A. Times' Don Lee: "Between the shutdown of oil refineries and chemical plants, impaired roads and ports, and widespread damage to homes, businesses and cars, the economic toll from Hurricane Harvey is now being estimated as the second-costliest natural disaster in U.S. history, trailing only the devastation caused by Hurricane Katrina in 2005. Some economic researchers, including the national forecasting firm Moody's Analytics, are putting the price tag of Harvey at $81 billion to $108 billion or more, most of that in damage to homes and commercial property." http://lat.ms/2wp9JqW

--"Storm deaths: Death toll from Harvey tops 50," by Houston Chronicle's Cindy

George, Margaret Kadifa, and Lindsay Ellis: "More than 50 people - including a veteran Houston police officer - have died or are feared dead in the Houston area and beyond in flooding or circumstances connected to Tropical Storm Harvey, according to local officials. ... Local officials expect the grim discoveries of additional bodies once the floodwaters retreat and the streams, rivers and bayous go back into their banks." http://bit.ly/2vTjPx0

THIS COULD BE A PROBLEM -- "Trump's 'Dreamers' decision could roil shutdown, debt talks," by Rachael Bade and Heather Caygle: "Congressional Republicans are worried that a decision from President Donald Trump to rescind protections for so-called Dreamers could undercut fall negotiations with Democrats to keep the government open and avoid a federal default. The White House said Friday that Trump would announce Tuesday whether he would nix President Barack Obama's executive action granting legal status to those who immigrated to the U.S. as children, known as 'Dreamers.' Republicans have long panned the so-called Deferred Action for Children Arrivals, or DACA, as an unconstitutional overreach.

"But now is not the time to blow up the program, GOP leadership sources in Congress caution. Doing so, they worry, could antagonize Democrats in a month where the GOP desperately needs their help to raise the debt ceiling and keep the government open. Senior Republicans have also spoken privately of a potential bipartisan accord later in the year that would codify DACA legislatively, in return for a down payment on Trump's border wall with Mexico. While many agree it's unlikely and perhaps wishful thinking, they worry Trump ending the program would make such a deal impossible.

"In an interview with WCLO in his hometown of Janesville, Wis., Friday, Speaker Paul Ryan cautioned Trump against killing the program. The Wisconsin Republican said Obama did 'not have the authority to do what he did,' but also argued that Congress - not Trump - has to 'fix' the matter. '[T]here are people who are in limbo,' Ryan said. 'These are kids who know no other country, who were brought here by their parents and don't know another home. And so I really do believe there that there needs to be a legislative solution.'" http://politi.co/2iPGGIA

BREITBART: "WHITE HOUSE SIGNALS CAVE: NOT PUSHING CONGRESS FOR BORDER WALL FUNDING, WON'T SHUT DOWN GOVERNMENT," by Adam Shaw: http://bit.ly/2esDzRD

DEATH OF OBAMACARE REPEAL? -- "Moment of truth arrives for Obamacare repeal," by Rachana Pradhan and John Bresnahan: "In a potential death knell for efforts to repeal Obamacare -- at least this year -- the Senate parliamentarian has ruled that Republicans face a Sept. 30 deadline to kill or overhaul the law with only 50 votes, Democrats on the Senate Budget Committee said Friday. Congress is facing fights in September over boosting the federal debt limit, government funding, defense programs and the FAA, among other issues. Adding another Obamacare repeal battle to that schedule could prove too much for Senate Majority Leader Mitch McConnell (R-Ky.), who has all but said he's moving on from health care. In search of a badly needed

legislative victory, McConnell and other Senate Republicans have shifted their focus instead to tax reform." http://politi.co/2ws2O0c

MIKE SCHMIDT and **MAGGIE HABERMAN -- "Mueller Has Early Draft of Trump Letter Giving Reasons for Firing Comey":** "The special counsel, Robert S. Mueller III, has obtained a letter drafted by President Trump and a top political aide that offered an unvarnished view of Mr. Trump's thinking in the days before the president fired the F.B.I. director, James B. Comey. The circumstances and reasons for the firing are believed to be a significant element of Mr. Mueller's investigation, which includes whether Mr. Trump obstructed justice by firing Mr. Comey. The letter, drafted in May, was met with opposition from Donald F. McGahn II, the White House counsel, who believed that its angry, meandering tone was problematic ... Among Mr. McGahn's concerns were references to private conversations the president had with Mr. Comey, including times when the F.B.I. director told Mr. Trump he was not under investigation in the F.B.I.'s continuing Russia inquiry.

"Mr. McGahn successfully blocked the president from sending the letter -- which Mr. Trump had composed with Stephen Miller, one of the president's top political advisers -- to Mr. Comey. But a copy was given to the deputy attorney general, Rod J. Rosenstein, who then drafted his own letter. Mr. Rosenstein's letter was ultimately used as the Trump administration's public rationale for Mr. Comey's firing, which was that Mr. Comey had mishandled the investigation into Hillary Clinton's private email server. ... [In May] Mr. McGahn met ... with Mr. Trump and told him that if he fired Mr. Comey, the Russia investigation would not go away. Mr. Trump told him ... that he understood that firing the F.B.I. director might extend the Russia investigation, but that he wanted to do it anyway." http://nyti.ms/2grUtR4

CYBER WAR -- NYT A1, "Russian Election Hacking Efforts, Wider Than Previously Known, Draw Little Scrutiny," by Nicole Perlroth, Michael Wines and Matt Rosenberg: "The assaults on the vast back-end election apparatus - voter-registration operations, state and local election databases, e-poll books and other equipment - have received far less attention than other aspects of the Russian interference ... Yet the hacking of electoral systems was more extensive than previously disclosed, The New York Times found. ... [H]ackers breached at least [three] providers of critical election services well ahead of the 2016 voting." http://nyti.ms/2vT84qh

WEST WING DEPARTURE LOUNGE -- "Longtime Trump aide Keith Schiller tells people he intends to leave White House," by CNN's Dana Bash, Noah Gray and Jeremy Diamond: "Schiller has told associates within the last two weeks that he plans to leave the White House at the end of September or in early October ... Schiller has told people his primary reason for leaving was financial ... Schiller earns a $165,000 annual salary at the White House -- a downgrade from his annual earnings before he followed Trump to the White House. ... White House press secretary Sarah Huckabee Sanders said the story was 'not true' and declined to comment further. Schiller ... earned $294,000 ... last year." http://cnn.it/2vA8s1N

--@JenniferJJacobs: "Longtime Trump aide Keith Schiller to exit post as Oval operations dir end of Sept, I'm told. Lined up job in private sector that pays more."

Jeremy Diamond

THE JUICE ...

-- CONDI RICE headlined a fundraiser for Ed Gillespie last night at Dan and Sonya Runde's McLean, Virginia, home. ***The invite*** http://bit.ly/2vzCvXr

--COREY LEWANDOWSKI is heading to London later this month to be the keynote speaker for a small off-the-record dinner organized by a macro research firm. The Sept. 13 dinner will likely be attended by portfolio managers and traders from asset managers and hedge funds, according to a source familiar with the dinner. When asked which firm was organizing the dinner and if they were paying for his time, Lewandowski texted "No" and didn't respond to further questions.

Playbook Reads

PHOTO DU JOUR: Director of the National Economic Council Gary Cohn, left, walks away from reporters after doing television interviews at the White House on Sept. 1. | | Alex Brandon/AP Photo

WASHINGTON INC. -- "How Washington lobbyists fought flood insurance reform," by Zach Warmbrodt and Theo Meyer: "The catastrophic weather in Texas has thrown the spotlight on the federal government's troubled flood insurance program, which is nearly $25 billion in debt after huge payouts following Katrina, Sandy and other devastating hurricanes. But as Houston starts the long process of recovering, lobbyists in Washington have already maneuvered to slow lawmakers efforts' to overhaul the National Flood Insurance Program and protect their industries' profits.

"The powerful home builders' lobby helped kill a proposal that would have phased out coverage for new construction in high-risk areas. The National Association of Realtors blocked an attempt to rein in discounted insurance rates that homeowners can get when their flood risk increases. And the American Bankers Association has warned of a 'regional foreclosure crisis' if Congress axes coverage for homes with excessive claims.

"Lawmakers who want to reel in the program are finding that they must appease the influential industry groups whose support they need to move forward. 'We want to have a vibrant construction industry,' said Rep. Dennis Ross (R-Fla.), who's pushing for a greater private-sector presence in the flood insurance market. 'We want to have a

vibrant real estate industry. That's all great. But we're incentivizing building in high-risk areas, which is a moral hazard.'" http://politi.co/2exujzw

HMM -- "Fire Spotted at Russian Diplomatic Building in D.C.," by Jana Winter in Foreign Policy: "The Trade Representative of the Russian Federation, located on Connecticut Ave. in northwest Washington, is one of several diplomatic buildings being shuttered as part of a tit-for-tat with Moscow. The building serves as both an office and a residence for Russian diplomatic staff. Smoke and flames in the back were clearly visible starting late-afternoon Friday, and staff could be seen dumping what appeared to be paper into the fire." http://atfp.co/2esijLX

GOOD NEWS FOR RAHM - "CPD: August shootings down 45 percent from last year," by Chicago Sun Times' Mitchell Armentrout: "Shootings declined by 45.4 percent in August and murders were down by 47.4 percent compared to the same month last year, according to Chicago Police statistics. This August saw more than 300 people wounded in shootings, along with at least 52 deaths ruled homicides, according to data kept by the Chicago Sun-Times. Police still touted it as the sixth straight month to see a decline in shootings over the previous year, the city's longest such stretch in four years." http://bit.ly/2ew1rYd

THE ROKITA PILE ON CONTINUES -- "Former aides to GOP lawmaker describe toxic work environment," by AP's Brian Slodysko in Indianapolis: "Staffers in tears. Pay cuts for small mistakes. Aides who walked out of the office - and never came back. Working for four-term Republican Rep. Todd Rokita of Indiana is an exacting job with long hours, made more difficult by a boss known for micromanaging and yelling at his staff, according to 10 former aides who spoke to The Associated Press. ... [E]ven in Congress ... Rokita's behavior is outside the norm, according to the former aides, most of whom have worked for other elected officials. ...

"During the 2010 campaign, a worker was booted from a staff meeting and instructed to clean Rokita's vehicle, which included scrubbing the carpets, according to two people with direct knowledge of the incident. The reason? A volunteer driver had body odor the night before, they say. Rokita's campaign said the congressman did not recall the incident. ... Some say he turned angry over small details, like the kind of letterhead used on office or campaign documents. ...

"A Jasper County teacher asked Rokita to leave his high school civics class in November 2016 after a talk that was supposed to be about the Constitution got off on the wrong foot, according to two students. Rokita had asked the class if they were taught about 'American Exceptionalism.' But when a number of students seemed puzzled by the concept, he had a testy exchange with their teacher, Paul Norwine, whom he criticized for not including it in the curriculum, the students said. Tensions eased and the talk proceeded, but the class was dumbfounded. ... Rokita's campaign did not dispute the students' account." http://bit.ly/2grWHQy

--FLASHBACK -- John Bresnahan and Rachael Bade, Aug. 18: "The agonizing, 8-

page memo on how to chauffeur a congressman: Pity the poor aide charged with driving Rep. Todd Rokita around his district": http://politi.co/2vTylF3

WHAT JAKE IS READING -- "Romney, Clinton and others counsel a panicked political reporter on fatherhood," by WaPo's Ben Terris: "From the various politicians and D.C. denizens I spoke with, it's clear that today, the smartphone is the greatest impediment to being a good parent (Maggie Haberman, a star Trump chronicler for the New York Times and mother of three, said she once filed an entire story on her BlackBerry from her son's kindergarten graduation ceremony). Sen. Jeff Flake (R-Ariz.) has gone to some extreme measures to combat this problem. In 2013, Flake took two of his sons on a trip to a deserted island, where they would survive by spearing fish and scavenging for coconuts. 'It was worth the risk just to have time without cellphones, without electronics,' Flake, 54, said. 'Just to have five or six days with their dad.' But what about being a good dad for the other 360 days of the year?

"Flake says the best advice he ever got about that came shortly after he first arrived to Congress, and it came from his Arizona congressional colleague, now-former senator Jon Kyl (R). 'He told me to involve my kids as much as I can in this job,' Flake said. 'They were either going to resent this life or revel in it.' This past summer, one of Flake's sons served as a page in the Senate. 'It's great,' Flake said. 'Not only did I get to see him more, but he had to call me sir!'" ***With cameos by Jason Kander and Tim Kaine*** http://wapo.st/2wqmaCY

MEDIAWATCH -- "After Mass Layoffs, Can Glenn Beck Still Save 'The Blaze'? " by The Daily Beast's Lloyd Grove: "By the time Beck himself spoke to his dwindling army of underlings as one of his personal bodyguards from Gavin de Becker's celebrity protection service stood watch, nearly 60 of their coworkers had been abruptly fired-a body count that amounted to almost 30 percent of the workforce, according to estimates compiled by shell-shocked survivors. ... Among the departed, according to sources, were camera operators, producers, a receptionist, a beloved longtime makeup artist, and a well-regarded graphic artist who didn't learn about his sacking until a coworker reached him Thursday night on his cell phone in Houston, where he'd trekked to help relatives cope with the floods of Hurricane Harvey." http://thebea.st/2eqyHwv

--"Jeff Bezos Wants To Give More Money To Charity. He Should Pay His Workers First," by WaPo reporter Fredrick Kunkle in HuffPost: "One of the wealthiest men in the world is thinking of ways to give back. But he's still taking from the very people who helped him build his fortune. ... Many people worked hard for Bezos to help make him so rich, and he has a record of treating them poorly. ... Two years ago, however, Bezos slashed retirement benefits [for Post employees]. For reasons that remain unclear, he froze a pension plan that was awash in so much money that neither he nor the company would possibly have faced additional liabilities." http://bit.ly/2vRp7c9

-- "Politico rides wave of Brexit interest with new UK news service," by FT's Matthew Garrahan. http://on.ft.com/2vTAwID ... ***Subscribe to London Playbook*** http://politi.co/2txnK5S

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CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker - ***15 keepers*** http://politi.co/2wrkCc1

GREAT WEEKEND READS, curated by Daniel Lippman:

--"The princess myth: Hilary Mantel on Diana" - The Guardian: "The end of royal status stripped away Diana's protection. There was a buzz in the air, a doomy feeling, as if her options were running out. She still played games with the press, but they knew a dirtier game. She teased them, and they chased her down, not killing her yet. She is supposed to have feared sinister forces, anticipated that her end. As every fortune-teller knows, such hints assume precision in retrospect." http://bit.ly/2wYu4VR (h/t TheBrowser.com)

--"The Sucker, the Sucker!" by Amia Srinivasan in the London Review of Books: Octopuses "are sophisticated problem solvers; they learn, and can use tools; and they show a capacity for mimicry, deception and, some think, humour. Their very strangeness makes octopuses hard to study. Their intelligence is like ours, and utterly unlike ours. Octopuses are the closest we can come, on earth, to knowing what it might be like to encounter intelligent aliens." http://bit.ly/2gpDvmj

--"Has disruption from e-commerce run its course?": "Alibaba's Jack Ma has put it bluntly: 'We must embrace physical space.'" http://bit.ly/2wYu4VR

--"Lessons from camels," by Robert Skinner in The Monthly: "A ten-day camel trek through the South Australian outback. With your parents." http://bit.ly/2wYu4VR (h/t Longreads.com)

--"Ideas were not enough," by Mark Koyama in Aeon Magazine: "It wasn't the ideas of Bayle or Spinoza or Locke driving the rise of state power, it was the need to raise resources for governing and war. For the rising fiscal-military state, religious uniformity and persecution simply became too expensive and inefficient." http://bit.ly/2wYu4VR

--"How Do You Make a TV Show Set in the West Bank?" by The New Yorker's David Remnick: "What the thriller 'Fauda' reveals about what Israelis will watch-and what they won't." http://bit.ly/2epXfFX

--"How an Angry Candy Man Revolutionized the Modern Sushi Industry," by Tom Redmond, Nao Sano and Naomi Schanen in Bloomberg - per TheBrowser.com's description: "Case study of benefits from automation. Kisaku Suzuki had the idea for sushi-making robots in the mid-1970s, and persevered despite ridicule from Japanese chefs. It took him five years to produce a viable machine - and when he did, he set off the worldwide sushi boom of the 1980s, opening up an elite cuisine to a mass market. In Japan, three-quarters of sushi restaurants are now mechanised." http://bit.ly/2evwcg6

--"America's First Addiction Epidemic," by Christopher Finan, in an excerpt from "Drunks: An American History" in Longreads: "The records of colonial traders who operated in Indian country show that 80 percent of the charges to government accounts were for gifts of alcohol to the natives." http://bit.ly/2eM32Gp ... ***$16.30 on Amazon*** http://amzn.to/2eMloqD

--"The Blind Traveler," by Lucas Reilly in Mental Floss: "How James Holman felt his way around the world to become history's most prolific explorer." http://bit.ly/2wtGDFg

--"The Temptations of the Brown Box," by Jobie S. Turner in The Strategy Bridge: "The 'brown box' is the new black. Take a quick view of any American neighborhood and brown boxes adorn the front of dwellings like so many square garden gnomes. Whether delivered by Federal Express, United Parcel Service (UPS), or the U.S. Post Office, the ubiquitous cubes illustrate the power of online commerce delivering all manner of goods directly to the consumer." http://bit.ly/2eLXPOM

--"The school beneath the wave: the unimaginable tragedy of Japan's tsunami," by Richard Lloyd Parry in The Guardian: "There was the loudspeaker car from the town hall going up and down, saying, 'Super-tsunami imminent: evacuate, evacuate!' Sirens, too. Everyone in the village must have heard them. But we didn't take it seriously." http://bit.ly/2wY6Z5G

--"101 things we have learned from the Online Magazine" - Christies.com: "The Online Magazine, our weekly email of editorial highlights from Christies.com, celebrates its 100th edition this week. To mark the occasion, we present a miscellany of useful facts, tips and insights published over the past two years." http://bit.ly/2iMNeHM (h/t ALDaily.com)

--"Emotional Intelligence Needs a Rewrite," by Lisa Feldman Barrett in Nautilus Magazine: "Think you can read people's emotions? Think again." http://bit.ly/2vQYofZ

--"Tomorrow Belongs to God," by Alan Ruschel, Jakson Follmann and Hélio Hermito Zampier Neto in the Players Tribune - per Longreads.com's description: "LaMia Flight 2933, carrying Brazil's Chapecoense football club to the 2016 Copa Sudamericana in Colombia, crashed as it approached the airport. Only six passengers survived, including three players. This is their story, in their words." http://bit.ly/2evx2JH

Playbookers



http://bit.ly/2omgw1D): Special episode on Hurricane Harvey with Texas Railroad Commission chairman Christi Craddick, State Rep. Todd Hunter (R-Corpus Christi) and Houston Food Bank Board Member Beto Cardenas.

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

October 4, 2017

Latest News

Coal Firms Seek High Court Review Of Suit Over Air Law 'Jobs' Evaluations

Coal firms are asking the Supreme Court to reinstate a district court's mandate for EPA to evaluate the employment effects of Obama-era Clean Air Act policies on the energy sector and other industries, saying an appellate ruling that overturned the lower court's decision creates a "blind spot" in judicial review of agency duties.

CBD Cites Pending EPA Ozone Designations To Halt Oil, Gas Lease Sale

In an early sign of the effects of EPA's pending ozone designations, environmentalists are protesting a massive planned Bureau of Land Management (BLM) oil and gas lease sale slated for Utah in December, alleging in part that the bureau failed to analyze the emissions impact of the leasing on EPA's expected nonattainment designation for the area.

Democrats Vow To Block EPA Toxics Office Nominee Despite Senate Rules

Sens. Tom Udall (D-NM) and Richard Blumenthal (D-CT) are joining environmentalists' efforts to block confirmation of Michael Dourson, President Donald Trump's nominee to head EPA's toxics office, an effort that faces a high bar given current Senate rules, though they are sidestepping questions of what commitments they may seek from the nominee.

Fighting CERCLA Preemption, Citizens Defend PFAS Medical Monitoring Suit

Residents near two military bases in Pennsylvania that are contaminated with perfluoroalkyl substances (PFAS) are urging a federal appellate court to overturn a lower court ruling that dismissed their suit seeking medical monitoring for exposure to the chemicals under state law, arguing the lower court erred in finding the Superfund law barred the claims.

EPA Urged To Add Community Representative To TSCA Advisory Panel

An academic group is urging EPA to carefully follow requirements in the revised Toxic Substances Control Act (TSCA), as well as federal advisory committee law, to

include a representative from a local community adversely impacted by chemical pollution on a new TSCA advisory panel that EPA is forming.

House, Senate Lawmakers Probe Air Quality Impacts Of Increased Wildfires

House and Senate lawmakers are probing the air quality and greenhouse gas impacts of increased catastrophic wildfires, while states affected by one of the worst recent wildfire seasons will test the scope of EPA's "exceptional events" policy that provides Clean Air Act exemptions for air pollution associated with natural disasters.

Daily Feed

EPA seeks to postpone argument in brick MACT suit

The Trump administration says it wants to delay the argument to weigh possible changes to the contested Obama EPA brick sector air toxics rule.

NRDC suit claims EPA neonicotinoid approvals violate ESA

The environmental group claims EPA's pesticide approvals violated the Endangered Species Act in failing to adequately consider risks to listed species.

Senate panel weights boost to federal buyout incentive

The bill seeks to boost maximum VSIP payments from $25,000 to $40,000.

CPP compliance costs lower than expected, study finds

The study comes as the Trump administration is expected to soon release its proposal to repeal the Obama-era greenhouse gas rule for power plants.

Ewire: Pruitt meetings with industry . . . the details

In today's Ewire: More details are emerging about EPA chief Scott Pruitt's schedule Plus: states want access to chemical CBI and EPA's chemicals nominee.

EPA seeks to keep TSCA suits in 4th Circuit

The agency's lawyers sought to block environmentalists' push to hear challenges to two TSCA framework rules in the 9th Circuit.

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

October 26, 2017

Latest News

EPA Touts Four 'Key' Policy Reform Efforts To Boost Trump's Energy Order

EPA is touting four "key" policy reforms it will pursue to implement President Donald Trump's sweeping executive order on reducing energy sector regulatory burdens, including a new initiative to study rules' impacts on employment as well as previously announced "task forces" on reworking Clean Air Act permits and ambient air standards.

Carper Offers Praise For Wheeler, Aiding Bid For Trump EPA's Deputy Pick

Sen. Tom Carper (D-DE), the top Democrat on the Senate environment committee, has some praise for Andrew Wheeler, President Donald Trump's nominee to be deputy EPA administrator, welcoming his apparent willingness to respond to Democrats' inquiries and comparing him favorably to former GOP Administrators Bill Reilly and William Ruckelshaus, though he stopped short of pledging his support.

San Joaquin Air Chief, NAAQS Reform Advocate, Said To Lead EPA Region 9

Seyed Sadredin, chief of California's San Joaquin Valley air district, may soon be appointed as the new administrator of EPA's Region 9, two sources say, a step that would provide the Trump EPA with a key spokesman on its efforts to help areas attain federal air quality standards though such efforts are likely to be controversial with Democrats and environmentalists, who see them as a rollback.

Responding To Trump, EPA IDs Steps To Ease Energy Industry Burdens

EPA has identified four steps it will take to ease energy industry burdens in response to President Donald Trump's executive order that aims to bolster energy independence, a key plank in the administration's deregulatory program.

Bodine Reply May Aid Trump EPA Nomination But Dourson's Fate Unclear

Susan Bodine's reply to senators about her ongoing advisory work at EPA appear to have satisfied Democrats and could help ensure her confirmation as the agency's top enforcement official, but the fate of controversial toxics office nominee Michael

Dourson, who cleared the environment committee, is unclear as Democrats are vowing to block his confirmation.

Whitehouse Vows Tough Tactics In Face Of Trump EPA 'Shutdown' On Deals

Sen. Sheldon Whitehouse (D-RI) says the Trump EPA has sent a “shutdown signal” against compromising on any environmental policy matters and is pledging that Democrats and other critics will continue to pursue aggressive tactics -- including oversight, litigation, inspector general inquiries, whistleblowers and leaks -- to block the administration's deregulatory agenda.

EPA Radiation Guide Unlikely To Change Cleanup Policy Though Concerns Remain

Language in recently released EPA guidance that endorses higher levels of radiation exposure far beyond what the agency has typically held as acceptable is unlikely to prompt changes to cleanup levels at nuclear waste sites due to the costly, in-depth and controversial rulemakings that would be required, although one observer says it could prompt responsible parties to push for a change in cleanup decisions at specific sites.

Conservatives Maintain Attack On GHG Risk, Despite Pruitt's CPP Stance

A conservative group that has urged EPA to reconsider its landmark greenhouse gas endangerment finding is downplaying recent remarks by EPA Administrator Scott Pruitt appearing to rule out review of the issue as the agency considers replacing the Clean Power Plan (CPP), arguing the remarks do not preclude EPA action on the issue.

Daily Feed

Quote-unquote: the federal environmental commitment

Plus, TSCA implementation challenges, EPA-state relations, greenhouse gas endangerment.

EPA begins implementing Pruitt's sue-and-settle directive

EPA begins posting to its website notices of intent to sue, marking an early step to implement the administrator's directive limiting settlements in cases where the agency misses statutory deadlines.

EPA releases draft mercury reporting rule for comment

EPA is seeking comment on a proposed rule requiring people working with mercury to report those uses to the agency, as required by the revised Toxic Substances Control Act.

Ewire: Is Pruitt's renewable tax credit stance 'out of bounds'?

In today's Ewire: Is EPA chief Scott Pruitt's push for Congress to scrap wind and solar tax credits “out of bounds”?

RFS proponents, critics spar over EPA data notice

Biofuels groups are calling on EPA to boost renewable fuel standard production targets for their fuels, while oil industry groups are urging the agency to lower the goals.

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Subject: Morning Energy, presented by ExxonMobil: Reading the tea leaves on Clean Power Plan repeal — More political activity from Zinke revealed — Antiquities Act revamp gets its day in committee

By Anthony Adragna | 10/11/2017 05:40 AM EDT

With help from Alex Guillén and Emily Holden

LONG CARBON RULE BATTLE LIES AHEAD: President Donald Trump's administration sought to frame Tuesday's move to rescind the Obama-era Clean Power Plan as fulfilling a campaign process, but it really just kicked off what's likely to be an arduous and lengthy legal and regulatory process that may ultimately result in a replacement rule with very modest reductions in the emissions that fuel climate change. "This is the beginning of the process to carry out the president's promise to make sure that we do our job at the agency within the bounds of the law and don't declare war on certain sections of our economy," EPA Administrator Scott Pruitt said on "Fox News," his only public appearance Tuesday to discuss his proposed rule.

Many state officials, environmental advocates, businesses and reporters were left wondering why they hadn't received any sort of briefing or additional background before or after the proposal's release — especially since senior agency officials had a closed phone call Tuesday morning with conservative organizations where they took questions from groups like the Heartland Institute and State Policy Network, as Pro's Emily Holden reports. Clint Woods, the director of the Association of Air Pollution Control Agencies, which represents mostly conservative state air agencies, said his members got a heads up on timing but would be "looking forward to more engagement prior to major announcements in the future."

Joe Goffman, EPA general counsel when the Clean Power Plan was proposed and finalized, said the agency typically had background conversations with all of those groups when rolling out a major proposal. "We thought that it was an elementary part of our obligation to present information to state governments, to the affected industry, often very broadly defined, and to environmental advocacy groups," Goffman said. A phone call between the administrator and reporters, and a briefing on the Hill for lawmakers was also customary, he said. Pruitt has accused Obama's EPA of not conducting enough outreach or listening enough to states, which Goffman said is "demonstrably false." The agency did not respond to questions about its outreach on the rollback.

ICYMI: Here's links to EPA's fact sheet, proposal and regulatory impact analysis.

Five things: Pro's Alex Guillén and Eric Wolff take a look at five of the biggest policy changes the Trump administration has made to try to prop up the prospects of fossil fuels. 1) Killing the crown jewel of Obama's climate change legacy by axing the Clean Power Plan, 2) A push to shore up coal's place in the nation's electricity marketplace, 3) The likelihood of trade barriers on imported solar products, 4) Tapping the brakes on tightened mileage standards that Obama had imposed for cars sold from 2022 to 2025 and 5) Actions designed to make federal lands more amenable to fossil fuel development.

Push to shutter coal plants gets another jolt: Former New York Mayor Michael Bloomberg is at the Sierra Club's HQ this morning at 11:45 a.m. where he'll announce "an increased commitment" to shutter the U.S. coal fleet even amid the repeal of the Clean Power Plan. That comes as the Union of Concerned Scientists released an analysis finding 21 percent of the nation's coal fleet uneconomic and an additional 18 percent already slated for retirement or conversion to natural gas.

Quotable: California Senate leader (and potential Sen. Dianne Feinstein primary challenger) Kevin de Lèon not mincing words on the withdrawal: "Washington's utter failure to confront the existential threat of climate change will go down among the most shameful chapters in US history," he tweeted.

Here's where we are: EPA started the process to roll back the signature Obama-era effort to combat climate change even as the U.S. is reeling from back to back to back to back hits from hurricanes and ferocious wildfires slam California. Assuming a disaster aid package eventually clears Congress as expected, lawmakers will have spent more than $50 billion responding to the natural disasters already, and House Majority Leader Kevin McCarthy said last week "I do not believe this will be the last of the supplementals." Three weeks after Hurricane Maria slammed into Puerto Rico, 84 percent of the island still lacks electricity and 36 percent of residents still don't have potable water, according to official figures.

TIMELY TELEVISION VIEWING: "Frontline" titles its episode tonight "War on the EPA," as the PBS show focuses on Pruitt's rise from an anti-EPA crusader as Oklahoma attorney general to running the agency. Trailer for the episode here.

WE'RE ROLLING RIGHT THROUGH THE MIDDLE OF THE WEEK! I'm your host Anthony Adragna, and Independent Petroleum Association of America's Neal Kirby was first to identify Sen. Bill Cassidy as our most recent physician elected to the Senate. For today: Who is the only senator to win a reelection race in their 90s? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

SKI RESORTS, ALASKAN STEAKHOUSE, OH MY! Interior Secretary Ryan Zinke attended at least two additional political fundraisers during trips he took for official Interior business, Pro's Esther Whieldon and Ben Lefebvre scoop . Federal law permits Cabinet officials to participate in partisan political activities on their own time and without using any federal resources, but FEC records don't list any reimbursement payments to Interior for the events. "Both law and common sense tell us that taxpayer resources are supposed to be used when you're doing the taxpayers' business [but] are not supposed to be used to help candidates get elected," said Brendan Fischer of the nonprofit watchdog organization Campaign Legal Center.

The two events were:

— A mid-March fundraiser at a ski resort in Big Sky, Mont., organized by committees affiliated with Republican Sen. Steve Daines. Donors were asked to contribute $3,000 if they were

attending on behalf of a political action committee or $1,500 for an individual. Also in attendance: Sen. John Hoeven and Senate Energy Chairman Lisa Murkowski. He didn't charge for lodging or his per diem for part of the trip.

— A May 31 fundraiser for Alaskan Rep. Don Young where a Young campaign spokesman, Matt Shuckerow, said the secretary made "only very brief remarks." He said the campaign "took concerted efforts to follow" strict guidance from Interior's ethics personnel.

Interior's response: Spokeswoman Heather Swift said ethics officials signed off on all trips and they all complied with the law. "The Interior Department under the Trump Administration has always and will always work to ensure all officials follow appropriate rules and regulations when traveling, including seeking commercial options at all times appropriate and feasible, to ensure the efficient use of government resources," she said.

NOT PLEASED: Amid weeks of reporting on non-commercial travel and other troubling behavior from Cabinet officials, the acting head of the Office of Governmental Ethics issued a memo warning he is "deeply concerned" by recent actions. Among the suggestions is "modeling a 'Should I do it?' mentality versus a 'Can I do it?' mentality" in their actions. "It is essential to the success of our republic that citizens can trust that your decisions and the decisions made by your agency are motivated by the public good and not by personal interests," David Apol wrote.

THE WOTUS WITH THE MOSTEST: The Supreme Court today will take up a wonky but important question central to federal water law: Should challenges to the Obama administration's Waters of the U.S. rule go through a district court first or straight to an appellate venue? Of course, the Trump administration is working to repeal WOTUS in the coming months and says it will issue a rewritten version early next year. But this venue question is all but guaranteed to apply again, meaning SCOTUS guidance could prove useful.

What you need to know: The Clean Water Act says that most CWA regulations and actions should be challenged first at the district level, but it lists seven exceptions that would go straight to a circuit court. Two are in play here: one regarding rules affecting effluent limitation guidelines, and one for any action approving or denying discharge permits. The Trump administration argues both exceptions apply, and the suits should go to a circuit court first. Various challengers, led by the National Association of Manufacturers, want it to go through district courts first.

History brief: After the rule was released, lawsuits were filed in both district and circuit courts throughout the country. After some district-level proceedings that led to a stay of WOTUS in 13 states only, the circuit-level cases were consolidated into one mega-case before the 6th Circuit, which then issued a nationwide injunction. The 6th Circuit then issued a complicated 1-1-1 ruling that concluded that it should indeed hear the challenge first. One judge said both exceptions apply, one said only one exception applies and the third said neither applies and the challenges should first go through district courts.

Why it matters: This isn't entirely an esoteric spat. Supporters of district-first litigation argue the Clean Water Act gives more time to challenge regulations that go to lower courts first. It also

means challengers can pick the district court where they want to sue, whereas circuit-first challenges would be randomly consolidated. Meanwhile, those who want circuit-first review argue that it provides more certainty and helps avoid patchwork problems — such as the 13-state WOTUS freeze.

EPICALLY BUSY DAY AT HOUSE NATURAL RESOURCES: The panel is slated to convene two separate hearings Wednesday to examine controversial measures on offshore drilling and the Antiquities Act:

— At 2 p.m, the Energy and Mineral Resources Subcommittee considers a draft of the Accessing Strategic Resources Offshore Act, which would expand offshore revenue sharing program to additional states; prevent future presidents from withdrawing sections of the outer continental shelf from drilling or designating marine sanctuaries; and repeal certain Obama-era rules on Arctic drilling, among other things. Witnesses include former Senate Energy Chairwoman Mary Landrieu.

— The full committee then gathers at 4 p.m. to mark up Chairman Rob Bishop's long-awaited effort to overhaul the Antiquities Act. The bill, H.R. 3990 (115), would require a federal environmental review process to designate any monument more than 640 acres in size, require the sign off from local officials on new large monuments and prohibit marine national monuments "with no archeological or historic sites in need of protection." Committee members will also consider a resolution requiring Zinke to disclose more information about his review of existing national monument designations.

** **Presented by ExxonMobil:** We're collaborating with FuelCell Energy on a novel idea to use fuel cells to capture carbon at natural gas power plants, and in the process reduce emissions and increase electrical output. This technology could be a game changer in addressing the world's growing need for energy, while also reducing the impact on the environment. Learn more. **

A NEW DISASTER EMERGES — CALIFORNIA WILDFIRES: Trump declared a major disaster in California Tuesday as wildfires have forced the evacuations of tens of thousands, cost at least 17 lives to date and caused billions in damage. "We are with you, our prayers are with you, and we will be with you every day until we put the fires out and stand with these families to rebuild these communities," Vice President Mike Pence said alongside McCarthy and Rep. Jeff Denham after a briefing Tuesday. Separately, California Sen. Kamala Harris and Feinstein asked Trump in a letter to take all steps to release federal aid "as soon as possible."

Ryan heading to Puerto Rico Friday: According to multiple reports, Speaker Paul Ryan heads to Puerto Rico Friday along with Cathy McMorris Rodgers, the fourth-highest House Republican; Appropriations Chairman Rodney Frelinghuysen; top Appropriations Democrat Nita Lowey and Puerto Rico Resident Commissioner Jenniffer González. That comes as the Financial Oversight and Management Board for Puerto Rico hired Williams & Jensen to lobby the federal government on disaster relief and recovery efforts (h/t POLITICO Influence). The White House late Tuesday asked for an additional $4.9 billion in emergency hurricane aid to help Puerto Rico as part of a disaster funding package the House is still expected to consider this week, Pro Budget and Appropriation's Sarah Ferris reports.

ON THE HOUSE FLOOR: Lawmakers today are slated to consider a bill of interest to ME fans. The Power And Security Systems Act S. 190 (115) would extend energy efficiency standards exemptions for external power devices and is slated to be considered under suspension of the rules, requiring two-thirds support for passage.

PROTESTING PERRY'S PUSH AT FERC: The Nuclear Information and Resource Service and allied organizations are greeting FERC employees today at 8:45 a.m. to protest Perry's push for new rules that "properly value" the coal and nuclear sectors. That comes as National Rural Electric Cooperative Association CEO Jim Matheson sent Perry a letter thanking him for "jumpstarting a conversation" about the nation's electric markets.

DRINKING WATER UTILITIES ENTER FARM BILL FRAY: The American Water Works Association wants Congress to include provisions and funding to better protect drinking water sources from agricultural runoff, Pro Ag's Jenny Hopkinson reports. The group is also pushing for "robust overall funding" for the conservation title — keeping it at $6 billion, if not adding to the current allotment.

FROM THE DEPARTMENT OF WHERE ARE THEY NOW: With his red sweater, coal plant worker Ken Bone rose to national attention as an undecided voter during last year's presidential race but he's since become quite critical of the Trump administration, CNN reports. "Almost anybody who is currently a Democrat in the Senate, I think I would probably vote for over Trump," he said.

DEPARTMENT OF AWKWARD TIMING: Perry gave an interview to the American Gas Association's magazine that prominently features a picture of the secretary with disgraced Rep. Tim Murphy. Read his interview here.

MOVER, SHAKER: Keith Maley has started as director of PR at the Trust for Public Land. He previously was director of regional media in the Obama White House (h/t Playbook).

Liam Donovan has joined Bracewell's Policy Resolution Group as a lobbyist specializing in tax, infrastructure, energy and other issues. He comes from the Associated Builders and Contractors where he was as senior director of legislative and political affairs.

Amy Graham is starting next week as communications director for Sen. Todd Young. She most recently worked as senior communications adviser and deputy associate administrator at the EPA (h/t Playbook).

QUICK HITS

— Hillary Clinton at UC Davis: Climate change a factor in Northern California wildfires. First Coast News.

— IMF tells rich nations that greater urgency needed on climate change. The Guardian.

— Foster Friess confirms interest in primarying 'hero' John Barrasso. Washington Examiner.

— Colonial partners with Enterprise for fuel exports from Beaumont terminal. Reuters.

— Despite some opposition from Los Angeles, giant Southern California water agency approves Delta tunnels project. Sacramento Bee.

— Lake Erie algal bloom cleanup falling short of 40 percent phosphorus reduction goal. Cleveland.com.

HAPPENING TODAY

8:45 a.m. — The Nuclear Information and Resource Service and allied organizations protest Perry's planned rules to benefit coal and nuclear sectors, FERC, 888 First Street NE

10:00 a.m. — House Natural Resources Federal Lands Subcommittee holds hearing on several bills, Longworth 1334

11:45 a.m. — Michael Bloomberg and other environmental advocates announce "new investment" to retire U.S. coal fleet, Sierra Club, 50 F St NW

12:00 p.m. — Reps. Bishop and Gosar discuss legislation revamping the Antiquities Act, contact: katie.schoettler@mail.house.gov

2:00 p.m. — House Natural Resources Committee's Energy and Mineral Resources Subcommittee holds a hearing on ASTRO Act, Longworth 1334

4:00 p.m. — House Natural Resources holds markup of Chairman Bishop's Antiquities Act reform, Longworth 1334

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https://www.politicopro.com/tipsheets/morning-energy/2017/10/reading-the-tea-leaves-on-clean-power-plan-repeal-024987

Stories from POLITICO Pro

Trump administration takes ax to climate rule Back

By Emily Holden | 10/10/2017 02:16 PM EDT

The Trump administration officially moved to kill the Obama-era climate change rule for power plants Tuesday, fulfilling a campaign pledge but setting off what is expected to be a bitter legal battle between the EPA and several states, health and environmental groups.

EPA Administrator Scott Pruitt signed an agency proposal to repeal the Clean Power Plan, which would have sped the nation's shift away from coal-burning power plants and toward renewable power and natural gas, which emits less planet-warming carbon dioxide. Less than a third of U.S. emissions come from the power sector, and the rule aimed to shrink them to about 15 percent below 2015 levels by 2030.

Pruitt, the former Oklahoma attorney general who sued Obama's EPA over the rule, claims that it would have cost $33 billion and is illegal because it pushed for a transition away from coal rather than directly limiting emissions from coal plants. EPA released a photo of Pruitt signing the document but did not hold a public event.

EPA is exploring writing a replacement that would let states set their own standards to require coal plants to run more efficiently, or burn less coal while producing the same amount of power. That would likely achieve few emissions reductions.

"The Obama administration pushed the bounds of their authority so far with the CPP that the Supreme Court issued a historic stay of the rule, preventing its devastating effects to be imposed on the American people while the rule is being challenged in court," Pruitt said in a press release. "We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule."

The Trump administration has hailed the withdrawal as a victory for coal, but market experts say the outlook for the fuel is still dim.

"Withdrawing the Clean Power Plan won't clear the deck for new coal generation. The economics of natural gas and renewables are more favorable, now and in our future scenarios," Bloomberg New Energy Finance Policy Editor Steph Munro said.

During President Barack Obama's two terms, the fracking boom turned the U.S. into a natural gas super power, cutting the cost of the fuel by 75 percent and leading to a boom in natural gas-power generation, which tripled between 2009 and 2016, according to the U.S. Energy Information Administration.

Wind power also surged under Obama, tripling in capacity, while solar power grew from virtually zero to become the leading source of new power generation in 2016.

Jim Matheson, CEO of the National Rural Electric Cooperative Association, said the withdrawal will give cooperatives, which are owned by customers rather than investors, flexibility to decide when to take coal plants offline. Those co-ops got 62 percent of their power from coal in 2016,

compared to 71 percent just two years before, he said.

Still, Matheson wants EPA to write a replacement rule to provide business certainty to the utilities, although he acknowledged that process could take years.

"To the extent we can have a level of clarity over time about what the playing field looks like, that matters," he said. Many electricity companies believe that if Pruitt's EPA can write a replacement rule, it will be more difficult for a future administration to challenge than if he takes no action at all. Critics have contended that Pruitt plans to slow-walk the process.

Conservative groups praised the repeal, with lobbying group Americans for Prosperity saying it would prevent "dramatically higher" energy costs.

Health advocates say Trump's EPA is vastly overstating the costs of the rule while ignoring the impacts of climate change and other pollutants that come from coal plants, especially by declining to count the benefits of reducing those emissions in an analysis of the Clean Power Plan.

When EPA finalized the Clean Power Plan, the agency estimated that by 2030 it would annually prevent 3,600 premature deaths, 90,000 childhood asthma attacks and 1,700 heart attacks.

"These are not insignificant benefits, health effects," said Paul Billings, senior vice president of advocacy at the American Lung Association. "I don't necessarily agree with the dollar amount they place on the cost of a human life, but it does create a basis for doing comparisons across rules ... to translate those health effects into dollars costs."

More than half of states sued to stop the Clean Power Plan, and the Supreme Court in early 2016 stayed its implementation while a lower court considered the challenge.

EPA has been asking the court to withhold its decision about whether the rule was legal until the agency has had a chance to withdraw it and explore an alternative.

Tim Profeta, director of Duke University's Nicholas Institute for Environmental Policy Solutions, said EPA is nixing the rule now to keep the court from issuing a decision.

"The court should decide the case that it has before it in order to clear up any dispute over the extent of EPA's authority to regulate greenhouse gas emissions from power plants," Profeta said.

Since Trump's election, 14 green-leaning states have banded together as part of the Climate Alliance and said they will aim to curb emissions even without the federal government.

"We will push ahead and work with states that share our belief in science and the imperative to combat global warming," California Gov. Jerry Brown said.

Washington Gov. Jay Inslee added that "Washington state is already feeling the harmful and costly effects of climate change — in more devastating wildfire seasons, strained water

resources, increasingly acidic coastal waters, and more. And we are taking action to respond."

Inslee argued that "the United States Supreme Court has ruled on three separate occasions that the EPA has a responsibility, under the Clean Air Act and other federal laws, to protect American communities from harmful carbon pollution."

The Supreme Court in 2007 ruled that EPA would have authority to regulate carbon if the agency found it to be a danger to public health. EPA subsequently decided that carbon is a pollutant. For Pruitt to avoid climate regulations outright, he would have to fight that finding, which many legal experts say is a losing battle.

Eric Wolff contributed to this report

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EPA lays out options for replacement to Clean Power Plan Back

By Emily Holden | 10/10/2017 02:06 PM EDT

EPA is considering allowing states to set their own efficiency standards for coal-fired power plants to replace the Obama administration climate regulation that would have imposed stricter pollution limits across the electricity sector, senior agency officials said during a conference call with conservative groups Tuesday.

EPA Administrator Scott Pruitt has long argued that the Obama-era Clean Power Plan, which he proposed to withdraw Tuesday, was agency overreach because it set state carbon goals that would have forced a shift away from coal and toward natural gas and renewable power, rather than requiring changes solely at individual coal plants.

A proposal issued Tuesday raised the possibility of a coal plant-focused replacement, but the comments on the phone call give a clearer indication of what EPA is considering as a replacement.

EPA is proposing to return to its "traditional view of scope and authority" under the law, one administration official said on the call, "which means we are going out to the facility and setting source-by-source specific standards.

"EPA has authority to set up a process. It is then the states that take that process and based on their source-by-source analysis and respective localized environmental characteristics set standards that are actually feasible and achievable," the official said on the call that POLITICO monitored.

That would "ensure that states can still make the decision to keep a diverse fuel supply,"

according to the official.

EPA plans to issue an advance notice of proposed rulemaking in a few weeks to take comment on crafting the replacement to the Clean Power Plan, officials said. EPA will also hold a public hearing and take comments for 60 days after the proposal signed Tuesday is published in the Federal Register, according to officials on Tuesday's call.

Another administration official described the Clean Power Plan as a "novel and expansive view of agency authority" that would have cost consumers $33 billion and forced companies to shut down coal plants.

"Repealing the Clean Power Plan is another step advancing the president's America First strategy and is an example of President [Donald] Trump keeping his promises to the American people," the official said, hewing to talking points acquired by POLITICO on Oct. 7.

The officials on the conference call with more than a dozen participants heard from climate science opponents who urged the administration to convince Americans that, contrary to mainstream research, carbon dioxide does not cause global warming. And they called on EPA to fight the legal finding that requires it to write a replacement rule and regulate emissions.

"Eventually we really need to move to get rid of the endangerment ruling of the Supreme Court," said Jay Lehr, science director for the Heartland Institute, which argues that human activity does not affect the climate. "I think in order to do this in everything EPA does and the president does, we need to begin laying the groundwork for the American public to understand that carbon dioxide is not a contaminant. It is in fact why we live on this planet, it is a breath of life, it has no endangering aspects."

One official suggested Lehr file that idea as a comment in response to the agency's upcoming notice about replacing the Clean Power Plan.

"That will be especially beneficial for us to consider as we move forward," the official said.

Another questioner from Heartland, research fellow Sterling Burnett, suggested the Obama rule might have cost even more than the $33 billion that Pruitt's EPA is contending, although that figure has been criticized as too high by former EPA officials and think tanks.

Burnett also urged EPA not to allow states like California to set higher climate standards than the federal government. The administration officials encouraged him to submit that idea to the agency in the comment-gathering period.

The official also noted that EPA's cost estimates were "interim" figures that might be adjusted.

A third administration official added that "if any stakeholders out there feel that the figures presented in this proposal do not adequately reflect costs for one reason or another, that would be a very good thing I think to submit in comment because that may shape the analysis that's attached with any final action we may take on this proposed repeal."

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5 big things Trump is doing to reverse Obama's climate policies Back

By Alex Guillén and Eric Wolff | 10/10/2017 08:34 PM EDT

The Trump administration is gutting President Barack Obama's climate legacy with a series of moves designed to favor the fossil fuel industry while punishing solar and wind energy producers — and Tuesday's proposal to repeal an Environmental Protection Agency rule on power plants is just the most visible.

President Donald Trump's agencies have also taken steps toward buttressing coal's historically dominant role in the electricity markets, protecting it from rising competition from cleaner sources like natural gas and wind. The administration has opened the door to rolling back the stricter fuel-efficiency standards for cars and trucks that are due to take effect in 2022. And Trump's Interior Department is loosening Obama's limits on fossil fuel production on federal lands, while potentially clamping down on leases for wind and solar projects.

Also waiting in the wings is an upcoming trade decision that would allow Trump to sharply increase the cost of solar installations in the U.S. — eroding sun-powered electricity's ability to compete just as it weans itself off federal subsidies.

Trump's supporters say the steps are needed to protect jobs and American energy dominance. But clean-energy advocates say the actions imperil the planet's future.

"In the midst of flood and fire, our federal government is resolutely deciding to cover its eyes," said climate activist Bill McKibben, referring to the intense hurricanes and Western wildfires that have ravaged the U.S. "History will judge few things more harshly."

Here are five of the biggest U.S. energy policy shifts taking place under Trump:

1) Killing the power plant rule

The Clean Power Plan that the EPA is moving to revoke was the crown jewel of Obama's climate change legacy — representing the first time the U.S. had gone after the climate-warming pollution that's belched out of coal-fired power plants' smokestacks. EPA Administrator Scott Pruitt — a former Oklahoma attorney general who had sued to block the regulation — signed the paperwork Tuesday to begin the long process of withdrawing the rule, fulfilling a Trump campaign promise.

The power plant rule sought to capitalize on the U.S. electric industry's shift away from coal and

toward natural gas and renewables. The Obama EPA had estimated the rule would cut the power sector's carbon dioxide emissions 32 percent below 2005 levels by 2030. (The U.S. is already more than halfway to that goal even without the rule.)

"This is a policy that the world wants and that makes sense because of market forces and a policy the world needs because, hello, we're seeing climate change effects on people every day," said Janet McCabe, Obama's former EPA air chief.

EPA's new repeal proposal echoes the coal industry's arguments — and Pruitt's previous legal filings — in contending that the Obama administration overstepped its authority.

Pruitt's agency is considering a potential replacement rule, but one that would yield much smaller emissions cuts. If that effort succeeds, a future Democratic administration could find itself barred from imposing significant regulations on greenhouse gases from other major polluting industries.

2) Securing coal's place in the markets

Energy Secretary Rick Perry issued a surprise directive last month aimed at altering the nation's electricity markets by giving an economic advantage to power plants that keep large fuel supplies on site — a move clearly aimed at helping the coal industry ward off increasingly stiff competition. (It would also benefit nuclear power, another economically struggling sector.)

Coal is the nation's most abundant power-plant fuel, but a combination of environmental regulations, huge surges in natural gas and wind-energy production and slumping demand for electricity have prompted power companies to shutter many coal-burning plants in the past decade. As recently as 2007, coal fueled more than half the electric power sector's net electricity generation — but as of this summer, that had fallen to less than a third.

Green-energy supporters say simple economics are spelling coal's demise — but Perry has argued that the trend puts the "resiliency" of the nation's power grid at risk, endangering national and economic security. His plan, if enacted by the independent Federal Energy Regulatory Commission, would insulate coal and nuclear power plants from the low power prices that have put dozens of older plants into retirement.

DOE's proposal, according to one Montana utility regulator, would be "the largest change to electricity regulation in decades."

Critics say the rule could heap billions of dollars in additional energy costs on homes and businesses without a guarantee that they wouldn't lose power when the next hurricane rips out their power lines or a polar vortex freezes the pile of coal at a power plant.

But that decision will ultimately fall to the five commissioners of FERC, an agency made up largely of technocrats that has long sought to safeguard the energy markets. The markets aren't perfect, but Perry's rule is "a draconian way of fixing it," said Pat Wood, a former FERC chief who was appointed by President George W. Bush.

3) Launching a solar trade war?

A vote by a federal trade panel last month will allow Trump to impose tariffs or a quota on imported solar panels that make up the vast majority of the fast-growing U.S. renewables market — if he chooses to.

The decision by the U.S. International Trade Commission agreed with bankrupt solar manufacturers Suniva and SolarWorld that the low-cost imports had harmed U.S.-based producers. Now, people following the case expect that Trump will slap trade barriers on the imported solar equipment, which is largely produced by Chinese-based companies at factories across Asia.

Those barriers would help the small number of U.S.-based solar manufacturers that remain in existence but could send costs skyrocketing and hurt the much larger solar installation industry. It would also threaten to end the U.S. solar boom, which saw the technology become the country's biggest source of new power generation last year for the first time ever.

With the help of federal subsidies, which will be fully phased out by 2020, the solar industry has slashed costs far faster than predicted and grown more rapidly than expected. But the production of cells and panels has shifted to countries like Malaysia, Vietnam and South Korea.

The ITC will send its recommendations for trade remedies to Trump by Nov. 13 — though the White House can ultimately implement any barrier it chooses. That has solar installers and project developers in a panic, and many are stockpiling panels ahead of possible tariffs. The Solar Energy Industries Association is predicting up to 88,000 job losses, or nearly a third of the U.S. sector. And if domestic manufacturing ramps over the next year, 2018 is likely to see supply shortfalls and price spikes as production fails to catch even reduced demand.

4) Hitting the brakes on fuel economy

Trump announced in March that EPA would reconsider the tightened mileage standards that Obama had imposed for cars sold from 2022 to 2025, a move the former president's agencies had said would lift the average to about 50 miles per gallon. Trump's agency is expected to roll back the requirements.

In a review hastened to completion just before Obama left office, then-EPA chief Gina McCarthy affirmed that the aggressive mileage standard was feasible.

Trump's decision to review the target came amid pressure from U.S. automakers to cut back the standards, but it could backfire. The Clean Air Act includes an exception for California to set its own mileage standards, and if EPA changes the requirements, it won't affect California or the 11 other states that follow the Golden State's lead. For automakers, it opens up the nightmare scenario of producing cars for two different U.S. standards.

5) Opening federal lands to fossil fuels

Trump's Interior Department is seeking to boost oil, gas and coal production by taking a hatchet to Obama-era regulations that govern fossil fuel production on public land. One of the biggest moves so far would reverse Obama's tightened restrictions on leaks of planet-warming methane from drilling wells, pipelines and other infrastructure.

Interior also said it would postpone and rewrite a controversial Obama administration rule that requires drillers to publicly disclose the chemicals they used to frack wells on federal land, among other things.

Interior also has scuttled a review that probably would likely have increased the royalties that coal companies must pay to mine on federal land. And in August, Interior Secretary Ryan Zinke recommended that Trump shrink the size of several national monuments in Utah, Oregon and Nevada, a move that would potentially open them up for drilling or mining. Zinke is aiming to lift restrictions on grazing, mining, fishing and timber harvesting at those and a handful of other monuments.

Besides fighting against previous rules, Interior is trying to take steps it says will increase oil production off the Alaskan coasts and in the long-protected Arctic National Wildlife Refuge.

Darius Dixon, Ben Lefebvre, Emily Holden and Esther Whieldon contributed to this report.

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Zinke's travels: Ski resort and Alaskan steakhouse Back

By Esther Whieldon and Ben Lefebvre | 10/10/2017 07:32 PM EDT

Interior Secretary Ryan Zinke has attended at least two additional political fundraisers while traveling for official business, including a weekend ski getaway less than three weeks after he was sworn in that donors paid up to $3,000 to attend, according to sources and documents reviewed by POLITICO.

Zinke's previously undisclosed attendance at the events adds to scrutiny he is facing over his habit of mixing political activities with official business when traveling outside of Washington, D.C., and to questions over travel expenses incurred by members of President Donald Trump's Cabinet. In addition to the fundraisers, Zinke has held at least a half-dozen other events with big donors or influential conservative organizations while on official trips.

Zinke, a former Montana congressman who became secretary March 1, started his fundraising

appearances even before attending a March 30 Virgin Islands Republican Party fundraiser in St. Croix that POLITICO reported last week, at which donors paid up to $5,000 per couple for a photo with him. The Justice Department's Office of Special Counsel, which is investigating Zinke's use of travel and political activities in office, has been asked by a watchdog group to look into his appearance there.

In the first of the newly disclosed appearances, Zinke attended a mid-March fundraiser at a ski resort in Big Sky, Montana, organized by committees affiliated with Republican Sen. Steve Daines, according to two attendees who saw him there. And in May, Zinke briefly stopped by a fundraiser for GOP Rep. Don Young at a steakhouse in Anchorage, Alaska, a spokesman for Young's campaign told POLITICO.

All three fundraisers occurred on trips that Zinke took for official Interior Department business. The Hatch Act and other federal laws allow Cabinet secretaries to participate in partisan political activities only if they do so on their own time and do not use any governmental resources. Federal Election Commission records for the campaign committees do not list any reimbursement payments to Interior for the events.

"Both law and common sense tell us that taxpayer resources are supposed to be used when you're doing the taxpayers' business [but] are not supposed to be used to help candidates get elected," said Brendan Fischer of the nonprofit watchdog organization Campaign Legal Center.

An Interior Department spokeswoman did not respond to specific questions about Zinke's attendance at the events nor whether the campaigns reimbursed Interior for any of his travel expenses, but she said ethics officials sign off on the secretary's trips and all of them comply with the law.

"The Interior Department under the Trump Administration has always and will always work to ensure all officials follow appropriate rules and regulations when traveling, including seeking commercial options at all times appropriate and feasible, to ensure the efficient use of government resources," Interior spokeswoman Heather Swift said in a statement.

Other guests attending the Montana fundraiser included Sens. John Hoeven (R-N.D.) and Lisa Murkowski (R-Alaska), according to an invitation to the March 17-19 event posted by a local political blog earlier that month. Donors were asked to contribute $3,000 if they were attending on behalf of a political action committee or $1,500 for an individual. Another invitation for events that weekend obtained by POLITICO sought donations as low as $500 to attend two dinners for Daines.

Hoeven hosted his own reception Friday night before the Daines dinner and a lunch Saturday, according to a campaign invitation obtained by POLITICO, which also informed guests that they could purchase "discounted ski lift tickets" at the resort.

Zinke was not named on the invitations, but his official schedule lists him as attending a "welcoming reception" for Daines on Friday night, spending "personal time with Senator Murkowski" at Big Sky Resort on Saturday and attending a "reception & dinner" for Daines that

evening.

Two sources who attended the Daines fundraiser recalled seeing Zinke there. One of the sources, a lobbyist, said Zinke attended the Friday night social and the breakfast buffet the next day. The lobbyist said that when Daines introduced Zinke, the Montana senator mentioned that Zinke was the state's first Cabinet secretary.

The Hatch Act bars Zinke from taking part in political events while acting in his official role as Interior secretary, which includes being identified by his title in invitations. But Richard Painter, a University of Minnesota professor and former White House chief ethics lawyer under President George W. Bush, said Daines referring to Zinke's Cabinet position doesn't appear to violate the law.

Zinke "should take reasonable steps to make sure people aren't using his official title" and not use the title himself at political events, Painter said. "But I don't know that he has an obligation to jump in and tell the senator he can't do that."

The secretary spent most of the day that Friday touring Yellowstone National Park, which the Interior Department manages through the National Park Service. He did not have any other official events listed on his schedule for Saturday and flew back to Washington, D.C., on Sunday.

A report posted by Interior on Zinke's March travel expenses shows that he claimed 75 percent of his per diem that Friday and did not claim any lodging or reimbursements over that weekend, which he took as personal days off. He did fly home on official taxpayer-funded travel, however.

The Young fundraiser occurred May 31, when Zinke was in Anchorage for a speech to the Alaska Oil and Gas Association's annual conference, where he signed a secretarial order for an updated assessment of how much oil exists in part of the Arctic National Wildlife Refuge. The invitation to the reception, a copy of which was obtained by political blog Must Read Alaska and shared with POLITICO, does not list Zinke as a special guest, nor does it say how much donors had to contribute to attend.

FEC records for the Alaskans for Don Young campaign committee show it received $9,800 in campaign contributions from individuals and political action committees on that day.

Young's campaign spokesman, Matt Shuckerow, said in an email that Zinke made "only very brief remarks" at the event, and that the campaign did not confirm his attendance in advance and did not require guests to pay to attend. "Not only did the campaign seek out the guidance of the Interior Department's ethics personnel prior to the event, it took concerted efforts to follow their strict guidance," Shuckerow said. He did not say whether the campaign reimbursed the Interior Department for any costs associated with Zinke's trip.

Zinke's calendar for that day includes a brief stop at Sullivan's Steakhouse in Anchorage, the same venue listed on the invitation, for a "Rep. Don Young Reception." Later that night, Zinke went to dinner with representatives of sportsmen's groups, according to his schedule.

The Anchorage stop came in the middle of a weeklong trip that included the use of a military plane to fly from Washington, D.C., to Norway, Greenland and then Alaska. Interior paid for Zinke and three Interior staff members to take the flight. Zinke's wife, Lola, also accompanied him on the trip but reimbursed the government for the cost of her seat, Interior has said.

In both of the newly disclosed appearances, Zinke did not pose for photos with high-dollar donors, as had been the case with the Virgin Islands Republican Party fundraiser. POLITICO's report on Zinke's appearance in that photo line led Walter Shaub, a former director of the U.S. Office of Government Ethics who is now with the Campaign Legal Center, to ask the Office of Special Counsel to open a Hatch Act investigation. The OSC typically opens investigations in response to complaints it receives, but a spokesman declined to comment on the status of Shaub's request.

Still, some watchdogs question whether Zinke is focused enough on his day job given how much attention he has paid to politics.

"There's always the risk that a high-level government official spending more time involved in political events may not be attending to their official duties," said Nick Schwellenbach, director of investigations at Project On Government Oversight.

To view online click here.

Back

White House seeks $4.9B to shore up Puerto Rico finances Back

By Sarah Ferris | 10/10/2017 07:11 PM EDT

The Trump administration today sought an additional $4.9 billion in emergency hurricane aid to stave off what Puerto Rico's governor recently warned could become a fiscal catastrophe.

The OMB sent a formal request to House leadership this afternoon, revising its most recent recovery package request to nearly $35 billion.

The extra $4.9 billion would "address the immediate liquidity issue that Puerto Rico is having," OMB spokesman John Czwartacki told POLITICO. It would allow the island government to make its payroll and fund pensions amid its worst natural disaster in decades.

The White House's request exceeds the $4 billion request from Puerto Rico Gov. Ricardo Rosselló last week, though it would be delivered in the form of a loan, rather than a grant.

In his letter to the White House, Rosselló warned that Puerto Rico's government needed an immediate cash infusion.

"In addition to the immediate humanitarian crisis, Puerto Rico is on the brink of a massive liquidity crisis that will intensify in the immediate future," the governor wrote to the White House.

The loan funds would likely be added to the storm recovery package that the House is expected to approve this week.

The House Appropriations Committee has received and is reviewing the request, a GOP aide confirmed.

To view online click here.

Back

Drinking water utilities push for farm bill water protections Back

By Jenny Hopkinson | 10/10/2017 07:17 PM EDT

The American Water Works Association — a group representing drinking water utilities — is urging lawmakers to include in the next farm bill provisions and funding to better protect drinking water sources from agricultural runoff.

Tracy Mehan, AWWA's executive director of government affairs, said the group is getting more involved in the farm bill process than in years past in light of high-profile instances of utilities' source water being contaminated by nitrate and other agriculture-related pollutants — including the Des Moines Water Works' unsuccessful challenge of upstream counties over farm runoff and the algal bloom that shut down Toledo's water supply in 2014.

AWWA is asking lawmakers to include "robust overall funding" for the conservation title — keeping it at $6 billion, if not adding to the current allotment. The group also wants farm bill conservation programs to prioritize protection of drinking water, increase benefits to farmers for practices that safeguard source water, and ensure at least 10 percent of conservation funds are devoted to water-quality efforts.

"We need to sensitize USDA and the relevant committees to the importance of public health" and the issues that arise from farm runoff and chemicals that make their way into bodies of water, Mehan said. For example, nitrogen, a key ingredient in fertilizer, can cause developmental problems and pose cancer risks if present at high levels in drinking water. A report earlier this year from the Environmental Working Group found the contaminant to be present in the drinking water of 218 million Americans.

While conservation programs already address water-quality issues, Mehan said AWWA's focus is to get more resources and reporting aimed at potable water sources. "We assume that a lot of the money that they are spending already is probably useful and could be legitimately categorized as [being spent on] source water protection; we would just like to be more specific

and track it," Mehan said of his group's requests.

To view online click here.

Back

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 10/17/2017 12:13:31 AM
Subject: Oct. 17 -- Daily Environment Report



Daily Environment Report

October 17, 2017 - Number 199

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Leading the News

Climate Regulation
Northeast States Hit the Brakes on Carbon Emissions From Cars
Cars and trucks are the next target of Northeastern states, as they look beyond power plants to address climate change.

EPA
Trump's EPA Swears Off Settling Lawsuits with Environmentalists
The Trump administration moved Oct. 16 to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action.

Oil & Gas
New York Objects to Energy Regulator's OK of Millennium Pipeline
Millennium Pipeline Co.'s proposed 7.8-mile natural gas line in New York hit another bump in the road today when the state asked the Federal Energy Regulatory Commission to stay its approval of a waiver for the project and rehear the case.

News

Chemicals
California Requires Disclosure of Cleaning Product Chemicals
California edged out New York in becoming the first state to require manufacturers to disclose potentially harmful chemicals in air fresheners, detergents, and other cleaning products. Democratic Gov. Jerry Brown signed the Cleaning Product Right to Know Act of 2017 (S.B. 258) Oct. 15, giving Procter & Gamble, Unilever, SC Johnson, The Clorox Company, and other companies until Jan. 1, 2020, to post the chemical ingredients in their consumer products online. The ingredients must be ...

Chemicals

Safety Board Mulls Retreat From Call for Oil Rig Worker Councils

U.S. Chemical Safety Board members are reconsidering a recommendation that federal authorities develop regulations to boost worker participation in safety oversight at offshore oil platforms.

Climate Change

Asian Development Bank to Double Pacific Nations' Climate Loans

The Asian Development Bank plans to double financing for climate projects among Pacific developing nations to more than $500 million by 2020.

Energy

Energy Company CEOs Criticize Grid Resiliency Proposal

The Energy Department's proposal aimed at propping up coal and nuclear plants in certain wholesale energy markets is "an answer is search of a question," John Di Stasio, president of the Large Public Power Council, said, joining a broad array of opposition.

Energy

Energy Regulator Wants New Look at Pipeline Approval Policy

The lone Democratic member of the Federal Energy Regulatory Commission wants FERC to re-assesses how it approves new natural gas pipeline projects in light of growing environmental concerns presented to the commission.

Forests

Greenpeace Fells Logger's Suit Over 'Forest Destroyer' Tag

Greenpeace International won the first round against a Canadian logging company that blamed name-calling by the environmental group for driving away its customers.

Mining

Swedish Miner LKAB Pilots Ground Testing for Mine Stability

Swedish mining company Luossavaara-Kiirunavaara AB is reviewing the findings from a four-month trial to determine if fracking-like techniques can help prevent seismic vibrations that cause the ground to sink.

Oil & Gas

Arctic Oil Promise Keeps Norway's Disappointed Wildcatters Going

It's been a bad year for oil explorers in Norway's Arctic: a record campaign in the Barents Sea yielded little; the most exciting well in years proved to be a flop; and Norwegians grew increasingly skeptical about the industry that made them rich.

Oil & Gas

Louisiana Oil Platform Blast Leaves One Missing, Seven Injured

One worker was missing and seven were injured after an explosion late Oct. 15 on an oil platform in Louisiana's Lake Pontchartrain.

Oil & Gas

Slowing Demand Growth to Push Big Oil from Cars to Chemicals

Global oil demand growth will slow to a crawl and gasoline use will peak within the next decade, prompting the world's biggest energy companies to accelerate the shift to natural gas and chemicals, according to consultant Wood Mackenzie Ltd.

Oil & Gas

U.K. North Sea Oil Faces Quickening Decline If No Brexit Deal

The U.K. oil and gas industry faces a faster decline if Prime Minister Theresa May fails to agree to a trade deal with the European Union, as restrictions on the movement of workers and equipment would increase costs.

Oil Spills

Gulf of Mexico Oil Spill May Be Largest Since Deepwater Horizon

An oil spill in the Gulf of Mexico last week may be the largest in the U.S. since the 2010 blowout at BP Plc's Macondo well that sank the Deepwater Horizon rig.

Pesticides

Brazil Bans Carbofuran Pesticide, Citing Unacceptable Health Risk

Brazil's National Health Surveillance Agency banned the use of carbofuran, a toxic pesticide sold under the Furadan brand.

Renewable Energy

As Puerto Rico Talks Solar, More Fossil-Fuel Power's Starting Up

While Puerto Rico's governor talks about using solar panels and batteries to rebuild a grid destroyed by Hurricane Maria, the island's importing more fossil fuel-powered generators to get the lights back on.

Water Pollution

EPA Says Higher Radiation Levels Pose 'No Harmful Health Effect'

In the event of a dirty bomb or a nuclear meltdown, emergency responders can safely tolerate radiation levels equivalent to thousands of chest X-rays, the Environmental Protection Agency said in new guidelines that ease off on established safety levels.

Practitioner Insights

Water Pollution

Practitioner Insights: Courts Weigh Scope of Clean Water Act

There is a tug of war underway over the scope of the Clean Water Act: While the Trump administration attempts to narrow the reach of the act through regulatory action, some states and citizen suit actions continue to take an expansive view of the act.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/23/2017 11:59:06 PM
Subject: Aug. 24 -- Daily Environment Report

Daily Environment Report

August 24, 2017 - Number 163

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Leading the News

Brownfields
Millions in Brownfields Funds Unused, Inspector General Says
Confusion, inconsistency and a lack of direction from the EPA kept investors away from about $11 million in potential brownfields cleanup funding, according to the agency's inspector general.

Energy
Carbon Cap Proposal Reflects Nine States' Compromise
A proposal to raise the carbon emissions cap for Northeastern electricity generators marks a compromise between states with aggressive climate-change goals, such as Massachusetts and New York, and more conservative states such as Maine and New Hampshire.

News

Agriculture
Senators Urge President Trump to Withdraw USDA Nomination
The Senate minority leader and a fellow Democrat are urging President Donald Trump to withdraw his nomination of Sam Clovis to be the Agriculture Department's chief scientist.

Air Pollution
China's Air Pollution Worsens in Beijing, 12 Other Cities
Air pollution increased in Beijing and 12 other large cities in the surrounding region in the first half of the year, despite the government's efforts to fight it.

Air Pollution
Correction

The Aug. 17 story, "Saudi Arabia Calls for Pollution Monitors on Industrial Chimneys," misstated that networked monitoring systems were part of an effort to reduce greenhouse gas emissions. They are intended to reduce air pollution. The story has been corrected.

Biofuels

Argentine Biodiesel Left With Nowhere to Go

Argentina has almost nowhere left to send its biodiesel without facing the wrath of trade fines.

Climate Change

Correction

The Aug. 23 story, "California Auction Raises $640 Million for Greenhouse Gas Fund," misstated that the permits were auctioned to curb carbon emissions. The permits allow emissions of carbon dioxides. The story has been corrected.

Climate Change

Exxon Duped Public Over Climate Concerns, Harvard Research Says

Exxon Mobil Corp. spent the last 40 years undermining public concern over climate change, even as its own scientists determined man-made global warming was real and a serious threat, according to Harvard University researchers writing in a peer-reviewed journal.

Disclosure

Gold Hardest Conflict Mineral to Tackle, Research Shows

It's especially hard to clean up the supply chain for gold mined in a country facing one of the world's worst humanitarian crises, federal research released Aug. 23 shows.

Dumping

Brazil Slaps Duties on Acetic Ester Imports From U.S., Mexico

Brazil's Foreign Trade Chamber (Camex), the country's trade policy body, imposed antidumping duties ranging from $110 to $688 per metric ton on acetic esters imported from the U.S. and Mexico.

Energy

Brazil Power Wizard Takes Center Stage in Surprise Privatization

It took less than 10 days to decide to privatize Latin America's largest power company.

Energy

U.S. to Say Power Markets Must 'Evolve' to Value Coal, Nuclear

The U.S. Energy Department will issue a long-anticipated report late Aug. 23 that will stress the need to "evolve" the nation's power markets so they value resources such as coal and nuclear more, a document obtained by Bloomberg shows.

Mergers and Acquisitions

Bayer, Monsanto Poised for EU Antitrust Feedback

European regulators are expected to take the lead in deciding whether to approve Bayer AG's bid for Monsanto Co., setting the table for antitrust officials around the world also examining the $66 billion deal.

Motor Vehicles

Audi Aims to Put Solar Cells on Car Roofs

Audi AG is working with Alta Devices Inc. to outfit the rooftops of select models from the German car maker with solar cells.

Oil & Gas

Oil and Gas Pipeline Plan Falls Short, Colorado Lawmakers Say

Colorado Democratic state lawmakers say Gov. John Hickenlooper's (D) plan to address underground oil and gas flow lines won't do enough to protect public health and safety, while industry officials maintain they will work with the governor on the proposed changes.

Radioactive Materials

ARCO, Babcock & Wilcox Power Generation Cleared of Uranium Claims

ARCO and Babcock & Wilcox Power Generation Group are not liable to more than 70 people who allege radiation from a manufacturing site caused them to develop cancer, the Third Circuit ruled (McMunn v. Babcock & Wilcox Power Generation Grp. Inc., 3d Cir., No. 15-cv-03506, 8/23/17).

Renewable Energy

Largest Green Bond Fund for Emerging Markets Nears $2 Billion

The World Bank's International Finance Corp. and European asset manager Amundi SA are targeting year-end to raise $2 billion for what is expected to be the world's largest green-bond fund dedicated to emerging markets.

Superfund

EPA Considers Privatizing Superfund Oversight

Companies that are cleaning up Superfund sites will see lower oversight costs and faster remediation if the EPA adopts a state licensing program for national use, past agency officials, cleanup professionals, and lawyers say.

Toxic Substances

Antiseptic Chemical Could Be Declared Toxic by Canada

Concern for aquatic species prompted Canada to propose declaring as "toxic" chlorhexidine and its salts, which are commonly used as an antiseptic and preservative in drugs, disinfectants, creams, and cosmetics.

Water Infrastructure

Looming Water Crisis in Puerto Rico, Where Cash Has Run Dry

A public health crisis is imminent in Puerto Rico as its main provider of water and sewer services has lost the ability to borrow money, a consequence of the island's still unfolding debt problems, a former water official and others familiar with the U.S. commonwealth told Bloomberg BNA.

Water Pollution

Ruling Muddies the Waters in Power Plant Pollution Case

The future of a lawsuit over EPA limits on power plant pollution is uncertain after an appeals court ruled that only parts of the suit could move forward, but did not specify which parts.

Practitioner Insights

Hazmat Transport

Practitioner Insights: Preempting NYC's Hazardous Transport Permits

The federal Pipeline and Hazardous Materials Safety Administration, which regulates the interstate transport of hazardous materials, recently preempted New York City's local permit

and inspection requirements for vehicles transporting hazardous materials within the city. PHMSA determined that the city's permit requirements were unfair and created unnecessary delays for out-of-town carriers passing through New York. It also found that the city was not properly allocating its ...

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Sun 10/8/2017 11:24:07 PM
Subject: BREAKING NEWS: Trump lays out immigration principles as lawmakers tackle 'Dreamers'

President Donald Trump laid out his principles on immigration for Capitol Hill on Sunday as lawmakers delve into a major battle over the future of hundreds of thousands of young undocumented immigrants.

The three main White House immigration priorities, according to documents obtained by POLITICO, are to "ensure safe and lawful admissions; defend the safety and security of our country; and protect American workers and taxpayers."

See http://www.politico.com/story/2017/10/08/trump-immigration-plan-dreamers-243586 for the full story.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Fri 8/4/2017 6:00:23 PM
Subject: ADMINISTRATOR PRUITT VISITS GOLD KING MINE ON ANNIVERSARY OF SPILL

Contact Information: press@epa.gov

ADMINISTRATOR PRUITT VISITS GOLD KING MINE ON ANNIVERSARY OF SPILL

"A New Review is Paramount for Those Who Suffered Losses" – Administrator Pruitt

Silverton, Colo (August 4, 2017) — On the eve of the two-year anniversary of Gold King Mine spill, Administrator Scott Pruitt visited the site outside Silverton, Colorado to discuss his commitment to those affected by the release of 3 million gallons of contaminated mine water into the Cement Creek and Animas River.

"EPA should be held to the same standard as those we regulate," **said EPA Administrator Pruitt.** "The previous Administration failed those who counted on them to protect the environment."

Despite the release of 3 million gallons of contaminated water tainted with arsenic, lead and other heavy metals, which turned the Animas River mustard-yellow, and moved along the San Juan River through Colorado, New Mexico, Utah and American Indian land to Lake Powell in Utah, the EPA Administrator at the time, Gina McCarthy, nor President Obama nor Vice President Biden, ever visited the site of the spill itself.

Fulfilling his promise during his confirmation hearing to the people of Colorado to visit the site, Administrator Pruitt, along with U.S. Senators Cory Gardner and Michael Bennett and Colorado Governor John Hickenlooper toured Gold King Mine, met with EPA staff on site and discussed a path forward.

"When I was appointed EPA Administrator by President Trump, I committed to review the Gold King Mine decision made by the previous Administration. A new review is paramount to ensure that those who have, in fact, suffered losses have a fair opportunity to have their claims heard," **said Administrator Pruitt**.

Following the tour, EPA political appointees are participating in a town hall in Durango, Colo. with local residents to hear directly from those living around the mine about how they have been affected by the spill.

"We want to listen and learn directly from the community," **said Ken Wagner, senior advisor to the administrator for regional and state affairs.** "The local community is ground zero in environmental disasters, and we want to hear their concerns and do our best to coordinate and provide assistance."

Additional Background:

In January 2017, the previous EPA administration denied 79 administrative claims filed by farmers,

ranchers, homeowners, businesses, employees, state and local governments, as well as other individuals seeking damages in connection with the Gold King Mine incident.

On March 16, 2017, EPA provided over $90,000 in additional reimbursements to five entities in Colorado and Utah for costs incurred responding to the August, 5, 2015 release. These payments represent requests received by EPA prior to December 16, 2016, that had adequate documentation. They were evaluated following enactment of the Water Infrastructure Improvements for the Nation (WIIN) Act on December 16, 2016.

On July 5, 2017, EPA Administrator Scott Pruitt announced his decision to reconsider claims for Gold King Mine damages previously denied by the past Administration. As part of this process, EPA is continuing to review pending claims.

Following the Administrator's instruction, EPA sent letters to approximately 77 claimants whose claims related to the 2015 Gold King Mine release were previously denied. Each letter informs claimants that EPA has reexamined applicable law and facts and will reconsider all of the claims. In some cases, the letter also requests claimants submit any additional documentation in support of their claims.

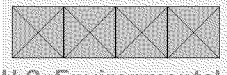
According to the Federal Tort Claims Act, individuals, businesses, or governmental entities that have a claim for money damages resulting from personal injury or property loss or damage must file their administrative claims within two years of the date the claim accrued.

Some claimants have already filed legal challenges to the Agency's denial of their claims. Those actions will continue to follow the judicial process. In February, the State of Utah filed an administrative claim seeking $1.9 billion. On August 2, 2017 Utah sued the mine owners and EPA contractors for cleanup compensation and unspecified damages. The State of New Mexico and the Navajo Nation, whose administrative claims were denied, have filed motions seeking to add their tort claims to the preexisting Gold King Mine litigation in the District of New Mexico.

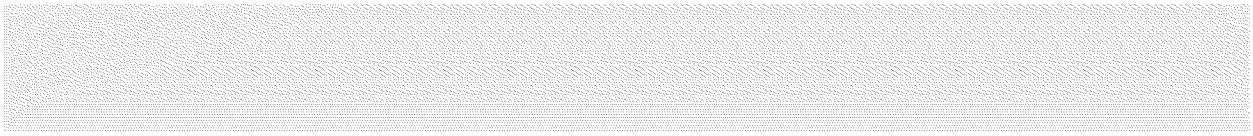
The Gold King Mine release occurred on August 5, 2015. EPA has spent more than $29 million responding and addressed many of the issues arising out of the Gold King Mine incident including reimbursing response costs by state, local and tribal governments, providing continued water treatment and monitoring, listing the Bonita Peak Mining District on the National Priorities List of Superfund sites, and conducting research to improve our understanding of how contaminants move through complex river systems. There are an estimated 500,000 abandoned mine sites across the United States.

There are currently 144 total claims pending, including the ones undergoing reconsideration, that require EPA action. EPA has six months (until the end of December) to act on claims under reconsideration.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Fri 12/1/2017 3:03:46 PM
Subject: POLITICO's Morning Energy: Another ANWR wrinkle in tax revamp battle — Murray bashes oil giants as fossil fuel 'enemies' — Pruitt promises new WOTUS rule by mid-2018

By Anthony Adragna | 12/01/2017 10:00 AM EDT

With help from Alex Guillén and Eric Wolff

ANOTHER TAX BILL WARNING OVER ANWR? Even as Senate Republicans scrambled Thursday evening to rewrite their tax package H.R. 1 (115), a small bloc of House Republicans objected to including ANWR drilling in the package - adding a new potential complication for the bill's passage once the chambers head to conference. A dozen House Republicans, six of whom voted for their chamber's bill previously, sent a letter to their party's leaders raising "concerns with any proposal that would implement an oil and gas leasing program" in ANWR though they stopped short of threatening to pull their support for the bill if it was not removed, Pro's Nick Juliano reports.

GOP Reps. Dave Reichert, Brian Fitzpatrick, Carlos Curbelo, Ryan Costello, Pat Meehan and Mark Sanford all backed the tax package on the floor, but are now expressing unease with the ANWR provision, along with six colleagues who opposed the initial bill over issues such as the state and local tax deduction. Remember Speaker Paul Ryan can only afford 10 additional defections from the original November vote tally for the final package to pass, meaning the small bloc holds some juice in the negotiations.

Other former Republican leaders oppose: A group of seven former Republican officials, including the first EPA Administrator William Ruckelshaus and former Interior Deputy Secretary Lynn Scarlett, sent their own letter to congressional leaders warning there's "simply no need to reverse protections" for ANWR and that fiscal projections for revenue are "highly speculative." They added that tacking the provision into the package would "complicate passage of important and vitally needed tax reform."

ICYMI, Senate Republicans tweaked drilling language in their bill to propose selling more oil from the Strategic Petroleum Reserve. What's interesting is the lack of criticism from Republicans who previously been outspoken against such efforts. (EPW Chairman John Barrasso said in 2012 tapping the SPR is "for emergencies - not political disasters.") Sen. Bill Cassidy summed up the party's thinking to ME: "I'm okay with that, because obviously the Strategic Petroleum Reserve is about energy security, and if ANWR is developed that is far more important to energy security than two days of SPR."

WELCOME TO DECEMBER! I'm your host Anthony Adragna, and the State Energy & Environmental Impact Center's Chris Moyer correctly identified Michelle Lujan Grisham as the niece of former Interior Secretary Manuel Lujan now running for office. For today: Which senator once ran the public schools of his state's largest city? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

Legislative Compass - Preferred Pricing for 2017: Test out POLITICO Pro's powerful, easy-to-use tool that simplifies federal and state legislative tracking. Get started.

MURRAY LABELS OIL GIANTS 'ENEMIES' OF FOSSIL FUELS: Three of the major oil and gas corporations are "enemies" of fossil fuels because of their past advocacy for climate action, including a carbon tax, coal executive Robert Murray said Thursday at a conference hosted by the Heritage Foundation and the Texas Public Policy Foundation. Prompted by comments from TPPF's Brooke Rollins calling their carbon tax advocacy "so disingenuous," Murray declared BP, Shell and Exxon Mobil "our enemies," citing politics and shareholders. "They're not doing our grandchildren justice, those three companies. The other oil and gas companies, they realize that once our enemies get rid of coal, they're next," Murray said. "But those three companies are all about politics and shareholders and I don't buy those products." Oil and gas executive Bud Brigham agreed: "It's cronyism that they chose to have a seat at the table with the government and collusion with special interests a la Elon Musk, etc. It's very disappointing."

Murray math: The coal magnate dropped some eyebrow-raising stats during his appearance, including that he has met with EPA Administrator Scott Pruitt a whopping seven times so far this year. Murray also said he has received 71 death threats, "some serious," although he did not specify over what period those were received.

MORE THAN A LITTLE SHAVE: During his swing to Utah next Monday, President Donald Trump is expected to cut the 1.353-million-acre Bears Ears National Monument down to about 201,400 acres and break it into two new monuments called Indian Creek National Monument and Shash Jaa National Monument, Pro's Esther Whieldon reports, citing proclamations . He'll also divide the existing Grand Staircase-Escalante monument into three parts - Grand Staircase National Monument, Kaiparowits National Monument and the Escalante Canyons National Monument. The action is certain to set off a fierce legal battle almost immediately.

House Natural Resources Chairman Rob Bishop welcomed the move and pledged to attend the ceremony. "The president has stood against prior abuses of executive power and his administration has demonstrated a commitment to work in concert with local communities to protect unique public antiquities and objects the right way," he said in a statement. But Sen. Tom Udall, joined by Native American and environmental groups, will discuss what they're calling an "illegal abuse of power" during an 11 a.m. telephone press conference today.

ZINKE HEADS TO LOUISIANA: This Saturday Interior Secretary Ryan Zinke heads to Louisiana for events on coastal restoration and the state's plan for addressing it along with Sen. John Neely Kennedy, Cassidy and Rep. Garret Graves. They'll participate in events in Baton Rouge, Thibodaux, and Ama, La.

But faces ads in Washington: The Western Values Project is out with a six-figure ad this morning on Fox News and up digitally in Utah urging Trump to reject Zinke's recommendations on national monuments. "One Cabinet member in Washington has become one embarrassment after another for President Trump," it starts. The final line: "Don't let this wannabe cowboy

embarrass you once again."

LAST CALL! Today's your last chance to weigh in Interior's vows to redo sage grouse conservation plans. Advocates, including the Audubon Society and the National Wildlife Federation, say they've submitted at least 163,000 already in support of the existing plans. And a group of fish, wildlife and natural resources professionals urged Interior to ensure any changes made to sage grouse management plans are backed up by appropriate science.

PRUITT PROMISES FINAL WOTUS BY MID-2018: Pruitt is due to make remarks to farmers and biofuels groups today in Nevada, Iowa, today fresh off his agency's biofuels decision on Thursday and a swing through Kentucky. During a speech to the Kentucky Farm Bureau Thursday, Pruitt promised a final replacement to the Waters of the U.S. regulation by mid-2018 that he said would focus on "navigability," according to video posted by WHAS. He also met with Kentucky Gov. Matt Bevin.

On his relationship with Trump: "It is a blessing to serve him and my desire each and every day is to bless him as he makes decisions."

GREENS DEMAND DOURSON DOCS: American Oversight and the Environmental Working Group are beginning a joint investigation this morning into EPA chemicals office nominee Michael Dourson's early work at the agency prior to his Senate confirmation. They're sending out six FOIA requests seeking copies of his communication with senior political staff; ethics and recusal documentation; calendar and telephone logs; records of political appointees discussions about Dourson; contacts with outside groups like Koch Industries and DuPont; and interactions with anyone helping Dourson on his confirmation. "Michael Dourson has been at the EPA for more than a month, and if he's been using his position to help his old clients in the chemical industry, the public needs to know before the Senate votes on his confirmation," Austin Evers, executive director of American Oversight, said. Reminder: Dourson appears to be short the votes needed for Senate confirmation.

FROM FARM TO CAR: EPA issued its rule Thursday making official the Renewable Fuel Standard requirements for 2018 and 2019. Cellulosic ethanol volumes were revised up by 50 million gallons from the agency's July proposal because, EPA said in the rule, the agency received updated data that suggested greater production capacity. Still, 2018's cellulosic volume requirement of 288 million gallons is lower than this year's 311 million gallons.

Biodiesel doesn't lose: Biodiesel producers wished for a larger target, but EPA also abandoned its October threat to make deep cuts. EPA had said that it was concerned about import tariffs, feedstock problems, and the expiration of a biodiesel tax credit crimping supply, and so it wanted to make big reductions. The agency is still concerned about those forces, but, it said, "We find it unnecessary to resolve whether to adopt such interpretations at this point in time because under any approach we would find exercise of these waiver authorities not appropriate based on the record before us."

QUICK SENATE ACTION ON BROWNFIELDS EYED: The House passed legislation H.R. 3017 (115) reauthorizing EPA's Brownfields program Thursday afternoon and Sen. Jim Inhofe

said he thought it could pass by unanimous consent in the Senate in the near future. "There's no one opposed to it that I know of," he told reporters. The bill cleared the House by an overwhelming 409-8 tally with eight Republicans voting no.

CRITICISM OF PUERTO RICO CONTRACTS: Two former Obama administration officials are out with an op-ed this morning in POLITICO urging the Trump administration to stop its practice of awarding massive reconstruction contracts in Puerto Rico to single companies, such as Whitefish Energy. And that comes as the top Homeland Security Democrat Claire McCaskill sent a letter to FEMA asking questions about why it awarded $30 million in contracts to a newly-formed Florida company that was unable in the end to complete the work on the hurricane-ravaged island.

WEST VIRGINIA'S SENATORS ON BLANKENSHIP BID: Even as convicted coal baron Don Blankenship released his first ad in his Senate bid, his possible opponent Sen. Joe Manchin didn't seem perturbed by his entry "I'd just say, 'jump in, the water's fine," he told ME. Republican Sen. Shelley Moore Capito told ME she expected a lively primary campaign and added: "I was surprised and I said, 'It's a free country.'"

MAIL CALL! DO YOU REMEMBER? Top House Energy and Commerce Democrat Frank Pallone sent a letter to Chairman Greg Walden demanding oversight hearings and investigations into the use of private planes by Trump Cabinet officials. "It is critical that we ensure there are effective Agency controls that exist to prevent the risk of fraud, waste, and abuse related to leadership and staff travel," he wrote. Both Perry and Pruitt used non-commercial aircraft, and their agencies fall under the committee's jurisdiction.

INHOFE ON ENDANGERMENT FINDING: NOW OR NEVER: Though it hasn't come up in his conversations with Pruitt, Inhofe wants his fellow Oklahoman to make a push to overturn the endangerment finding now. "If there's a chance of getting it done, I don't see a downside," he told reporters. "I would recommend he do that."

Inhofe spoke with Pruitt on Tuesday and said he was upbeat. "He's warding off the harassment, the opposition, the death threats and these things," Inhofe said. "He's just real happy in his job."

LOOKING FOR WEEKEND PLANS? Hundreds of faith leaders, environmental activists, native tribes, business owners and others gather on Saturday to encircle the Virginia State Capitol on Saturday in protest of the Atlantic Coast and Mountain Valley pipelines. More information here.

TAKE A GLANCE! Resources for the Future released a study Thursday examining multiple potential alternative versions of Perry's proposed grid resiliency rule and their corresponding impacts to human health, the environment, consumers' cost of electricity and power plant owners' profits. Read it here.

COOL NEW TOOL: ProPublica released an application documenting the military's 40,000 hazardous waste sites across the country. Check it out here.

QUICK HITS

- From Yarn Bunnies to Amazon, Tech Fights Trump Coal Plan. Bloomberg.

- Climate activists delay U.S. gas pipeline approvals: regulator. Reuters.

- Traces of petroleum, lead found in water at Rover Pipeline work site. MLive.

- Workers Finish Cleaning up Nuclear Burial Ground. AP.

- A New Study Offers Further Proof That North Texas Earthquakes Are Drilling- and Fracking-Related. Texas Monthly.

- Citgo formally announces Chavez as new CEO. Houston Chronicle.

THAT'S ALL FOR ME!

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https://www.politico.com/newsletters/morning-energy/2017/12/01/another-anwr-wrinkle-in-tax-revamp-battle-037561

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 10/18/2017 7:43:39 PM
Subject: Trump, Pruitt call Iowa governor to ease tensions on biofuels

By Eric Wolff

10/18/2017 03:40 PM EDT

Iowa Gov. Kim Reynolds says both President Donald Trump and EPA Administrator Scott Pruitt called this morning to reassure her that they supported the federal biofuels program.

Reynolds told a press conference in Iowa the call with Trump was "very productive," and that the president and Pruitt both "affirmed to me their continued commitment to the Renewable Fuel Standard."

Midwestern politicians have been leading the charge against Pruitt's proposal to lower 2018 and 2019 biodiesel volumes in a rule set to be finalized in November, and against potential EPA plans to create a credit for exported biofuels.

"I felt very good about the conversation," Reynolds said.

Reynolds declined to offer additional details, but she said she would be in Washington next week to keep lobbying.

"We're going to continue to push for the answers we're looking for," she said. "It's not done till it's done. You don't stop until you get the final numbers, and then you start working on the next one, and it starts the next day."

Pruitt and his top staff met with Midwestern senators in Iowa Sen. Chuck Grassley's office Tuesday. Sen. Deb Fischer (R-Neb.) emerged from that meeting saying she would back EPA air office nominee Bill Wehrum, who is up for consideration in the Environment and Public Works committee, though Sen. Joni Ernst (R-Iowa) said she was withholding here support for now.

To view online:
https://www.politicopro.com/agriculture/whiteboard/2017/10/trump-pruitt-call-iowa-governor-to-ease-tensions-on-biofuels-094467

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 9/27/2017 5:11:12 PM
Subject: Playbook Power Briefing, presented by Morgan Stanley: GOP RELEASES TAX PLAN FRAMEWORK -- SCOOP: MIKE HAIDET new director of scheduling at W.H. -- Rockets hit Kabul airport hours after MATTIS landed

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Today's Playbook Power Briefing presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

BREAKING -- @HallieJackson: "NEW: is it possible @POTUS might fire Tom Price, I ask? 'We'll see,' he says. Says he's not happy with his HHS Secretary."

WAR REPORT -- "Rocket Attack Hits Kabul Airport Hours After Mattis Arrives," by NBC's Ahmed Mengli, Mushtaq Yusufzai and Alexander Smith: "The Taliban claimed it fired at least six rockets at Afghanistan's main airport Wednesday in an attack intended to target Defense Secretary James Mattis. No one was injured and Mattis had left the airport in the capital Kabul hours beforehand, according to Afghan President Ashraf Ghani.

"**The defense secretary was in the country** for an unannounced visit alongside NATO Secretary General Jens Stoltenberg. It was his first trip to Afghanistan since President Donald Trump announced a new strategy for America's longest war. Although the trip was not publicized, two Taliban commanders told NBC News on condition of anonymity that their 'insiders' in the Afghan security establishment and at Kabul airport had tipped them off in advance." http://nbcnews.to/2wUIR5h

Good Wednesday afternoon. SCOOP - MIKE HAIDET is now White House director of scheduling, sources familiar with the move told Daniel and Tara Palmeri. He was most recently the director of the Trump White House travel office. Haidet was also director of operations on Sen. Rob Portman (R-Ohio)'s re-elect last year, is a Rubio 2016 alum and also served as press secretary for Sen. Portman. **TORY MAGUIRE** was the previous head of scheduling and left the White House last Friday. **REBECCA WASSERSTEIN,** formerly the deputy director of the travel office, has taken over as head of that office. Haidet and Wasserstein did not respond to requests for comment.

THE TAX PLAN LANDS -- "Trump, GOP tax plan omits details on who pays," by Brian Faler and Rachael Bade: "President Donald Trump is heading to Indiana Wednesday to sell a tax-reform plan that glosses over one key question: Who loses? The long-awaited proposal released Wednesday morning by the so-called Big Six is heavy on the GOP's tax cut desires and light when it comes to explaining whose taxes

will have to go up to help control costs.

"After months of meeting behind closed doors, the Trump administration and the Republican leadership in both chambers announced they want to slash the corporate rate to 20 percent from the current 35 percent, while reducing taxes on unincorporated businesses to 25 percent. They're proposing nearly doubling the standard deduction, expanding a tax credit for having children and creating a special low rate on multinational companies' overseas earnings. The cost of all that would run in the trillions, and Republican leaders don't plan to simply cut taxes and leave it at that. They want to at least partially defray the cost with offsetting tax increases. But their plans for doing that, for the most part, are still a secret." http://politi.co/2yIuJZc ... ***The tax plan framework*** http://politi.co/2yGDtil

GET SMART FAST -- "Everything you need to know about the Big 6 tax plan," by Brian Faler: "For individuals: The big surprise here is that Republicans are backing away from plans to slash taxes on the rich. They are floating the idea of some sort of surtax on the well-to-do, though details are scant. That's a major shift from what Republicans campaigned on in last year's elections, when they proposed steep tax cuts for the wealthy. But they are trying to head off the inevitable attacks from Democrats, and maybe even win some of their support. ...

"For businesses: As expected, the plan calls for cutting the corporate rate to 20 percent, from the current 35 percent. Small businesses would pay 25 percent. Companies would be allowed to immediately write off investment expenses, though only for five years." ***Plus the early losers, unanswered questions and other surprises*** http://politi.co/2wVxfOv

-- MUST READ from **RICH RUBIN: "GOP Tax Plan: What We Know and What We Don't"** http://on.wsj.com/2yHjcJD

DRUDGE HEADLINE as of midday: "MORE BETRAYAL REPUBLICAN PLAN TO RAISE TAXES!" ***With photo of Trump and Ryan.***

-- @FreedomCaucus: "The Freedom Caucus has taken an official position in support of the GOP framework for #TaxReform. Statement coming..."

-- POLITICO PRO has everything you need to know on tax reform in one handy guide. ***Download here*** http://politi.co/2yIt8CG

MORE POLITICO/MORNING CONSULT POLLING -- "Poll: Voters say Price's charter flights are inappropriate," by Rachana Pradhan: "Nearly two-thirds of registered voters disapprove of HHS Secretary Tom Price's decision to charter private jets to conduct official business, a new POLITICO/Morning Consult poll shows. Sixty-four percent of voters said it was inappropriate for Price to take private aircraft, which costs tens of thousands of dollars more than commercial flights. Sixteen percent said the trips were appropriate." http://politi.co/2xAEwQL

ANOTHER HEALTH CARE PUSH -- "Alexander, Murray to meet for bipartisan health talks," by Burgess Everett: "GOP Sen. Lamar Alexander will meet with Democratic Sen. Patty Murray on Wednesday to try to salvage their bipartisan health care efforts, Alexander said in an interview. House and Senate Republican leaders rejected the effort last week, preferring instead to try another partisan attempt at Obamacare repeal. Alexander said that now that that's collapsed, he's going to try again with Murray to stabilize insurance markets.

"Still, Alexander said he needs broader buy-in than just a deal between him and Murray, the two leaders of the Senate's health committee. 'We're going to see if it's possible to find some bipartisan consensus that can get a result,' Alexander said. 'I'm talking to her, I'm talking to Republicans and I'm talking to some Democrats.'" http://politi.co/2yGCGhn

****** **A message from Morgan Stanley** : Amid a confluence of regulatory, market and technological factors, the production and sales of battery-powered electric vehicles may finally shift into high gear. A Morgan Stanley report projects that as many as a billion electric vehicles will be on the road worldwide by 2050. Read more. ******

ON THE PRESIDENT'S MIND -- @realDonaldTrump at 6:56 a.m.: "Spoke to Roy Moore of Alabama last night for the first time. Sounds like a really great guy who ran a fantastic race. He will help to #MAGA!" ... **at 7:09 a.m.:** "Spoke to Jerry Jones of the Dallas Cowboys yesterday. Jerry is a winner who knows how to get things done. Players will stand for Country!" ... **at 7:32 a.m.:** "With one Yes vote in hospital & very positive signs from Alaska and two others (McCain is out), we have the HCare Vote, but not for Friday!" ... **at 7:36 a.m.:** "We will have the votes for Healthcare but not for the reconciliation deadline of Friday, after which we need 60. Get rid of Filibuster Rule!" ... **at 9:36 a.m.:** "Facebook was always anti-Trump.The Networks were always anti-Trump hence,Fake News, @nytimes(apologized) & @WaPo were anti-Trump. Collusion?" ... **at 9:41 a.m.:** "..But the people were Pro-Trump! Virtually no President has accomplished what we have accomplished in the first 9 months-and economy roaring"

-- @jimcramer: "So The President, according to @anthonynoto from Twitter will not be tweeting 280 characters in the test."

GETTING INTO POTUS' GOOD GRACES -- "Roy Moore: Trump didn't support me because he didn't know me," by Louis Nelson: "President Donald Trump supported Sen. Luther Strange in Tuesday's Alabama special election because 'I don't think the president knew me,' victorious former judge Roy Moore said Wednesday morning, pledging support for the president's agenda and predicting Trump would support his candidacy. ... 'Well I don't think the president knew me and I think that when he gets to know me that he'll understand that I do support a very conservative agenda for this country,' Moore said Wednesday morning on Fox News's 'Fox & Friends.' 'And I think that he will back me. And I've received call from him and that's what he said he would do.'" http://politi.co/2yGYycz

-- "Who is Doug Jones, and can he defeat Roy Moore in conservative Alabama?," by WaPo's David Weigel: "Democrats who have not seriously contested an Alabama Senate race since 1996 think they have a credible candidate in Doug Jones, a former U.S. attorney who successfully prosecuted members of the Ku Klux Klan who bombed a black church in Birmingham in 1963, killing four girls. And several progressive groups believe they have clearer shot at winning the general election in December than they would have if Sen. Luther Strange, the establishment candidate who lost resoundingly to Moore on Tuesday, had won. Clearer, but not necessarily easy. ...

"Jones, in an interview conducted before Moore secured his win, said he had a unique opportunity to break Democrats out of their rut. He would offer 'political checks and balances' on the Trump administration, reach out to independents and provide a sober contrast with firebrand Moore." http://wapo.st/2yGRcFI

POLITICO GETS RESULTS -- The House Oversight Committee announced it is "examining the extent to which non-career officials at federal departments and agencies either use government-owned aircraft for personal travel or private non-commercial aircraft for official travel" in a letter to White House Chief of Staff John Kelly. Chair Trey Gowdy (R-S.C.) and ranking member Rep. Elijah Cummings (D-Md.) requested documents on private travel by Oct. 10. ***The letter*** http://bit.ly/2yGZoWL

KUSHNER INC. -- "Jared Kushner Real Estate Company Sued for Predatory Overcharging Practice," by The Daily Beast's Betsy Woodruff: "One of Jared Kushner's real estate companies has been sued. A class action lawsuit filed in Maryland State Court this morning alleges that Westminster Management, a company owned by President Donald Trump's son-in-law and top adviser, charged its tenants improper fees, and then used their failure to pay those fees as a basis to threaten them with eviction." http://thebea.st/2yHc6ob

#18 IN 2018? -- "Corker: 'Possible' that Peyton Manning runs for Senate," by Burgess Everett: "It's 'possible' but not necessarily likely that former NFL quarterback Peyton Manning will run for the open Tennessee Senate seat, retiring Sen. Bob Corker said Wednesday. The outgoing GOP senator said he spoke with Manning on Wednesday morning, one day after Corker said he won't run for a third term. Corker said that Manning is enjoying private life and time with his family but would be a formidable force if he runs for the seat. 'If he were to run nobody in their right mind would consider running against him,' Corker said, though he warned: 'I would not be putting in the headlines today that he's going to be running for the Senate.'" http://politi.co/2wUrdgR

CULTURE WARS -- "Red pilled: My bizarre week using the alt-right's vision of the internet," by WIRED's Emma Grey Ellis http://bit.ly/2wVBwkT

SPORTS BLINK -- "Head coach Rick Pitino and athletic director Tom Jurich out at Louisville," from ESPN: "Louisville men's basketball coach Rick Pitino is out, a source

tells ESPN's Michael Eaves. Athletic director Tom Jurich is also out at Louisville, a source tells ESPN's Jeff Goodman, after the program was linked to a federal investigation into fraud and corruption in recruiting. Jurich and Pitino met Wednesday morning with Louisville interim president Greg Postel. After the meetings, Postel informed reporters that the school would hold a news conference at 1 p.m. and noted that Pitino and Jurich would not attend." http://es.pn/2yHebRj

MEDIAWATCH -- JILL JACKSON is moving to Seattle, where she will rejoin KUOW Public Radio as its news director. She was an intern for the station in 2003. She has been at CBS News since 2007, most recently as a senior producer in the D.C. bureau. Jackson is well known to Hill reporters -- she was the network's Capitol Hill producer for several years.

HAPPENING TOMORROW -- Supreme Court Justice Neil Gorsuch is giving a speech at the Trump International Hotel at a luncheon hosted by The Fund for American Studies.

OUT AND ABOUT -- Members of Congress, lobbyists and staff gathered for the 19th annual Hoops for Youth Charity Basketball Game at the Smith Center last night. Capitol Police officers Crystal Griner and David Bailey, the two officers who helped stop the shooting earlier this year that wounded Rep. Steve Scalise (R-La.), were honored during the event with University of Kentucky men's basketball head coach John Calipari on hand. Calipari announced a $20,000 donation to the Capitol Police Officers Fund, and Rep. Cedric Richmond (D-La.) announced the CBC would also donate $20,000. The first lobbyists team beat the staff team 56-36, and the second lobbyists team beat the members of Congress 49-42. ***Coach Calipari with the officers and participants*** http://bit.ly/2wVeISi

****** **A message from Morgan Stanley** : For years, many industry watchers have predicted the demise of traditional gas-guzzlers and the rise of electric cars. Yet, despite the advent of hybrid vehicles, better and cheaper batteries, and the entry of high-performance luxury electric competitors, the former continues to dominate roads globally. Now, however, the automobile's long-promised electric future may be in sight, according to a new report that projects that as many as a billion battery electric vehicles will be on the road worldwide by 2050, reaching parity with vehicles powered by the internal combustion engine. Why have electric cars never been successful before and why is it different this time? Read more from Morgan Stanley. ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Tue 8/22/2017 10:32:17 AM
Subject: Morning Media: Addressing the nation--Will Breitbart challenge the White House?--Shakeup at the L.A. Times

By Alex Weprin | 08/22/2017 06:30 AM EDT

ADDRESSING THE NATION: President Trump took to the stage last night at Fort Myer, Virginia to discuss his strategy for Afghanistan with the American people. The president read from a TelePrompTer for approximately 30 minutes, in a speech that was light on details, and generally free of the rhetoric he is known for in his speeches (save for some rhetorical pressure on Pakistan).

-For President Trump, however, the show around the address may be just as important, if not more important, than the address itself. As The New York Times' Maggie Haberman tweeted last night: "POTUS is often occupied by the staging and showier aspects of the presidency, particularly his first prime time address. If people don't tune in/the ratings are not strong for his first prime time address, it will compound a sense of frustration he already has."

-It is undeniable that President Trump has a fascination with TV ratings and viewership metrics. 10 years ago, after he hosted a press conference for WWE Wrestlemania at Trump Tower, I interviewed Trump for an unremarkable story relating to "The Apprentice" and the WWE. While the story wasn't memorable, the interview stuck with me for a number of reasons, not the least of which was that Trump rattled off ratings for "The Apprentice" and its timeslot competition off the top of his head (along with some familiar "the greatest, highest-rated" hyperbole). Another time, a colleague of mine interviewed Trump for a story, and afterward received an email from his office loaded with attachments, all of them Nielsen ratings meant to back up Trump's ratings boasts from the call.

-So, how many people will tune in? When President Obama addressed the nation in primetime on Afghanistan in December 2009 averaged 40.8 million viewers, according to Nielsen. Related, my story from earlier this year: "Trump vs. Obama: By the TV Numbers"

-This morning: Keep an eye out for Vice President Mike Pence making the media rounds to talk Afghanistan. So far, he is booked on NBC and Fox News.

-Tonight: Trump follows up his scripted address to the nation with a campaign rally in Arizona. As with previous rallies, expect him to play to the crowd...

Good morning and welcome to Morning Media! Am I the only one who found the eclipse to be a communal experience? At least here in New York City, tourists and office workers were all standing slack-jawed on the sidewalk, happily sharing eclipse glasses and homemade pinhole boxes. I want to make Morning Media better and more useful to you, so please send me tips, ideas and feedback! I'm on Twitter **@alexweprin** and on email at **alexweprin@gmail.com**. Morning Media is produced with help from **Cristiano Lima (clima@politico.com / @ludacristiano)**. **Archives**. **Subscribe.**

WILL BREITBART CHALLENGE THE WHITE HOUSE? HuffPost's Michael Calderone tackles the question of where Breitbart under Steve Bannon goes from here, and whether ti will stay with its populist mission, even if it finds itself at odds with the White House. "The reflexive boosting of Trump on shows like 'Fox & Friends,' however, may differ from the pro-Trump stance of Breitbart, provided the site lives up its promise of challenging the president when he strays from the nationalist base on issues like immigration, trade and foreign policy," he wrote.

-We may have seen a taste of what Breitbart has in store last night, with edit staff at the site comparing Trump's Afghanistan speech to Obama's speeches on U.S. plans for the country.

-"Trump reverses course, will send more troops to Afghanistan... Defends flip-flop in somber speech... 'Unlimited War'" blared the Breitbart headline last night.

-More from POLITICO's Henry C. Jackson.

-In other Breitbart news, former CNN commentator and noted trump supporter Jeffrey Lord is in talks to join the site, per The Daily Beast : "Two sources familiar with the situation tell The Daily Beast that, post-firing, Breitbart reached out to Lord regarding writing for the site, for a contributorship or a potentially steadier job. Last week, Lord emailed The Daily Beast that he was indeed actively exploring post-CNN media options, stating that he had 'three possibilities already! LOL!' and was 'taking a week off and then back to figuring out the future.' Lord did not respond to follow-up questions regarding the specifics of said options."

CHOOSE YOUR TRUMP ECLIPSE TAKE: From today's New York Daily News cover, featuring a photo of President Trump staring at the solar eclipse without protective glasses: "Not too bright! Trump ignores fake news warning, stared at eclipse." Or, from last night's "Tucker Carlson tonight": "Even the president saw it, but in a move that is not a complete surprise, he looked directly at the sun without any glasses, perhaps the most impressive thing a president has ever done."

CNN CAN SNAP TOO: Not to be outdone by NBC News and its daily "Tune In" program, CNN announced last night a new news show for Snapchat, dubbed "The Update." The show will run at 6 p.m., as well as publish segments on breaking news. Each episode will feature five or more segments from CNN correspondents around the globe. "The Update" will also now serve as the home for CNN's content on the social app. "Since launching content on Snapchat, we have believed in the importance of giving our community access to accurate and authoritative news coverage, and CNN has played an important part in that from the beginning," said Sean Mills, Senior Director of Content Programming for Snapchat, in a statement announcing the deal. "It's more critical than ever that Snapchatters have access to the best journalism in the world, right when news breaks, and we're excited to watch CNN deliver that to them through The Update."

SHAKEUP AT THE L.A. TIMES: Tronc surprised the media world on Monday by completely shaking up its leadership at The Los Angeles Times, the largest newspaper on the west coast, and one of the largest in the country. Davan Maharaj, who had been editor and publisher of the paper, was out. So was managing editor Marc Duvoisin, deputy managing editor for digital

Megan Garvey and assistant managing editor of investigations Matt Doig. In their place, a new publisher: Ross Levinsohn, a former Fox executive and the interim CEO of Yahoo before Marissa Mayer took over. Jim Kirk, who had been editor and publisher of the Chicago Sun-Times, was named editor of the L.A. Times. They will bring in their own leadership team.

-"We don't do it lightly, but he's got to build a team with a digital-first mindset to maintain the integrity of the great journalism that we do here," Tronc CEO Justin Dearborn told Poynter.

-As with everything Tronc-related, you need to read Ken Doctor's take, in The Street.

In other revolving door news:

-The Wall Street Journal named Jay Sapsford deputy D.C. bureau chief. Sapsford had been working for the U.S. Chamber of Commerce as president of the U.S.-Japan Business Council. He is married to Yuka Hayashi, who covers financial regulation for the Journal.

-Wired has hired Erin Griffith as a senior writer; Griffith joins from Fortune, where she covered startups, venture capital and technology. She also wrote the great Term Sheet newsletter.

-Wall Street Journal columnist Peggy Noonan has joined NBC News and MSNBC as a political contributor. She made her debut on "Meet the Press" Sunday.

SOUNDBITE: "We raise our kids well in this community, honestly, I tell my kids to turn off the TV and get off the internet, I think that is probably the most important thing you can do these days."-- House Speaker Paul Ryan, drawing applause while speaking at a CNN town hall last night following Trump's address. "I'm not sure how to take that 'turn off the TV' applause." -- CNN anchor Jake Tapper.

TODAY IN CORRECTIONS:

-Breitbart apologized to German soccer star Lukas Podolski after a photo caption suggested he was a migrant being smuggled to Europe on a jetski. "Breitbart London wishes to apologise to Mr. Podolski... There is no evidence Mr. Podolski is either a migrant gang member, nor being human trafficked. We wish Mr. Podolski well in his recently announced international retirement."

EXTRAS:

-Here's one to keep an eye on: the Gawker bankruptcy case took on important new meaning, after a New York judge issued a ruling in favor of Chuck Johnson that could make it easier for individuals to siue media companies. [THR]

-Related: "Univision Says Lawsuit Over Deadspin Story Intended to Scare Journalists" [WSJ]

-"How I Became Fake News: I witnessed a terrorist attack in Charlottesville. Then the conspiracy theories began." [POLITICO Magazine]

-Buried in this interview with NBC ad sales chief Linda Yaccarino: Megyn Kelly's 9 a.m. hour is being sold as part of "Today," though advertisers that want exposure specifically during her hour can ask for it. [AdWeek]

-Here's a strange story: a prolific Youtuber and meme creator, who was a regular on pro-Trump message boards, disappeared from social media, only to return last week. He went almost totally unnoticed... until being retweeted by the president. [The Daily Beast]

-The SEC is reportedly investigating Spotify's unusual plan to skip an IPO and start selling directly on the New York Stock Exchange. [Bloomberg]

-CNN sister channel HLN debuted its new primetime lineup last night, led by Carol Costello and S.E. Cupp. In this interviews, Costello and Cupp discuss the merits of objectivity and fairness. [THR]

-New York Magazine's The Cut got a major redesign. [The Cut]

To view online:
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From: Bloomberg BNA
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Subject: Oct. 13 -- Daily Environment Report



Daily Environment Report

October 13, 2017 - Number 197

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Leading the News

Appropriations

$36.5 Billion Disaster Aid Package Heads to Senate After House Passage

A $36.5 billion disaster aid package is headed to the Senate, after the House passed what lawmakers call an installment payment to deal with the nation's emergencies.

Chemicals

New York Poised to Require Ingredient Disclosure for Cleaners

New York could become one of the first states to force manufacturers to disclose a broad range of chemical ingredients included in household cleaning products and identified as unsafe by state, national, and international scientific authorities.

EPA

EPA Veteran to Head Agency's Midwest Region

An EPA veteran with support from both sides of the political aisle will oversee the agency's work in the Midwest.

Energy

Feds Must Support Nuclear Power for National Security, Perry Says

The commercial nuclear power industry needs a federal boost for national security reasons to prevent the U.S. from falling behind global competitors such as Russia and China, Energy Secretary Rick Perry told lawmakers.

Renewable Energy

Brazil Experiments With Floating Solar Panels Above Dams

Floating solar panels on the reservoirs above two state-owned dams will showcase technology that could eventually help Brazil diversify its energy sector as the country grapples with severe droughts.

News

Air Pollution

Philip Morris Joins Growing Group of Carbon-Pricing Corporations

Philip Morris International Inc., the maker of Marlboro cigarettes, now uses an internal cost of carbon emissions in its business decisions, joining a group of almost 1,400 companies that agreed to consider how greenhouse gas emissions will affect their industries, according to a statement Oct. 12 from environment group CDP.

Asbestos

Asbestos Tile Maker Wins Dismissal of Installer's Claims

Conwed Corp. won dismissal of a Kansas man's asbestos exposure claims in federal district court in Minnesota (McGill v. Conwed Corp., 2017 BL 362766, D. Minn., No. 17-01047, 10/10/17).

Climate Policy

Merkel Signals Deeper Green Ambitions as Pollution Overshoots

Chancellor Angela Merkel's government signaled it will step up its green programs after acknowledging Germany's emissions are on track to overshoot a target a little more than two years away.

Coal Mining

China's Top Coal Region to Cut Pollution by 40 Percent

China's second-largest coal producing region is planning to cut pollution by two fifths over the autumn and winter seasons, Xinhua News Agency reported.

Coal Mining

Coal's Comeback Is Running Out of Steam After a Year of Growth

For all the talk of coal's comeback under President Donald Trump, the actual rebound in U.S. production started months before November's election—and it may be fizzling out.

Energy

Australia to Fund Companies to Scale Back Energy Use This Summer

Australia will pay 10 large industrial energy users and small businesses to reduce energy use at times of extreme peak demand under a pilot program that has received A$35.7 million ($27.9 million) in government grants.

Energy

China Mulls Storage Salve for $4 Billion Renewables Headache

China is considering a prescription for nearly $4 billion worth of wasted electricity production looming over its push into clean energy.

Energy

Danish Company Dong Turns Trash into Energy

The U.K. might soon be powering its lights with energy that comes from the trash. A Danish energy company is working on new machines that sort household trash from recycling, while rapidly breaking down organic materials like food to create power from biogas produced by the process.

Energy

Russia-backed Pipeline May Need to Comply With EU Energy Law

The European Commission plans to propose in November an update of its natural-gas security regulation that would make new pipelines—including the controversial Nord Stream 2 link from Russia to Germany—subject to the European Union energy law.

Energy

U.K. Eyes Cap on 'Rip-Off' Power, Gas Prices

The U.K. government published its plans to cap domestic power and gas prices to protect millions of households from what it calls "rip-off" charges at the hands of the biggest utilities.

Oil & Gas

Dakota Access Boosts Drillers but Won't Be a Bakken Game-Changer

Once hailed as the spur for a North American "energy renaissance," the $3.8 billion Dakota Access pipeline has limited driller costs in its first four months in operation.

Oil & Gas

House Republicans Push Bills to Promote Oil and Gas

Republicans in the House are lining up more oil and gas legislation, including a bill on offshore drilling, and a rewrite of the law on national monuments, all with solid opposition from Democrats.

Oil & Gas

Local Drilling Rules Draw Industry Lawsuit in Colorado

A Colorado city's new drilling rules impede the state's interest in uniformly regulating oil and gas operations and should be tossed out, oil industry groups argue in a lawsuit.

Renewable Energy

Aussie Green Energy Bank Warns Funds at Risk If Targets Scrapped

Australia's government-owned green bank said investments in renewable energy generation will drop if the nation doesn't extend into the next decade clean energy targets and the financial incentives to meet them.

Toxic Substances

Cleanup Plan for Toxic Texas Site Less Protective, Companies Say

International Paper and McGinnes Industrial Maintenance Corp. are objecting to EPA Administrator Scott Pruitt's plan for the first of nine Superfund 'mega-sites' he's targeted for cleanup.

Toxic Substances

House Panel Sees Fatal Flaws in EPA's Chemical Toxicity Reviews

The EPA should reconsider Obama-era decisions on chemical toxicity and keep "low-quality science" out of new toxicity assessments, according to Republicans on the House Science Committee.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/29/2017 12:08:50 PM
Subject: Aug. 29 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

August 29, 2017 - Number 166

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
California/7Z Steam Plant Clean Air Act Operating Permit Petition
AIR

Notice of the EPA announces a final order denying a petition to object to a proposed Clean Air Act Title V state operating permit issued by the San Joaquin Unified Air Pollution Control District to Chevron USA Inc. for its 7Z Steam Plant in Kern County, Calif. The petitioners claimed that certain emission reduction credits used in the permitting process were invalid. The order is dated Aug. 11, 2017. Contact: Laura Yannayon; EPA Region 9; 415-972-3534; yannayon.laura@epa.gov

82 FR 41016 (08/29/2017)

Regulatory Update

AIR
Engine Emission Defect and Recall Reports
AIR

Notice of the EPA announces the submission of a revised information collection request to the OMB regarding engine emission defect information reports (DIRs) and voluntary emission recall reports (VERRs). The collection addresses requirements for manufacturers of heavy-duty highway and nonroad engines to submit DIRs (Form 5900-301) if emission-related defects that may cause the engines' emissions to exceed Clean Air Act standards are found on engines of the same model year. The collection also addresses requirements for manufacturers to submit VERRs (Form 5900-300) to initiate a voluntary recall and voluntary emissions recall quarterly progress reports (Form 5900-302). The revisions address the reduction in estimated respondent burden hours due to a correction on previous estimates and a significant reduction in the estimated number of respondents. Comments are due Sept. 28, 2017. Contact: Nydia Reyes-Morales; EPA; 202-343-9264; reyes-morales.nydia@epa.gov. Citations: 40 CFR 85 through 1068 (nonconsecutive)

82 FR 41016 (08/29/2017)

Regulatory Update

AIR
Fuel and Fuel Additives/Gasoline Volatility
AIR

Notice of the EPA announces the submission of a continuing information collection request to the OMB regarding volatility standards for fuel and fuel additives. The collection addresses requirements for gasoline producers or importers to provide on product transfer documents legible and conspicuous statements that the gasoline contains ethanol and the percentage concentration of ethanol. The collection also addresses requirements for producers or importers seeking testing exemptions from volatility standards for research purposes to submit certain information to the EPA. Comments are due Sept. 28, 2017. Contact: James Caldwell; EPA, Office of Transportation and Air Quality; 202-343-9303; caldwell.jim@epa.gov. Citations: 40 CFR 80.27(d) and (e)

82 FR 41022 (08/29/2017)

Regulatory Update

AIR
Louisiana SIP/VOCs and Stage II Vapor Recovery
AIR

Final rule of the EPA approves revisions to the Louisiana SIP regarding control of volatile organic compounds and the Stage II vapor recovery program. The revisions exempt from Stage II vapor recovery requirements facilities used exclusively for the initial fueling and/or refueling of vehicles equipped with onboard refueling vapor recovery. The revisions also provide an exemption from the submerged fill pipe provisions for a limited number of tanks at a specific facility. In addition, the revisions address notifications to the Louisiana Department of Environmental Quality and due dates for reporting regarding VOC loading, marine vapor recovery, and specified incinerators. The rule is effective Sept. 28, 2017. Contact: Wendy Jacques; EPA Region 6; 214-665-7395; jacques.wendy@epa.gov. Citations: 40 CFR 52.970

82 FR 40949 (08/29/2017)

Regulatory Update

AIR
NESHAP for Wool Fiberglass Manufacturing
AIR

Proposed rule of the EPA would revise the NESHAP for the wool fiberglass manufacturing source category. The rule would readopt existing emission limits for formaldehyde, establish emission limits for methanol, and establish a work practice standard for phenol emissions from bonded rotary spin (RS) lines at wool fiberglass manufacturing facilities. The rule also would require cooling emissions to be included in incinerator operating limits from RS and flame attenuation (FA) lines. In addition, the rule would establish three subcategories of FA lines based on recent information indicating that there are technical or design differences that distinguish sources that utilize FA lines. Finally, the rule would set work practice standards for phenol from a newly

proposed FA line subcategory. If requested by Sept. 5, 2017, a hearing will be held Sept. 13, 2017, in Washington, D.C. Comments are due Oct. 13, 2017. Contact: Brian Storey; EPA, Office of Air Quality Planning and Standards; 919-541-1103; storey.brian@epa.gov. Citations: 40 CFR 63, Subpart NNN

82 FR 40970 (08/29/2017)

Regulatory Update

AIR
New York SIP/Cross-State Air Pollution Rule
AIR

Proposed rule of the EPA would approve portions of a revision to the New York SIP regarding Cross-State Air Pollution Rule (CSAPR) federal trading programs. The revisions replace default allowance allocations of the federal trading programs for annual nitrogen oxide (NOx) and sulfur dioxide emissions for the state's large electric generating units for the control periods in 2017 and beyond with state-determined allocations. The revisions leave the corresponding CSAPR federal implementation plans and all other provisions of the trading programs in place. No action is being taken on the proposed revision addressing NOx ozone season emissions. Comments are due Sept. 28, 2017. Contact: Kenneth Fradkin; EPA Region 2, Air Programs Branch; 212-637-3702; fradkin.kenneth@epa.gov. Citations: 40 CFR 52

82 FR 40963 (08/29/2017)

Regulatory Update

AIR
Tennessee SIP/Knoxville PM-2.5 Nonattainment Area
AIR

Final rule of the EPA redesignates the Knoxville, Tenn., fine particulate matter (PM-2.5) nonattainment area to attainment for the 1997 PM-2.5 NAAQS and determines that the area is attaining the NAAQS based on 2013-2015 monitoring data. The rule also approves and incorporates into the SIP the state's reasonably available control measures determination for the area and source-specific requirements for two sources, Tennessee Valley Authority's Bull Run Fossil Plant and Kingston Fossil Plant. In addition, the rule approves the maintenance plan, including motor vehicle emission budgets for nitrogen oxides and PM-2.5 for 2014 and 2028. The rule is effective Aug. 29, 2017. Contact: Sean Lakeman; EPA Region 4, Air Planning and Implementation Branch; 404-562-9043; lakeman.sean@epa.gov; Citations: 40 CFR 52.2220, 81.343

82 FR 40953 (08/29/2017)

Regulatory Update

ENDANGERED SPECIES
Hawaii/Marine Mammals Incidental Take
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the issuance of a letter of authorization for the take of marine mammals incidental to the U.S. Air Force 86th Fighter

Weapons Squadron's Long Range Strike Weapons System Evaluation Program activities in the Barking Sands Underwater Range Expansion area of the Pacific Missile Range Facility off Kauai, Hawaii. The authorization allows the take in the form of Level B harassment of 16 species of marine mammals and by Level A harassment of four of those species. The authorization is effective Aug. 21, 2017, and expires Aug. 20, 2022. Contact: Jaclyn Daly; NMFS, Office of Protected Resources; 301-427-8401. Citations: 50 CFR 218.50 through 218.57

82 FR 40998 (08/29/2017)

Regulatory Update

FOOD SAFETY
Food Safety Modernization Act/Third-Party Certification Program User Fee Rates
FOOD SAFETY

Notice of the FDA announces the availability of fiscal year 2018 annual fee rates for recognized accreditation bodies, accredited certification bodies, and accreditation bodies applying to be recognized in the third-party certification program under the Food Safety Modernization Act. The annual fee rates for recognized accreditation body and accredited certification bodies will be $1,752 and $2,190, respectively. A fee of $37,935 will be assessed for the initial application for accreditation bodies seeking recognition. The fees are effective Oct. 1, 2017, and remain in effect until Sept. 30, 2018. Contact: Donald Prater; FDA, Office of Foods and Veterinary Medicine; 301-348-3007

82 FR 41035 (08/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Feather River Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of an environmental assessment regarding a proposed modification to the Feather River Hydroelectric Project in Butte County, Calif. The modification, proposed by the California Department of Water Resources, would allow Pacific Gas and Electric Co. to reroute three existing primary transmission lines between the Hyatt Pumping-Generating Plant and the Table Mountain Substation. The EA concludes that the modification, with certain environmental protection measures, would not constitute a major federal action that would significantly affect the quality of the human environment. Contact: John Aedo; FERC; 415-369-3335; john.aedo@ferc.gov

82 FR 41012 (08/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Lake Elsinore Advanced Pumped Storage Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a notice of intent to file a license application and request to waive prefiling requirements for the Lake Elsinore Advanced Pumped Storage Project on Lake

Elsinore and San Juan Creek in Riverside and San Diego counties in California. The project, proposed by Nevada Hydro Co., of Vista, Calif., would include a new reservoir in the mountains west of Lake Elsinore with a surface area of approximately 100 acres formed in a natural canyon by constructing a 180-foot high dam. The lake and reservoir would be interconnected by one or two large pipes to generate hydroelectricity to be transmitted to the state's power grid and to store electricity produced during off-peak hours. Comments are due Sept. 22, 2017. Contact: Jim Fargo; FERC; 202-502-6095; james.fargo@ferc.gov

82 FR 41013 (08/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Shasta Dam Fish Passage Evaluation
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Reclamation announces the reopening of the comment period for the draft environmental impact statement for the Shasta Dam Fish Passage Evaluation (82 FR 27522; 06/15/2017). The project includes a pilot program concerning the near-term reintroduction of federally listed endangered winter-run and potentially spring-run Chinook salmon into historical habitat on the Shasta Lake and the Sacramento and McCloud rivers in Shasta and Siskiyou counties in California. The pilot program will implement the near-term actions identified in the National Marine Fisheries Service's 2009 biological opinion and conference opinion on the long-term operation of the Central Valley Project and the State Water Project reasonable and prudent alternative. The bureau is reopening the comment period due to a formal request for more time to comment on the scope of the draft EIS. Comments now are due Sept. 28, 2017. Contact: Carolyn Bragg; Bureau of Reclamation; 916-414-2433; cbragg@usbr.gov

82 FR 41049 (08/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Electricity Advisory Committee Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Energy, Office of Electricity Delivery and Energy Reliability, announces a meeting of the Electricity Advisory Committee. The tentative agenda includes panels or presentations on the National Academy of Sciences grid resiliency report, modern grid-networked measurement and monitoring, cybersecurity, and the multiyear plan for energy sector cybersecurity. The agenda also includes updates on the programs and initiatives of the agency and discussion of the plans and activities of the Smart Grid Subcommittee, Power Delivery Subcommittee, and Energy Storage Subcommittee. In addition, the agenda addresses the 60-day study exploring issues central to the long-term reliability of the electric grid. The meeting is scheduled for Sept. 13-14, 2017, in Arlington, Va. Comments are requested, but a due date is not specified. Contact: Matthew Rosenbaum; DOE, Office of Electricity Delivery and Energy Reliability; 202-586-1060; matthew.rosenbaum@hq.doe.gov

82 FR 41009 (08/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Generic Drug User Fees
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the fiscal year 2018 user fee rates for abbreviated new drug applications, drug master files, generic active pharmaceutical ingredient facilities, finished dosage form facilities, contract manufacturing organization facilities, and generic drug applicant program fees. The fees are effective Oct. 1, 2017, and expire Sept. 30, 2018. Contact: David Haas; FDA, Office of Financial Management; 202-402-9845

82 FR 41026 (08/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Medical Device User Fees
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of fiscal year 2018 user fee rates and payment procedures for medical devices. The notice provides the standard and small business fees and specifies a total revenue amount of $193,291,000 for FY 2018. The notice also specifies the procedures for paying application fees and how to qualify for reduced small business fees. The fees apply from Oct. 1, 2017, through Sept. 30, 2018. Contact: Robert Marcarelli; FDA, Office of Financial Management; 301-796-7223

82 FR 41029 (08/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Montana/Forested Trust Lands Habitat Conservation Plan
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Fish and Wildlife Service announces the availability of the Montana Department of Natural Resources and Conservation's draft supplemental environmental impact statement, a proposed amendment to the 2010 Forested Trust Lands habitat conservation plan (HCP), and an application for an amended incidental take permit. The proposal would add an additional 81,416 acres to the HCP and incorporate the terms of a settlement agreement to add and remove certain conservation measures. The incidental take permit would authorize additional take of species covered by the 2010 HCP, including the bull trout, Canada lynx, grizzly bear, and westslope cutthroat trout but not the Columbia redband trout, which does not occur in the expanded area. Comments are due Oct. 13, 2017. Contact: Ben Conard; USFWS, Kalispell Field Office; 406-758-6882; Ben_Conard@fws.gov

82 FR 41047 (08/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Ohio/John Glenn Columbus International Airport Midfield Development Program

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Aviation Administration announces the availability of a final environmental assessment and a finding of no significant impact/record of decision regarding the Midfield Development Program at John Glenn Columbus International Airport, in Columbus, Ohio. The EA analyzed the impacts associated with providing sufficient parking capacity, providing sufficient rental car capacity and facilities, increasing airfield efficiency and reducing airfield tax time, providing sufficient aircraft fueling facilities, and maximizing the use of airport land not needed for aeronautical development. The notice is dated Aug. 29, 2017. Contact: Ernest Gubry; FAA, Detroit Airport District Office; 734-229-2905

82 FR 41088 (08/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Washington State/State Route 704 Cross Base Highway Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Highway Administration announces the rescission of a record of decision for the State Route 704 Cross Base Highway Project in Pierce County, Wash. The project has not advanced since 2007 due to public policy, litigation, and transportation demand. Comments are requested, but a due date is not specified. Contact: Dean Moberg; FHWA, Washington Division; 360-534-9344

82 FR 41090 (08/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Wisconsin/Hatfield Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application by Midwest Hydraulic Co., of Neshkoro, Wis., for the Hatfield Hydroelectric Project on the Black River in Clarke and Jackson counties in Wisconsin. The applicant requests a temporary emergency drawdown and variance from license Article 401 to lower the reservoir as a risk reduction measure to prevent additional scouring below the project spillways during high-flow events and to safely construct repairs below the spillway. Comments are due Sept. 21, 2017. Contact: Rebecca Martin; FERC; 202-502-6012; Rebecca.Martin@ferc.gov

82 FR 41011 (08/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Wisconsin/State Highway 23 Transportation Improvements
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Federal Highway Administration to prepare a limited scope supplemental environmental impact statement (LS SEIS) for proposed transportation

improvements along approximately 19 miles of Wisconsin State Highway 23 from U.S. Highway 151 to County Highway P in Fond du Lac and Sheboygan counties. The LS SEIS will be prepared in cooperation with the Wisconsin Department of Transportation. Comments are requested, but a due date is not specified. Contact: Anna Varney; FHWA; 608-829-7514

82 FR 41089 (08/29/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Export-Import Requirements
HAZARDOUS WASTE MANAGEMENT

Notice of the EPA announces the compliance date for Automated Export System (AES) filing for export shipments of hazardous waste and other materials required under a Nov. 28, 2016, final rule (81 FR 85696). The rule delayed the implementation of the electronic reporting and validation requirements using AES to provide a transition period from existing paper processes. Beginning Dec. 31, 2017, all exporters of manifested hazardous waste, universal waste, spent lead-acid batteries for recycling or disposal, and cathode ray tubes for recycling will be required to file EPA information in the AES or AESDirect for each export shipment. Paper processes will no longer be allowed after the compliance date. Contact: Laura Coughlan; EPA, Office of Resource Conservation and Recovery; 703-308-0005; coughlan.laura@epa.gov. Citations: 40 CFR 262

82 FR 41015 (08/29/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Unitization of Oil and Gas Operations
OIL AND GAS INDUSTRY

Notice announces the intention of the Bureau of Safety and Environmental Enforcement to seek OMB approval for a revised information request concerning unitization for federal Outer Continental Shelf oil, gas, and sulfur lessees or operators and holders of pipeline rights-of-way. The collection addresses paperwork requirements under which the bureau approves lessee's proposals to enter agreements to unitize operations under two or more leases and for modifications when warranted. The collection also provides for the prevention of waste, conservation of natural resources, and protection of correlative rights for operations under the proposed unit agreements. Comments are due Oct. 30, 2017. Contact: Kelly Odom; BSEE, Regulations and Standards Branch; 703-787-1775; kelly.odom@bsee.gov. Citations: 30 CFR 250, Subpart M

82 FR 41051 (08/29/2017)

Regulatory Update

PESTICIDES
Pesticide Registration Cancellations
PESTICIDES

Notice of the EPA announces a cancellation order granting requests from 41 registrants to

voluntarily cancel 75 pesticide product registrations and to amend 23 registrations to terminate uses. The notice lists the registration numbers, product names, chemical names, and registrants. The agency withdrew the cancellation requests for two registrations due to comments received from Mason Chemical Co., of Arlington Heights, Ill., and Stepan Co., of Northfield, Ill. The cancellations and amendments are effective Aug. 29, 2017. Contact: Christopher Green; EPA, Office of Pesticide Programs; 703-347-0367; green.christopher@epa.gov

82 FR 41017 (08/29/2017)

Regulatory Update

RADIATION

ACRS Planning and Procedures Subcommittee Meeting

RADIATION

Notice of the NRC announces a meeting of the Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures to discuss proposed ACRS activities and related matters. The meeting is scheduled for Sept. 7, 2017, in Rockville, Md. Comments are due Sept. 7, 2017. Contact: Quynh Nguyen; NRC; 301-415-5844; Quynh.Nguyen@nrc.gov

82 FR 41059 (08/29/2017)

Regulatory Update

RADIATION

Environmental Management Advisory Board/Oak Ridge Reservation

RADIATION

Notice of the Energy Department announces a meeting of the Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation. The tentative agenda includes a presentation concerning outreach efforts and discussion of the status of outstanding recommendations, committee reports, and the alternate deputy designated federal officer report. The meeting is scheduled for Sept. 13, 2017, in Knoxville, Tenn. Comments are requested, but a due date is not specified. Contact: Melyssa Noe; DOE, Oak Ridge Office of Environmental Management; 865-241-3315; Melyssa.Noe@orem.doe.gov

82 FR 41008 (08/29/2017)

Regulatory Update

WATER

Arizona/Glen Canyon Dam Adaptive Management Work Group Meeting

WATER

Notice of the Bureau of Reclamation announces a meeting of the Glen Canyon Dam Adaptive Management Work Group. The agenda includes approval of the fiscal year 2018 budget and work plan and updates on the current basin hydrology and 2018 operations, non-native fish issues, joint tribal liaison report, and science results from Grand Canyon Monitoring and Research Center staff. The meeting is scheduled for Sept. 20, 2017, in Tempe, Ariz. Comments are requested, but a due date is not specified. Contact: Katrina Grantz; Bureau of Reclamation, Upper Colorado Regional Office; 801-524-3635; kgrantz@usbr.gov

82 FR 41050 (08/29/2017)

Regulatory Update

WATER
California/Central Valley Project Improvement Act Refuge Water Management Plans
WATER

Notice of the Bureau of Reclamation announces the availability of 13 refuge water management plans under the Central Valley Project Improvement Act for the Grassland Resource Conservation District and specified state wildlife areas and national wildlife refuges in California. Comments are due Sept. 28, 2017. Contact: Charlene Stemen; Bureau of Reclamation; 916-978-5281; cstemen@usbr.gov

82 FR 41050 (08/29/2017)

Regulatory Update

WATER
Development of Environmentally Friendly Buoy Mooring Systems
WATER

Notice announces the intention of the U.S. Coast Guard to enter into a cooperative research and development agreement with American Underwater Contractors Inc. to develop, demonstrate, evaluate, and document the use of environmentally friendly buoy mooring systems. The agreement concerns use of line and anchor systems attached to navigational buoys to determine the feasibility and practicality of using both helix screw anchors and elastic mooring lines in environmentally sensitive areas. Comments are due Sept. 28, 2017. Contact: Danielle Elam; USCG, Environment and Waterways Branch; 860-271-2693; Danielle.L.Elam@uscg.mil

82 FR 41038 (08/29/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Thur 10/5/2017 4:48:21 PM
Subject: House passes budget in first step toward tax reform

By Jennifer Scholtes

10/05/2017 11:56 AM EDT
Updated 10/05/2017 12:40 PM EDT

The House passed a budget today that paves the way for tax reform, slashes spending over 10 years and calls for lawmakers to find at least $203 billion in extra savings from mandatory programs.

After months of intra-party wrangling, GOP leaders succeeded in advancing the fiscal 2018 resolution, H. Con. Res. 71 (115), on a 219-206 vote.

The deal is far from done, however, since the Senate has yet to bring its own plan to a floor vote, and budget writers must ultimately reconcile the differing packages during conference negotiations.

Because Senate Republicans have a smaller majority than their House counterparts, House Republicans are already bracing for a final product that's far different than the plan they have now sent to the Senate.

Before passage this week, House Budget Chairman Diane Black (R-Tenn.) touted her proposal's most fiscally conservative tenets, noting that the budget resolution would instruct congressional committees to cut billions of dollars from mandatory programs that pay for food stamps, housing aid and student loans.

"Can we not acknowledge that there are some programs that perhaps have fraud, waste and abuse we can take care of? ..." Black said on the floor. "That's what this budget does. It says, 'Open up your minds, think differently, let's not do things the same old way and keep putting the same old programs out there that maybe aren't working.'"

But Democrats contend that those budget instructions would take from the poor while the plan's reconciliation language enables Republicans to pursue tax cuts for the nation's wealthiest individuals.

To view online:
https://www.politicopro.com/tech/whiteboard/2017/10/house-passes-budget-in-first-step-toward-tax-reform-093954

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Yes, very	Somewhat	Neutral	Not really	Not at all

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Tue 9/26/2017 9:50:51 AM
Subject: Morning Media: Steve Bannon Stumps In Alabama -- O'Reilly Visiting Fox -- Snapchat Political Premiere -- Evening News Battle -- WSJ Nabs Two

By Michael Calderone | 09/26/2017 05:49 AM EDT

STEVE BANNON AT HOME IN ALABAMA: The Breitbart chief better known for his work behind the scenes took to the stage Monday night in support of Judge Roy Moore, the conservative media favorite in today's Senate runoff election.

-- For weeks, Breitbart has blasted Moore's Republican challenger, Senator Luther Strange. And Bannon personally told Alabama voters Monday that they could not only stick it to the Republican establishment by picking Moore, but also the "fake news industry."

-- Alabama "gets to show the entire world - not just the nation - you get to show the BBC, the NHK in Japan, CCTV in China, The Guardian newspaper from England, the Times of London, all of them, New York Times, The Washington Post, the entire fake news industry," Bannon said. "You get to show them that this populist, nationalist, conservative movement is on the rise and Judge Roy Moore represents your values."

-- Breitbart has walked a fine line in framing its support for Moore as a rebuke of Majority Leader Mitch McConnell and the establishment, but not as an attack on President Trump, who also backed Strange.

-- Bannon later told Fox News host Sean Hannity, in his first cable interview since leaving the White House, that there needs to be a review to determine how Trump "got the wrong information" that led to his endorsement of Strange. In other words: Trump was misled into picking someone who doesn't best reflect the populist, nationalist that helped elect him and shouldn't be blamed for it.

-- "We're not here to defy President Trump," Bannon said. "We're here to praise and honor him."

Good morning and welcome to Morning Media. I survived writing a media and politics newsletter only to realize I had to do it again. And here it is! Thanks for all the feedback and keep it coming at (mcalderone@politico.com) or @mlcalderone. Morning Media is edited by Alex Weprin (@alexweprin), with contributions from Jason Schwartz (@JasonSchwartz) Archives. Subscribe.

BILL O'REILLY RETURNS TO FOX NEWS: Well, for an interview at least. The former king of cable news will appear as a guest on "Hannity" tonight as part of his book tour. The show also has several more big bookings for the first week in its new 9 p.m. timeslot. House Speaker Paul Ryan will appear Wednesday, with Rush Limbaugh on Thursday.

SNAPCHAT'S PETER HAMBY says it's a misconception that young people only care about

student loans and Bernie Sanders. "They care about war. They care about taxes. They care about health care, DACA. Things matter," Hamby told me. "And more to the point, if you combine millennials and Gen Z, that's the largest group in this country."

-- Hamby says his Snapchat political show, "Good Luck America," which kicks off its third season today, is reaching that highly sought demographic, with 75% of its viewers 25 and under. An average 6 million viewers is tuning in for each episode. And though you can get a feel for the show online, it's really designed for Snapchat: full-screen vertical video, quick pacing, on-screen text, and distills weighty issues in 3 to 5 minutes.

-- **In the latest episode, Hamby visits his hometown of** Richmond to see how the city is tackling the debate over Confederate monuments. He talks to political leaders, like Virginia Governor Terry McAuliffe and Richmond Mayor Levar Stoney, along with members of the community holding differing views. A former CNN political reporter, Hamby said it's freeing not to have to be tethered to the political news cycle. He can continue tackling stories, like Southern city grappling with its past, even as the national media moves on from Charlottesville.

-- **"Most of the people are disconnected from the Washington noise machine** that you and I live in every day." Hamby says of his viewers. But, he said, "they genuinely care about politics and policy and are looking for credible, authoritative content they can trust."

-- **Senator Kamala Harris, New York City Mayor Bill de Blasio**, and Deputy Attorney General Rod Rosenstein will be among Hamby's guests this season.

DAVID MUIR MILESTONE: The "World News Tonight" anchor scored ABC's first season win in total viewers in 21 years, a period stretching back to the Peter Jennings era. Muir, who landed President Trump's first interview after inauguration, as well as sitdowns with Pope Francis, former President Barack Obama and Hillary Clinton, averaged more than 8 million viewers each night. ABC News is expected to announce the win today.

-- **But NBC News got ahead** of its network competitor on Monday and trumpeted several wins of its own, including "NBC Nightly News" anchor Lester Holt taking the top spot in the key 25-54 year old demographic for the 2016-2017 season. Holt also had a big year, which included moderating the first presidential debate. In fact, if you open your New York Times today (as well as a handful of other outlets) you will see a full-page ad trumpeting the news organization's ratings.

NEWSROOMS GRAPPLE WITH 'RACIST': CJR's Peter Vernon suggests outlets are being too timid in not labeling the president's words and actions as "racist." NPR's Michael Oreskes, however, defends his outlet's framing of events.

-- "We treat 'racist' as we would other conclusory labels. We use action words, instead," Oreskes told CJR. "As we have said many times, it's not our job to tell people what to think. It's our job to give them the information they need to make informed decisions."

SARAH PALIN WANTS SUIT AGAINST THE NEW YORK TIMES REOPENED: It

seems like a longshot given that a judge last month dismissed the defamation suit, which stemmed from a June editorial. Here's Palin's motion for reconsideration. (h/t POLITICO's Josh Gerstein)

THE NFL PROTESTS HAVE BEEN VERY GOOD FOR BREITBART: Editor-in-chief Alex Marlow explained to POLITICO's Jason Schwartz why the protest story, which transcends sports, race, politics and culture, is such a big draw. "A lot of people know Andrew Breitbart for his quote, politics is downstream from culture, so the cultural issues that fold in the politics tend to be utterly explosive in terms of the interest level from our readers," Marlow said.

REVOLVING DOOR:

J.J. Gould has been named editor of The New Republic. He previously edited The Atlantic's site. Eric Bates, who joined in April 2016, becomes editor-at-large.

Fox News has signed Gianno Caldwell as a political analyst covering political, financial, and cultural issues.

The Wall Street Journal has nabbed Michael Gordon, who recently took a buyout from the New York Times after three decades with the paper. He'll join the paper's national security team in mid-November and plans to both report and write a column.

The Journal also hired Julie Bykowicz, who'll begin covering money and politics in the Washington bureau. She was previously covered similar issues for The Associated Press and Bloomberg News.

ONE MORE TO COME? I've heard Pulitzer Prize-winning journalist Eric Lichtblau has recently had talks with The Journal, though it's still unclear whether he'll land at the paper. Lichtblau, a veteran of the New York Times and Los Angeles Times, joined CNN in April. He left the network in June along with two other high-profile two journalists following a retracted article.

T-O-N-I-G-H-T: Journalists battle members of Congress at the National Press Club's annual spelling bee. ESPN's Clinton Yates and The Washington Post's Kelsey Snell are hosting the 7 p.m. event and POLITICO's own Seung Min Kim (and one-time writer of this very newsletter, CNN's Hadas Gold) are among the journalists competing. The Congressional side includes Rep. Don Beyer (VA), Rep. Suzanne Bonamici (OR), and Rep. Ted Deutch (FL).

SOUND BITES:

-- "2017: As Puerto Rico was rotting in the heat without power, air conditioning or telecommunications, the president tweeted about football." [Matt Pearce]

-- "The president fell for an adversary's fake missile launch and it's like the sixth-biggest story of the day." [Daniel Dale]

-- "Megyn Kelly did not talk about the NFL/anthem controversy today...if she was still hosting her Fox News show what would she have said?" [Yashar Ali]

MEGYN KELLY DEBUT PANNED: I wrote yesterday how the former Fox News star is trying to rebrand as a cheerful, non-political morning show host. It didn't work for several critics, according to POLITICO's Jason Schwartz.

-- **The Washington Post's Hank Stuever** was particularly cutting: "The debut was like watching a network try to assemble its own Bride of Frankenstein**,** using parts of Ellen DeGeneres, Kelly Ripa and whatever else it can find.... She interviewed people nervously and so awkwardly that they were cowed into giving monosyllabic answers. She also never missed an opportunity to talk about herself."

STEVE BANNON SOUGHT FACEBOOK MOLE: BuzzFeed's Joseph Bernstein scoops on Bannon wanting dirt on the social media giant's hiring policy. "The secret attempt to find bias in Facebook's hiring process reflects longstanding conservative fears that Facebook and the other tech giants are run by liberals who suppress right-wing views both internally and on their dominant platforms," he writes.

MORE FACEBOOK 2016 REVELATIONS: The Washington Post reports that Russians bought ads on the social network to "exploit divisions over Black Lives Matters and Muslims."

REMEMBERING BEN BRADLEE: HBO announced the Dec. 4 debut of a new documentary on legendary Washington Post editor Ben Bradlee. "The Newspaperman" will include "previously unseen home movies, photographs, archival footage and interviews with a who's who of American journalism," including Bob Woodward, Carl Bernstein, Sally Quinn, David Maraniss, David Remnick, Jim Lehrer, Tina Brown and Tom Brokaw.

EXTRAS:

-- C-SPAN was denied the opportunity to televise appeals court arguments to be heard today on LGBT rights, POLITICO's Josh Gerstein reports.

-- Business Insider goes behind the scenes of Fox & Friends, aka "the most powerful TV show in America."

-- Glenn Thrush's abrupt exit from our feeds prompts the question, "Can a White House correspondent do his job without Twitter?

-- The Sunday shows barely mentioned the humanitarian crisis in Puerto Rico.

-- Former Politico NY leaders discuss Old Town Media, their new venture to help publishers develop ideas and grow.

-- Joe Biden gets in the news curation game.

KICKER:

"For the first six months, you were learning how strange this all is...My then-colleague Ashley Parker, we did a briefing for the D.C. bureau just after the election, to tell them what to prepare for and people thought I was kidding. '[Trump] will point to this table and say it's a sofa,' just sort of along those lines," New York Times reporter Maggie Haberman recalling to Recode's Kara Swisher how she explained the president-elect to colleagues.

To view online:
http://www.politico.com/tipsheets/morning-media/2017/09/26/steve-bannon-stumps-in-alabama-oreilly-visiting-fox-snapchat-political-premiere-evening-news-battle-wsj-nabs-two-222468

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Today's POLITICO Playbook presented by Koch Industries

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Driving the Day

Good Wednesday morning. WAR BETWEEN THE WHITE HOUSE AND THE HILL ... ANDREW RESTUCCIA and **MATT NUSSBAUM's** incredible scoop (http://politi.co/2g9ovd1) that VP Mike Pence's chief of staff Nick Ayers called for a "purge" of Republican lawmakers who oppose President Trump, urged donors to withhold cash from Republican lawmakers and openly mused about being in the minority on Capitol Hill has reignited a long-simmering war between the White House and Capitol Hill. The Trump White House and Republicans on the Hill have tried repeatedly to get on the same page. One Ayers quote that's particularly painful for the 292 Republican lawmakers on Capitol Hill is when Pence's top aide seemingly encouraged donors to stop donating to everyone besides the RNC if they didn't get something done before the end of 2017. This is no small thing, according to top Republicans that we spoke to on both sides of the Capitol.

TEXT FROM A TOP REPUBLICAN ABOUT AYERS: "Fair to say both sides of the capitol are perturbed. ... Not because we see an actual threat, but because who the f**k are you?"

-- WHITE HOUSE INSIDERS TELL US that Trump's circle was not at all bothered by the Ayers remarks.

-- ON THE CUTTING ROOM FLOOR: This didn't make it into Andrew and Matt's piece, but Ayers said infrastructure and tax reform might be "a combined effort." We checked in with all of our sources involved in this issue on whether this was true. They all said there was no effort afoot at all to pair the issues.

NBC NEWS SCOOP -- CAROL LEE, KRISTEN WELKER, STEPHANIE RUHLE and

DAFNA LINZER: "Secretary of State Rex Tillerson was on the verge of resigning this past summer amid mounting policy disputes and clashes with the White House, according to multiple senior administration officials who were aware of the situation at the time.

"The tensions came to a head around the time President Donald Trump delivered a politicized speech in late July to the Boy Scouts of America, an organization Tillerson once led, the officials said.

"Just days earlier, Tillerson had openly disparaged the president, referring to him as a 'moron,' after a July 20 meeting at the Pentagon with members of Trump's national security team and Cabinet officials, according to three officials familiar with the incident. While it's unclear if he was aware of the incident, Vice President Mike Pence counseled Tillerson, who is fourth in line to the presidency, on ways to ease tensions with Trump, and other top administration officials urged him to remain in the job at least until the end of the year, officials said." http://nbcnews.to/2xh2lQu

GET READY FOR THIS: "More GOP senators willing to tell Trump to take a hike: An increasing number of Republicans have nothing to lose in crossing the president and Mitch McConnell -- a warning sign for tax reform," by Burgess Everett and Seung Min Kim: http://politi.co/2yH0ZuV

BIG SCOOP -- ELIANA JOHNSON: "Trump prepares to decertify Iran deal - and then save it": "Donald Trump's national security team has unanimously recommended that he decertify the Iran nuclear deal - but that he stop short of pushing Congress to reimpose sanctions on Tehran that could unravel the agreement. Trump's team plans to work with Congress and European allies to apply new pressure on the Iranian regime, according to a strategy developed in an Iran policy review led by National Security Adviser H.R. McMaster. But the strategy assumes the nuclear deal will remain intact for now.

"The deliberations ahead of an October 15 deadline to certify Iran's compliance with the deal, a centerpiece of President Barack Obama's foreign policy agenda, were described by a half-dozen sources inside and outside the administration who have participated in the internal debate.

"As a candidate, Trump described the agreement as 'catastrophic' and 'the worst deal ever.' But the strategy represents a nuanced approach to one of the most important foreign policy decisions of his early presidency. The goal is to allow the president to demonstrate contempt for the agreement and broadcast a new level of toughness toward the Iranian regime-without triggering the international chaos several of his advisers warn would follow from a total withdrawal from the 2015 deal." http://politi.co/2xPozsu

THE LATEST IN LAS VEGAS ...

BREAKING AT 12:32 A.M. -- L.A. TIMES: "Girlfriend of Las Vegas gunman, a 'person of interest' in mass shooting, has landed in Los Angeles," by Joel Rubin and Richard Winton: "Marilou Danley, the girlfriend of the gunman who shot and killed 59 people at a country music concert in Las Vegas, returned Tuesday night to the United States from the Philippines, according to multiple law enforcement sources. Danley was met by federal agents at Los Angeles International Airport, said the officials, who were not authorized to discuss the case publicly. Danley was not placed under arrest and it was not known when, or if, she would agree to be interviewed about Stephen Paddock, who killed himself in the Las Vegas hotel room from which he launched his deadly shooting spree."

-- NYT, A1: "Meticulous Planning by Las Vegas Gunman Before He Opened Fire": "Before he mowed down concertgoers from a perch high in a hotel tower, Stephen C. Paddock created a ring of surveillance around him, with video cameras in his suite and in the hallway, law enforcement officials said on Tuesday. But investigators were still at a loss to offer a motive for the massacre. ... Police officials said that Mr. Paddock, 64, had set up two cameras in the hallway, including one on a service cart, and a third camera over the suite door peephole." http://nyti.ms/2fPcs7N

-- LEAKED PHOTOS from inside Paddock's hotel room. http://dailym.ai/2hM9Gkk

-- "Frantic switchboard calls, geometry of fire, led police to killer on Mandalay Bay's 32nd floor," by WaPo's Scott Wilson and Lynh Bui: "The journey to the room at the end of the 32nd floor began at the switchboards of the Mandalay Bay Resort and Casino, a tropical fantasy in the Nevada desert. As the noises began, scores of confused guests pressed zero on their room phones almost all at once. The first callers asked about what sounded like a sustained burst of fireworks. Others wondered: Was it something else? The hotel operators realized that for callers on some floors, the popping was louder than for guests phoning in from others." http://wapo.st/2kmdNVf

-- "Las Vegas Shooter Stephen Paddock Gambled With at Least $160K in Recent Weeks," by NBC News' Tom Winter, Pete Williams and Andrew Blankstein: "There were 16 Currency Transaction Reports, or CTRs, filed for Paddock in recent weeks. The Treasury Department and the IRS mandate that casinos file the reports for 'each transaction in currency involving cash-in and cash-out of more than $10,000 in a gaming day.' ... A source familiar with the investigation told NBC News that Paddock was a frequent player 'with the highest status' at Caesars Entertainment properties in Las Vegas." http://nbcnews.to/2yH71LL

-- "Las Vegas Strip shooter prescribed anti-anxiety drug in June," by the Las Vegas Review-Journal's Paul Harasim: "Stephen Paddock, who killed at least 58 people and wounded hundreds more in Las Vegas on Sunday with high-powered rifles, was prescribed an anti-anxiety drug in June that can lead to aggressive behavior, the Las Vegas Review-Journal has learned. ...

"Records from the Nevada Prescription Monitoring Program obtained Tuesday

show Paddock was prescribed 50 10-milligram diazepam tablets by Henderson physician Dr. Steven Winkler on June 21. A woman who answered the phone at Winkler's office would not make him available to answer questions and would neither confirm nor deny that Paddock was ever a patient. Paddock purchased the drug -- its brand name is Valium -- without insurance at a Walgreens store in Reno on the same day it was prescribed. He was supposed to take one pill a day." http://bit.ly/2wxqE8E

-- "As the wounded kept coming, hospitals dealt with injuries rarely seen in the U.S.," by WaPo's Tim Craig, Felicia Mello and Lena Sun: "So many patients poured into the city's hospitals that pediatric surgeons were operating on adults and obstetricians were attending to trauma patients. Many of the most critically wounded patients arrived at the 541-bed University Medical Center of Southern Nevada, the state's only Level One trauma center. Over about four hours, it received 104 patients. More than 80 percent were gunshot victims. Douglas R. Fraser, the hospital's chief of trauma surgery, struggled with other doctors there to deal with bullet wounds in torsos and limbs that had shredded human flesh into 'unusual patterns,' caused 'extreme fractures' and bounced through bodies with horrific force." http://wapo.st/2xRTgL2

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THE POLITICS OF GUN CONTROL -- "Dems lower their outrage on guns after massacre," by Heather Caygle and Elana Schor: "The last record-setting shooting spree on U.S. soil - at a nightclub in Orlando, Florida, last year - prompted Democrats to occupy the House floor for a full day in protest of the GOP's refusal to take up new gun control laws. This time, the minority party is employing tamer tactics, tamping down talks of another sit-in and demanding primarily that Republicans drop a gun silencer bill they've been pushing.

"The difference in approach speaks to the tricky, shifting politics of guns for Democrats. It's easy for them to lambaste Republicans for failing to take action after mass shootings. But elevating the issue heading into a midterm election next year - something Democrats said this week they have no plans to do - could repel the very voters they need to woo to regain control of Congress. Not to mention make their vulnerable red-state Democrats prime for Republican attacks.

"There's also a growing sense of futility in the debate. Gun control was a lost cause even under divided government, let alone when Republicans control both chambers of Congress and the White House." http://politi.co/2hNc8Hg

-- @StevenTDennis: "Asked about bump stocks, Senator John Kennedy [R-La.] said this: 'I do not think that the United States Congress can legislate away evil.'"

SCOOP -- JOSH DAWSEY and **RACHAEL BADE: "Ryan asked White House to reconsider ousting Price":** "Speaker Paul Ryan last week urged the White House to reconsider ousting Health and Human Services Secretary Tom Price, his longtime friend who had come under fire for often using taxpayer-funded private jets for travel, according to two people with knowledge of the call. John Kelly, the White House chief of staff, called the Wisconsin Republican minutes before the departure was announced Friday afternoon. It was a heads-up call ... Ryan urged Kelly to reconsider and touted the Georgia Republican's experience in Congress and work in the administration ... Price has long had the speaker's ear on policy matters and was part of Ryan's old 'Jedi Council,' a group of fiscally conservative rabble-rousers who used to powwow when Republicans were in the minority." http://politi.co/2ynO4lf

UP NEXT -- "White House to seek $29B disaster aid package," by AP's Andy Taylor: "The Trump administration is finalizing a $29 billion disaster aid package that combines $16 billion to shore up the government-backed flood insurance program with almost $13 billion in new relief for hurricane victims. The huge request is expected to be officially sent to Congress on Wednesday, but its outlines were characterized by officials who demanded anonymity because the $29 billion measure is not yet public.

"The request would address two pressing needs. The first is to pump money into the flood insurance program, which is rapidly running out of cash to pay an influx of claims from victims of hurricanes Harvey, Irma, and Maria. At the same time, the Federal Emergency Management Agency continues to spend money for disaster relief operations at a high rate and requires more money." http://bit.ly/2xg1fjr

-- TRUMP: FORGIVE PUERTO RICO'S DEBT: "In an interview with Fox News, Mr. Trump said his administration would help Puerto Rico 'wipe out' the debt to help it recover from the extensive damage left by Hurricane Maria two weeks ago. He did not offer specifics. 'We're going to do something. We're going to get it back on its feet,' the president said. 'We have to look at their whole debt structure,' he told Geraldo Rivera, a Fox News correspondent, on 'Hannity.' 'You know, they owe a lot of money to your friends on Wall Street, and we're going to have to wipe that out. You can say goodbye to that. I don't know if it's Goldman Sachs, but whoever it is, you can wave goodbye to that.' ...

"Reached late on Tuesday, investors who hold Puerto Rico's debt and their advisers said they were taken aback and unwilling to comment. One said it was not clear how seriously they should take the remarks, citing promises like Mr. Trump's so-far-unsuccessful pledge to end the Affordable Care Act, the health care plan passed under President Barack Obama." http://nyti.ms/2xTE9AS

GOOD NEWS FOR TRUMP: NEW POLITICO/MORNING CONSULT POLL -- "Poll: 48 percent approve of Trump's tax proposal," by Steven Shepard: "Voters are receptive to President Donald Trump's proposed tax overhaul, with nearly half of those who have heard about the plan supporting it, according to a new POLITICO/Morning Consult poll. But as Congress begins to draft tax legislation, the poll also shows that some elements

of the outline released by the Trump administration last week are more popular than others. And voters are skeptical they will benefit from any changes to the tax code. ...

"The most popular elements of the initial proposal are doubling the standing deduction from $12,000 to $24,000 (62 percent of voters say that should be in the eventual tax bill), reducing the maximum small-business tax rate from 39.6 percent to 25 percent (61 percent), creating a $500 tax credit for all dependents (61 percent) and increasing the child tax credit (60 percent).

"Among the least popular elements of the proposal: reducing the corporate tax rate from 35 percent to 20 percent (39 percent of voters say that should be in the bill) and no longer taxing overseas profits of U.S. companies." http://politi.co/2fJ6xNK

SOAK THE RICH ... -- "Conservatives defy GOP orthodoxy on cutting top tax rate," by Rachael Bade and Aaron Lorenzo: "House conservatives -- desperate for a win on tax reform -- are open to nixing some newly proposed tax cuts on the wealthy, challenging the GOP's tax-cuts-for-all orthodoxy. Multiple House Freedom Caucus members said they'd support maintaining the 39.6 percent tax rate on upper-income earners instead of reducing it to 35 percent under the current GOP plan. President Donald Trump, concerned about Democratic accusations that his tax proposal would be seen as a boon to the wealthy, urged Hill Republicans to consider keeping the current top rate as is to preempt those attacks.

"The Freedom Caucus is typically the first to cry foul on any legislation they deem too accommodating to Democrats. And maintaining the top rate runs counter to Republicans' long-held desires to lower rates on all Americans, no matter their wealth. Conservatives don't seem to mind, however -- so long as it ensures passage of the party's main legislative priority." http://politi.co/2kivhl8

-- WSJ'S RICH RUBIN in a video with a straw hat on, standing next to cows: **"Talking Taxes: The Sacred Cows of the Tax Code:** GOP plan aims to eliminate some major breaks, but that could prove difficult": "The dilemma -- which Republicans are colliding with right now -- is that many of the biggest tax breaks, especially for individuals, are popular and hard to dislodge. Among the most entrenched are the benefits for employer-sponsored health insurance, state and local taxes, home mortgage interest and charitable donations.

"Those big tax breaks are where the money is. In 2018, households will save about $110 billion by deducting state and local tax payments and about $59 billion by deducting charitable donations, according to the Joint Committee on Taxation. The GOP would need to curtail breaks like those to get rates down as far as they want. Employer-sponsored health insurance, likely to be left alone, will lower federal revenue by about $236 billion in 2018, according to the Tax Policy Center." ***With video*** http://on.wsj.com/2fPAP5a

TRUMP'S WEDNESDAY -- Trump and the First Lady will leave this morning for Las

Vegas. The two will visit patients, doctors and "civilian heroes and first responders." They will then return to Washington.

THE JUICE ...

-- SPOTTED: FORMER PRESIDENT BARACK OBAMA and **MICHELLE OBAMA** celebrating their 25th wedding anniversary last night on Fiola's rooftop at 601 Pennsylvania Ave, N.W. ***Instapic by Fiola executive chef Ed Scarpone*** http://bit.ly/2xg7Kr5 ... ***2-min. Facebook video of President Obama's anniversary message*** http://bit.ly/2xPS5hF

-- FORMER SPEAKER JOHN BOEHNER was spotted heading into Russell Tuesday afternoon by himself, in a blazer and slacks sans tie, walking past security. The surprised Capitol Police greeted him as Mr. Speaker, to which he responded, "Just coming in for a haircut. Nothing more."

Playbook Reads

PHOTO DU JOUR: President Donald Trump tosses paper towels into a crowd as he hands out supplies at Calvary Chapel on Oct. 3 in Guaynabo, Puerto Rico. | Evan Vucci/AP Photo

NOT THE ONION - "IRS awards multimillion-dollar fraud-prevention contract to Equifax," by Steven Overly and Nancy Scola: "The IRS will pay Equifax $7.25 million to verify taxpayer identities and help prevent fraud under a no-bid contract issued last week, even as lawmakers lash the embattled company about a massive security breach that exposed personal information of as many as 145.5 million Americans. A contract award for Equifax's data services was posted to the Federal Business Opportunities database Sept. 30 - the final day of the fiscal year. The credit agency will 'verify taxpayer identity' and 'assist in ongoing identity verification and validations' at the IRS, according to the award." http://politi.co/2yn6F0O

DRIP DRIP -- "Russian-linked Facebook ads targeted Michigan and Wisconsin," by CNN's Manu Raju, Dylan Byers and Dana Bash: "A number of Russian-linked Facebook ads specifically targeted Michigan and Wisconsin, two states crucial to Donald Trump's victory last November, according to four sources with direct knowledge of the situation. Some of the Russian ads appeared highly sophisticated in their targeting of key demographic groups in areas of the states that turned out to be pivotal ... The ads employed a series of divisive messages aimed at breaking through the clutter of campaign ads online, including promoting anti-Muslim messages ... [A] large number of ads appeared in areas of the country that were not heavily contested in the elections, [but] some clearly were geared at swaying public opinion in the most heavily contested battlegrounds." http://cnn.it/2yHaB8J

-- "Rep. Tim Murphy, popular with pro-life movement, urged abortion in affair, texts suggest," by Pittsburgh Post-Gazette's Paula Reed Wards: "A text message sent in January to U.S. Rep. Tim Murphy by a woman with whom he had an extra-marital relationship took him to task for an anti-abortion statement posted on Facebook from his office's public account. 'And you have zero issue posting your pro-life stance all over the place when you had no issue asking me to abort our unborn child just last week when we thought that was one of the options,' Shannon Edwards, a forensic psychologist in Pittsburgh with whom the congressman admitted last month to having a relationship, wrote to Mr. Murphy on Jan. 25, in the midst of an unfounded pregnancy scare. A text from Mr. Murphy's cell phone number that same day in response says, 'I get what you say about my March for life messages. I've never written them. Staff does them. I read them and winced. I told staff don't write any more. I will.'" http://bit.ly/2xf6p3S

LEGAL, BUT STRANGE -- "Steve King employs family as year-round campaign staff, an unusual approach in Congress," by Des Moines Register's Jason Noble: "U.S. Rep. Steve King employs his son and daughter-in-law as full-time campaign staffers, and has paid them more than $805,000 since 2004, records show. Although typically legal, an arrangement paying close family members year-round for congressional campaign work for more than a decade is unusual in several respects, experts said. While holding various campaign manager and chairman titles, King's son, Jeff King, has received a steady paycheck dating to at least 2004, the earliest year for which electronic records are available from the Federal Election Commission." http://dmreg.co/2xfvLys

LATEST IN THE AARON SCHOCK CASE -- "Judge complains prosecution 'misled' him in Aaron Schock case," by Josh Gerstein: "The federal judge overseeing the criminal case against former Rep. Aaron Schock leveled an unusual public complaint Tuesday that he was misled by a prosecutor on the case. Judge Colin Bruce, of the U.S. District Court for the Central District of Illinois, also ordered the prosecution to conduct a review of all its court filings in the matter for potential inaccuracies." http://politi.co/2hLpNyE

****** **A message from Koch Industries:** According to the World Health Organization, 633 million people lack access to safe water worldwide. At Koch, we are addressing this global crisis with innovative membrane filtration technologies to help turn surface and wastewater back into clean drinking water. It's already making a difference in places such as São Paulo, Brazil, one of the world's largest cities. This is one of the many challenges that our more than 70,000 employees across America are working on each day. From water and agriculture, to renewable fuels, energy efficiency and other advancements that help people improve their lives, our team members are encouraged to think like entrepreneurs and challenge the status quo. Here, everyone is encouraged to speak up with ideas to create greater long-term value for society, our customers and businesses, while also reducing waste so more natural resources are available to meet future needs. Go behind the scenes at ChallengeAccepted.com. ******

HMM -- "One Of Trump's Judicial Picks Received A Rare 'Not Qualified' Rating From Top Legal Group," by BuzzFeed's Zoe Tillman: "Charles Goodwin, who serves as a federal magistrate judge in Oklahoma City, is the first of Trump's judicial nominees to receive a 'not qualified' rating from the ABA's Standing Committee on the Federal Judiciary, which vets all federal court nominees. It's also the first time that a lower court nominee has received that rating since 2006. The ABA committee evaluates judicial nominees on their integrity, professional competence, and judicial temperament." http://bzfd.it/2yVL4K5

-- "Sebelius believed Menendez wanted her to 'take some action,'" by Matt Friedman in Newark: "Former Health and Human Services Secretary Kathleen Sebelius testified Tuesday that two things stuck out to her about an August 2012 meeting she had with U.S. Sen. Robert Menendez and then-Senate Majority Leader Harry Reid. One was that she couldn't recall Reid ever arranging a meeting with her and a member of Congress. The other was that she had never been called on to discuss an issue she said lower ranking staff members would normally handle.

"'I think it's the only time I was asked to discuss a practice involving a billing issue before [the Centers for] Medicare and Medicaid Services. That is not something I was personally involved in on a basis like this,' Sebelius said under questioning at Menendez's federal corruption trial. The issue, as Sebelius understood it via briefings from her own staff, was Florida eye doctor Salomon Melgen's overbilling of Medicare by nearly $9 million -- money Melgen, now Menendez's co-defendant, was fighting to not have to pay back." http://politi.co/2wwtEBX

BREAKING ... BLOOMBERG: "Amazon Faces ???250 Million Bill for Unpaid Taxes, EU Says": "The EU ordered Amazon to pay ???250 million in back taxes to Luxembourg, saying the company had received illegal state aid." https://bloom.bg/2hM4BZe

OY - "Yahoo Triples Estimate of Breached Accounts to 3 Billion," by WSJ's Robert McMillan and Ryan Knutson: "A massive data breach at Yahoo AABA 1.95% in 2013 was far more extensive than previously disclosed, affecting all of its 3 billion user accounts, new parent company Verizon Communications Inc. said on Tuesday. The figure ... is three times the 1 billion accounts Yahoo said were affected when it first disclosed the breach in December 2016. The new disclosure, four months after Verizon completed its acquisition of Yahoo, shows that executives are still coming to grips with the extent of the security problem in what was already the largest hacking incident in history by number of user accounts." http://on.wsj.com/2xT7NGg

ON TO MOSCOW -- "New Ambassador to Russia Jon Huntsman Cuts Price on McLean Mansion," by Realtor.com's Lisa Gordon: "The red brick estate, which came on the market last year at $4.2 million, recently had its price reduced to $3.6 million ... The seven-bedroom, five-bath home sits on a half-acre lot down the street from the CIA headquarters, the biggest tourist attraction in McLean. Built in 1985, the 8,852-square-foot home features a mahogany-paneled library, huge master suite, backyard pool, and

outdoor kitchen. Huntsman, a former Utah governor and a 2012 Republican presidential hopeful, bought the property for $3.1 million in 2014 from U.S. Sen Fred Thompson, who was a GOP presidential contender in 2008." ***With 3 pix of the house*** http://bit.ly/2yH5SEe

MEDIAWATCH -- "The press, branded the 'enemy' by Trump, increasingly trusted by the public: Reuters/Ipsos poll," by Reuters' Chris Kahn: "The poll of more than 14,300 people found that the percentage of adults who said they had a 'great deal' or 'some' confidence in the press rose to 48 percent in September from 39 percent last November. Earlier this year, Trump branded the entire industry as the 'enemy of the American people.' The percentage of those who said they had 'hardly any' confidence in the press dropped to 45 percent from 51 percent over the same period. Confidence in Trump's administration moved in the opposite direction." http://reut.rs/2xXf2i7

-- "'Megyn Kelly Today' Ratings Not All Sunshine for NBC's New Morning Host," by NYT's John Koblin: "Megyn Kelly, the new host of the 9 a.m. hour of NBC's 'Today' show, is off to a soft start in the ratings. In her first week as a cheerful morning personality, Ms. Kelly, a former Fox News anchor, drew an average of 2.5 million viewers, according to Nielsen, with 765,000 of them in the 25-to-54-year-old demographic prized by advertisers and network executives.

"The total audience for 'Megyn Kelly Today,' Ms. Kelly's portion of the show, was roughly in line with what 'Today' was reaching in the same hour before making the change, when it was hosted by Al Roker, Dylan Dreyer and Sheinelle Jones. In the coveted age bracket, the show's audience for Ms. Kelly was 5 percent smaller than it was the previous week." http://nyti.ms/2xgmpxw

--Per Michael Calderone's Morning Media: KELSEY SNELL, most recently with The Washington Post, is returning to NPR as a Congressional reporter. She once worked as an intern and production assistant on the weekend edition of "All Things Considered."

LIST DU JOUR -- "Variety's New Power of New York List 2017" -- BEN SMITH on **MAGGIE HABERMAN** http://bit.ly/2xZUZAm

Playbookers

SPOTTED last night at the 2017 German Unity Day celebration at the residence of the German Ambassador -- ***pic*** http://bit.ly/2xTfPix : German Ambassador Peter Wittig and Huberta von Voss-Wittig, Commerce Secretary Wilbur Ross and Hilary Geary, Associate Justice Samuel Alito, Siemens CEO Joe Kaeser, Belgian Ambassador Dirk Wouters, Nancy Brinker, Michelle Jaconi, Mary Beth Albright, Conrad and Ludmila Cafritz, Ray and Shaista Mahmood, Omar Oweiss, Michael Falcone, John McCarthy.

OBAMA ALUMNI - MIKE FROMAN, the U.S. trade representative in the Obama

administration, has joined the Miller Center at the University of Virginia as Schlesinger Chair.

BIRTHWEEK (was yesterday): Mariam Ehrari, formerly of the Clinton campaign and now the interim executive director of the Women's March (hat tip: Lisa Vedernikova)

BIRTHDAY OF THE DAY: Norm Pearlstine, retired vice chairman and chief content officer at Time Inc., is 75. **What he's up to these days:** "A bit of writing for Edward Felsenthal at TIME; consulting for several start-ups and young companies, including one run by a Toronto inventor, Steve Mann, best known for his work on wearable computing; serving on the board of InsideClimate News (a not-for-profit); and working as chief information architect at Money.Net, a small company using machine learning to provide data and news to financial professionals." **Read his Playbook Plus Q&A:** http://politi.co/2xRmcVS

BIRTHDAYS: Brynne Craig ... Steve Capus, CBS News exec. editor and Evening News EP and an NBC News alum, is 54 ... CBS News alum Sonya McNair ... Todd Malan of Rio Tinto ... AP's Holly Ramer ... Ret. Adm. Mike Mullen is 71 ... Annie Osborne ... ABC News' Santina Leuci ... Dana Mayber ... former SecDef Chuck Hagel is 71 ... Bill Gray of Issue One and FloorCharts fame (h/t Jenn Sherman) ... Rob Shapiro, co-founder and chairman of Sonecon and a Bill Clinton alum ... Elizabeth Bonner, associate at Glover Park Group ... Sean Hackbarth, senior editor at the U.S. Chamber ... Rep. Joe Kennedy (D-Mass.) is 37 ... Wes McClelland ... Scott J. Frein, SVP of McGuireWoods Consulting ... BBC's Kasia Madera ... Miles Halpine ... Steve Picheny ... Tim Sparapani ...

... Katie Waldman ... Pervaiz Shallwani ... Pete Davis ... Eliza Adelson ... WaPo's Bridget Reed Morawski ... Rachel Berman ... Nick Binzoni ... Liz Wolgemuth, senior comms adviser and speechwriter at Senate HELP ... Chris Morris ... John Scott ... photographer Yan Bighetti de Flogny ... Ronald Tschetter ... Will von Meister ... Matt Roberts ... Margaret Hillmann ... Dane Waters ... Douglas McCain ... Ryan Donmoyer of Ernst & Young ... Maria Carrillo ... Paul Seymour ... Ted Miller ... Patrick Wilson ... Drew Willison, partner at Oldaker & Willison LLP and a Harry Reid alum ... ... Mirian Saez ... Phyllis Graham ... Rosemary Shore (h/ts Teresa Vilmain)

****** **A message from Koch Industries:** The Global Harvest Initiative estimates that the world's population will grow to 9 billion by the year 2050. Until then, the challenge is to find better ways to grow twice as much food on roughly the same amount of land that is used for farming today. At Koch, our scientists explore new natural ways to boost crop performance by harnessing tiny soil microbes that stimulate plant improvements and yield. This is one of the many challenges that our more than 70,000 employees across America work on each day. From agriculture and renewable fuels to energy efficiency and other advancements that help people improve their lives, our team members are encouraged to think like entrepreneurs and challenge the status quo. Here, everyone is encouraged to speak up with ideas to improve efficiency, reduce waste, and create greater long-term value for society, our customers and businesses. Go behind the scenes at ChallengeAccepted.com. ******

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Sent: Thur 10/26/2017 10:26:38 AM
Subject: POLITICO Playbook, presented by Chevron: Playbook's FOUR TRUTHS about tax reform -- BUDGET VOTE TODAY, amid concerns about state and local tax provision -- PELOSI predicts Dem majority if tax reform stumbles -- SPOTTED: JARED at Dulles -- B'DAY: Katy Tur

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Today's POLITICO Playbook presented by Chevron

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

POSTCARD FROM GERMANY -- POLITICO Brussels Playbooker Ryan Heath is on stage with John Boehner at American Chamber of Commerce Transatlantic Business Conference in Frankfurt. Boehner told the German audience that Donald Trump is the "least ideological person to ever hold the office," and described the White House as "survival of the fittest." His advice to foreign companies and governments: "engagement works."

Happy Thursday. PRESIDENT TRUMP says the JFK files -- long kept private -- will be unsealed today.

The tax reform debate has been humming along behind closed doors. It's about to go public. Here are some things to keep in mind. **PLAYBOOK'S FOUR TRUTHS ABOUT TAX REFORM:**

-- THIS TAX PLAN WILL LIVE AND DIE 1 MILLION TIMES. We've seen it before: legislation gets declared dead as a doornail, and then is revived, brought back to life and passes with much fanfare. Expect ups and downs here. Right now, the issue at hand is the state and local tax deduction. Lawmakers from high-tax states say they don't want to scrap it, and if they don't get assurances, some have threatened that they'll take down the budget. Remember that this process will be like a rollercoaster. Take it with a grain of salt when some random lawmaker opines on the prospects of the bill, or the process. Until Paul Ryan or Mitch McConnell pull the plug, this thing is alive and kicking. ***Brian Faler** on **"Six things that could derail the GOP's tax plans":*** http://politi.co/2y6H0tq

-- IGNORE THE TIMEFRAME. There really is no deadline to get tax reform done. The

end-of-the-year proclamations are silly, according to most of the people we talk to. This could -- and many think it should -- take time. It's tough (just ask the WSJ's Rich Rubin). It's complicated. Congress is rewriting the entire tax code -- and that affects everyone in the United States. Plenty of lawmakers tell us it SHOULD take something like six months.

-- A 60-40 PROPOSITION, AT BEST, NOT A DONE DEAL. At the end of the day, all the senior aides and lawmakers we speak to say that this remains, at best, a 60-40 proposition. Yeah, Republicans feel pretty good about where things are. But that's mostly out of fear of losing their majorities. Many things can stop this process dead in its tracks.

-- THIS IS UNLIKELY TO BE HUGELY BIPARTISAN. Some Republicans want you to believe that Democrats are knocking on their doors to vote for whatever they produce. It's not true. They might pick up one or two in the Senate. But this is a Grand Ole' Party production.

HOUSE REPUBLICANS will go to the floor today to try to pass Senate's budget, despite unease from some conservatives about the deficit and debt projections, and misgivings from blue state Republicans about scrapping the coveted state and local tax deduction. GOP leaders canceled a 9 p.m. meeting last night to discuss the state-and-local tax issue -- a sign they feel pretty good. **THE BUDGET** is the first step to tax reform.

-- THE DETAILS, from Rich Rubin, Anne Tergesen and Siobhan Hughes in the WSJ: "One option is replacing the [state and local tax] deduction with a tax credit worth between 8% and 20% of a household's property tax payments, with caps for married couples that start somewhere between income of $250,000 and $400,000, said Rep. Tom Reed (R-N.Y.). Instead of generating $1.3 trillion over a decade to offset lower tax rates, as repeal of the state and local deduction would do, he said the idea would yield between $600 billion and $1 trillion. Some versions of the credit concept also include mortgage interest." http://on.wsj.com/2yM1M16

KNOWING KEVIN BRADY -- RACHAEL BADE: "GOP's beloved taxman about to be 'the most hated guy in Washington'": "House Ways and Means Committee Chairman Kevin Brady has spent the better part of a year crafting a Republican tax reform bill. But on the cusp of the plan's long-awaited unveiling, the House GOP's point man on taxes has had to retool the proposal at least twice in 48 hours. ... And the bill hasn't even been made public yet." http://bit.ly/2yTdJSr

-- PELOSI, BEHIND THE SCENES -- Heather Caygle and Aaron Lorenzo: "House Minority Leader Nancy Pelosi (D-Calif.) is convinced another GOP crash-and-burn would likely hand Democrats the House next year, so there's no political upside to playing ball. 'You will be in the majority' if Republicans continue to stumble, Pelosi said during a closed-door caucus meeting on Tuesday, according to sources in the room." http://politi.co/2gK1Szd

TRUMP'S ADMINISTRATION -- "Mnuchin struggles to earn trust on the Hill," by Nancy Cook: "Treasury Secretary Steven Mnuchin is the de facto frontman for the administration's proposed overhaul of the U.S. tax system because of his extreme loyalty to President Donald Trump and the scores of tax policy experts and economists at his command.

"But Mnuchin, a former investment banker and movie financier with no prior experience in Washington, hasn't been able to overcome Republicans' suspicion about his Wall Street background and limited conservative credentials. That may complicate White House efforts to influence debate as the details of a tax bill are written." http://politi.co/2haCvDZ

-- "Tillerson's power play," by Nahal Toosi: "A leaked State Department document is alarming diplomats and others who say it shows the accumulation of power among a small and unaccountable group of senior aides to Secretary of State Rex Tillerson. The chart, obtained by POLITICO, illustrates the growing influence of the State Department's Policy Planning Staff, which traditionally has served as an in-house think tank but which Tillerson heavily relies upon for day-to-day decision making.

"Critics already complain that the office -- led by Brian Hook, a powerful Tillerson aide not subject to Senate confirmation - accepts too little input from career diplomats, and the chart, which lays out a method to craft foreign policy, shows no explicit role for them. The chart appears to show a top-down approach in which ideas emanate from the secretary's inner circle rather than bubbling up from diverse sources, including Foreign Service officers in the field. More than half a dozen current and former U.S. officials who have seen the document said it reveals an unusual level of control and oversight by the Policy Planning Staff." http://politi.co/2xo0MfC

THE RETIREES ... SEUNG MIN KIM: "Flake won't be 'vindictive' toward Trump agenda: The retiring GOP senator says he won't automatically vote against GOP priorities - but he plans to rev up oversight of the administration": "Sen. Jeff Flake was never shy about his distaste for Donald Trump's politics. But one day after his dramatic retirement speech skewering the president, he told POLITICO that he's not 'vindictive' -- suggesting he won't simply be a knee-jerk vote against Trump's agenda. 'I don't know that it's that different. I'm going to work on issues that I'm for,' the Arizona Republican said of his legislative approach going forward. 'I'm not out [to be] vindictive.'" http://politi.co/2gFQFMq

-- "Corker vows to get answers on Trump's Russia sanctions delay," by Elana Schor: "The chief GOP architect of a Russia sanctions package that Congress overwhelmingly approved earlier this year vowed Wednesday to find out why the Trump administration has delayed using its new powers to punish Moscow. Senate Foreign Relations Committee Chairman Bob Corker (R-Tenn.) - an author of the massive sanctions bill that President Donald Trump signed in August - told reporters that 'I'm going to get on the phone with someone' within 24 hours to get details on why the

administration missed the law's Oct. 1 deadline to hit certain Russian entities with new penalties." http://politi.co/2z7D23Y

****** **A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: http://politi.co/2y4Q3vf ******

TRUMP FOR YELLEN? From Fox Business Network's Lou Dobbs' interview with Trump -- **TRUMP:** "Tell me who your preference is." **DOBBS:** "I think I -- may I constrain myself?" **TRUMP:** "Yes." **DOBBS:** "Because an ad hoc advisor to the president" **TRUMP:** "No, but I'd love to hear it. You could even cut it out if you want. You don't have to -- I would love to hear you. I only want that from people I respect." **DOBBS:** "I personally believe that Janet Yellen might be worth keeping."

TRUMP: "I tell you what, she was in my office three days ago. She was very impressive. I liked her a lot. I mean, it's somebody that I am thinking about. I would certainly think about it. In one way, I have to say ... In one way, I have to say you'd like to make your own mark. ... You like to make your own mark, which is maybe one of the things she's got a little bit against her. But I think she's terrific. We had a great talk. And we're obviously doing very well together, you look at the markets."

HMM ... -- "Trump associate Cohen sold four NY buildings for cash to mysterious buyers," by Peter Stone and Greg Gordon in McClatchy: "Donald Trump's long time business lawyer Michael Cohen may be best known for his aggressive campaign television defenses of the real estate mogul, his role in an abortive effort to build a Trump Tower in Moscow and allegations that he attended a meeting last summer with Russians in Europe. But while serving as a top executive at the Trump Organization for a decade, Cohen himself was a sometime New York real estate wheeler dealer whose companies appear to have netted as much as $20 million in profit by flipping properties to mysterious buyers." http://bit.ly/2gFKmZA

CNN's OLIVER DARCY -- "Five women accuse journalist and 'Game Change' co-author Mark Halperin of sexual harassment": "Veteran journalist Mark Halperin sexually harassed women while he was in a powerful position at ABC News, according to five women who shared their previously undisclosed accounts with CNN and others who did not experience the alleged harassment personally, but were aware of it. 'During this period, I did pursue relationships with women that I worked with, including some junior to me,' Halperin said in a statement to CNN Wednesday night. 'I now understand from these accounts that my behavior was inappropriate and caused others pain. For that, I am deeply sorry and I apologize. Under the circumstances, I'm going to take a step back from my day-to-day work while I properly deal with this situation.'
...
"[W]omen who spoke to CNN say he ... had a dark side not made public until now. The stories of harassment shared with CNN range in nature from propositioning employees for sex to kissing and grabbing one's breasts against her will. Three of the women who spoke to CNN described Halperin as, without consent, pressing an erection

against their bodies while he was clothed. Halperin denies grabbing a woman's breasts and pressing his genitals against the three women." http://cnnmon.ie/2gCjgm2

MCCONNELL IN CHARGE -- JOHN BRESNAHAN: "McConnell, Cornyn firmly in charge despite flak from right": "Despite a near constant barrage of attacks from Sean Hannity, Steve Bannon and the Breitbart wing of the GOP, Senate Majority Leader Mitch McConnell and other top Senate Republicans remain firmly in charge. There is no threat of a leadership challenge to McConnell or any of the other highest-ranking Republicans, and their support inside the GOP Conference remains rock solid.

"Yet there is also no question that Senate Republicans are feeling the heat from the unhappy GOP base, especially the strongest pro-Trump elements of the party. In response, many Republicans are tying themselves ever closer to President Donald Trump. So while the media, Democrats and even some of their own colleagues - those who are not seeking reelection especially - hammer on Trump's alleged ethical lapses, poor poll numbers, and legislative failures, wrapping yourself in Trump's mantle is the smartest way to survive for party leaders on Capitol Hill." http://politi.co/2y5rhem

GOP CIVIL WAR -- "McConnell allies declare open warfare on Bannon," by WaPo's Dave Weigel, Michael Scherer and Bob Costa: "Allies of Senate Majority Leader Mitch McConnell declared open warfare on Wednesday against Stephen K. Bannon, the former White House chief strategist and leader of an insurrection aimed at defeating mainstream Republican candidates in next year's midterm elections. ... [T]he McConnell-allied Senate Leadership Fund (SLF) will highlight Bannon's hard-line populism and attempt to link him to white nationalism to discredit him and the candidates he will support. It will also boost candidates with traditional GOP profiles and excoriate those tied to Bannon, with plans to spend millions and launch a heavy social media presence in some states." http://wapo.st/2i5svLE

-- NYT'S JONATHAN MARTIN and **JEREMY PETERS: "As G.O.P. Bends Toward Trump, Critics Either Give In or Give Up"** http://nyti.ms/2iAJlpK

-- @davidmackau: "Q: Should you be more civil? Trump: Press makes me more uncivil than I am... I went to an Ivy League college. I'm a very intelligent person". http://bit.ly/2yTWMr7

TRUMP'S THURSDAY -- Trump will discuss the opioid crisis. He will also meet with EPA Administrator Scott Pruitt.

-- FOR YOUR RADAR: "Vice President Pence to visit Israel and Egypt in December," by AP's Ken Thomas and Jill Colvin: "The vice president's trip is expected to take him to Israel during Hanukkah, where he'll discuss the prospects for a Middle East peace agreement in separate meetings with Israeli Prime Minister Benjamin Netanyahu and Palestinian President Mahmoud Abbas. Pence is also expected to address U.S. policy toward Iran and highlight Israel's space program -- a favorite issue." http://bit.ly/2zQYAyP

ABOUT THAT OPIOID ANNOUNCEMENT ... -- "Senior health officials in the dark about Trump's opioid declaration," by Sarah Karlin-Smith and Brianna Ehley: "Top federal health officials responding to the opioid epidemic still don't know what President Donald Trump will say when he makes a highly anticipated announcement about the crisis Thursday afternoon. 'We don't have information about what the announcement will be, and so I can't comment on it. I honestly don't know,' Assistant HHS Secretary for Mental Health and Substance Use Elinore McCance-Katz told POLITICO on Wednesday while appearing at a House Energy and Commerce Committee hearing on the federal response to the epidemic.

"She said the Substance Abuse and Mental Health Services Administration, which is responsible for federal treatment programs, has not been collaborating with the White House in the run-up to the the announcement, which is expected to include a formal declaration that the epidemic is a federal emergency. CDC Principal Deputy Director Anne Schuchat was similarly out of the loop. A spokesperson for the DEA said she had no information but added that the agency will be involved 'to an extent.'" http://politi.co/2gFa5kE

-- "Trump to declare public health emergency for opioids, a partial measure to fight drug epidemic," by USA Today's Gregory Korte: "President Trump will order his health secretary to declare the opioid crisis a public health emergency Thursday - but will stop short of declaring a more sweeping state of national emergency, aides said. ...Trump will sign a presidential memorandum ordering Acting Secretary of Health and Human Services Eric Hargan to waive regulations and give states more flexibility in how they use federal funds, said four senior officials responsible for crafting the administration's new opioid policy." https://usat.ly/2yNbsZq

Playbook Reads

PHOTO DU JOUR: Ivanka Trump leaves after speaking at a news conference promoting an expanded child tax credit on Capitol Hill on Oct. 25. | Pablo Martinez Monsivais/AP Photo

CONGRATS! KATIE PUDWILL, POLITICO's director of communications, was named to PR News's 2017 List of Rising PR Stars 30 & Under. http://bit.ly/2iyD9P5

FIRST IN PLAYBOOK - WHAT STEVE BANNON told **KEITH KOFFLER** for his upcoming biography of him, "Bannon: Always the Rebel" (out Nov. 13) - the publisher says Bannon gave 10 hours of interviews for the book: "Populist nationalism is the winner of what we're doing now. It is on the right side of history. The only debate going forward will be: Will it be [British Labor Party leader] Jeremy Corbyn's and Bernie Sanders views of populism or Donald Trump's view and [Indian Prime Minister] Modi's

view of populism -- whether it will be a culturally right and economically conservative or whether it will be socialistic." ***$18.29 on Amazon*** http://amzn.to/2yNWm5E

JARED WATCH -- "Kushner will take a diminished role on Trump's China trip," by Annie Karni and Andrew Restuccia: "[A]s Trump heads to Asia for the first time as president next month -- a trip that will include a high-stakes reunion with a newly empowered Chinese President Xi Jinping on his home turf -- Trump's son-in-law is expected to see his diplomatic role greatly diminished.

"Kushner's shrinking role on the international stage is seen by some White House officials as another sign of Trump's new chief of staff, John Kelly, standardizing a previously unorthodox power structure. Other White House aides say it's evidence of a lean administration finally filling out and now running at full power. Kushner, they say, was moving away from the China portfolio pre-Kelly, dropping responsibilities he held as recently as April, when he helped plan Xi's visit to Trump's Mar-a-Lago resort in Florida." http://politi.co/2gIj2NI

--SPOTTED: JARED KUSHNER walking through Dulles terminal A around 3:15 p.m. yesterday.

-- LOCAL NEWS: "David Rubenstein, Private Equity Titan, Passes the Torch," by NYT's David Gelles and Michael J. de la Merced. http://nyti.ms/2gGr3PR

ON RUSSIA -- "Trump-Linked Company Reached Out to WikiLeaks on Hacked Emails," by WSJ's Rebecca Ballhaus: "The chief executive of a data-analytics firm that worked for President Donald Trump's campaign reached out to WikiLeaks founder Julian Assange to offer help organizing the Hillary Clinton-related emails the website was releasing, according to a person familiar with the effort.

"The outreach by the CEO of the firm, which is partly owned by a major Trump donor and has close ties to a Trump adviser, came as Mr. Trump was publicly cheering the leaks of his Democratic rival's emails and some supporters were seeking to unearth further messages. In an email sent in late July 2016 and recently reviewed by the person, Cambridge Analytica CEO Alexander Nix told other employees at the firm and Rebekah Mercer, a top Republican donor, that he had recently reached out to Mr. Assange to offer help better indexing the messages WikiLeaks was releasing to make them more easily searchable." http://on.wsj.com/2iA2jwH

GEOFFREY KABASERVICE in Politico Magazine **-- "The Deep Roots of Jeff Flake's Break With Trump:** Republican elites were always wary of the GOP base, for their own survival. But now, the restive, angry conservative grass roots are running the party": "[I]n the long view of history, there's nothing particularly surprising about the party's current chaos. It's a logical consequence of the conservative grass roots' takeover of the GOP. Over the past half-century, many Republicans had warned party leaders to keep their distance from the base, seeing it as something like the One Ring in The Lord of the Rings-too powerful and dangerous to be controlled. Now, the predictions of those

Cassandras are coming true and the conservative movement is destroying the Republican Party from within." http://politi.co/2gKrbkJ

****** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2IfOXGX ******

HARASSMENT WATCH -- "Brookings Cuts Ties With Literary Giant Accused Of Sexually Harassing Female Employees," by BuzzFeed's John Hudson: "The Brookings Institution has severed ties with Leon Wieseltier, a prominent figure in the literary world and a senior fellow at the think tank, following a wave of accusations from women who accused him of sexual harassment and unwanted advances. After initially suspending Wieseltier, Brookings President Strobe Talbott sent out a memo to employees on Wednesday afternoon saying he is no longer employed at the think tank, three employees told BuzzFeed News." http://bzfd.it/2iCdwwB

-- "Blogger amends vow to publish list of 'Shiy Media Men,'"** by Michael Calderone and Jason Schwartz: "A right-wing blogger and filmmaker who promised to publish the names of male journalists who were cited by female colleagues as sexual harassers on the list of 'Shi**y Media Men' told POLITICO on Wednesday that he was holding back, calling the men on the list and consulting with his lawyer.

"Blogger Mike Cernovich had announced his intention to publish the list 'in a few minutes' after obtaining it on Saturday and later identified two journalists on it and the accusations against them. The list contains the names of more than 70 men in media who were alleged to have committed acts ranging for 'creepy' direct messages to rape, according to women who added their names as the list was passed around in the wake of the Harvey Weinstein scandal." http://politi.co/2zR6OHA

MEDIAWATCH -- YASHAR ALI PROFILE -- "Who Is Yashar? The long, unusual, political story behind the man who's breaking all kinds of news these days, from Fox News to Harvey Weinstein," by BuzzFeed's Steven Perlberg: "[H]is previous career [was as] a major fundraiser for Hillary Clinton's 2008 campaign and an aide to former San Francisco mayor and current California lieutenant governor Gavin Newsom. Now, he says, he is focusing on reporting ... People close to the 37-year-old describe him as a driven, wealthy Renaissance man who gets obsessed with various topics and finds a way to succeed at them - and they aren't surprised that his new interest happens to be journalism.

"Other Democratic officials are dumbfounded by Yashar's career change, and they wonder how someone could develop sources in the entertainment, media, and intelligence communities seemingly overnight (though Yashar's reporting largely hasn't been disputed). ... In recent months, Yashar's time in media has caught the eye of editors who have tried to court the reporter for a full-time job. He is in early talks with

one major network, according to a person familiar with the matter. He has also been approached by BuzzFeed News." http://bzfd.it/2izWf7y

-- "Bill O'Reilly May Wind Up at Sinclair Broadcasting," by NBC News' Claire Atkinson: Bill O'Reilly, the former Fox News anchor, has been negotiating for a position with the Sinclair Broadcast Group, the nation's largest television-station owner, according to two sources familiar with the talks. Sinclair, known for its conservative commentary, is continuing with the talks despite the sexual harassment cases that cost O'Reilly his job at Fox this year ... Last week, The New York Times reported that O'Reilly had settled a $32 million sexual harassment claim against him by a former legal analyst, Lis Wiehl. The sources said the news does not appear to have sidelined the talks. 'They took a pause but it didn't really change anything for them,' one of the sources said." http://nbcnews.to/2IfevUu

-- "Ronan Farrow is working on another Weinstein exposé," by Page Six's Oli Coleman: "We're told that Farrow's making calls to potential sources for another New Yorker article to follow his blockbuster exposé on sexual harassment claims against the movie mogul. ... [An] insider said the piece may focus on the movie company's culture, which allowed Weinstein to prey on women for years." http://pge.sx/2i6OmCL

HOT JOB - NYT LOOKING FOR JUSTICE DEPARTMENT REPORTER - "On any given day, this beat is at the center of stories on mass shootings, major policy developments on civil rights, terrorist plots and more. But it is also rich with enterprise potential about drugs, guns, violent crime, prisons, terrorism and national security. We are looking for someone with aggressive instincts who will keep The Times ahead on spot news as it unfolds and deliver enterprise that surprises and enlightens our readers." http://bit.ly/2h9r3Ir

Playbookers

SPOTTED: Elliott Broidy eating lunch yesterday at the Trump Hotel with Rep. Steve Pearce (R-N.M.), who is the only declared Republican so far running for governor of New Mexico ... Bill Murray dining last night at a corner table of Le Diplomate. He ordered a seafood tower.

SPOTTED at a discussion on Trump and American politics at Walt Whitman High School: Dana Milbank, Ashley Parker (a Whitman alum), Jennifer Rubin, Michael Steel, Brian Walsh, and Sara Just.

OUT AND ABOUT -- RUPERT MURDOCH hosted a party last night at Charlie Palmer Steak to toast Laura Ingraham's new Fox News show. **SPOTTED:** Ivanka Trump, Jerry Hall, Sens. Rand Paul (R-Ky.), Lindsey Graham (R-S.C.), Ted Cruz (R-Texas) Jim Inhofe (R-Okla.), Todd Young (R-Ind.), Roger Wicker (R-Miss.) and Richard Burr (R-N.C.), Reps. Bill Flores (R-Texas), Debbie Dingell (D-Mich.), Bill Johnson (R-Ohio),

Marsha Blackburn (R-Tenn.), Virginia Foxx (R-N.C.), Garret Graves (R-La.), Ted Yoho (R-Fla.) and Scott Taylor (R-Va.), Jack Abernethy, Suzanne Scott, Jay Wallace, Bill Sammon, Dennis Kucinich, Bill Bennett, Newt Gingrich, Bret Baier, Shannon Bream, Chris and Lorraine Wallace, Ed Henry, Jennifer Griffin, Catherine Herridge, Chris Stirewalt, Katie Pavlich, Michael Calderone, Gillian Turner, Leacy Burke.

-- The American Association of Political Consultants held its "Karaoke in the Capital" last night that benefits Mr. Holland's Opus Foundation. Mikayla Bouchard and Carl Hulse took the "Best in Show" award with their rendition of Darius Rucker's "Wagon Wheel." **SPOTTED:** Jordan Lieberman, Scott Goodstein, Kelly Gibson, Patrick Walling, Joe Sandler, Melissa Cressey, John Hlinko, Michael Turk and Patrick McGill.

BIRTHDAY OF THE DAY: Katy Tur, NBC News correspondent, anchor of MSNBC Live at 2 p.m. and author of "Unbelievable: My Front-Row Seat to the Craziest Campaign in American History". She's celebrating with "a long drive through the desert with Tony." **How she got her start in journalism:** "I was an editorial assistant at KTLA. It's a fancy title that means you get to fetch coffee and beg to be sent out to shadow the reporters." **Read her Playbook Plus Q&A:** http://politi.co/2yT3gXd

BIRTHDAYS: Hillary Rodham Clinton is 7-0 ... NYT White House correspondent Mark Landler ... Caren Bohan, deputy U.S. elections editor at Reuters ... Paula Faris ... Tom Johnson ... Nico Pitney, political director for NowThis ... Jef Pollock, president of Global Strategy Group (h/t Jesse Ferguson) ... Frank Lavin ... Jeff Rubin, comms director at the Washington Institute for Near East Policy (h/t TWI Comms/Dev staff) ... Rep. Emanuel Cleaver II (D-Mo.) is 73 ... Scott Jennings, former Bush 43 WH and McConnell insider, now principal at RunSwitch Public Relations in Lexington, Kentucky, and a CNN contributor, is 4-0 ... Richard Yamada ... Phil Blando ... Max McGloin ... Mark Rozell ... Ilia Rodriguez ... Aakash Kumar ... Jessica Church of the National Women's Law Center and a Hillary alum, is 27 (h/t Zack Hubbard) ... Morgan Corr ... Cotton Puryear is 54 ... WaPo's Dani Feldman ...

... Catherine Sullivan, managing director at Burson-Marsteller (h/t Bennett Richardson) ... Betsy Hoover, founding partner at 270 Strategies ... Politico's Clement Rousseau ... NARAL's national comms director Kaylie Hanson Long and SVP for campaigns and strategy Sasha Bruce ... Kristin Lynch, press secretary for Sen. Booker and former Colorado press guru with Rep. Jared Polis (D-Colo.) and HFA (h/ts James Owens and Kurt Bardella) ... Sasha Cohen (h/t Jewish Insider) ... Christine Stineman ... GPG's Aleta Greer ... Bianca Brosh, digital producer/editor at the Today show ... Beth Ver Steeg ... Aiden O'Connell of LCV ... Simon Boehme ... Molly Fitzgerald ... Jake O'Donnell ... Shilpa Pesaru ... Megan Lubin ... Katrina Coleman ... Kerri Forrest ... Nancy Pearson ... Graham Link ... Brian Cragin ... John Grady ... Nick Gwyn ... Jill Salyers ... Sam Speth ... Andrea Roper ... Perry Apelbaum ... Jerry Crawford ... Michael Sabbath ... Adam Klaus ... Caroline Cunningham ... Kirk Fabel (h/ts Teresa Vilmain)

****** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron

refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2y7rSHn ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 8/9/2017 5:05:04 PM
Subject: Playbook Power Briefing, presented by the Coalition for Affordable Prescription Drugs (CAPD): MANAFORT'S home raided by FBI agents in July -- DAN SCAVINO slams MCCONNELL -- TILLERSON tries to cool North Korea tensions

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Today's Playbook Power Briefing presented by the Coalition for Affordable Prescription Drugs (CAPD)

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Happy hump day afternoon. THE TRUMP WHITE HOUSE GOES FULL BORE AGAINST MITCH MCCONNELL -- DAN SCAVINO (@danscavino), senior aide to **PRESIDENT DONALD TRUMP:** "More excuses. @SenateMajLdr must have needed another 4 years - in addition to the 7 years -- to repeal and replace Obamacare....." ***He linked to this video*** http://bit.ly/2upo03K

-- THIS IS STUNNING. Mitch McConnell is the lynchpin to whatever Donald Trump wants to get done on Capitol Hill. Sure, health care did not go as the White House wanted it to. They might get there in the future, they might not. But McConnell is not going *anywhere* for a very long time, he commands respect from all Republican senators and controls the Senate floor. Remember, his Senate Republican Conference notched Trump's biggest legislative victory so far: the confirmation of Justice Neil Gorsuch. What McConnell said was not terribly controversial, and there are many Republicans in and around Trump that admit his view of what he could get done was probably a bit too rosy. Remember, Trump said health care would be easy, and the law could be repealed immediately. McConnell never said that. Capitol Hill is hardly ever in unison but dumping on McConnell is seen as confused a strategy as the administration could employ.

THE WHITE HOUSE did not respond to a request about whether Scavino's statement was representative of the administration's position on the top-ranking Senate Republican.

BULLETIN: "WASHINGTON (AP) - Pentagon chief: NKorea should stop 'actions that would lead to the end of its regime and the destruction of its people'"

NYT'S PETER BAKER and **GLENN THRUSH:** "[Trump's] ominous warning to Pyongyang in was entirely improvised, according to several people with direct knowledge of what unfolded. In discussions with advisers beforehand, he had not run the specific language by them ...

"Among those taken by surprise, they said, was John F. Kelly , the retired four-star Marine general who has just taken over as White House chief of staff and has been with the president at his golf club in Bedminster, N.J., for his working vacation. ...

"But the president's ad-libbed threat reflected an evolving and still unsettled approach to one of the most dangerous hot spots in the world as Mr. Trump and his team debate diplomatic, economic and military options. The president's aides are divided on North Korea, as on other issues, with national security veterans like Defense Secretary Jim Mattis and Lt. Gen. H.R. McMaster, the national security adviser, on one side and Stephen K. Bannon, the president's chief strategist, and his allies on the other." http://nyti.ms/2vOpBn6

-- These are divergent views on foreign policy within the top ranks of the administration.

BIG NEWS -- "FBI conducted predawn raid of former Trump campaign chairman Manafort's home," by WaPo's Carol Leonnig, Tom Hamburger and Ros Helderman: "FBI agents raided the Alexandria home of President Trump's former campaign chairman late last month, using a search warrant to seize documents and other materials, according to people familiar with the special counsel investigation into Russian meddling in the 2016 election.

"Federal agents appeared at Paul Manafort's home without advance warning in the predawn hours of July 26, the day after he met voluntarily with the staff for the Senate Intelligence Committee. The search warrant was wide-ranging and FBI agents working with special counsel Robert S. Mueller III departed the home with various records.

"The raid came as Manafort has been voluntarily producing documents to congressional committees investigating Russia's interference in the 2016 presidential election. The search warrant indicates investigators may have argued to a federal judge they had reason to believe Manafort could not be trusted to turn over all records in response to a grand jury subpoena." http://wapo.st/2vNMFSZ

ANNIE KARNI SCOOP -- "Trump to stay at Trump Tower for three nights": "President Donald Trump on Sunday is scheduled to make his first visit back to Trump Tower since his inauguration, according to a draft schedule shared with local New York City law enforcement and reviewed by POLITICO. The president is scheduled to depart his Bedminster, N.J. golf club, where he has been working and vacationing this week, on Sunday afternoon and travel directly to Trump Tower, where he will hole up at his old, beloved, three-story penthouse on the 66th floor for three nights." http://politi.co/2vF1hVc

FROM BEDMINSTER -- @realDonaldTrump at 7:56 a.m.: "My first order as President was to renovate and modernize our nuclear arsenal. It is now far stronger and more powerful than ever before...." ... **at 8:03 a.m.:** "...Hopefully we will never have to use this

power, but there will never be a time that we are not the most powerful nation in the world!" ***The president also retweeted Fox & Friends five times.***

-- @AliWatkins: "Putting aside all the other issues here, there is no way you're renovating and modernizing the nuke arsenal in six months."

STATE DEPT.: NOTHING HAS CHANGED -- "Tillerson tries to cool North Korea tensions as Trump boasts about nuclear arsenal," by Louis Nelson: "Secretary of State Rex Tillerson on Wednesday sought to tamp down concern that the U.S. is headed towards a military conflict with the repressive regime of dictator Kim Jong Un, even as President Donald Trump freshly claimed to have made the U.S. nuclear arsenal 'far stronger and more powerful than ever before.'

"'I do not believe that there is any imminent threat in my own view,' Tillerson told reporters aboard his aircraft as he traveled to Guam, one of the U.S. territories in the Pacific most threatened by North Korea. 'I think Americans should sleep well at night. I have no concerns about this particular rhetoric of the last few days.' He downplayed Trump's threat from Tuesday as an expression of readiness in the case of an attack. 'I think what the president was just reaffirming is, the United States has the capability to fully defend itself from any attack and defend our allies, and we will do so,' Tillerson said." http://politi.co/2hKrQm9

OUR BAD -- The Bloomberg story about Trump's "red team" examining tax reform that we included in this morning's Playbook says that Marc Short, Trump's top legislative hand, is involved. The original excerpt we saw did not have that detail. ***The story*** https://bloom.bg/2vOZHAA

HEADING TO COURT -- "Judge won't dismiss Menendez charges before trial," by POLITICO New Jersey's Matt Friedman: "A federal judge rejected on Wednesday a last-ditch attempt by Democratic U.S. Sen. Robert Menendez to avoid trial on corruption charges. U.S. District Court Judge William H. Walls did not rule on the merits of Menendez's argument that the U.S. Supreme Court's decision to toss former Virginia Gov. Bob McDonnell's corruption conviction should invalidate his own indictment. But Walls said that should be determined at Menendez's trial, which is scheduled to start Sept. 6." http://politi.co/2hKuIPG

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

RIP -- JERRY GARCIA died 22 years ago today.

ANOTHER CONGRESSIONAL RETIREMENT -- "Congresswoman Niki Tsongas announces she will not run for reelection," by the Boston Herald's Chris Villani:

"Congresswoman Niki Tsongas, who has represented Lowell for nearly a decade, announced today that she will not run for reelection, citing a desire to spend more time with her family. [Tsongas' statement:] 'I have learned in life that there is a time for endings and for new beginnings. After much thought, I have decided that this is one of those times. The time feels right most especially because of my desire to spend more time enjoying and celebrating my wonderful and growing family.'" http://bit.ly/2hJubgV

THE CAMPAIGN AGAINST MCMASTER -- "'The most well-organized campaign in the history of the alt-right' is targeting H.R. McMaster," by Business Insider's Natasha Bertrand: "The far right's crusade against national security adviser H.R. McMaster reached new heights last week, intensifying as Infowars founder Alex Jones invited an ultranationalist Russian political philosopher on his radio show to discuss 'globalist' threats to US President Donald Trump's agenda. Jones interviewed Aleksandr Dugin - who has been linked to Russian President Vladimir Putin and has close ties to Russian fascists and nationalists - as part of a segment attacking McMaster, who has come under fire from Trump's nationalist base for firing three National Security Council officials appointed by Michael Flynn, the former national security adviser. ... 'Globalists' like McMaster have made Russia 'enemy No. 1,' he said, because they need a battle to distract the public while they pursue their 'satanic' plans and 'destroy humanity.'" http://read.bi/2wHZIlp

WEEK IN REVIEW -- "John Kelly is an apolitical force in a White House divided by ideology," by WaPo's Bob Costa and Phil Rucker: "As one [official] put it, the political atmosphere under Kelly is a contrast to when the White House was led by Priebus, a GOP stalwart who 'was trained to not work with Democrats and to see them as the enemy.' The general's 'job has been to develop consensus and negotiate solutions.' Kelly, who tersely answers phone calls with his surname and signs his emails the same way, has taken care even in one-on-one exchanges to remain cagey about his point of view. He talks broadly about 'what the president wants to do' or 'what is good for the country,' according to people who have interacted with him." http://wapo.st/2hLdEJl

COMING ATTRACTIONS -- "Judges sets Oct. 18 arguments in Trump foreign emoluments suit," by Josh Gerstein: "U.S. District Court Judge George Daniels issued an order Wednesday setting oral arguments for Oct. 18 on a suit the liberal watchdog group Citizens for Responsibility and Ethics in Washington filed in January. The suit argues that Trump's business ties run afoul of the Constitution's foreign emoluments clause, which bars federal officials from receiving benefits from foreign governments. The Justice Department's final response brief in the case is due Sept. 22." http://politi.co/2hKloeI

WICHITA GOES HOLLYWOOD -- "Conservative Koch Brothers Are Secret Investors in 'Wonder Woman'," by The Hollywood Reporter's Tatiana Siegel: "Though they might be the most reviled figures among Hollywood's liberal crowd, the Koch brothers have been a silent investor in Warner Bros.' slate of movies for four years. Sources say Charles G. Koch and David H. Koch -- who are worth a combined $96.2 billion and wield enormous power in political circles as major backers of right-wing

politicians -- took a significant stake valued at tens of millions of dollars in RatPac-Dune Entertainment. Now-Treasury Secretary Steven Mnuchin brought the brothers in as investors as part of a $450 million deal struck in 2013 --3 a move that was never disclosed because RatPac-Dune is a private company.

"Though Mnuchin is no longer involved with the slate financing facility, having recently put his stake into a blind trust in order to avoid a conflict of interest, the Koch brothers continue to be stakeholders in such films as Wonder Woman, Dunkirk and Steven Spielberg's upcoming Ready Player One. A RatPac spokesperson didn't respond to a request. A spokesperson for Koch Industries says, 'Charles Koch, David Koch and Koch Industries do not have any involvement with this investment.' The brothers aren't the only unlikely billionaires who have sunk money into the Warner Bros. deal. Sources say Mnuchin also brought in Bill Gates for an amount similar to the Koch brothers'." http://bit.ly/2fsJZ7h

2020 WATCH -- "Tensions Flare as Cuomo Confronts Democratic Rift," by the NYT's Shane Goldmacher: "As he looks to heighten his national profile, criticizing the Republican health care bill and President Trump's immigration policy, Gov. Andrew M. Cuomo of New York has been forced to confront a political schism far closer to home. ... But after the election of Donald J. Trump, pressure has mounted on Mr. Cuomo to reunite his party.

"Reunification was the agenda of a strategy session last month in Mr. Cuomo's Midtown Manhattan office, attended by nearly two dozen Democratic state senators. When the discussion turned to how to best win elections, Mr. Cuomo suggested to the assembled lawmakers - many of them from New York City - that the leader of eight breakaway Democrats, Senator Jeffrey D. Klein, had a better understanding of the suburbs than they had.

"That was all Senator Andrea Stewart-Cousins, the African-American leader of the group who represents the suburbs of Westchester County, needed to hear. 'You look at me, Mr. Governor, but you don't see me. You see my black skin and a woman, but you don't realize I am a suburban legislator,' Ms. Stewart-Cousins said, according to the accounts of five people who were in the room. 'Jeff Klein doesn't represent the suburbs,' she said. 'I do.' Mr. Cuomo reacted in stunned silence." http://nyti.ms/2fsZ20E

WHAT? -- "GOP Sen. Ron Johnson: McCain's brain tumor might have been factor in no vote on health care," by CNN's Andrew Kaczynski: "Republican Sen. Ron Johnson of Wisconsin said Tuesday that he thinks that Sen. John McCain's brain tumor and the early morning hours may have affected the Arizona Republican's no vote on the Senate bill to repeal Obamacare. ... 'We did get a call from Paul (Ryan) and he assured us that skinny repeal was not going to pass the House it would have to go to conference,' said the Wisconsin senator on AM560 'Chicago's Morning Answer.' 'Again, I'm not gonna speak for John McCain -- he has a brain tumor right now -- that vote occurred at 1:30 in the morning, some of that might have factored in,' he continued." http://cnn.it/2hK22X9

TODAY'S BEYOND THE BELTWAY -- Bill Nelson targets Rick Scott -- Massachusetts sales tax weekend declared dead http://politi.co/2fsdWo1

SPOTTED: Tom Perez at Pret A Manger on the Hill this afternoon

MEDIAWATCH -- Our colleague, friend and fellow GW Hatchet alumna **Hadas Gold** is leaving POLITICO after five years. She is heading to CNN as a correspondent focused on European politics, media and global business and she starts in D.C. on Sept. 5.

Peter Canellos emails the POLITICO newsroom: "This is a unique and exciting opportunity for Hadas, but also an occasion to remember all the great work she's done for POLITICO, starting on the web team in 2013. Hadas is respected throughout the media world for her dogged but always fair-minded pursuit of news scoops. She is one of those reporters who will roll out of bed at any hour of the night or morning to jump on a competitive story. She is also a talented multi-media journalist, equally comfortable being interviewed in front of a camera and posing questions to others as the moderator of a panel discussion. All of her skills will be put to use as she moves beyond the media beat to explore European politics."

-- FUTURE OF MEDIA -- "Bloomberg Launches An Entirely New Model of Media," by AdWeek's Chris Ariens: "Bloomberg is leveraging its vast reach in financial data, its media heft and its broad-based, deep-dive research to be the world's next go-to management consultancy. ... The new consultancy will tap rich data from the Bloomberg terminals, the built-in research arms of Bloomberg Intelligence and Bloomberg New Energy Finance (BNEF) as well as its 2,700 journalists and analysts. ... [Bloomberg Media global chief commercial officer Andrew] Benett expects to hire 20 to 25 people to supplement ... specific practice areas, including financial services, tech and telecom, auto, government as well as luxury and lifestyle. ... The company already has 5 clients lined up: two in technology, one in financial services, one in auto and another in retail. Two clients, CA Technologies and Hartford Funds, have been working with Bloomberg for several years." http://bit.ly/2vOiHhN

IN CAMBRIDGE -- The Harvard Kennedy School Institute of Politics announced its fall class fellows, which includes **Yohannes Abraham, Dan Balz, Jason Chaffetz, Karen Finney, Sally Jewell** and **Mark Strand.** ***Full release*** http://politi.co/2hKoFe1

OUT AND ABOUT -- ChIPs, a non-profit dedicated to advancing women in technology, said farewell to former director of the U.S. Patent and Trademark Office Michelle Lee, who is heading back to Silicon Valley, with a gathering on the terrace of the law firm of Kellogg, Hansen, Todd, Figel & Frederick. **SPOTTED:** Pauline Newman, Jamie Spector, Kathy Kemper, Alan Davidson, Grace Koh and Sarah Harris.

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than

50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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Sent: Sun 8/13/2017 3:10:58 PM
Subject: POLITICO Playbook, presented by the Coalition for Affordable Prescription Drugs (CAPD): CHARLOTTESVILLE AFTERMATH: 'A DAY OF DEATH' -- W.H. clarifies after TRUMP didn't condemn neo-Nazis and white supremacists by name -- B'DAY: Sarah Huckabee Sanders

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Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/13/2017 11:06 AM EDT

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Sunday morning. BREAKING -- at 10:42 a.m.: A WHITE HOUSE SPOKESPERSON put out the following statement in response to questions about President Trump's remarks yesterday, per pooler Gabby Morrongiello of the Washington Examiner. "The President said very strongly in his statement yesterday that he condemns all forms of violence, bigotry, and hatred. Of course that includes white supremacists, KKK Neo-Nazi and all extremist groups. He called for national unity and bringing all Americans together." Morrongiello writes "POTUS will continue to receive regular updates from his team about the events that unfolded yesterday in Charlottesville, Va."

CHARLOTTESVILLE DAILY PROGRESS FRONT PAGE -- "A DAY OF DEATH: WOMEN KILLED BY CAR DRIVEN INTO CROWD; 19 INJURED ... OHIO MAN CHARGED WITH SECOND-DEGREE MURDER IN CRASH ... TWO STATE TROOPERS PERISH IN HELICOPTER WRECK IN ALBEMARLE" http://bit.ly/2wGgHWC

THE LATEST, via the Daily Progress's Bryan McKenzie: "A 32-year-old woman was killed and 19 people were injured after a driver sped into a crowd of counter-protesters at Fourth Street Northeast and Water Street mid-afternoon.

"The crash occurred after the rally had broken up and a large number of protesters were marching down Water Street. A Dodge Challenger sped into the crowd at Fourth Street Northeast, slamming into pedestrians and into the rear end of another car. The Dodge backed up the street quickly and sped away despite heavy front-end damage.

"The driver, James Alex Fields Jr., 20, of Maumee, Ohio, was arrested and charged with one count of second-degree murder, three counts of malicious wounding and one count of hit and run with injury. About two hours after the car crash, two state troopers were killed when their police helicopter crashed and burned near Old Farm Road. The helicopter was involved in providing surveillance and information during the day.

"Alt-right torchbearer Richard Spencer said he was outraged by what he said was a lack of police protection. 'I have never been so outraged at my government,' he said, addressing a crowd of approximately 100 supporters who had relocated to McIntire Park after Emancipation Park was cleared. 'We are never backing down. We are going to be back here.' ...

"Virginia Gov. Terry McAuliffe thanked local and state law enforcement and the National Guard and said white supremacists are not welcome in Virginia. 'Our message is plain and simple: Go home,' he said. 'You are not wanted in this great town.'" http://bit.ly/2wFKSNX

-- James Alex Fields Jr.'s mugshot. http://bit.ly/2vyDvaT

FIELDS' MOTHER SPEAKS -- AP's Sarah Rankin: "Fields' mother, Samantha Bloom, told The Associated Press on Saturday night that she knew her son was attending a rally in Virginia but didn't know it was a white supremacist rally. 'I thought it had something to do with Trump. Trump's not a white supremacist,' said Bloom, who became visibly upset as she learned of the injuries and deaths at the rally. 'He had an African-American friend so ...,' she said before her voice trailed off. She added that she'd be surprised if her son's views were that far right." http://bit.ly/2w2R6JI

ATTORNEY GENERAL JEFF SESSIONS OPENS FEDERAL PROBE: "Attorney General Jeff Sessions called late Saturday for a federal investigation into the racially tinged violence in Charlottesville, Virginia. 'The violence and deaths in Charlottesville strike at the heart of American law and justice,' Sessions stated. 'When such actions arise from racial bigotry and hatred, they betray our core values and cannot be tolerated. I have talked with FBI Director Chris Wray, FBI agents on the scene, and law enforcement officials for the state of Virginia. The FBI has been supporting state and local authorities throughout the day. U.S. Attorney Rick Mountcastle has commenced a federal investigation and will have the full support of the Department of Justice. Justice will prevail.'" http://politi.co/2vzni5d

CHARLOTTESVILLE MAYOR MICHAEL SIGNER (D) speaking with **JOHN DICKERSON** on **CBS' "FACE THE NATION -- DICKERSON:** "Mr. Mayor, the president said that he wanted to know what was going on in Charlottesville and that we want to see what we're doing wrong as a country, he said. What's your answer to that?" **SIGNER:** "You know, I don't want to make this too much about Donald Trump, we have a lot of grieving, a lot of work to do as a-- as a city and as a country, but he should look in the mirror. I mean, he made a choice in his presidential campaign, the folks around with him, to, you know, go right to the gutter, to play on our worst prejudices. And I think

you are seeing a direct line from what happened here this weekend to those choices. He has the opportunity, as do we all, to have a fresh beginning."

THE GUV. -- AP: "Virginia Gov. Terry McAuliffe will visit two Charlottesville churches and speak to congregants following violent clashes in the city between white supremacist groups and counter-protesters that left three dead. The governor's office says in a release that Lieutenant Governor Ralph Northam will join McAuliffe at both Sunday services. McAuliffe and Northam are scheduled to visit Mount Zion First African Baptist Church and Visit First Baptist Church." http://bit.ly/2uD3A7o

PRESIDENT TRUMP is facing widespread criticism from Republicans and Democrats after he declined to condemn by name white nationalists behind a deadly protest in Charlottesville, Virginia. Trump, who was speaking at his golf club Saturday in New Jersey: "The hate and the division must stop and must stop now. We condemn in the strongest possible terms this egregious display of hatred, bigotry and violence on many sides. On many sides." He later tweeted "condolences" to the family of the women and two Virginia State Police who died.

-- QUITE THE LEAD, from Glenn Thrush and Maggie Haberman on A14: "President Trump is rarely reluctant to express his opinion, but he is often seized by caution when addressing the violence and vitriol of white nationalists, neo-Nazis and alt-right activists, some of whom are his supporters." http://nyti.ms/2wGrD70

NRSC CHAIRMAN CORY GARDNER (R-COLO.) was the most high-profile Republican to directly push back on Trump. He tweeted: "Mr. President - we must call evil by its name. These were white supremacists and this was domestic terrorism." ... **GARDNER** to Jake Tapper on CNN's "State of the Union": "I think the president needs to step up today and ... call it for what it is. It's evil, it's white nationalism, it's bigotry and it's unacceptable. And if he doesn't do that, we can continue to answer the question of why. But I believe he has a chance to do that today."

REP. ILEANA ROS-LEHTINEN (R-FLA.): "White supremacists, Neo-Nazis and anti-Semites are the antithesis of our American values. There are no other 'sides' to hatred and bigotry."

FORMER PRESIDENT BARACK OBAMA put out a rare tweet quoting deceased South African President Nelson Mandela -- **@barackobama:** "'No one is born hating another person because of the color of his skin or his background or his religion...'" ... "'People must learn to hate, and if they can learn to hate, they can be taught to love...'" ... "'...For love comes more naturally to the human heart than its opposite.' - Nelson Mandela".

IVANKA TRUMP (@IvankaTrump) at 8:09 a.m.: "1:2 There should be no place in society for racism, white supremacy and neo-nazis." ... "2:2 We must all come together as Americans -- and be one country UNITED. #Charlottesville".

TOP TWEETS -- @gabrielsherman: "When I asked senior WH official why Trump

didn't condemn Cville Nazis, he said: 'What about the leftist mob. Just as violent if not more so'" ... **@GlennThrush:** "It is neither unfair nor inaccurate to point out that the president has been tougher on Mitch McConnell than Putin or Nazis in last 24 hours" ... **@marcorubio:** "Nothing patriotic about #Nazis,the #KKK or #WhiteSupremicists It's the direct opposite of what #America seeks to be. #Charlottesville". ...**@senorrinhatch:** "We should call evil by its name. My brother didn't give his life fighting Hitler for Nazi ideas to go unchallenged here at home. -OGH" ...

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

... Ken Schwencke (**@schwanksta**): "This is the White House's only response to my asking three times if the President condemns white supremacists" ["Hi Ken - On background, the President condemns all acts of violence."] http://bit.ly/2vv2HAJ ... **@BresPolitico:** "Worth noting no one in congressional leadership so far has called for hearings into rise of white supremacist/neo Nazi/racist movement".

THE DAILY STORMER , a neo-Nazi publication: "Trump comments were good. He didn't attack us. He just said the nation should come together. Nothing specific against us. He said that we need to study why people are so angry, and implied that there was hate ... on both sides! So he implied the antifa [anti-fascists] are haters. There was virtually no counter-signaling of us at all. He said he loves us all. Also refused to answer a question about White Nationalists supporting him. No condemnation at all. When asked to condemn, he just walked out of the room. Really, really good. God bless him."

DRUDGE BANNER: "MAKE AMERICA HATE AGAIN! CHAOS AT RACE RALLY IN VIRGINIA".

CLICKER - "Chaos and violence: Scenes from Charlottesville's white nationalist rally" -- ***30 pix*** http://politi.co/2fCpV2c

FLASHBACK -- PLAYBOOK SCOOP, June 23: "The Department of Homeland Security is restarting a stalled $10-million grant program for 'Countering Violent Extremism' this morning. Life After Hate, a group dedicated to deradicalizing neo-Nazis and stopping white extremism, was slated to get $400,000 in the final days of the Obama administration (http://bit.ly/2sxsh6x) before the program was halted for review, but the Trump administration dropped them from the new grant list that's getting announced today. The group has seen a twenty-fold increase in requests for help since Election Day 'from people looking to disengage or bystanders/family members looking for help from someone they know,' the organization's founder Christian Picciolini told us." http://politi.co/2sYwb91

THE AFTERMATH IN VIRGINIA ...

-- WAPO: "Three dead in wake of clashes at white nationalist gathering in Virginia," by Joe Heim, Ellie Silverman and T. Rees Shapiro in Charlottesville and Emma Brown in Washington: "Chaos and violence turned to tragedy Saturday as hundreds of white nationalists, neo-Nazis and Ku Klux Klan members -- planning to stage what they described as their largest rally in decades to 'take America back' -- clashed with counter-protesters in the streets and a car plowed into crowds, leaving one person dead and 19 others injured.

"Hours later, two state police officers died when their helicopter crashed at the outskirts of town. Officials identified them as Berke M.M. Bates of Quinton, Va., who was the pilot, and H. Jay Cullen of Midlothian, Va., who was a passenger. State police said their Bell 407 helicopter was assisting with the unrest in Charlottesville. Bates died one day before his 41st birthday; Cullen was 48. ...

"Video recorded at the scene of the car crash shows a 2010 gray Dodge Challenger accelerating into crowds on a pedestrian mall, sending bodies flying -- and then reversing at high speed, hitting yet more people. Witnesses said the street was filled with people opposed to the white nationalists who had come to town bearing Confederate flags and anti-Semitic epithets. A 32-year-old woman was killed, according to police, who said they were investigating the crash as a criminal homicide." http://wapo.st/2uzGhzj

-- NED OLIVER of the Richmond Times-Dispatch: "'When it hit, it hit hard and people just started flying into the air,' said Byron Woods, a Waynesboro resident who witnessed the crash. 'This is a sad day today in this great United States we live in.' Witnesses said there was no question the collision was intentional, describing the gray Dodge Challenger appearing to speed up over the course of two blocks before it rammed into a stopped vehicle just ahead of the mass of the people, who were chanting anti-racist slogans.

"'They'd thought they'd driven the Nazis out of town,' said city resident Eberhard Jehle, describing a generally jovial mood among the group. He said the driver, going at least 35 mph, made no attempt to stop. 'Oh, it was absolutely intentional,' he said." http://bit.ly/2w0A9Ra

COMING ATTRACTIONS -- LEXINGTON HERALD-LEADER: "Lexington mayor says Confederate statues at courthouse will be moved, " by Beth Musgrave: "Mayor Jim Gray said Saturday he is taking steps to remove two controversial Confederate-era statues from the lawn of the former Fayette County Courthouse on Main Street. Gray's announcement came the same day as multiple people were killed and injured in Virginia after a vehicle drove into counter-protesters who had clashed with white nationalists around a Confederate-era statue in Charlottesville. ... 'We have thoroughly examined this issue, and heard from many of our citizens,' Gray said in a statement. 'The tragic events in Charlottesville today have accelerated the announcement I intended to make next week.'" http://bit.ly/2vS0zno

DRIP, DRIP - NYT A1, "Mueller Is Said to Seek Interviews With West Wing in Russia Case," by Mike Schmidt, Matt Apuzzo and Maggie Haberman: "In a sign that the investigation into Russian interference in the 2016 presidential election will remain a continuing distraction for the White House, the special counsel, Robert S. Mueller III, is in talks with the West Wing about interviewing current and former senior administration officials, including the recently ousted White House chief of staff, Reince Priebus, according to three people briefed on the discussions.

"Mr. Mueller has asked the White House about specific meetings, who attended them and whether there are any notes, transcripts or documents about them, two of the people said. Among the matters Mr. Mueller wants to ask the officials about is President Trump's decision in May to fire the F.B.I. director, James B. Comey, the two people said." http://nyti.ms/2wUqisv

FOR YOUR RADAR -- "Iran lawmakers raise missile, Guard spending to challenge U.S.," by AP's Nasser Karimi in Tehran and Jon Gambrell in Dubai: "Iran's parliament voted overwhelmingly Sunday to increase spending on its ballistic missile program and the foreign operations of its paramilitary Revolutionary Guard, chanting 'Death to America' in a direct challenge to Washington's newest sanctions on the Islamic Republic. The lawmakers' vote comes amid growing anger in Iran over U.S. President Donald Trump's threats to renegotiate the nuclear deal struck with world powers in 2015. While they stressed the bill wouldn't violate the terms of that agreement, it again increases the friction between the two nations that routinely have tense encounters in the Persian Gulf." http://bit.ly/2uzxMUS

-- BLOOMBERG: "Top U.S. General to Meet South Korean Leader Amid Tensions," by Heejin Kim: "The U.S.'s top general plans to meet with South Korean President Moon Jae-in on Monday, just days after his counterpart Donald Trump said military options against North Korea were 'locked and loaded.' General Joseph Dunford, chairman of the U.S. Joint Chiefs of Staff, will meet with senior military officials along with Moon ... He will head to China next on the previously scheduled visit, Yonhap News Agency reported, citing an unidentified military official." https://bloom.bg/2fCoa56

TRUMP'S OBAMACARE SUPPORT-- "How the Trump administration is spending millions to shore up Obamacare," by Rachana Pradhan: "President Donald Trump has threatened to blow up Obamacare. But his own administration is separately dangling hundreds of millions of dollars before states to bail out their insurance markets. Alaska will get $323 million over the next five years to coax its lone Obamacare insurer to remain in the market and hold down premiums. At least four other states, including some that have vociferously opposed the Affordable Care Act, are seeking similar deals.

"The efforts come as the GOP push to repeal and replace the law is in disarray and state officials in both red and blue states seek ways to shore up their shaky markets. They have the blessing of the Trump administration's Department of Health and Human Services - even as the president himself is threatening to cut off key subsidies as early

as this week. That move could send premiums skyrocketing and potentially collapse insurance markets nationwide. The White House said Thursday it applauds the stabilization efforts even as Trump steps up the pressure on the Senate to resume efforts to try to pass legislation to repeal and replace Obamacare." http://politi.co/2w0jk8P

GET SMART FAST -- "Think Obamacare repeal was hard? Wait for tax reform," by Rachael Bade and Bernie Becker: http://politi.co/2wFwUvj

SUNDAY BEST ... JAKE TAPPER speaks with **HOMELAND SECURITY ADVISER TOM BOSSERT: TAPPER:** "Are you willing to at least concede that President Trump was not clear enough in specifically condemning white supremacy?" **BOSSERT:** "No, the words of the ignorant bear little with me and should bear less with you in the media. Unfortunately they don't. What I would say is that the president not only condemned the violence and stood up at a time and a moment when calm was necessary and didn't dignify the names of these groups of people but rather addressed the fundamental issue. So, Jake, what you need to do is focus on the rest of his statement. The president didn't just call for human beings to respect one another, which is his pragmatist core, fundamental bare minimum but he called for ideally for Americans to love one another. For all God's children to love one another. That is a fundamental assault on the very nature that we're seeing here."

-- TAPPER: "When you just condemn groups, as opposed to specifically white supremacists, Nazis, clan members, it creates this vagueness that ... allows neo Nazis to think, 'he's not condemning us, he's condemning anybody that was violent.' And that's the problem. And you, on this show today, have said that you condemn groups, condemn actions, condemn bigotry, but I haven't heard you say, 'I condemn white supremacists, I condemn neo Nazis, I condemn the alt right.' I haven't heard that. And I think a lot of people were upset -- a lot of Republican officials -- they didn't hear it from President Trump. But I don't want to belabor this point." **BOSSERT:** "Well, I think you've belabored it. So let me say, I condemn white supremacists, and racists and white Nazi groups, and all the other groups that espouse this kind of hatred and exclusion."

H.R. MCMASTER to **GEORGE STEPHANOPOULOS** on **ABC'S "THIS WEEK":** "Any time that you commit an attack against people to incite fear, it is terrorism."

-- ANTHONY SCARAMUCCI to George: **STEPHANOPOULOS:** "If you were White House communications director yesterday would you advise he give that statement?" **SCARAMUCCI:** "Well I wouldn't have recommended that statement. I think he needed to be much harsher as it related to the white supremacists and the nature of that. I applaud Gen. McMaster for calling it out for what it is: it's actually terrorism. And whether it's domestic or international terrorism with the moral authority of the presidency you have to call that stuff out."

CHRIS WALLACE speaks to **CIA DIRECTOR MIKE POMPEO** on **"FOX NEWS SUNDAY": WALLACE:** "You're saying you don't believe there's anything imminent in

terms of North Korean action -- another missile test, another nuclear test, firing those missiles towards Guam?" **POMPEO:** "Chris, I'm quite confident that he will continue to try to develop his missile program. So it wouldn't surprise me if there was another missile test. He conducted two in July. So it wouldn't surprise me if there was another missile test." **WALLACE:** "But, when you say there's..." **POMPEO:** "There's no but to that." **WALLACE:** "When you say there's nothing imminent..." **POMPEO:** "What I am talking about is I've heard folks talking about we being on the cusp of a nuclear war. I've no intelligence that we are in that place."

CHUCK TODD speaks with **ADM. MIKE MULLEN** on **NBC'S "MEET THE PRESS" -- TODD:** "You said you're concerned the rhetoric has limited options. What options are you concerned that the president has eliminated with his rhetoric?" **MULLEN:** "Well, I think it eliminates maneuver space for him because it looks like brinkmanship to me. And it looks like clearly he's, at least, verbally focused very specifically on the military options with the rhetoric that's out there. It's almost a fire and brimstone, 'Don't make another move or else.' And the comment that military options are locked and loaded - We've always had military options, and they're very complex, but they can be executed. It almost seems as if we're leading with those, which makes an awful lot of, it unsettles an awful lot of people."

-- ON KIM JONG-UN: "I don't think he's a rational actor. He's got a rich history in his family, the legacy to uphold. He is on a race to gain this capability. Much different from his father or his grandfather in terms of developing capability. He is in a flat-out sprint to develop this capability, and then see what happens. I just can't bring myself to the point where we say, 'Well, it's okay if this leader has these devastating weapons.'"

TRUMP'S WEEK AHEAD - Monday: Trump signs "a Presidential Memorandum on China's laws, policies, practices, and actions related to intellectual property, innovation, and technology" . ... **Tuesday:** Trump heads a discussion on infrastructure. ... **Wednesday:** Trump visits a VA hospital. ... **Thursday:** Trump meets with small business owners and SBA administrator Linda McMahon. ... **Friday:** Trump visits an opioid clinic.

Playbook Reads

PHOTO DU JOUR: People fly into the air as a vehicle drives into a group of protesters demonstrating against a white nationalist rally in Charlottesville, Va., Saturday, Aug. 12. | Ryan M. Kelly/The Daily Progress/AP Photo

WARREN WORLD -- LAUREN DEZENSKI goes **"Inside the Elizabeth Warren merchandising empire":** "Prayer candles. Action figures. Temporary tattoos. Coloring books. Elizabeth Warren isn't just a progressive icon, she's a merchandising industry unto herself. The Massachusetts senator and presidential prospect is at the center of a

sprawling business built around her appeal to liberals across the country - a reminder of the unabashed devotion she inspires on the left and the footprint she'll cast in the 2020 Democratic primary. 'Elizabeth Warren is an increasingly popular brand that people want to associate with,' said Adam Green, co-founder of the Progressive Change Campaign Committee. 'She's the Apple of politics.'

"It's impossible to know the true size of the Warren merchandising-industrial complex. The bulk of it exists beyond the senator's control on sites like online marketplace Etsy. And her campaign, which hosts its own online store, declined to disclose the exact amount of money it raises from merchandise sales. But it's safe to say no other senator has anything like it. Warren's campaign store has expanded beyond traditional political fare such as buttons, bumper stickers, tote bags and t-shirts to offer a line of products that capitalize on the 'Nevertheless, she persisted' meme spawned by Senate Majority Leader Mitch McConnell's much-publicized admonishment of Warren on the Senate floor earlier this year." http://politi.co/2wFZo8q

TRUMP'S WASHINGTON -- "Trump's Easing of Postcrisis Wall Street Rules Gains Momentum," by WSJ's Ryan Tracy and Dave Michaels: "Regulators in the Trump administration have started easing restrictions that were placed on Wall Street after the financial crisis, using broad powers to revisit rules intended to constrain everything from trading risks to executive pay. Several agencies are reviewing the Volcker rule, a part of the 2010 Dodd-Frank Act that limits banks' trading. Some regulators also recently dropped a plan to restrict bonuses on Wall Street that had been opposed by banks and brokerage firms.

"And the Labor Department on Wednesday disclosed an 18-month delay in the so-called fiduciary rule that requires brokers to act in clients' best interests when they handle retirement accounts. The moves show that while President Donald Trump might be struggling to advance his legislative agenda in Congress, his administration is making headway in changing some of the myriad rules that Wall Street has sought for years to overturn or water down." http://on.wsj.com/2vyqsWZ

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

BONUS GREAT WEEKEND READS, curated by Daniel Lippman:

--"To Catch a Counterfeiter," by Joshua Hunt in California Sunday Magazine: "Counterfeiting is a $400 billion industry in China. There are real car dealerships selling knockoff cars and fake Apple Stores where the employees aren't in on the scam. China sends millions of pairs of counterfeit shoes to the EU and billions of dollars' worth of

counterfeit pharmaceuticals to Africa and Southeast Asia." http://bit.ly/2vWQJRC

-- **"The Rise of the Valkyries,"** by Seyward Darby on the cover of September's Harper's: "In the alt-right, women are the future, and the problem." http://bit.ly/2hSoNbJ ... ***The cover*** http://politi.co/2vWY7N2

-- **"Hiroshima,"** by John Hersey in The New Yorker's Aug. 31, 1946 issue: "At exactly fifteen minutes past eight in the morning, on August 6, 1945, Japanese time, at the moment when the atomic bomb flashed above Hiroshima, Miss Toshiko Sasaki, a clerk in the personnel department of the East Asia Tin Works, had just sat down at her place in the plant office and was turning her head to speak to the girl at the next desk." http://nyr.kr/1ITh5mH

-- **"Total Eclipse,"** by Annie Dillard in The Atlantic in 1982: "The sky snapped over the sun like a lens cover. The hatch in the brain slammed. Abruptly it was dark night, on the land and in the sky. In the night sky was a tiny ring of light. The hole where the sun belongs is very small. A thin ring of light marked its place. The eyes dried, the arteries drained, the lungs hushed. There was no world. In the sky was something that should not be there." http://theatln.tc/2vWykER (h/t Longform.org)

-- **"The complete history of the IBM PC, part one: The deal of the century,"** by Jimmy Maher in Ars Technica: "Bill Gates, mysterious deaths, and the business machine that sparked a home revolution." http://bit.ly/2uyf7F8

--**"Giving 'The Devil' His Due,"** by David Grann in the June 2001 issue of The Atlantic: "For several years in the early 1990s U.S. intelligence maintained close ties with a Haitian named Emmanuel 'Toto' Constant, the founder of a savage paramilitary group that has been held responsible for a prolonged wave of killings and other atrocities. Toto Constant today walks the streets of Queens, a free man. How did he come to find refuge in the United States? Who has been holding up his deportation?" http://theatln.tc/2vue6PK

--**"Richard Dawkins Offers Advice for Donald Trump, and Other Wisdom,"** by John Horgan in Scientific American: "The biologist and atheist, whose latest book was released this week, talks about the reliability of science, artificial intelligence, religion and the president." http://bit.ly/2vXbj4m

--**"Telemetry,"** by Jeff Sharlet in VQR: "I'm told the pain [from a heart attack] can be instantly alarming. Not for me. It was only an ache, or sometimes a ripple, weak as chamomile, never sharper than nettles. That is, I did not know it was a heart attack. Then, after midnight, my chest began to fill as if with heavy water. My breath was cut into small and ragged pieces. I was being pressed, as if by a hard hand, back into the rocking chair in which I sat until dawn." http://bit.ly/2uw8yXF

--**"A Guide to Russia's High Tech Tool Box for Subverting U.S. Democracy,"** by Garrett Graff in Wired: "Understanding just how extensive and coordinated Russia's

operations against the West are represents the first step in confronting-and defeating-Putin's increased aggression, particularly as it becomes clear that the 2016 election interference was just a starting point." http://bit.ly/2vudnj5

--"Fools, Cowards, or Criminals?" by Ian Buruma, reviewing "The Memory of Justice" in the N.Y. Review of Books: "The film never suggests that Auschwitz and My Lai, or French torture in Algiers, are equivalent. Ophuls tries to complicate the problem of moral judgment. What makes human beings who are normally unexceptional commit atrocities under abnormal circumstances?" http://bit.ly/2uOhSI3 ... ***Trailer*** http://bit.ly/2vYnH3t

--"What it feels like to conduct an auction," by Dan Davies: "Recommended warm-up exercises include reciting Humpty Dumpty with your tongue extended out as far as possible, and speaking with a big smile on your face, which makes your voice sound better." http://bit.ly/2uO75qE

--"The creator of the pig-human chimera keeps proving other scientists wrong," by Usha Lee McFarling in Stat: http://bit.ly/2wQpHI5

--"The Fifteenth Century is the Most Interesting Century" - Modern Indonesia blog on Medium: "Before 1492 CE the world was divided in two. One part consisted of the Americas, representing a hundred million people. They had bell peppers, syphilis, tobacco, and turkey, but no measles, onions, or beef. The other part consisted of Afro-Eurasia, an enormously diverse series of societies from Iceland to New Guinea. These people had wheat, rice, millet, garlic, peas, and aubergines, but before 1492 none of them had ever seen a tomato." http://bit.ly/2vqCp2q

--"Ghoulish Acts & Dastardly Deeds," by Alan Bellows in Damn Interesting: "At each of the [around 30] bomb sites [in the 1950s in NYC] - among the scattered detritus of pipe fragments, shell casings, broken plaster, glass, nuts, and bolts - police kept encountering one thing that was not like the others: a partially consumed throat lozenge. The point or purpose of the lozenge was as mysterious as the bomb-maker's motives." http://bit.ly/2uO8jCy

--"Why we fell for clean eating," by Bee Wilson in The Guardian: "The oh-so-Instagrammable food movement has been thoroughly debunked - but it shows no signs of going away. The real question is why we were so desperate to believe it." http://bit.ly/2uO8n51 (h/t Longreads.com)

--"The True American," by Robert Pogue Harrison in the N.Y. Review of Books: "These days the question of what it means to be a 'true' American resists rational analysis. Whatever one can say about Americans that is true, the opposite is equally true. We are the most godless and most religious, the most puritanical and most libertine, the most charitable and most heartless of societies. ... We are outlaws obsessed by the rule of law, individualists devoted to communitarian values, a nation of fat people with anorexic standards of beauty." http://bit.ly/2fzeoRe

--"The bomb ended World War 2: And other myths about nuclear weapons," by Ashutosh Jogalekar in Curious Wavefunction: "On the ground the [nuclear] bombing looked no different from the relentless pounding that dozens of major Japanese cities had received. The firebombing of Tokyo in March 1945 killed more civilians than the atomic bomb"." http://bit.ly/2uOo6RT (h/t TheBrowser.com)

Playbookers

SPOTTED IN NANTUCKET: David Gregory and Katie Couric last night at the Boston Pops concert at Jetties Beach on Nantucket, where the Beach Boys also performed ... Greta Van Susteren walking this morning through town ... former RNC chair and Veterans Affairs secretary Jim Nicholson and his wife strolling yesterday on Federal Street in downtown Nantucket ... Dana Bash waiting in line for the Nantucket fast ferry yesterday in Hyannis.

SPOTTED: Sen. Ron Wyden (D-Ore.) yesterday at Starbucks in Menlo Park, California ... Rob Saliterman, Lara Crystal, Sheena Arora and Rodell Mollineau overlapped for a day in Cape Town on their respective honeymoons so they got together yesterday at Italian meat restaurant Carne SA to celebrate their "one week anniversary" - ***pic*** http://bit.ly/2uCO8Ik ... former Missouri Senate candidate Jason Kander and Texas Democratic Reps. Joaquin Castro and Beto O'Rourke on Friday at the Westin Galleria hotel in Dallas at the Young Democrats of America national convention

WEEKEND WEDDINGS -- "Katrina Valdes, Joseph Bishop IV" -- N.Y. Times: "Mrs. Valdes Bishop, 26, is the communications director in Washington for Representative Mario Diaz-Balart, Republican of Florida. She graduated from George Washington University. ... Mr. Bishop, also 26, is a government contractor in Washington. He also graduated from George Washington. ... Though the bride and the groom attended George Washington and had many mutual friends through their Greek organizations, they did not meet until after they had both graduated, in September 2013." ***With a pic*** http://nyti.ms/2vyZo9S ... ***Wedding pics*** http://bit.ly/2uCZFrd ... http://bit.ly/2fCMzHZ

--SPOTTED: Sean and Amanda Evins, Caitlin Rush, Christian Hertenstein, Greg and Meredith Dolan, Bale Dalton, Gaby Boffelli and Nate Gately, Shelby Hodgkins and Kevin Hartley, Sarah Hodgkins and Austin Ankney.

-- Andrew Moylan, EVP of the National Taxpayers Union, and **Lori Sanders**, associate VP of federal affairs at R Street, got married on Saturday night in a born on a horse farm in Shepherdstown, W.Va. They met at a state policy network conference in 2012 and then worked together for four years with the R Street Institute. ***Pic*** http://bit.ly/2w0MZi7

--SPOTTED: Joey Coon, Brooke Oberwetter, Brandon Arnold, Gordon Cummings, Stacie Rumenap, Chris Myers, Dan Rothschild, Alan Smith, Ian Adams, Dave Bahr, R.J. Lehmann, Pat Michaels, Joe Henchman, Chaz Cirame, Rebekah Bydlak, Arin

Greenwood, Richard Lorenc, John Stephenson, and Brian Walsh of the White House.

TRANSITIONS - Ben Geldon starts this week as a senior producer for the weekday edition of CNN's "Inside Politics." He most recently was a VP at SKDK and is a Bloomberg TV and "Reliable Sources" alum.

BIRTHDAYS: Sarah Huckabee Sanders is 35. She's celebrating with her family (hat tips: Bryan Sanders and Sean Spicer) ... twin bros Jeremy and Alan Bash ... Molly Henneberg ... Vanessa Lindlaw ... Fed Chair Janet Yellen is 71 ... Sam Champion is 55 ... Rep. Tom Marino (R-Pa.) is 65 ... former Surgeon General Joycelyn Elders is 84 ... Nate Jablow ... Addy Baird, reporter at ThinkProgress ... Joshua James Romney is 42 ... Jim Spiegelman, Aspen Institute's VP and chief external affairs officer (h/t Doug Farrar) ... Kelly Rzendzian, special assistant to Commerce Secretary Ross ... Allison Lessne, VP at BlackRock ... Tim Johnson ... Crystal King ... Nora McAlvanah ... USA Today White House editor Sara Sorcher is 3-0 (h/t Arie Lipnick) ... Sam Gaynor, principal at Altamont Capital, is 32 ... Adam Sharon, managing director of Prime Strategies, is 4-0 ... Karine Jean-Pierre ... Gonzo Gallegos, senior adviser at State ... Lauren Kirshner, a finance alum of Gov. Walker, Crossroads and RNC, is 3-0 (h/t Brian Baker) ...

... Chris McCannell, partner at boutique gov't relations firm Eris Group ... Douglas Rivlin, comms director for Rep. Luis V. Gutiérrez (D-Ill.) ... Jeff Snow, research director at the NRSC and pride of Brookfield, Wisconsin (h/ts Charlie Hoffmann and Lauren Fine) ... Ben Pack ... Andrew Malkin is 25 ... Fred Miller of Weyerhaeuser ... Rep. Pete Visclosky (D-Ind.) is 68 ... former Rep. Lincoln Diaz-Balart (R-Fla.) is 63 ... Seth Minkel ... Sharlett Mena ... Politico Europe's Aurélie Burnier ... Mallory Morrison ... Alec Davis ... FAO's Gabriel Laizer ... Josh Hollander ... Bitsy Whipple ... Google's Kelly Pilchard ... Monique Lyons ... AP's Kelly Daschle ... Samuel Tenenbaum ... Alice McKeon ... Samuel Tenenbaum ... Goody Marshall ... Elizabeth Wilkerson ... Andrea Sims ... Maer Roshan ... Karine Jean-Pierre ... Joanna Ossinger ... Jeff Kuepper ... Susan Garraty.

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Fri 7/28/2017 4:32:00 PM
Subject: Court says blend wall fears not enough to justify ethanol volume waivers

By Eric Wolff

07/28/2017 12:28 PM EDT

The D.C. Circuit today rejected EPA's decision to use a waiver to reduce conventional ethanol volumes in its rule setting volumes for 2014-2016, a win for ethanol producers.

The Renewable Fuel Standard allows EPA to lower volumes set by Congress if it determines domestic biofuel producers will not be able to provide adequate supply. But in its rule setting volumes for 2014-16, the agency said it had to issue the waiver because of inadequate demand for ethanol. If the agency required more ethanol than consumers would buy, a situation known as the blend wall, refiners feared complying with the program would be difficult and expensive.

The court held that EPA's attempt to argue that insufficient demand was the same as insufficient supply would not justify use of the waiver.

"We reject EPA's attempt to bootstrap the definition of 'renewable fuel' into a boundless general waiver authority," the three-judge panel wrote in its unanimous opinion.

The court rejected all other challenges in the case: It found that EPA does not have to address which companies bear the obligation for complying with the program in annual rules; it upheld EPA's separate waiver to reduce requirements for cellulosic ethanol; and it found that EPA does not need to consider the amount of leftover RFS credits from prior years when it sets future volumes.

The court also affirmed EPA's right to set biofuel requirements even when it misses statutory deadlines, a decision that could be important for EPA this year, as it is already behind schedule on setting final volumes for 2018.

WHAT'S NEXT: The court remanded the case back to EPA to figure out what to do now that its use of the waiver was invalidated for the previous three years.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/07/court-says-blend-wall-fears-not-enough-to-justify-ethanol-volume-waivers-091232

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Fri 8/4/2017 5:02:58 PM
Subject: Playbook Power Briefing, presented by Morgan Stanley: SESSIONS: Media subpoena policies under review -- New jobs numbers good for TRUMP -- How POTUS' GENERALS are trying to save the world, starting at 1600 Penn

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Today's Playbook Power Briefing presented by Morgan Stanley

Good Friday afternoon and happy first full day of recess.

SESSIONS: PRESS FREEDOM NOT 'UNLIMITED' -- "Sessions: DOJ reviewing policies on media subpoenas," by Madeline Conway: "The Justice Department is considering making changes to its policies on subpoenaing news organizations as part of its crackdown on government leaks, Attorney General Jeff Sessions said Friday. At a news conference, Sessions said the Justice Department is cracking down on leaks coming out of the government. Much of that effort involves investigating and prosecuting leak suspects, he said, but another aspect is 'reviewing policies affecting media subpoenas.' That review, he said, came at the suggestion of FBI agents, career investigators and prosecutors who have weighed in on the leak problem.

"'We respect the important role that the press plays, and we'll give them respect, but it is not unlimited,' Sessions said. 'They cannot place lives at risk with impunity. We must balance the press's role with protecting our national security and the lives of those who serve in the intelligence community, the armed forces and all law-abiding Americans.' Sessions did not offer more details on what kinds of changes the department is considering. At the news conference, Sessions described the nation as having a problematic "culture of leaks" that must be stamped out." http://politi.co/2urnQYz

-- @EvanPerez: "Sessions taking new look at reporter subpoenas. Holder era included treating reporters as co-conspirators, then a pullback. Pendulum swings" ... **@brianstelter:** "'Putting lives at risk' rhetoric cries out for evidence and documentation" ... **@adamgoldmanNYT:** "Sessions just fired shot across media bow. You know those DOJ media guidelines? They ain't worth shit." ... **@ZekeJMiller:** "DAG Rosenstein also announced the formation of a dedicated FBI unit to investigate classified leaks to news organizations"

FROM THE WHITE HOUSE -- @realDonaldTrump at 6:21 a.m.: "....and don't forget that Foxconn will be spending up to 10 billion dollars on a top of the line plant/plants in Wisconsin." ... **at 6:26 a.m.:** "Consumer confidence is at a 16 year high....and for good reason. Much more regulation 'busting' to come. Working hard on tax cuts & reform!" ... **at 6:35 a.m.:** "West Virginia was incredible last night. Crowds and enthusiasm were beyond, GDP at 3%, wow!Dem Governor became a Republican last night." ... **at 8:45**

a.m.: "Excellent Jobs Numbers just released - and I have only just begun. Many job stifling regulations continue to fall. Movement back to USA!" ***The president also retweeted a handful of supporters and Fox News tweets, including one with an electoral map, one challenging Republican senators and another saying "the losers are welcome" on the Trump Train.***

-- THE PRESIDENT started out on message talking about jobs and the economy, but his retweets changed that. The president (and his most fervent supporters) are still focused rehashing his election and attacking members of the Republican party.

ABOUT THOSE JOB NUMBERS -- "Trump (finally!) reaches million-jobs mark," by Marianne LeVine: "With the Labor Department reporting Friday that the economy added 209,000 jobs in July, Trump can finally say, truthfully, that he's created more than a million jobs since entering office. ... July's jobs number was a decrease from June, when the economy added 231,000 jobs. But unemployment ticked down to 4.3 percent, compared to June's 4.4 percent. Average hourly private-sector earnings were up 2.5 percent over the previous year, as they were in June. The pattern of job growth in 2017 remains essentially the same as in 2016." http://politi.co/2uqyVt9

MAKING IT OFFICIAL -- "Sources: Trump administration to deliver notice it intends to withdraw from Paris climate deal," by Andrew Restuccia: "The Trump administration will release a formal notice Friday outlining the United States' intention to withdraw from the Paris climate change agreement, two sources familiar with the issue said. The notice, which will be released by the State Department and transmitted by the U.S. delegation to the United Nations, will be the first written notice that the administration plans to pull out of the 2015 pact, which has won the support of nearly 200 nations. Trump announced in June that the U.S. will leave the agreement. Under the terms of the agreement, the U.S. can't fully withdraw until Nov. 4, 2020 - one day after the next presidential election." http://politi.co/2urarju

****** **A message from Morgan Stanley:** Has alternative energy gone mainstream? Several decades ago, renewable energy seemed futuristic. Now, it has emerged as a practical way to power our cities. Morgan Stanley explored the economics driving the industry, the obstacles it faces, and what it means for investors in renewable energy technology. Read more from Morgan Stanley. ******

SUNDAY SHOWS -- Meet the Press will have an exclusive interview with **Sen. Jeff Flake** (R-Ariz.).

EMAIL TROUBLES -- "After six months, Pence has now turned over all state-related AOL emails, his attorney says," by the Indianapolis Star's Tony Cook: "It took nearly six months after he left the governor's office, but Vice President Mike Pence and his legal team say they have now provided Indiana officials with all emails from his personal AOL account involving state business. Pence attorney Karoline Jackson said in a recent email to the state's legal counsel that 'a complete electronic production of state records' from Pence's time as governor had been delivered to the state as of June

23. The office of Pence's successor, Gov. Eric Holcomb, said the records consist of state-related emails from two AOL accounts Pence used as governor. ...

"Neither the Holcomb administration nor Pence's office would disclose how many emails from Pence's AOL accounts have now been transferred electronically to the state and it remains unclear how many of those emails were previously unavailable for public record searches. The law firm overseeing the delivery of the emails on behalf of Pence is Barnes and Thornburg, whose managing partner, Bob Grand, is a top fundraiser for Trump and Pence. Pence's attorneys are only providing emails they consider to be related to state business, but Lotter did not answer questions about how those determinations are being made." http://indy.st/2uqlJml

WHAT THE RIGHT IS READING -- "Wasserman Schultz talks about arrested aide Imran Awan," by the Sun Sentinel's Anthony Man: "Congresswoman Debbie Wasserman Schultz defiantly stands by her decision to keep an information technology aide on her payroll for six months after he was banned from the House network and fired by other members of Congress. 'I believe that I did the right thing, and I would do it again,' Wasserman Schultz said Thursday in an exclusive interview with the Sun Sentinel. 'There are times when you can't be afraid to stand alone, and you have to stand up for what's right.' ... The Weston Democrat did fire Imran Awan last week after he was arrested on bank fraud charges at an airport while trying to leave the country. ...

"His arrest, the congresswoman said, had nothing to do with the months-long investigation of Awan as an IT worker for a variety of members of Congress. An FBI affidavit filed with the criminal complaint said Awan and his wife claimed a property used to secure a home equity line of credit was a 'principal residence,' when it was, in fact, a rental property. Wasserman Schultz said there still hasn't been any evidence presented that he's done anything wrong involving his work for Congress. And, she said, she believes he may have been put under scrutiny because of his religious faith. Awan is Muslim." http://bit.ly/2uaQ4eY

-- @Heatherscope: "It's the first time (that I know of) she's spoken publicly abt the case. But the other thing that stands out is her explanation of laptop ... During May budget hearing, she grilled Capitol Police chief about equipment (laptop) confiscated by police that belongs to a member ... And DWS warned of 'consequences' if laptop wasn't returned. At the very least, implying laptop found by Capitol police was hers ... And NOW in latest Sun Sentinel piece, she totally distances herself from laptop, saying she's never seen it, it belonged to IT staffer, etc."

AFTERNOON READ -- POLITICO MAG'S FRIDAY COVER -- "Trump's Generals Are Trying to Save the World. Starting With the White House," by James Kitfield: "Taken as a group, Trump's generals have tended to see their mission as twofold: The first job is to correct what senior military officers see as the mistakes of the Obama administration, a hesitancy to use force or commit troops that many allies perceived as a retreat from traditional U.S. commitments in the world. The second job-and the far riskier one-is to mitigate the damage caused by their boss.

"An undisciplined and shoot-from-the-lip president, Trump has shown a proclivity for rattling allies with unexpected tweets and bullying phone calls. When he trumpets his 'America first' foreign policy, it's widely interpreted by allies as a fig leaf for isolationism and protectionism. The generals, with Tillerson as something of a junior partner-nicknamed the 'axis of adults' by a number of establishment Republicans and conservative commentators-have become the reassurers-in-chief to the outside world. They've already persuaded Trump to back away from some of his most controversial foreign policy positions, including labeling NATO 'obsolete,' moving the U.S. Embassy in Israel to Jerusalem, rescinding the North American Free Trade Agreement and the Iran nuclear deal, and reconsidering the venerable 'One China' policy. ...

"What's at stake, in the minds of the generals, is something considerably larger than winning the internal Game of Thrones. In the back of his airplane returning from a recent trip to Asia, General Dunford, Chairman of the Joint Chiefs of Staff, told me that that the international order they were striving to protect was more volatile and unpredictable today than at any moment since World War II. 'Today, we're confronting simultaneous challenges posed by China, North Korea, Russia and Iran, as well as a natural disaster in Sri Lanka,' he said, referring to flooding that had recently displaced hundreds of thousands of people. 'So, as I prepare for posture hearings in Congress, that's a reminder that this is the world as it is, not the world as we might want it to be.'" http://politi.co/2uqWrGe

HMM... -- "Democrats begin to see Pelosi as a 2018 problem," by McClatchy DC's Alex Roarty: "Nancy Pelosi might actually be in trouble. In a survey of 20 Democratic House candidates, only one - a former Senate staffer from Orange County, California - would state support for the congresswoman staying on as leader of the House Democratic Caucus. Of the rest, 18 declined to say if Pelosi should keep her job, while one, a political newcomer from a culturally conservative Ohio district, said he would vote for someone other than Pelosi." http://bit.ly/2uaAGiT

-- THIS LINE OF ATTACK will not surprise Pelosi or the DCCC. Republicans and Democrats often try to pin down their opposition by getting them on record about whether they will, or won't vote for a congressional leader. This has happened with both John Boehner and Paul Ryan. Pelosi wants to win back the majority. Doubtful she'll take it personally if candidates who aren't elected yet won't take a stand on backing her as leader.

TODAY'S BEYOND THE BELTWAY -- Warren heads to one of reddest parts of Massachusetts for town hall -- NYC crimes could hit historic low http://politi.co/2ubbQzl

CHECK YOUR PHONE -- "Good Luck America," Snapchat's political news show hosted by Peter Hamby, wraps its second season, with a look into the Trump administration's approach to the environment, featuring interviews with EPA Administrator Scott Pruitt and actor Mark Ruffalo. "GLA's audience has more than doubled since its first season,

with episodes now drawing more than 5 million unique viewers, almost 75% of them under the age of 25. Season 3 is expected to premiere this fall." http://politi.co/2ureEDz

MONUMENT WATCH -- "Congress approves plans to build a Global War on Terror memorial," by Military Times' Leo Shane III: "Lawmakers on Thursday gave final approval to the idea of a Global War on Terror memorial, clearing the path for what is expected to be a years-long process of designing and building a tribute to the latest generation of veterans. In wrap-up work before their summer recess, senators unanimously approved legislation that would allow planning of the memorial to begin immediately, instead of the normally mandated 10-year wait period after the end of a military conflict. ...

"The bill does not provide any money for the project, or specify any design plans. Instead, it authorizes [a] foundation to oversee fundraising and construction of the memorial. That's a process that supporters say will likely take a decade, if not longer. Organizers say the work can begin in earnest once the president signs the measure into law. The planning will include negotiations with the National Capital Memorial Advisory Commission to discuss a possible location on the National Mall for the memorial." http://bit.ly/2ub2ALB

OUT AND ABOUT -- WILBUR ROSS and **HILARY GEARY ROSS** hosted a party on Wednesday night at their house in Massachusetts Avenue Heights to celebrate Lawrence Kudlow's most recent book "JFK and the Reagan Revolution: A Secret History of American Prosperity". Unfortunately Kudlow couldn't make it to his own party because of transportation problems caused by weather that prevented him that day from flying down to D.C. from New York. For the guests who did show, Champagne, cocktails and canapés were served. ***$16.60 on Amazon*** http://amzn.to/2wczatL

--SPOTTED: Louise Linton, Alan Greenspan and Andrea Mitchell, Chris and Lorraine Wallace, Chris and Kathleen Matthews, Sean and Rebecca Spicer, Kellyanne Conway, Marie Royce, Sen. Roy and Abby Blunt, Kevin Chaffee, Roxanne Roberts, Julie Kent, John Damgard, Reed and Maggie Cordish, Amy Baier, Don Graham, Italy Amb. Armando Varricchio.

SPOTTED: J.D. Vance at Pret in Dupont http://politi.co/2ub2nII

****** **A message from Morgan Stanley** : Alternative energy, solar power investment and utilities are taking what was on the fringes of science as recently as 30 years ago and turning it into the new normal. Biosphere 2, a massive science facility tucked away in the desert foothills of the Santa Catalina Mountains, was built for controversial space exploration experiments. Now, it functions as a reputable research facility, studying the potential for farming beneath solar panels-a technique that's already applicable for future colonies on Mars. Morgan Stanley's podcast discusses where the renewable energy industry has been, its transformations over the past few decades, and what this means for investors in renewable energy technology, as well as everyday consumers. Read more from Morgan Stanley. ******

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From: Morning Transportation
Sent: Fri 12/1/2017 3:03:34 PM
Subject: POLITICO's Morning Transportation: The one group in Washington still excited about infrastructure — A hiccup in the hotline to driverless cars — DHS to share authority over drones?

By Tanya Snyder | 12/01/2017 10:00 AM EDT

With help from Stephanie Beasley and Brianna Gurciullo

PROBLEM SOLVERS AT BAT: The bipartisan Problem Solvers Caucus wants to "drive the agenda" on infrastructure, says Rep. John Katko (R-N.Y.), co-chair of the caucus's infrastructure task force. The caucus is preparing to issue a report "in the next week or two" with its proposals on infrastructure, to be ready to strike as soon as the tax debate concludes. "We're going to be loud about this," said Katko after a caucus meeting Thursday. "We're going to be ready to roll." The caucus has held five meetings to gather ideas for the report in the last two months.

Distinguished guests: Former DOT Secretary Ray LaHood and former Pennsylvania Governor Ed Rendell were also at Thursday's caucus meeting. LaHood said he's had multiple conversations with White House infrastructure adviser DJ Gribbin and Transportation Secretary Elaine Chao but that "they need a signal to do something, and that signal has been dark all year long." He lamented that Congress and the White House hadn't put infrastructure at the top of their agenda. "That bill would have been passed, hundreds of people would be working on bridges and roads and we'd be getting back to being No. 1 in infrastructure," he said.

Cold comfort: LaHood, Rendell and the lawmakers agreed that the House tax plan's proposal to eliminate private activity bonds would be "destructive" to the president's stated goal to get the private sector to foot much of the bill for his infrastructure plan. "You can't get rid of private activity bonds; that's the main motivator for private sector involvement," Rendell said. Infrastructure task-force co-chair Elizabeth Esty (D-Conn.) said Secretary Chao assured her in a meeting two weeks ago, "that, quote, 'that would be fixed' in the infrastructure bill - they're aware that [the elimination of PABs] is a big problem." Of course, the timeline for the infrastructure bill may have shifted since two months ago, when the president reportedly told the caucus that he wants to turn to infrastructure "12 seconds after tax reform."

IT'S FINALLY FRIDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ships. Tanya is in the MT cockpit. Send tips, feedback and song lyrics to tsnyder@politico.com or @TSnyderDC.

"I said, now I've got my Magic Bus (too much, Magic Bus) / I drive my baby every way (too much, Magic Bus) / Each time I go a different way (too much, Magic Bus)."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) about lonely highways and south-bound trains?

SQUEAKY WHEEL: At least one Republican senator has raised an objection to the Senate passing its driverless car bill by unanimous consent. The Hill quoted Sen. Gary Peters (D-Mich.)

as saying there were "multiple" holdouts. Sen. Jim Inhofe (R-Okla.) told MT it's not him: "I do want trucks in there but not that much." The holds could mean that senators simply want more time to look at the legislation, or it could signal a significant obstacle to the consensus that would be required to fast-track the bill (S. 1885 (115)). Get the details here.

SHARING IS CARING: House Homeland Security Committee members during a hearing Thursday raised concerns that DHS wasn't doing enough to protect the public from terrorist plots to attach explosives to drones. Committee Chairman Michael McCaul (R-Texas) said it's time for Congress consider legislation that would give DHS the authority to test anti-drone attack methods and possibly require FAA and DHS to share jurisdiction over commercial drones. Stephanie has more details for Pros.

Don't forget: McCaul also continued rallying DHS to begin installing 3D computed tomography scanners at all airport security checkpoints this year, replacing the 2D X-ray scanners currently in use at most U.S. airports. Travelers shouldn't have to wait another year for TSA to finish piloting the technology, McCaul told DHS Acting Secretary Elaine Duke at the hearing. He has been hammering that point since the DHS inspector general briefed lawmakers last month on an audit that reportedly showed TSA failed between 70 and 80 percent of covert tests.

What it all comes down to: TSA is working with Analogic to pilot CT technology at some airports. Duke, like TSA Administrator David Pekoske before her, told the committee that the algorithms needed to help CT scanners identify objects in carry-on bags are still in development. She also said DHS did not have the money for a nationwide deployment of the technology. "We do not have the funding to deploy it at every airport...to buy for every airport would require much more than a reprogramming," she said. Each of Analogic's CT scanners carries a $300,000 price tag.

BY THE NUMBERS: The House Appropriations panel with jurisdiction over DOT funding held a hearing Thursday to talk with Federal Highway Administration officials about the Trump administration's request for $415 million for the agency's Emergency Relief program as part of another hurricane aid package. Brandye Hendrickson, FHWA's acting administrator, told lawmakers that her agency has given states and territories more than $130 million for emergency fixes, "but the net remaining need still approaches $500 million." In Texas, about 90 percent of the work to assess the damage to roads, bridges and highways is done. In Florida, the number is about 70 percent. In Puerto Rico, it's more than 91 percent. And in the U.S. Virgin Islands, it's about 80 percent.

A bigger problem? North Carolina Rep. David Price, the panel's top Democrat, said he was worried about the fact that the administration's request "fails to address the existing backlog of [emergency relief] projects in dozens of states that have suffered from other recent disasters." Overall, counting Hurricanes Harvey, Irma and Maria, the FHWA program has a $1.37 billion backlog of requests.

THINKING AHEAD: With self-driving cars on the way and DOT in charge of figuring out how to safely introduce them onto roadways, the department lacks "a comprehensive plan that sets clear goals, that establishes when and how it will act, [and] that indicates how it will monitor

progress," according to a new GAO report. The GAO challenged the agency to come to grips with how it will evaluate its current approach to vehicle testing and standards and to determine how self-driving cars will interact with other cars on the road. DOT concurred with the recommendation. Mary Lee has more for Pros.

HE SAID, SHE SAID: American Airlines said in a statement Thursday that "only a few hundred" out of the 200,000 flights the airline will operate in December are "currently unassigned to pilots" as a result of a computer glitch that allowed all of its pilots to take off the busy week of Christmas. But the Allied Pilots Association, which represents 15,000 American Airlines pilots, insists that it "is able to view in real time December flight crew assignments" and that, in fact, "thousands of flights are still listed as unassigned" - not hundreds. Tanya has more for Pros.

SHIFTING GEARS: Ken Altman, a former Senate THUD Appropriations Subcommittee aide, has been named the new senior director for government affairs at Amtrak.

THE AUTOBAHN:

- National Economic Council Director Gary Cohn rumored to be leaving the administration. The Wall Street Journal.

- Indiana attorney general requests delay of ELD mandate. Indiana Attorney General's Office.

- Former Facebook exec Randi Zuckerberg complains to Alaska Airlines about sexual harassment on flight. Facebook.

- "General Motors aims to run fleets of self-driving taxis by 2019." The Financial Times.

- "Thousands Apply to Trump's Drone Pilot Program." NextGov.

- "The Boring Company proposes 125-150mph "Loop" for Chicago express train request." Ars Technica.

- "Venezuelan airline barred from European Union skies." The Republic.

- "The DOT has issued fewer fines to airlines this year. Should we be worried?" The Washington Post.

- "Designing a new airline for hipsters (and Air France investors)." Bloomberg.

THE COUNTDOWN: DOT appropriations run out in 8 days. The FAA reauthorization expires in 121 days. Highway and transit policy is up for renewal in 1,035 days.

To view online:
https://www.politico.com/newsletters/morning-transportation/2017/12/01/the-one-group-in-washington-still-excited-about-infrastructure-037310

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From: Morning Score
Sent: Thur 8/17/2017 2:04:13 PM
Subject: POLITICO's Morning Score: Lawmakers fundraise off Russia inquiry — Brooks explains his loss in text message — Q&A with VoteVets president

By Kevin Robillard | 08/17/2017 10:00 AM EDT

With Zach Montellaro, Daniel Strauss and Elena Schneider

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

RUSSIAN TO FUNDRAISE - "Lawmakers raise cash off Trump-Russia probe," by Austin Wright and Darren Samuelsohn: "Rep. Eric Swalwell's campaign website features ominous photos of President Donald Trump, Donald Trump Jr. and Jared Kushner. It warns about Russia's attacks on last year's presidential election and asks visitors to sign a petition demanding that a bipartisan commission investigate. Those who sign are then asked to contribute $5, $10, $25 or more to the California Democrat. Swalwell is one of the junior members of the House Intelligence Committee, which has long had an unspoken rule against engaging in partisan fundraising related to the panel's secretive work. But the panel's high-profile Russia investigation is now putting that rule to the test, and experts are warning that some committee members' recent appeals for campaign cash could undermine everyone's credibility. ... Democrats aren't alone in mixing the Russia probe with raising cash. House Intelligence Chairman Devin Nunes (R-Calif.) and Rep. Trey Gowdy have also done it. Gowdy's request for campaign cash came last month after Schiff told Bloomberg News the South Carolina Republican was acting like a 'second attorney' for Kushner during a closed-door committee interview with the president's son-in-law and senior White House adviser. In an email to supporters, Gowdy boasted that he had 'ticked off' Schiff and Democratic leaders." **Full story.**

MO BROOKS, MO' POST MORTEMS - Rep. Mo Brooks texted journalists, lawmakers and top Republican officials a short post-mortem on why he lost the Republican primary for Senate: "Our tracking polls had us surging ahead of [Luther Strange] until the [President Donald J. Trump] endorsement. LS got a bump then stabilized 2 or 3 points ahead of us (both our poll and other polls). Over the weekend we caught back up. Then, on Monday and Tuesday, voters started getting a personal robocall from the President urging them to support LS. You can imagine the impact on a rural or elderly voter to hear PDJT calling! That final phone call caused LS to surge past us. Also, the nonstop LS/[Mitch McConnell] attack ads pushed anti-LS voters from me to [Roy Moore]. Hence, the final result. In the 5th Congressional District, we won 42% to 29%RM to 28%LS. An interesting note. 68% of Alabama GOP Primary voters rejected PDJT's endorsement and voted against LS. Not yet sure what the national implications of that might be but we will find out."

PRO Q&A - Campaign Pro's Elena Schneider sat down with VoteVets President Jon Soltz. Here's a transcript of her conversation with the blunt-spoken leader of the Democratic veterans'

group.

How's the election cycle going for VoteVets so far?

There's been some huge growth in certain areas that I think a lot of the progressive political organizations have, like on Twitter and social media. Organically, on Twitter alone, we've gone from 14,000 to 81,000 [followers]. [President Donald] Trump blocked us on Twitter - that was another big moment. It was like, 'Really, dude?' It's true on Facebook, too. ... It's exploded the community. On online alone, we see numbers right now that's more consistent with what we'd do at the end of a cycle in terms of fundraising. We've done $700,000 in $15 donations, so far. That's the first six months. You're seeing that across the board from progressive groups. And, you know, it's also that some of the big boys are out of the room and it's allowed us to engage Trump directly.

What do you mean by that?

There's no one from Hillary [Clinton]'s team who says, 'You can't run that ad.' There's no Priorities people there saying, 'No, we want to talk about this today.' We can go after this guy. There's no Bernie-Hillary politics going on. There's a clean shot at this guy right now for the base groups. ... The activism, born out of Trump, turns on small donors that we can then push towards candidates. The Amy McGrath email we did last week did $7,000 just for her and $5,000 for us, just in one hit. Randy Bryce is raising online right now. So some of the candidates that maybe the DCCC isn't as keen on, based on the fact that they're in harder districts, have become a little bit of darlings. ....

Do you think Democrats will retake the House or the Senate in 2018? Is this a wave?

I have no idea. I mean, I'll tell you this - there's a lot of races that Democrats should be competitive in. If this was a corporation, I would buy stock. I would buy stock in Democrats' chances because history tells me that Democrats in the House should have some interesting opportunities, but that doesn't mean they'll get all the way there. ... The Senate map is really, really hard, but there's the overarching dynamic and our base is more fired up than their base, so that's worth a couple of points. **Full story.**

GETTING IN - "GOP state senator Campbell jumps in against Heitkamp," by Kevin Robillard: "Republican Tom Campbell, a North Dakota state senator and wealthy potato farmer, officially launched a campaign against Democratic Sen. Heidi Heitkamp on Wednesday and is launching a major advertising buy to kick off his effort. Campbell is the first entrant into the race against Heitkamp, who won her seat by just 3,000 votes over Republican Rick Berg in 2012. Heitkamp is considered one of the most vulnerable Democrats in the country in 2018, after President Donald Trump won the state by nearly 36 points in 2016. ... Heitkamp has raised money at a brisk pace this year, bringing in more than $3 million for her campaign committee. Meanwhile, Campbell has given his campaign enough personal money to launch an early TV ad blitz, beginning with a 60-second biographical spot." **Full story. Watch the video here.**

Days until the 2017 election: 82

Days until the 2018 election: 446.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

CHARLOTTESVILLE FALLOUT CONTINUES - "McAuliffe has change of heart on Confederate statues," by the Washington Post's Fenit Nirappil: "Virginia Gov. Terry McAuliffe said Wednesday he wants Confederate statues across the state relocated from public spaces to museums, saying they had become a 'barrier to progress, inclusion and equality in Virginia.' ... It was a reversal for McAuliffe, who has said he did not support taking down monuments and the decision should be up to local communities. ... Lt. Gov. Ralph Northam, the Democrat hoping to succeed his boss, called for relocating statues to museums earlier in the day. ... It's a firmer stance for Northam, who previously treated debates over Confederate memorials as a local issue. ... Meanwhile, GOP nominees for lieutenant governor and attorney general blasted the idea of moving the statues as erasing history. Republican gubernatorial nominee Ed Gillespie urged a nuanced approach to the statues that emphasizes education, not glorification." **Full story.**

- "Adam Putnam: Fight the hatred, but those statues should stay," by the Miami Herald's Steve Bosquet: "The agriculture commissioner spoke at a Reagan Day barbecue to members of Leon and Jefferson county Republican parties. While he condemned the acts of those in Virginia, he stopped well short of calling for the removal of Confederate monuments in Florida and in other southern states. 'We need to be learning from that process, not just eradicating it from memory,' Putnam told the crowd. 'We ought to be focused more on eradicating hate today than eradicating yesteryear's history. ... Are we going to have to rename Jefferson County? Are we going to have to rename Washington County? Rename Jackson County? Where does it end?'" **Full story.**

BIG MONEY - "Phil Knight contributes $500,000 to Republican gubernatorial candidate Knute Buehler," by the Oregonian's Hillary Borrud: "The cash infusion will help Buehler narrow the fundraising gap with Gov. Kate Brown. But she still has a formidable advantage: $1.4 million on hand, even after spending more than $700,000 this year. Buehler's campaign has $700,000, after spending only $100,000. Knight's donation is his largest ever to an Oregon campaign. ... The billionaire [co-founder of Nike] has a history of contributing to both Republicans and Democrats." **Full story.**

- "Another big-money group has joined Colorado's governor's race - this one is backing George Brauchler," by The Denver Post's Mark K. Matthews: "The organization is Colorado Strong, whose backers have registered the state-based outfit as an independent expenditure committee - meaning that, unlike an official candidate campaign, it can accept unlimited sums of money from individual donors. Colorado Strong is at least the third such group to enter the 2018

contest - joining Frontier Fairness, which supports Democrat Mike Johnston, and Better Colorado Now, which is backing Republican Walker Stapleton, who is widely expected to enter the governor's race." **Full story.**

RETURN OF RAHM - "Rahm Emanuel rehabs his national profile," by Natasha Korecki and Kristen East: "Rahm Emanuel's bungling of the Laquan McDonald shooting case in 2015 so sunk his stature with the African-American community, Hillary Clinton wouldn't be seen with him during her campaign stops in his city. With one crisis of violence in minority neighborhoods and another with police department morale, he had all but been silenced on national politics. But 18 months after fighting off resignation calls and protests in the streets, the Chicago mayor has rediscovered his national voice - and with Donald Trump in the White House, he's as emboldened as ever to use it." **Full story.**

DECISION TIME - Perlmutter continues to consider House reelection bid: Democratic Rep. Ed Perlmutter, who dropped out of the Colorado gubernatorial primary, will decide on whether he'll run again for his House seat before Labor Day, even as soon as the next week, according to two sources familiar with the discussions. Perlmutter, who initially said he would not run for reelection, has met with candidates who are currently running in the Democratic primary to replace him.

CODA - QUOTE OF THE DAY: "And no, I do not look like him, he looks like me. I'm the oldest" - Greg Pence, brother of Vice President Mike Pence, who is considering a run in IN-06.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/08/17/lawmakers-fundraise-off-russia-inquiry-221929

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From: POLITICO Pro
Sent: Tue 8/15/2017 6:45:19 PM
Subject: DOJ settles high-profile Clean Water Act case with farmer

By Annie Snider

08/15/2017 02:41 PM EDT

The Department of Justice today announced a $1.1 million settlement with a California farmer over wetlands destruction, ending a case that agricultural groups and property rights activists had criticized as federal overreach under the Clean Water Act.

John Duarte and Duarte Nursery Inc. agreed to pay $330,000 in civil penalties and fund $770,000 in restoration work to compensate for damage to 22 acres of protected streams and wetlands on his property. The agreement allows Duarte to return most of the site back to agricultural use and seek future determinations about whether streams and wetlands on the property are subject to federal protections.

Duarte was found guilty by a federal district court judge last year of violating the Clean Water Act by hiring a consultant to conduct "deep ripping" through waterways protected under the 1972 water law. Most farming practices, including plowing, are exempted from the law's permitting requirements, but deep ripping is not.

"Today's agreement affirms the Department of Justice's commitment to the rule of law, results in meaningful environmental restoration, and brings to an end protracted litigation," said Jeffrey Wood, acting assistant attorney general for the Justice Department's Environment and Natural Resource Division. The DOJ emphasized that "this case is not (and will not be used as) a pretext for federal prosecution of farmers who engage in normal plowing on their farms."

In a statement, Duarte said settling was a "difficult decision" that he came to "reluctantly" given the risks that an even greater penalty would have posed to his business.

WHAT'S NEXT: The settlement agreement is subject to 30 days of public comment and must ultimately be approved by the court.

To view online:
https://www.politicopro.com/agriculture/whiteboard/2017/08/doj-settles-high-profile-clean-water-act-case-with-farmer-091819

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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Subject: Aug. 29 -- EHS State Regulatory Alert



EHS State Regulatory Alert

August 29, 2017 - Number 166

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California

GENERAL ENVIRONMENT AND SAFETY
Air Resources Board/Quorum
California GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Air Resources Board amends regulations under 17 CCR 60003 to clarify the definition for a board quorum. The rule specifies that only voting members count toward the quorum. Hearing requests are due Sept. 25, 2017. Comments are due Oct. 9, 2017. Contact: Claudia Nagy; ARB; 916-445-5507

—California Regulatory Notice Register (08/25/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
CERCLA Consent Decree/AAD Distribution and Dry Cleaning Services
California HAZARDOUS WASTE CLEANUP

Notice of the Department of Toxic Substances Control announces a seventh proposed consent decree regarding the former AAD Distribution and Dry Cleaning Services Inc. facility in Vernon. The consent decree resolves claims under CERCLA related to perchloroethylene contamination at the site against several parties for their contributions to contamination as a result of sending hazardous waste to the AAD facility. Comments are due Sept. 25, 2017. Contact: Elsa Lopez; DTSC; 818-717-6566; Elsa.Lopez@dtsc.ca.gov

—California Regulatory Notice Register (08/25/2017)

Regulatory Update

WATER
Biofouling Management
California WATER

Final rule of the State Lands Commission adopts regulations under 2 CCR 2298.1 through 2298.9.1 and repeals regulations under 2 CCR 2297.1 and 2298 regarding the management of biofouling for vessels arriving at state ports to minimize the transfer of nonindigenous species. The rule establishes requirements for developing and maintaining a vessel-specific biofouling management plan and record book and incorporates by reference an annual reporting form that replaces two existing annual reporting forms. The rule also establishes requirements for biofouling management of a vessel's wetted surfaces and for high-risk vessels remaining in one port for 45 days or more. In addition, the rule clarifies that propeller polishing is not prohibited, specifies a process for the submission and approval of alternatives to requirements, and establishes criteria for emergency exemptions. Finally, the rule removes the requirement for submission of the ballast water treatment technology annual reporting form. The rule is effective Oct. 1, 2017. Contact: Christopher Scianni; State Lands Commission, Marine Environmental Protection Division; 562-499-6390; Chris.Scianni@slc.ca.gov

—California Regulatory Notice Register (08/25/2017)

Regulatory Update

Connecticut

AIR

VOC Limits for Maintenance Coatings and Consumer Products

Connecticut AIR

Notice of the Department of Energy and Environmental Protection announces changes to a Nov. 8, 2016, proposed rule to amend regulations under RCSA 22a-174-1, -3a, -20, -40 and -41 and to adopt regulations under RCSA 22a-174-41a regarding architectural and industrial maintenance coatings. The rule revises the volatile organic compounds (VOC) content limits for consumer products by making some existing limits more stringent. The rule also provides procedures and test methods for classification and compliance with VOC limits and establishes reporting requirements. In addition, the rule revises definitions and revises the prevention of significant deterioration (PSD) permit program to address permit program maintenance. Finally, the rule updates the new source review permitting program by including an identification of nitrogen oxides as an ozone precursor in the PSD program and adds a minor source baseline date for fine particulates. The changes make additional revisions to definitions, clarify the applicability of provisions, and update categories and limits for coatings manufactured after May 1, 2018. Contact: Paula Gomez; DEEP; 860-424-3000; paula.gomez@ct.gov

—Connecticut Law Journal (08/24/2017)

Regulatory Update

Massachusetts

COASTAL ZONE

Ocean Sanctuaries
Massachusetts COASTAL ZONE

Final rule of the Department of Conservation and Recreation repeals regulations under 302 CMR 5.00 to reflect the transition of authority over ocean sanctuaries from the department to the Executive Office of Energy and Environmental Affairs, Office of Coastal Zone Management. The rule is effective Aug. 25, 2017. Contact: Robert Boeri; EOEEA, Office of Coastal Zone Management; 617-626-1200; Robert.Boeri@state.ma.us

—Massachusetts Register (08/25/2017)

Regulatory Update

COASTAL ZONE
Office of Coastal Zone Management/Ocean Sanctuaries
Massachusetts COASTAL ZONE

Final rule of the Executive Office of Energy and Environmental Affairs, Office of Coastal Zone Management, amends regulations under 301 CMR 27.00 to reflect the transition of authority over ocean sanctuaries from the Department of Conservation and Recreation to the Office of Coastal Zone Management. The rule is effective Aug. 25, 2017. Contact: Robert Boeri; EOEEA, Office of Coastal Zone Management; 617-626-1200; Robert.Boeri@state.ma.us

—Massachusetts Register (08/25/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
UST Petroleum Product Cleanup Fund Administrative Review Board
Massachusetts HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Revenue amends regulations under 503 CMR 2.00, 3.00, and 4.00 regarding the Underground Storage Tank (UST) Petroleum Product Cleanup Fund Administrative Review Board. The rule revises how UST owners claim reimbursements from the fund for cleaning up petroleum spills from their tanks and incorporates all board-approved procedural changes since 2012. The rule also reflects a change in how reimbursement fund fees are transferred to the Commonwealth Transportation Fund and includes the fee increase tie to the Consumer Price Index. In addition, the rule brings all UST standards into alignment and removes outdated references. A hearing is scheduled for Sept. 27, 2017, in Boston. Comments are requested, but a due date is not specified. Contact: DOR, Rulings and Regulations Bureau; 617-626-3250; RulesandRegs@dor.state.ma.us

—Massachusetts Register (08/25/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Comprehensive Fire Safety Code
Massachusetts OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Fire Services, Board of Fire Prevention Regulations, amends

regulations under 527 CMR 1.00 regarding the Comprehensive Fire Safety Code. The rule incorporates by reference the 2015 edition of the National Fire Protection Association's Model Fire Code with amendments specific to the state. The rule also requires businesses that clean and inspect commercial cooking systems to be registered with the State Fire Marshal and individuals who supervise hot work activities to have hot work safety training. A hearing is scheduled for Sept. 7, 2017, in Stowe. Comments are due Sept. 6, 2017. Contact: Richard Fredette; DFS, Board of Fire Prevention Regulations; 978-567-3302; Richard.Fredette@massmail.state.ma.us

—Massachusetts Register (08/25/2017)

Regulatory Update

North Dakota

OIL AND GAS INDUSTRY
Mineral Exploration and Development
North Dakota OIL AND GAS INDUSTRY

Proposed rule of the Industrial Commission, Department of Mineral Resources, amends regulations under NDAC 43-02-03-01 through -05-01-19 (nonconsecutive) and repeals regulations under NDAC 43-02-11-02, -04, -05, and -06 regarding mineral exploration and development. The rule revises requirements for contractors, owners of metering equipment, principal operators purchasing existing wells, mechanical integrity testing, sundry notices after spill cleanups, reclamation, dike and diked area construction, modification of saltwater handling facilities, and royalty statements. The rule also clarifies requirements for treating plant permits, signage for wells and facilities, ignition source placement, discharged fluids cleanup, reclamation of saltwater handling facilities and treating plants, plugging and abandoning inactive injection wells, receipt of comments on commission hearings, and conversion of completed wells to saltwater disposal wells. In addition, the rule adds reporting and testing requirements for saltwater disposal wells and injections pumps and prohibits the conversion of wells to saltwater disposal in certain circumstances. Finally, the rule removes reporting requirements, injection well operating requirements, references to various well types, and the requirement to provide an affidavit that all working interest owners of a property and all purchasers of the gas produced from a well have been notified of the application for tax exemption for a shallow gas well. Hearings are scheduled for Oct. 11, 2017, in Bismarck and Dickinson, and for Oct. 12, 2017, in Minot and Williston. Comments are due Oct. 23, 2017. Contact: Bruce Hicks; Industrial Commission, Oil and Gas Division; 701-328-8020

—North Dakota Regulations (08/25/2017)

Regulatory Update

Pennsylvania

WATER

Drinking Water/Perfluoro-Octanoic Acid Rulemaking Petition
Pennsylvania WATER

Notice of the Environmental Quality Board announces the acceptance of a rulemaking petition submitted by Delaware Riverkeeper Network requesting the amendment of regulations under 25 PAC 109 to establish a maximum contaminant level for perfluoro-octanoic acid not to exceed six parts per trillion. Contact: EQB; 717-787-4526

—Pennsylvania Bulletin (08/26/2017)

Regulatory Update

South Carolina

AIR
Air Pollution Control
South Carolina AIR

Final rule of the Department of Health and Environmental Control amends Regulations 61-62.1, .5, .60, .61, .63, and .70 and adopts Regulation 61-62.97 concerning air pollution control to incorporate by reference amendments to federal standards under 40 CFR 50, 51, 52, 60, 61, 63 and 70, as of Dec. 31, 2016. The rule updates provisions concerning prevention of significant deterioration and nonattainment new source review. The rule also updates standards for designated facility plans and new source performance standards, national emission standards for hazardous air pollutants (NESHAPs), NESHAPs for source categories, and provisions under the Title V operating permit program. In addition, the rule addresses the EPA's Cross-State Air Pollution Rule Trading Program for annual nitrogen oxides and sulfur dioxide to address mandatory transport and regional haze state implementation plan infrastructure elements. The rule is effective Aug. 25, 2017. Contact: Marie Brown; DHEC, Bureau of Air Quality; 803-898-1796; brownmf@dhec.sc.gov

—South Carolina State Register (08/25/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks
South Carolina HAZARDOUS WASTE MANAGEMENT

Notice of the Department of Health and Environmental Control announces a correction to a May 26, 2017, final rule that amended Regulation 61-92, Part 280, regarding underground storage tanks (USTs) to incorporate July 15, 2015, federal standards under 40 CFR 280. The rule also required owners and operators to provide access to all UST equipment at inspection; to document testing results done in conjunction with proper repairs; and to notify the department in writing of intent to permanently close, make a change-in-service, or replace piping or a dispenser. The correction makes a editorial revision. Contact: Eric Cathcart; DHEC, Bureau of Land and Waste Management; 803-898-0633; cathcaef@dhec.sc.gov

—South Carolina State Register (08/25/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Amusement Ride Safety/Inspection Fee Schedule
South Carolina OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Labor, Licensing, and Regulation, Office of Elevator and Amusement Rides, to amend Regulations 71-4700 and -4800 to update the fee schedules for amusement ride inspections. Comments are requested, but a due date is not specified. Contact: Duane Scott; DLLR, Office of Elevators and Amusement Rides; 803-896-7630

—South Carolina State Register (08/25/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Elevator Safety/Inspection Fee Schedule
South Carolina OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Labor, Licensing, and Regulation, Office of Elevator and Amusement Rides, to amend Regulations 71-5600 to update the fee schedules for elevator safety inspections. Comments are requested, but a due date is not specified. Contact: Duane Scott; DLLR, Office of Elevators and Amusement Rides; 803-896-7630

—South Carolina State Register (08/25/2017)

Regulatory Update

Wyoming

OCCUPATIONAL SAFETY AND HEALTH
OSHA Commission/Information Practice Rules
Wyoming OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Workforce Services, OSHA Commission, repeals regulations under Chapter 2 to remove provisions regarding rules for information practices that will be incorporated under new Chapter 9 concerning information dissemination. Comments are due Oct. 20, 2017. Contact: Marcia Price; DWS; 307-777-6746; marcia.price@wyo.gov

—Wyoming Regulations (08/25/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
OSHA Commission/Information Practices
Wyoming OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Workforce Services, OSHA Commission, repeals regulations under Chapter 1 to remove provisions regarding general information practices that will be incorporated into provisions concerning practice and procedures. Comments are due Oct. 20, 2017. Contact: Marcia Price; DWS; 307-777-6746; marcia.price@wyo.gov

—Wyoming Regulations (08/25/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Thur 9/21/2017 9:33:51 PM
Subject: Today on Climate Beat

September 21, 2017

Today on Climate Beat . . .

. . . we went to Northern California, where San Francisco and Oakland just launched climate change nuisance suits against a several fossil fuel producers, litigation that could ultimately force some of the world's biggest coal, oil and gas companies to pay billions in compensation for a range of climate damages.

Getting back in the car, a coalition of states is suing the Transportation Department's Federal Highway Administration for indefinitely delaying implementation of an Obama-era rule requiring states to track greenhouse gas emissions from national highways, charging that the agency is violating the Administrative Procedure Act.

And our daily news roundup noted that North Carolina has joined a coalition of states that supports the Paris climate agreement, while also looking at how much progress states can make toward achieving the Obama administration's Paris greenhouse gas target.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 9/26/2017 9:45:25 AM
Subject: Morning Energy, presented by the U.S. Chamber's Global Energy Institute: Republicans eye budget process for ANWR opening — Highlights from Zinke, Perry's joint appearance — Democrats want faster action for Puerto Rico

By Anthony Adragna | 09/26/2017 05:42 AM EDT

With help from Esther Whieldon and Ben Lefebvre

AN OPENING FOR ANWR? Senate Republicans intend to use their fiscal 2018 budget blueprint to lay the groundwork for new energy production in the Arctic National Wildlife Refuge by using special rules that would allow them to avoid a Democratic filibuster, Pro's Ben Lefebvre and Sarah Ferris report, citing sources familiar with the process. While the budget document couldn't mandate specific policies, it would enable Senate Energy Chairman Lisa Murkowski to write legislation that would remove restrictions on drilling in ANWR that could be bundled into a massive tax reconciliation package that needs just 50 votes in the Senate.

Doing so would realize a long-standing goal of Republicans and oil companies, while attracting vehement opposition from environmental groups and virtually all Democrats. The U.S. Geological Survey estimates that part of ANWR, a wide swath of tundra on the northern Alaska coast, home to polar bears, porcupine caribou and a landscape that hasn't been touched in thousands of years, could hold up to 12 billion barrels of oil. But Senate Republicans have little margin for error since two members of their caucus — Sens. Susan Collins and John McCain — have opposed similar bills in the past, though they'd be forced to consider that provision as part of the broader tax effort. A McCain spokeswoman says he's open to a "full debate" on the subject despite his past opposition. Collins told ME Monday night that ANWR has been far from her mind recently. "I've been focused on health care," she said, just after coming out against the latest Obamacare repeal effort.

There are a number of key questions. Some wonder if Murkowski's prior breaks with GOP leadership and the White House will hamper her pursuit of other priorities. Current low oil prices might make opening ANWR less urgent than in the past and there's some question whether oil and gas companies would flock to the area at today's crude price of $50 a barrel (though that answer would likely depend on the company). Infrastructure is not likely to be a major barrier, though, with the biggest requirement a short pipeline to connect drilling wells in ANWR to the main Trans-Alaska Pipeline System pipeline. "A pipeline is not a big lift,' said one oil and gas company representative who asked to speak on background to discuss the matter. "If the oil is there like they think it is, it's not prohibitive."

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and API's Carrie Domnitch was the first (of many) to identify Sen. John McCain's cameo in "Wedding Crashers." For today: Way back on Season 2 of "Saturday Night Live," this future presidential candidate hosted an episode. Who was it? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

Pro Policy Summit Highlights: Don't miss the highlights from the 2017 Pro Policy Summit. The Pro newsroom has assembled must-read stories, scoops and video content from a day packed with breaking news and insightful policy discussion. Summit Highlights.

LOTSA GROUND COVERED: Energy Secretary Rick Perry and Interior Secretary Ryan Zinke covered a wide array of topics during a Monday appearance at the National Petroleum Council. Highlights from that event via Pro's Ben Lefebvre:

—**New infrastructure study coming:** DOE Deputy Secretary Dan Brouillette, in coordination with the National Petroleum Council, will lead a study on how to improve the permitting process for pipelines and other energy infrastructure, Perry announced. The former Texas governor also called on the group to study how to make carbon capture, utilization and storage infrastructure economically viable. More here.

—**Interior reorganization still under consideration:** Zinke expects to complete an evaluation of whether to combine the Bureau of Safety and Environmental Enforcement and Bureau of Ocean Energy Management within the next couple months. He's also mulling the possibility of establishing Interior offices according to 13 watershed areas and moving BLM and Bureau of Land Reclamation headquarters out West. More here.

—**Zinke's report on national monuments remains** under review by the White House. "We're working on it. Most people will find it to be a very reasoned approach," he said.

—**Perry touts benefits of energy industry:** After being interrupted several times by protesters, Perry launched an extended diatribe against environmentalists criticizing the industry's record on climate change. "If you want to talk to something that saves lives, it's energy across the globe. You're involved in an industry that saves lives, lots of them, every year, around the globe," he said.

—**On loyalty to the administration:** Zinke said about a third of his workforce remained loyal to the previous administration. "I know that when I assumed Interior that I have 30 percent of the crew that's not loyal to the flag," he said. "I had a Fish & Wildlife Service that hated people to a degree."

** **A message from the U.S. Chamber's Global Energy Institute:** Insightful analysis is an important part of our mission. From economic modeling of proposed policies to our groundbreaking energy security index, the Global Energy Institute's reports and analysis are helping to shape the discussion on energy policy. Click here to learn more: http://bit.ly/2huaJ4F **

DEMOCRATS CALL FOR FOCUS ON PUERTO RICO: FEMA Director Brock Long and Homeland Security adviser Tom Bossert arrived Monday on the devastated island, but congressional Democrats expressed concern the administration wasn't doing enough. "Puerto Rico has taken a serious punch to the gut and they need our help. They need it now," Senate Minority Leader Chuck Schumer said. "The administration must quickly prepare an appropriate aid package for Florida, Puerto Rico, the U.S. Virgin Islands and the Western States for

Congress to act on in the near future," he added. Speaker Paul Ryan said: "Our fellow citizens in Puerto Rico remain in our prayers as we make sure they have what they need."

Jones Act waiver sought: Seven House Democrats requested a one-year waiver from the Jones Act to expedite hurricane relief aid to Puerto Rico, Pro Transportation's Tanya Snyder reports. An Energy Department status report Monday found nearly all of the island remained without power.

POLITICO's Jacqueline Klimas reports from San Juan that political leaders on the island are once again afraid their needs are an afterthought in Washington. "The important part is to make sure it's not forgotten," Sen. Marco Rubio said. "We have a fundamental obligation to a U.S. territory and American citizens to respond to a hurricane there the way we would anywhere in the country."

Governor assumes dam will collapse: Puerto Rico Gov. Ricardo Rosselló said he's operating under the assumption the Guajataca Dam will collapse, a fear that led to the evacuation of tens of thousands of area residents. "Some of the dam has fallen apart," he told CNN Monday. "I'd rather be wrong on that front than do nothing and having it fail and costing people their lives."

The president tweets: "Texas & Florida are doing great but Puerto Rico, which was already suffering from broken infrastructure & massive debt, is in deep trouble," President Donald Trump said in a statement released via his Twitter account Monday night. "It's (sic) old electrical grid, which was in terrible shape, was devastated. Much of the Island was destroyed, with billions of dollars...owed to Wall Street and the banks which, sadly, must be dealt with. Food, water and medical are top priorities - and doing well." he added in a pair of follow-up tweets.

Trump's first words on Puerto Rico since Sept. 20 came after the White House forcefully defended his fixation with NFL players' protests, which generated more than a dozen tweets since Friday.

U-TURN ON CLIMATE RULE: Reversing course, DOT told a federal judge in New York in a letter it will publish a regulation requiring states to track emissions from highways and craft reduction goals, Pro's Alex Guillén reports . Once published, the regulation takes effect immediately. Environmental groups and Democratic attorneys general had sued Federal Highway Administration for placing the rule on hold indefinitely. "Our lawsuit held the Trump administration accountable for illegally halting a common-sense tool to curb carbon pollution from transportation," said the NRDC's Amanda Eaken in a statement. The regulation is expected to run in the Federal Register Sept. 28.

ZINKE, PERRY SPEAK AT NATIONAL CLEAN ENERGY WEEK: It's a day of events as National Clean Energy Week kicks off in earnest today with a breakfast discussion at 8 a.m. featuring Perry and Zinke (hosted by former GOP Sen. Kelly Ayotte). Also expected to speak throughout the day are Sen. Lindsey Graham, House Republican Conference Chair Cathy McMorris Rodgers and Reps. Derek Kilmer and Ryan Costello. Full details here.

But greens cry foul: Twelve environmental organizations sent a letter to Congress arguing that

technologies like biomass, carbon capture or nuclear energy should not be considered clean. "The sponsors of 'National Clean Energy Week' include some of the dirtiest actors in the energy industry," the groups, which include 350.org, Food & Water Watch and Oil Change International, wrote.

HEARING ROUNDUP — TWO DOE NOMINEES IN SPOTLIGHT: Murkowski's push to quickly advance agency nominees continues today as her committee examines Steven Winberg's nomination to be assistant Energy secretary for fossil energy and Bruce Walker's selection to be assistant Energy secretary for electricity, delivery and energy reliability. Winberg previously headed up research and development for CONSOL Energy and also was a member of DOE's National Coal Council, while Walker's resume includes stints at National Grid and Consolidated Edison. Things get going at 10 a.m. in Dirksen 366.

E&C LOOKS AT ADVANCED ENERGY TECHNOLOGIES: The House Energy and Commerce Energy Subcommittee holds the latest in its "Powering America" series of hearings today with an examination of "the role advanced energy technologies play in empowering the nation's electricity consumers." Witnesses include representatives from Advanced Energy Economy, Holy Cross Energy, ComEd and LO3 Energy, among others. The hearing is set for 10 a.m. in Rayburn 2123.

GATHERING INPUT ON WATER INFRASTRUCTURE NEEDS: The House Transportation and Infrastructure Subcommittee on Water Resources and Environment hosts a hearing at 10 a.m. today with a panel of public and private sector witnesses on what they'd like to see for water infrastructure in a forthcoming legislative package. The full list of witnesses for the hearing in Rayburn 2167 is available here.

MAIL CALL! CEQ VETERANS CALL OUT NEPA SHORTCUTS: Trump's efforts to streamline environmental reviews leave his administration's decisions more vulnerable to being overturned in court because they don't allow for enough input from the public, four veterans of the Council on Environmental Quality warned in a letter to the White House Monday. "Emphasizing speed over quality sends the wrong message to agencies and creates significant legal risk that future environmental reviews of federal actions will be rejected by the courts and need to be redone," wrote Katie McGinty, Nancy Sutley, Christy Goldfuss and Brenda Mallory, all of whom served in Democratic administrations.

STATE AGs DISCUSS TRUMP-ERA ENVIRONMENTAL LITIGATION: A session at 2:45 p.m. with three attorneys general — Maryland's Brian Frosh, Illinois' Lisa Madigan and New York's Eric Schneiderman — discussing ongoing environmental litigation fighting White House efforts to weaken environmental protections is among the highlights of the Institute for Policy Integrity's state climate action conference today. Follow along here.

DEMOCRATS SEEK INFORMATION ON MINE SAFETY PICK: Sens. Sheldon Whitehouse and Bob Casey released a letter Monday seeking information on Mine Safety and Health Administration's investigations into Rhino Resource Partners, which mine safety nominee David Zatezalo worked at in a variety of senior roles between 2007 and 2014. They asked for the records no later than Sept. 29.

FAA, FLOOD INSURANCE FLOPS: Democrats blocked a Republican push to fast-track an FAA extension that also included additional provisions on flood insurance and tax credits for victims of recent hurricanes, POLITICO's Heather Caygle and Lauren Gardner report. The chamber is expected to consider the measure again later this week under a rule, which requires a simple majority, unlike Monday's fast-track procedure that required a two-thirds vote.

STUDY: RAIL DAMPENING PIPELINE INVESTMENTS: New research out from the National Bureau of Economic Research finds the flexibility associated with crude-by-rail shipping has led to decreased investments in long-term pipeline projects given the high upfront costs of such infrastructure. "The ability to ramp rail shipments up and down is valuable to crude oil shippers, and it reduces incentives to make long-run investments in pipeline capacity," Ryan Kellogg, a professor at the Harris School of Public Policy who co-authored the study, said in a statement.

CHAMBER URGES REJECTION OF GARRETT: Count the U.S. Chamber of Commerce as the latest group urging senators to reject former Rep. Scott Garrett's nomination to head the Export-Import Bank, Pro Financial Services' Zachary Warmbrodt reports. In a Monday letter, senior executive vice president Suzanne Clark expressed concern Garrett could use his position to prevent the agency from properly functioning while voicing strong support for four other nominees: Kimberly Reed, Claudia Slacik, Judith Pryor and Spencer Bachus.

ZINKE SPENT $2.5K ON TRAVEL IN MARCH: Zinke spent $2,508 in flights, lodging and meals meet with members of the Blackfeet Nation, agency staff and toured national parks in Wyoming and his home state of Montana in his first month in office in March, according to public records the agency released Monday. Zinke stayed at his home in Whitefish for most of his first trip, according to the secretary's trip itinerary for March through July the agency released earlier this month. Unlike Health and Human Services Secretary Tom Price who POLITICO earlier reported took private jets, Zinke's flights were commercial.

GRID-CONNECTED BATTERIES TAKING OVER RESIDENTIAL STORAGE MARKET: Homeowners are increasingly installing electricity batteries that connect to the grid instead of closed systems that feed power only to the residence, GTM Research says in a report out today. The report does not cite a specific reason for the change but notes customers are looking for back-up power in case of electric outages and to save money, while utilities are encouraging adoption to mitigate the impacts of growing solar power. Grid-connected projects will make up 57 percent of annual deployments by the end of this year, the report says.

DOESN'T LOOK STRESSED: Murkowski doesn't look like the heated health care debate is getting to her in this picture with a pink polar bear she tweeted out Monday from her visit over the weekend to the Anchorage Museum.

ALL-TIME HIGH: Bolstered by more than 500,000 people who've joined since last November, the Natural Resources Defense Council tells ME it now has three million-plus members and online activists.

MOVER, SHAKER: Ann Bartuska has joined Resources for the Future as vice president in its newly formed land, water, and nature program. She comes after serving as deputy undersecretary for research, education and economics as well as chief scientist at USDA.

QUICK HITS

— In World's Hottest Oil Patch, Jitters Mount That a Bust Is Near. Bloomberg.

— After Hurricane Maria, what will it take to turn Puerto Rico's power back on? The Verge.

— OPEC's Efforts Pay Off: Oil is Back in Bull Market. Wall Street Journal.

— Companies building failed nuclear project 'were looking to cut corners' as state's top cop asked to investigate. The Post and Courier.

— FPL, JEA to shut down Jacksonville coal electric plant. Palm Beach Post.

HAPPENING TODAY

7:30 a.m. — National Clean Energy Week symposium kicks off with remarks from Secretaries Zinke and Perry, Reserve Officers Association, 1 Constitution Avenue NE

9:30 a.m. — Institute for Policy Integrity green states conference, New York University School of Law, 40 Washington Square South, Vanderbilt Hall, New York, N.Y.

10:00 a.m. — "Powering America: Technology's Role in Empowering Consumers," House Energy and Commerce Energy Subcommittee, Rayburn 2123

10:00 a.m. — "Legislative Hearing on 4 Fishery Bills," House Natural Resources Water, Power and Oceans Subcommittee, Longworth 1334

10:00 a.m. — Senate Energy and Natural Resources holds hearing on DOE nominations, Dirksen 366

10:00 a.m. — "Building a 21st Century Infrastructure for America: Water Stakeholders' Perspectives," House Transportation and Infrastructure Water Resources and Environment Subcommittee, Rayburn 2167

12:00 p.m. — "Maryland's Offshore Wind and Energy Efficiency Policies," Women's Council on Energy and the Environment, Dentons, 1900 K Street NW

12:00 p.m. — "The Future of Nuclear Power: Technology, Security and Geopolitics," Global American Business Institute, 1001 Connecticut Avenue NW, Suite 230

12:00 p.m. — "Energy Transition and the Future of Hydrokinetic Energy in the United States," Environmental Law Institute, 1730 M Street, NW, Suite 700

12:30 p.m. — Natural Gas Roundtable hosts David Carroll, president of the International Gas Union, for monthly luncheon, University Club, 1135 16th Street NW

2:00 p.m. — House Natural Resources Indian, Insular, and Alaska Native Affairs Subcommittee hearing on various bills, Longworth 1334

2:00 p.m. — "Examining America's nuclear waste management and storage," House Oversight and Government Reform Interior-Environment Subcommittee, Rayburn 2154

THAT'S ALL FOR ME!

A message from the U.S. Chamber's Global Energy Institute: Today, America's diverse energy resources are providing abundant, reliable and affordable electricity that is critical to our economy. Unfortunately, that mix is at risk. A new report by IHS Markit cosponsored by the Global Energy Institute explains just how important a diverse set of resources really is. Our current energy mix, including nuclear and coal, is saving us $114 billion per year in electricity costs—lowering the average price by 27%. Without all of our resources, America could lose 1 million jobs within 3 years and $158 billion in GDP, and each American household could see a loss of up to $845 in income each year. To read the report and learn more about how a balanced set of electricity resources is key to our economy and security, click here: http://bit.ly/2huaJ4F

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/09/republicans-eye-budget-process-for-anwr-opening-024761

Stories from POLITICO Pro

Reconciliation may provide opening for ANWR Back

By Ben Lefebvre and Sarah Ferris | 09/25/2017 06:07 PM EDT

Senate Republicans plan to open the door to oil drilling in an Alaskan wildlife refuge using special rules that would allow them to avoid a Democratic filibuster, according to sources tracking the budget process.

The Senate Budget Committee is still drawing up its fiscal 2018 blueprint, which is expected to lay the groundwork for tax reform using special budget reconciliation rules. Two sources familiar with the ongoing negotiations say the document also is expected to lay the groundwork for new energy production in the Arctic National Wildlife Refuge — a longtime goal of Republicans and oil companies.

It's a potentially risky strategy, with two Republican senators on record opposing similar bills in the past: Sens. John McCain of Arizona and Susan Collins of Maine. If those two remain in opposition, Senate leadership couldn't lose a single other GOP vote without jeopardizing their

entire reconciliation package, centered on tax reform.

Congress last tried to open ANWR more than a decade ago, and any legislation to do so would run into fierce opposition from environmental groups and virtually all Democrats. But proponents of the idea say their chances have improved since the election of President Donald Trump, who has sought to increase U.S. oil, gas and coal production.

"Energy dominance requires ANWR," said Matt Shuckerow, a spokesman for Alaska Rep. Don Young, invoking a favorite Trump administration catch-phrase. "We are working with leadership and looking at reconciliation."

The Senate budget resolution is expected to give special deficit-reducing instructions to the Energy and Natural Resources Committee in the upcoming fiscal year, totaling about $1 billion over a decade.

While budget writers can't mandate specific policies, sources say it would enable ENR Chairman Lisa Murkowski to write legislation that would remove restrictions on drilling in ANWR or other currently off-limits areas.

Opening up drilling in the arctic could raise as much as $5 billion over a decade, the CBO estimated in 2012, when oil was selling for about twice as much as it is now.

That measure could then be bundled into a massive tax reconciliation package, which will need just 50 votes in the Senate.

The House's budget, which has been stalled for months amid GOP infighting, goes even further. That version calls for $5 billion in extra energy revenues, and a House GOP aide says ANWR is "definitely on the table in terms of reconciliation."

The White House also "will continue to push for more domestic production," an administration official said. Trump's budget request sought $1.8 billion from opening new areas to energy production.

ANWR is a wide swath of tundra on the northern Alaska coast, home to polar bears, porcupine caribou and a landscape that hasn't been touched in thousands of years. Congress designated the 19-million-acre area a wildlife refuge in 1980, but set aside a 1.5-million-acre parcel known as "10-02" for possible future drilling if future lawmakers approved such a plan.

The U.S. Geological Survey estimates that part of ANWR could hold up to 12 billion barrels of oil.

In the past, drilling in the refuge only became a hot issue when gasoline prices were high, said Athan Manuel, director of lands protection program for the Sierra Club, which has been lobbying heavily against its development.

"Now it's completely become an ideological and political fight," Manuel added. "There are fewer

moderate Republicans than we need. The vote numbers for us are difficult on the Senate side if they go to budget reconciliation."

Young, the Alaska Republican who has spent much of his career advocating for expanded Arctic drilling, has raised ANWR with Interior Secretary Ryan Zinke, Shuckerow said.

Zinke is quietly working to allow oil companies to conduct seismic exploration in the region, The Washington Post reported this month. But actually letting them extract oil and gas from ANWR would require action by Congress.

The GOP has tried twice in the past to open ANWR for energy development through budget reconciliations. An attempt in 1995 failed after President Bill Clinton vetoed the overall budget package, while a second attempt in 2005 could not overcome a Democratic filibuster in the Senate.

Even using reconciliation, Republicans have little margin for error with only 52 seats in the Senate. And two of their caucus have voted against ANWR provisions in the past.

A spokeswoman for McCain, Julie Tarallo, said despite his past opposition the senator "is open to having a full debate in Congress about the United States' energy policy." Collins' office did not respond to requests for comment.

At least one Democrat, West Virginia Sen. Joe Manchin, may join Republicans if they try to use reconciliation to open ANWR.

"The energy we receive from Alaska is much needed for American energy independence," Manchin told POLITICO. "If it can be done in a safe way, and I think we've proven it can, we should look at every option we have."

Murkowski, who joined McCain and Collins to kill the Senate's Obamacare repeal bill in August, has introduced legislation that would direct the Interior Department to offer oil-and-gas production leases for at least 300,000 acres in ANWR, S. 49 (115). But she told POLITICO last week that Interior had not yet reached out to her about its push to open ANWR for seismic exploration or to form strategy on how to possibly open the area to drilling.

Some question whether her earlier breaks with GOP leadership and the White House will hamper her pursuit of other priorities.

"Murkowski is on the outside looking in" when it comes to GOP energy policy, said one energy lobbyist who requested anonymity to discuss political matters.

Another problem is current low oil prices. More than a decade of into the shale oil boom, the country looks cushioned from a possible oil supply shock, something that could make opening ANWR less urgent than in the past.

"Now that we're in this age of oil supply adequacy, the negotiating power of energy has

diminished," said Kevin Book, managing director of energy consultancy ClearView Energy Partners. "What adequacy has done has increased the political cost of opening up ANWR for production."

Another question is whether oil and gas companies would flock to ANWR at today's crude price of $50 a barrel.

Chevron and BP drilled one exploratory well in the area in the early 1980s at the behest of a local native tribe, according to Alaska Oil and Gas Association President Kara Moriarty. The drilling was done with the permission of the Interior Department, with which Chevron shared the data, but a strict confidentiality agreement keeps the results a closely held secret.

The answer would depend on the company. Prices are expected to rise eventually, and the refuge's onshore topology would make ANWR a more tempting target than the choppy waters and extreme winds off of Alaska's coastline, Moriarty said.

The steady spread of oil and gas pipeline networks immediately outside ANWR also means that bringing any oil from the refuge to market would be easier than it was in decades past, Moriarty added.

The biggest infrastructure requirement would be a short pipeline to connect drilling wells in ANWR to the main Trans-Alaska Pipeline System pipeline taking the crude south.

"A pipeline is not a big lift,' said one oil and gas company representative who asked to speak on background to discuss the matter. "If the oil is there like they think it is, it's not prohibitive."

Chevron put itself in the group of companies that would welcome the chance to set rigs there permanently.

"Chevron supports increased access to federal and private land for the responsible exploration and development of oil and natural gas resources, including the ANWR coastal plain," Chevron spokeswoman Veronica Flores-Paniagua said.

Environmental groups and other Democrats are already alarmed about how far the talk of opening ANWR has come this year. Interior's move to allow seismic exploration, if approved, could harm the polar bears, caribou, wolves and other wildlife already feeling the effects of climate change in the region, and the oil brought from under the tundra would add to greenhouse gas emissions, environmental and Alaskan native groups said.

"Protecting the Arctic Refuge has broad public and bipartisan support and deserves a full debate in regular order, not rushed through as part of the budget process," said Alaska Wilderness spokesman Corey Himrod.

Sens. Ed Markey (D-Mass.) and Michael Bennet (D-Colo.) in April offered legislation to enshrine the entire region as a wilderness area protected from drilling. The bill, S. 820 (115), was introduced with 37 Democrats and Independent Bernie Sanders (Vt.) as original co-sponsors.

"We're going to battle this," Markey told POLITICO, arguing that expanded shale oil production has made ANWR moot. "With efficiency gains and growth of fracking in the lower 48 states, there's no need to open ANWR."

Nick Juliano contributed to this report.

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Perry calls for study on expanding energy infrastructure Back

By Ben Lefebvre | 09/25/2017 04:14 PM EDT

Energy Secretary Rick Perry called for a study on how to improve the permitting process for pipelines and other energy infrastructure, saying protests against those plans were slowing economic growth.

Perry asked the National Petroleum Council, whose membership includes various heads of the energy industry, to conduct the study with help from the Energy Department.

While domestic oil production has steadily increased since the mid-2000s, pipelines, railways, oil storage "and related system components" needed to move fossil fuel from well to market have to be "expanded, upgraded and maintained," Perry said.

With the rise of oil and natural gas fields in North Dakota, environmentalists have objected to major oil pipeline projects, including Keystone XL and the Dakota Access Pipeline.

"We have to ensure we have an uninterrupted flow of energy product," Perry said. "In recent years, objections to and restrictions on the construction of needed transportation infrastructure have increased, slowing the development of new infrastructure and hindering economic growth."

Perry also called on the NPC to study how to make carbon capture, utilization and storage infrastructure economically viable.

The event also attracted protesters, two of whom were escorted from the room after demanding Perry and Interior Secretary Ryan Zinke address climate change.

WHAT'S NEXT: Perry designated DOE Deputy Secretary Dan Brouillette to coordinate on the study with the NPC.

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Zinke: BOEM-BSSE study expected in two months Back

By Ben Lefebvre | 09/25/2017 05:48 PM EDT

The Interior Department expects within two months to complete a study on the feasibility of combining its bureau that regulate offshore drilling safety with one that sells leases, Secretary Ryan Zinke said today.

Zinke said he hasn't yet decided whether to combine the Bureau of Safety and Environmental Enforcement and Bureau of Ocean Energy Management, which were carved out of the former Minerals Management Service in 2010.

Rejoining BOEM and BSEE is one of several ideas Zinke is considering to reorganize the department around the Trump administration's goal of increasing domestic energy production. Zinke also floated the possibility of establishing Interior offices according to 13 watershed areas and moving BLM and Bureau of Land Reclamation headquarters out West.

"There's no reason for BLM to be where they don't have holding. Push your generals out to where the fight is," Zinke told members of the National Petroleum Council today.

Zinke blamed a lag in oil and gas project permitting on the abundance of choke points in the existing process.

"There's too many ways in the present process for someone who doesn't want to get it done to put it in a holding pattern," he said.

He also estimated that a third of Interior's workforce remained loyal to the previous administration.

"I know that when I assumed Interior that I have 30 percent of the crew that's not loyal to the flag," Zinke said, comparing his tenure to "capturing a prize ship at sea and only the captain and first mate row over."

WHAT'S NEXT: Zinke said he expected the report on BOEM and BSEE to be ready within 60 days.

To view online click here.

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Lawmakers ask for Jones Act waiver for Puerto Rico Back

By Tanya Snyder | 09/25/2017 06:35 PM EDT

Rep. Nydia Velázquez (D-N.Y.) and six other Democrats are asking the Trump administration for a one-year Jones Act waiver to expedite hurricane relief aid to Puerto Rico.

In a letter to Homeland Security Secretary Elaine Duke, the lawmakers, most of them members of the Congressional Hispanic Caucus, asked for a "one-year comprehensive waiver of the Jones Act requirements for Puerto Rico." The Jones Act, which requires that all goods shipped between U.S. ports be carried on U.S.-built, -owned and -operated vessels, is often blamed for driving up prices in Puerto Rico.

"The island is now facing an unprecedented uphill battle to rebuild its homes, businesses and communities," the lawmakers wrote in the letter. "Temporarily loosening these requirements — for the express purpose of disaster recovery — will allow Puerto Rico to have more access to the oil needed for its power plants, food, medicines, clothing, and building supplies."

In a separate statement, Velázquez noted that the storm has brought about a sustained and complete shutdown of Puerto Rico's power grid, which "already faced serious infrastructure problems." Local officials predict it could take six months to get the power fully restored.

"Even before Maria made landfall, the Island was already suffering from economic and financial crisis," she said. "Now, at the worst time possible, the Island has endured a natural disaster of historic proportions ... We cannot and will not turn our backs on them."

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In Puerto Rico, another desperate plea for help Back

By Jacqueline Klimas | 09/25/2017 09:39 PM EDT

SAN JUAN, Puerto Rico — Days after Hurricane Maria barreled through here virtually no people are on the streets and the usually bustling tourist area is littered with curled sheets of metal. Lines of cars waiting to fill up on gas are backed up along the highway off-ramps.

"We haven't forgotten about you," Adm. Paul Zukunft, the commandant of the U.S. Coast Guard, told a gathering on Monday after what the governor has called the "biggest catastrophe" in the U.S. territory's history.

But the political leadership of Puerto Rico worries that the suffering of its 3.5 million U.S. citizens is once again an afterthought in Washington.

"We don't have a voice in the Senate unless it's Marco Rubio," Jenniffer Gonzalez-Colon, Puerto Rico's single nonvoting member of the House of Representatives, said at an emergency operations center here, where POLITICO accompanied visiting dignitaries before touring the

Coast Guard's main base in the region, which suffered extensive damage.

"We don't have two senators," added Rep. Stacey Plaskett (D-Virgin Islands), whose constituents have been similarly hard hit by the season's historic storms and similarly lack a vote in Congress.

President Donald Trump has come under fire for failing to focus more attention on the plight of Puerto Rico and the nearby Virgin Islands over the weekend, while tweeting over a dozen times about the National Football League. The crisis was also largely absent from the 24-hour news networks, where Hurricanes Harvey in Texas and Irma in Florida received wall-to-wall coverage.

Trump on Monday tweeted about the island's plight but seemed to blame Puerto Rico itself for its woes.

"Texas & Florida are doing great but Puerto Rico, which was already suffering from broken infrastructure & massive debt, is in deep trouble," he tweeted. "It's old electrical grid, which was in terrible shape, was devastated. Much of the Island was destroyed, with billions of dollars owed to Wall Street and the banks which, sadly, must be dealt with. Food, water and medical are top priorities — and doing well."

It's an all-too-familiar predicament for disenfranchised residents of Puerto Rico, which is poorer than all 50 states, has an unemployment rate of nearly 12 percent, and is still reeling from a financial crisis of historic proportions in which it declared a form of bankruptcy earlier this year.

After Maria, the territory's leaders are hoping their strongest leverage to get long-term aid from Washington will be the sizable populations of Puerto Ricans who reside on the mainland and constitute a powerful voting bloc, especially in places like New York and Florida.

They are focused on building a coalition of lawmakers to gain support for a new federal aid bill. Congress has already passed a $15 billion package to assist those affected by Hurricane Harvey in Texas, but House Speaker Paul Ryan has signaled that more aid is on the way.

While Puerto Rico does not have a vote in Congress, large populations of Puerto Ricans on the U.S. mainland do have a voice in the midterm and presidential elections, and some experts predict how the White House and Congress respond could have an impact at the ballot box.

About 20 percent of Puerto Ricans live on the U.S. mainland, said Robert Stein, who teaches urban politics at Rice University's Baker Institute for Public Policy. The two states with the largest Puerto Rican populations, Florida and New York, control 54 House seats and 58 votes for president in the Electoral College.

"This may be a big issue in upcoming elections," Stein predicted.

Rubio of Florida said on Monday that helping Puerto Rico is personal for him.

"The important part is to make sure it's not forgotten," the former GOP presidential hopeful said.

"We have a fundamental obligation to a U.S. territory and American citizens to respond to a hurricane there the way we would anywhere in the country."

Rubio said it will be a challenge to get more hurricane aid through the Senate, but said lawmakers knew the first aid bill "would not be enough."

"There's an acknowledgment that we have to go back and do more, and now maybe sooner than anticipated," he said, noting that he expects Congress to address a funding bill for Maria and Irma later this month or early next.

Florida's other senator, Democrat Bill Nelson, who is up for reelection in 2018, tweeted Monday that he is "calling on U.S. military to send additional search & rescue, medical and construction teams to Puerto Rico."

Even before Maria, Nelson and Rubio sent a letter to Trump last week urging a greater role for the federal government in assisting U.S. territories after recent storms emanating from the Caribbean, including Puerto Rico and the U.S. Virgin Islands.

Other Puerto Rican officials also argued it is time for lawmakers to make the territory's needs a greater priority.

"Let them know that we are committed U.S. citizens, that we are proud U.S. citizens, that we helped others when they were going through difficult times not more than 10 days ago and that now it's the time to help Puerto Rico back," Gov. Ricardo Rossello told reporters Monday.

The situation in Puerto Rico, where downed trees and power lines and roofs and siding ripped off of buildings are now commonplace, could become more dire before it improves.

Residents lack basic necessities, including food and clean drinking water, and the island could have no electricity for many months. Many residents have no safe place to live. And a lack of temporary housing means residents are at greater risk of disease, such as dengue fever or other mosquito-borne ailments.

Early reports from the island's rich farmland also suggest its agricultural sector, which along with tourism is a major element of its already shaky economy, could be set back for a year or more.

Over the weekend, reports of hysteria started to spread from areas outside the capital, including a warning that a hospital full to capacity was at risk of collapsing, along with a major dam. Rossello, calling Maria the "biggest catastrophe" in the island's history, appealed for far more assistance, especially from the Pentagon.

"We still need some more help. This is clearly a critical disaster in Puerto Rico. It can't be minimized and we can't start overlooking us now that the storm passed, because the danger lurks," he told the The Washington Post.

Plaskett, who was elected to the at-large Congress seat in 2014, also said she expects Rep. Nydia

Velazquez (D-N.Y.), the first Puerto Rican woman elected to Congress, and Rep. Carlos Curbelo (R-Fla.), who has previously worked on legislation to address Puerto Rico's problems, to take the lead for Puerto Rico on a recovery bill in the House.

But Plaskett said she is also aware that her fellow lawmakers from the mainland can easily get distracted once Puerto Rico's plight drops from the headlines.

"They have their own interests to look out for as well," she said.

Compounding the island's dire situation is the fact that Hurricane Maria itself followed two other major storms in the 2017 season: Harvey in Texas and Irma in Florida.

"We're tired," Zukunft told POLITICO en route to Puerto Rico on Monday to assess the damage. "Hopefully we get a chance to take a knee at some point in time."

At Coast Guard Sector San Juan, the power is still off but sunlight streams in through gaping holes in the roof. There is the overwhelming smell of mold.

A Coast Guard cutter is anchored just off shore to ensure those helping with the storm response have some communications. (Zukunft related that tons of cocaine are aboard because the ship had to be quickly diverted from its drug interdiction mission to aid in storm relief).

But the bigger challenge may be ahead as the government tries to manage the rebuilding of economies from Texas to Florida to Puerto Rico.

"There's no doubt that agencies are being stretched to their limits. As much as they've been challenged up until this point, the real challenge lies ahead," said Gary Webb, the chair of emergency management and disaster science at the University of North Texas. "It's a totally different ballgame managing the recovery from three disasters."

Rubio assured Puerto Rican leaders Monday that he would be a solid voice for them among his colleagues on Capitol Hill.

"I will do everything I can when I get back to Washington tonight to be sure you have the resources and support not just to be able to respond now, but to get ready for the next one," Rubio told a room full of first responders in San Juan.

But experts predict it will have to be a multiyear investment by Congress to truly rebuild the island. The territory was already suffering from a debt crisis before the storm, and now the hurricane has wiped out its other major industry: tourism.

When asked if he thought there was an appetite in Congress to provide funding over the longer term to support rebuilding Puerto Rico, Rubio, responded, "I don't know, I hope so."

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White House defends Trump's NFL fixation as Puerto Rico seeks help Back

By Matthew Nussbaum and Colin Wilhelm | 09/25/2017 06:56 PM EDT

The White House on Monday defended President Donald Trump's muted response to the devastation Hurricane Maria left behind in Puerto Rico, brushing off criticism that he's been more interested in kneeling NFL players than a U.S. territory suffering from a humanitarian crisis.

Before Monday night, Trump last tweeted about the storm on Sept. 20, writing, "Governor @RicardoRossello- We are with you and the people of Puerto Rico. Stay safe! #PRStrong."

For five days after that, as the scale of the devastation became apparent, Trump did not address the catastrophe from his Twitter account. Over the same period, he tweeted twice about Hillary Clinton, three times about Sen. Luther Strange (R-Ala.), once about NBA star Steph Curry and 12 times about the NFL, along with numerous additional posts about the national anthem that did not explicitly mention the NFL.

"It really doesn't take that long to type out 140 characters and this president is very capable of doing more than one thing at a time and more than one thing in a day," White House press secretary Sarah Huckabee Sanders said Monday, arguing that Trump's Twitter feed should not be taken as an indication of his priorities.

Several hours after Sanders spoke, and after four days of back and forth with the NFL, Trump wrote a series of tweets about the dire situation Puerto Rico, contrasting it with Texas and Florida, which he said were "doing great" after Hurricanes Harvey and Irma. Puerto Rico, he said, was in "big trouble" and had already been suffering from "broken infrastructure & massive debt."

"It's old electrical grid, which was in terrible shape, was devastated. Much of the Island was destroyed, with billions of dollars.... owed to Wall Street and the banks which, sadly, must be dealt with. Food, water and medical are top priorities — and doing well. #FEMA," the president tweeted.

Earlier Monday, Sanders called the Trump administration's response to the storm "unprecedented," even as it has been far less public than the responses to Irma and Harvey. Maria has left much of Puerto Rico — a U.S. territory of 3.4 million citizens — without power and with limited access to food and water.

"We've done unprecedented movement in terms of federal funding to provide for the people of Puerto Rico and others that have been impacted [by] these storms, we'll continue to do so," Sanders said, noting that FEMA Administrator Brock Long and Homeland Security Adviser Tom Bossert had traveled to the island to assess the damage and the response efforts.

She also pushed back against the idea that Trump is sending a message by tweeting attacks against NFL players for kneeling during the national anthem and not tweeting about Puerto Rico or the U.S. Virgin Islands, which also took a big hit.

"He's not emphasizing sports. You're missing the entire purpose of the message," Sanders said.

Trump, however, has been noticeably less engaged with Maria's devastation.

After Harvey and Irma ripped through Texas and Florida, Trump told several advisers he was very pleased with the administration's handling of the storms, and senior administration officials were buoyed by the idea that the response caused his poll numbers to climb.

But Trump has not seemed as focused on Maria, administration officials say, though they note he has called Puerto Rico's governor, Ricardo Rossello, to ask about the damage.

Rossello has so far praised FEMA's response and other parts of the Trump administration, but has had to petition the government for more military resources, mainly aircraft, for searches and air drops of essential goods to towns cut off by the natural disaster.

"We know that there are capabilities in the surrounding areas, helicopters, planes and so forth. And our petition is for us to be able to use them and be flexible in using them with making sure that resources arrive to those areas of that are more vulnerable in Puerto Rico," Rossello told POLITICO on Sunday night.

Rossello stopped short of criticizing Trump's level of engagement.

"I think he's paid attention," Rossello said. "He's called me three times and he offered two pre-landfall emergency declarations before both storms hit Puerto Rico," though Rossello said Trump had overlooked the "granular detail" of declaring a federal disaster for every section of the island.

But criticism against Trump has mounted from other corners. And reports that a White House disaster-aid request might not reach Congress until October further fanned the flames.

"Hey @realDonaldTrump you can't wait that long," Lin-Manuel Miranda, the "Hamilton" playwright of Puerto Rican descent, wrote on Twitter. "There will be a lot of American deaths on your watch if you wait that long."

"Just spoke w/ fmr Gov @luisfortuno51: 'PR on brink of humanitarian disaster.' USVI too. DC must put aside controversies, prioritize rescue," former GOP presidential candidate Mitt Romney tweeted.

Trump's election rival Hillary Clinton also called on Trump's administration to do more, and to recognize Puerto Ricans as U.S. citizens.

"President Trump, Sec. Mattis, and DOD should send the Navy, including the USNS Comfort, to Puerto Rico now. These are American citizens," Clinton tweeted on Sunday, referring to Defense Secretary Jim Mattis.

Puerto Rico's government, which is effectively bankrupt and in over $70 billion of debt, has asked the federal government to waive the costs the commonwealth might have to pay out of pocket. A majority Republican federal oversight board put in place last year to oversee the island's economic recovery already loosened its budgetary requirements on the local government to allow Rossello to spend more in the immediate response, though Puerto Rico had limited resources to begin with.

Though implicit, Rossello's fears about being forgotten came across. During his interview, Rossello underscored the uniquely precarious situation Puerto Rico faces because of its long-term economic struggles, while maintaining that Americans in Puerto Rico and U.S. Virgin Islands should receive no less aid than the residents of any state.

"Whatever relief package we have, whatever impact we have, we are U.S. citizens. We shouldn't be the lesser for it," the governor said. If a response proves lackluster, Rossello predicted "massive migration that would deteriorate our [economic] base here in Puerto Rico and would provoke significant demographic shifting in other areas of the United States."

On Monday the governor, who like Trump is highly active on Twitter, retweeted a statement from Puerto Rico's last Republican governor, Luis Fortuno.

"The Federal Gov needs to act immediately to assist PR," it said. "Congress should support the 3.5 m US citizens residing in PR in same way as TX and FL."

Josh Dawsey contributed to this report.

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DOT reverses course, will publish highway emissions rule Back

By Alex Guillén | 09/25/2017 04:55 PM EDT

The Transportation Department will allow an Obama-era rule aimed at reducing greenhouse gas emissions from big highways to take effect following lawsuits from environmental groups and Democratic attorneys general.

The Federal Highway Administration delayed the rule from taking effect several times earlier this year before placing it on hold indefinitely.

But DOT today reversed course. In a letter to a federal judge in New York, the Justice Department said the rule has been submitted to the Federal Register and is expected to run on Sept. 28. The rule will take immediate effect upon publication, DOJ wrote.

The rule will require states to track emissions from highways and craft reduction goals.

"Our lawsuit held the Trump administration accountable for illegally halting a common-sense tool to curb carbon pollution from transportation," said the NRDC's Amanda Eaken in a statement. "Now the Federal Highway Administration should get busy working with planners nationwide to clean up the air, protect our health and provide smarter transportation options for Americans such as more public transit, bikeways and pedestrian walkways."

WHAT'S NEXT: DOT says the rule is expected to be published in Thursday's Federal Register.

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House Democrats block FAA extension Back

By Heather Caygle and Lauren Gardner | 09/25/2017 12:25 PM EDT

House Democrats on Monday blocked a Republican push to fast-track an FAA extension , with just days to go until current law expires Sept. 30.

Top Democrats announced plans to vote against the six-month extension earlier in the day, citing opposition to unrelated Republican add-ons dealing with flood insurance, tax credits for victims of recent hurricanes and expiring health care programs.

The bill failed 245-171. The fast-track process used to consider the bill requires two-thirds support of members for passage.

House Republicans are expected to bring up the bill again under a rule — which requires only a simple majority for passage — later this week. But Senate Democrats are also uneasy with the extension, and it's unclear whether they would block the bill in the upper chamber.

Speaker Paul Ryan blasted Democrats for their opposition, accusing them of playing politics while federal aviation programs hang in the balance.

"It is a sad day when House Democrats will — in the name of politics — vote against disaster relief and air traffic safety measures," Ryan (R-Wis.) said in a statement Monday afternoon.

House Minority Leader Nancy Pelosi said in a statement that the "sprawling" bill goes far beyond just extending federal aviation programs and includes many provisions that don't have Democratic backing, including language dealing with the federal flood insurance program and

tax credits for hurricane victims.

The Democratic leader also cited Republican inaction on the Dream Act — the bipartisan bill that would provide a path to citizenship for some young, undocumented immigrants known as Dreamers — as reason for her opposition.

Ryan said Republicans are committed to addressing Deferred Action for Childhood Arrivals (DACA), the program that shields Dreamers from deportation, before it ends in March. But, Ryan said, that issue should remain separate from the six-month FAA extension.

"These are two unrelated and bipartisan initiatives with broad support from both sides of the aisle," he said. "It's shameful that politics will trump meaningful relief for families suffering from these devastating hurricanes. House Democrats are willing to shut down air traffic control to make a political point."

Some Republicans who oppose House Transportation Committee Chairman Bill Shuster's separate effort to divorce air traffic control functions from the FAA have said they also oppose the extension. These lawmakers think the Transportation chairman should accept that the Senate has no interest in such an overhaul and don't want the agency to operate in fits and starts under stopgap measures.

Rep. Peter DeFazio (D-Ore.), the top Democrat on the Transportation Committee, called Republicans "a bunch of losers" for continuing to push breaking up the FAA.

"We're here today because the chairman of the committee has stubbornly persisted in trying to privatize air traffic control," DeFazio said, blasting Shuster on the House floor.

Senate Democrats are reviewing the legislation, but, like House Democrats, believe the flood insurance provisions are problematic and noted that the tax breaks included in the FAA bill weren't offered to Hurricane Sandy victims in 2012, according to a senior aide.

Pelosi panned the bill's tax relief provisions for citizens affected by hurricanes Harvey, Irma and Maria for not "treat[ing] all families recovering from natural disasters the same."

The California Democrat also criticized Republicans for not quickly acting on other programs that need reauthorization — such as the children's health insurance program — and reiterated her call for a vote on the Dream Act.

"Instead of acting on these priorities, House Republicans are advancing a sprawling FAA extension package laden with completely unrelated and inadequate items," she said.

House Minority Whip Steny Hoyer, top Transportation Committee Democrat Peter DeFazio of Oregon and other Democrats also signed onto a Dear Colleague letter opposing the bill.

Brianna Gurciullo and Seung Min Kim contributed to this report.

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Chamber urges Senate to reject Garrett for Ex-Im, confirm other nominees Back

By Zachary Warmbrodt | 09/25/2017 02:58 PM EDT

The U.S. Chamber of Commerce is joining the chorus of business groups calling on lawmakers to block the confirmation of former Rep. Scott Garrett to head the Export-Import Bank.

In a letter sent today to Senate Banking Committee leaders, U.S. Chamber senior executive vice president Suzanne Clark said the group was "extremely concerned" about reports that the bank's critics might try to derail the confirmations of other appointees to the export agency if Garrett's nomination were rejected.

"Each nominee deserves to stand or fall on his or her own merits," Clark said. "We trust that senators from both parties will reject any attempt to hold qualified nominees who enjoy the support of the majority of the Senate hostage in an attempt to gain leverage for the approval of a nominee who does not enjoy the support of a majority of the Senate."

Business groups have been lobbying to stop Garrett's appointment after he worked to kill the Export-Import Bank while in Congress.

The Chamber strongly supports the nominations of Kimberly Reed, Claudia Slacik, Judith Pryor and Spencer Bachus to serve on the Export-Import Bank's board, Clark said. But Garrett could use his position to prevent the agency from properly functioning, she added.

"As Chairman of the Ex-Im Bank, Mr. Garrett would have extraordinary powers to stop transactions from being voted on by the board, even when they have the support of a majority of Board members," she said. "While the temporary lapse in Ex-Im's charter and the lack of a quorum for the Ex-Im board have hobbled the bank's activities from the outside, confirming an opponent of Ex-Im as its chair would have the same impact regardless of a quorum."

WHAT'S NEXT: The Senate Banking Committee has not scheduled a vote on the nominees.

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Price's private-jet travel breaks precedent Back

By Dan Diamond and Rachana Pradhan | 09/19/2017 10:30 PM EDT

In a sharp departure from his predecessors, Health and Human Services Secretary Tom Price last week took private jets on five separate flights for official business, at a cost of tens of thousands of dollars more than commercial travel.

The secretary's five flights, which were scheduled between Sept. 13 and Sept. 15, took him to a resort in Maine where he participated in a Q&A discussion with a health care industry CEO, and to community health centers in New Hampshire and Pennsylvania, according to internal HHS documents.

The travel by corporate-style jet comes at a time when other members of the Trump administration are under fire for travel expenditures, and breaks with the practices of Obama-era secretaries Sylvia Mathews Burwell and Kathleen Sebelius, who flew commercially while in the continental United States.

Price, a frequent critic of federal spending who has been developing a plan for departmentwide cost savings, declined to comment.

HHS spokespeople declined to confirm details of the flights or respond to questions about who paid for them, with a spokesperson saying only that Price sometimes charters planes when commercial flights aren't feasible. All three organizations that hosted Price last week — the Massachusetts-based health IT firm athenahealth, Goodwin Community Health Center in New Hampshire and the Mirmont Treatment Center in Pennsylvania — told POLITICO they did not pay for his flights or other travel costs.

"As part of the HHS mission to enhance and protect the health and well-being of the American people, Secretary Price travels on occasion outside Washington to meet face to face with the American people to hear their thoughts and concerns firsthand," an HHS spokesperson said, adding, "When commercial aircraft cannot reasonably accommodate travel requirements, charter aircraft can be used for official travel."

Price's spokespeople declined to comment on why he considered commercial travel to be unfeasible. On one leg of the trip — a sprint from Dulles International Airport to Philadelphia International Airport, a distance of 135 miles — there was a commercial flight that departed at roughly the same time: Price's charter left Dulles at 8:27 a.m., and a United Airlines flight departed for Philadelphia at 8:22 a.m., according to airport records.

Sample round-trip fares for the United flight ranged from $447 to $725 per person on United.com, though the price would have been lower if booked in advance or if Price's party received government discounts. Similarly priced commercial flights also left from Reagan National Airport and Baltimore Washington International. By contrast, the cost of chartering the plane was roughly $25,000, according to Ultimate Jet Charters, which owns the Embraer 135LR twin jet that ferried Price and about 10 other people to the clinic event.

In addition, Amtrak ran four trains starting at 7 a.m. that left Washington's Union Station and arrived at Philadelphia's 30th Street Station no later than 9:58 a.m. The least-expensive ticket, on the 7:25 a.m. train, costs $72 when booked in advance. It is just a 125-mile drive from HHS

headquarters in downtown Washington to the Mirmont Treatment Center outside of Philadelphia, where Price spoke. Google Maps estimates the drive as about 2½ hours. A one-way trip was estimated by travel planners to be about $30 in gasoline per SUV plus no more than $16 in tolls.

An HHS spokesperson declined to answer questions on how many private charter flights Price has taken since being confirmed as secretary on Feb. 10, but wrote in an emailed response, "Official travel by the secretary is done in complete accordance with Federal Travel Regulations."

Current and former staffers, speaking on the condition of anonymity, say Price has been taking private jets to travel domestically for months.

Ethics experts say the use of private charters by government officials, while legal, is highly dubious and in most cases a misuse of taxpayer funding.

"I can understand why the secretary might have to use a charter flight to get to a hurricane-devastated region, but Philadelphia is not one of those regions this year," said Walter Shaub, who was director of the United States Office of Government Ethics until July. "I find it hard to believe he couldn't find a suitable commercial flight to Philadelphia."

"This wasteful conduct reflects disdain for the ethical principle of treating public service as a public trust," said Shaub, who was appointed by former President Barack Obama. "Public office isn't supposed to come with frivolous perks at taxpayer expense."

Shaub said that the trips violate the "spirit" of the Federal Travel Regulations, citing the express guidance contained in the regulations that "taxpayers should pay no more than necessary for your transportation."

Members of the Trump administration have come under scrutiny for excessive use of government travel resources. The president and his family have rung up travel expenses at a faster rate than previous presidential families. The inspector general of the Environmental Protection Agency recently announced a probe into Administrator Scott Pruitt's frequent travel to his home state of Oklahoma. The Treasury Department's inspector general is looking into Secretary Steve Mnuchin's use of a government jet on a trip to Fort Knox, Kentucky, that involved viewing the solar eclipse. Most recently, ABC News reported that Mnuchin had requested a government plane to take him on his overseas honeymoon. The request was withdrawn on the grounds that it was unnecessary.

Price is an orthopedic surgeon who served in the U.S. House for 12 years representing a district in suburban Atlanta. After President Donald Trump nominated him to be HHS secretary in January, Price came under fire from Democrats and ethics watchdogs for having made stock trades in health-care companies while serving on a House panel overseeing Obamacare and other health issues.

He has also positioned himself as a champion of fiscal efficiency, backing major spending

reductions to agencies he oversees and legislation that would cull hundreds of billions of dollars from health entitlement programs. This month, Price had been scheduled to submit a department reform plan to the White House that is expected to propose new spending and staffing cuts. He also backed a nearly $6 billion proposed cut to the National Institutes of Health in March, and an overall 18 percent spending cut to HHS included in Trump's first budget proposal.

"Tough choices had to be made to identify and reduce spending within the department," Price said in a statement to Congress about his budget request. "Our goal is to ... [try] to decrease the areas where there are either duplications, redundancies or waste ... and get a larger return for the investment of the American taxpayer."

Price's travel itinerary last week included five charter flights that charter operators estimated would cost at least $60,000. The itinerary, according to airport records and sources with knowledge of Price's travels, began on Wednesday, Sept. 13 (arrows do not represent actual flight paths):

• Price and staff took a private charter that left Dulles that Wednesday at 2:26 p.m. and arrived in Waterville, Maine, at 3:37 p.m., where he then traveled to the Point Lookout resort and spent the night.

• On Thursday, Sept. 14, Price held a fireside chat with the CEO of athenahealth at the Point Lookout resort. He then took a private jet that departed Waterville, Maine, at 11:41 a.m. and arrived in Portsmouth, New Hampshire, at 12:09 p.m. for a scheduled visit to nearby Goodwin Community Health Center.

• Later on Thursday, Price made an announcement about grants for fighting the opioid epidemic, after which he took a private jet that left Portsmouth at 2:34 p.m. and arrived at Washington Dulles at 3:45 p.m.

• On Sept. 15, Price, accompanied by White House counselor Kellyanne Conway, left Dulles aboard a charter at 8:27 a.m. and touched down at Philadelphia International Airport at 9:01 a.m. for a scheduled visit to Mirmont Treatment Center, a local addiction treatment facility.

• Also on Sept. 15, Price, Conway and other staff departed Philadelphia aboard a charter plane at 12:39 p.m. and touched down at Dulles at 1:19 p.m., where the plane was met on the tarmac by two SUVs and a police escort.

The round trip to the Philadelphia airport, which is about 15 miles from Mirmont Treatment Center, where Price and Conway met with staff and patients — cost about $25,000, an official with the charter agency told POLITICO.

Eddie Moneypenny of Ultimate Jetcharters, who confirmed that his company's 30-seat jet was used for a Dulles-Philadelphia roundtrip last week, said he wasn't aware that the trip was for a government official and the charter had been booked through a third party.

Other charter services confirmed that charter flights between Washington and Philadelphia run

tens of thousands of dollars when retaining the same plane.

"I've been doing this for seven years," said Jake Sheeley of EvoJets, another charter service. "I've never seen a flight like this for less than $20,000." Sheeley also estimated that an itinerary modeled on Price's three-flight trip between Washington, Maine and New Hampshire would cost about $40,000.

Several former HHS staffers who had close knowledge of the travel plans of former HHS secretaries Burwell and Sebelius could not recall booking a charter flight for short-haul travel.

Staff for Burwell and Sebelius said booking even a single charter flight was, in the words of one, a "non-starter" within the department. For example, for last year's Obamacare enrollment kick-off, HHS staff had planned a multi-city tour for Burwell to urge Americans to sign up for coverage. The effort, which would have required charter aircraft, was ultimately scrapped because of its estimated $60,000 cost.

"We were worried about the optics and the cost to taxpayers," said one former staffer involved in the planning.

In her more than five years as a Cabinet secretary, Sebelius says she took a charter flight only to get to remote areas in Alaska, which she and staff said were otherwise inaccessible.

"The basic rules that our scheduling team worked under were, you flew commercial and you flew economy," she said in an interview. "That's just what they did."

Tracking Price's travel and meetings has been much more difficult than tracking those of his predecessors. His office only recently began informing reporters of trips ahead of time, and have declined to post most of his remarks and speeches to the HHS website despite his frequent speaking engagements.

Nonetheless, he's spent much of his tenure on the road. POLITICO identified at least 24 separate flights that Price has taken to conduct HHS business in the past four months alone. Those flights don't include Price's weekend trips home to Georgia. An HHS spokesperson said, "Secretary Price pays for personal travel out of his own pocket."

One of those unannounced trips was to last week's conference hosted by athenahealth, the health information company, at the Point Lookout resort in Maine. Price held a wideranging fireside chat with athenahealth CEO Jonathan Bush, the nephew of former President George H.W. Bush and first cousin of former President George W. Bush.

The HHS secretary apparently used his remarks to tweak the government's role as would-be reformers.

"Don't assume the federal government is gonna do the right thing in health care," Price said, according to one account of his talk.

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Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Trump Foiling Bid to Shun Unwanted Ethanol Spat with Brazil

Posted August 07, 2017, 01:14 P.M. ET

By Mario Parker and Fabiana Batista

President Donald Trump's America First rhetoric is doing no favors for U.S. ethanol producers, who are hoping to avoid a trade fight with fuel buyers in Brazil.

The administration has started making noise about rising imports of Brazilian biofuel made from sugar. That's got the South American producer mulling tariffs or a quota on imports of U.S. fuel made from corn. A trade spat would be a much bigger problem up north because the U.S. ships more than four times as much to Brazil than it buys from the country.

The brewing trade dispute is gearing up to pit the world's two biggest ethanol producers against each other. As the rivalry heats up, hedge funds seem to be signaling that Brazil will be the winner -- speculators cut their bullish bets on corn last week while getting less bearish on sugar.

"The winds of protectionism are blowing in Washington," said Joel Velasco, a principal at Albright Stonebridge Group in Washington and a former representative for the Brazilian Sugarcane Industry Association, or UNICA. "The race to raise barriers can quickly sour things for U.S. and Brazil relations."

Raw-sugar futures have climbed 2.7 percent since the end of June, buoyed by the outlook for increased use in ethanol. Gains for crude oil have spurred Brazil's state-controlled oil company, Petroleo Brasileiro SA, to raise gasoline prices, boosting the allure of ethanol, which competes directly at the pump in a country where most cars can use either fuel. A recent fuel-tax hike is also favoring use of the biofuel.

Corn Wagers

Speculators cut their corn net-long position, or the difference between bets on a price increase and wagers on a decline, by 21 percent to 84,644 contracts in the week ended July 25, according to U.S. Commodity Futures Trading Commission data released three days later. By contrast, the net-bearish sugar position contracted by 19 percent.

The tension escalated last month, when the U.S. Environmental Protection Agency, in proposing

annual renewable-fuel quotas, asked for public comments addressing the agency's concerns that Brazilian ethanol is being used to satisfy parts of the country's biofuel mandate.

Both countries have long imported from each other, with demand fluctuating along with corn and sugar price differentials.

While Brazil also depends on its shipments to the U.S., its No. 1 customer, its industry as a whole is not as reliant on exports because of a robust domestic market, making a trade dispute more of an issue for the American producers. The U.S.'s capacity exceeds its current domestic demand.

Bad Timing

It's also bad timing for U.S. producers who already lost a mammoth customer in China after the nation raised tariffs on American ethanol and an animal feed byproduct. While the American industry wrote a Feb. 7 letter to Trump asking him to intervene, those issues were absent in a May announcement that the U.S. reached an agreement with China on commodities, including beef.

To ward off a similar fate from Brazil, Washington-based trade groups for agriculture and biofuels are lobbying the Trump administration for a softer stance and for the South American nation to reconsider its move toward a tariff.

The efforts seem to be helping. The South American nation on July 25 postponed an official decision from its trade chamber on the potential 20 percent tax. Groups including the U.S. Grains Council, the Renewable Fuels Association and Growth Energy applauded the move.

"This proposal, if implemented, would have wide-ranging and long-standing impacts on both our industries and the global fuel supply," the groups said in an emailed statement.

Still, it's hardly a settled debate. Brazil's industry group UNICA plans to push regulators to move against a recent flood of American shipments, according to Eduardo Leao, the group's executive director. One proposal is for an import quota of 600 million liters (158 million gallons), with a 20 percent tariff on shipments exceeding the limit, he said. That quota would be less than half the total shipments from the first half of this year.

U.S. ethanol exports to Brazil plummeted 68 percent in June, according to U.S. Agriculture Department data.

Even though gains for sugar prices mean that imports are sometimes favorable for Brazil, "they don't want to be on the hook," perpetually soaking up a surplus of U.S.-produced ethanol at the expense of their domestic industry, said Craig Irwin, an analyst at Roth Capital Partners LLC in Newport Beach, California.

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U.K. Clears $5.5 Billion Offshore Wind Farm for Scottish Power

Posted August 07, 2017, 9:23 A.M. ET

By Anna Hirtenstein

The U.K. government gave the green light to ScottishPower Renewables Ltd. to build a 1.2-gigawatt

wind farm off the coast of Norfolk that may cost as much as $5.5 billion.

The East Anglia Three offshore wind farm received planning consent from Secretary of State for Business, Energy and Industrial Strategy Greg Clark, according to a statement from the developer. It will consist of 172 turbines, each more than twice as tall as the Big Ben clock tower in London. It may cost as much as $5.5 billion, according to analysts at Bloomberg New Energy Finance.

The developer will now move to the next phase where it prepares to bid in an auction for a contract for difference, which would fix a price for the electricity generated from the wind turbines. If successful, ScottishPower Renewables expects construction to begin in 2022 and for the project to be working by 2025.

"This project will need the U.K. to hold a third contracts for difference round in order to get a subsidy and find a route to market, as it will be built too late for it to compete in the second one," said Tom Harries, wind analyst at Bloomberg New Energy Finance.

ScottishPower Renewables is currently working on its East Anglia One wind farm, which is planned to be 714 megawatts in installed capacity and operational by 2020. It will sell its power at a price of 119 pounds ($155) a megawatt-hour. The developer expects to be able to deliver a lower price for East Anglia Three, according to the statement.

"Major contracts are already being delivered in towns and cities spread out all across the U.K.,," said Keith Anderson, CEO of ScottishPower Renewables. "Offshore wind has supported jobs and investment in Hull, Hartlepool, Lowestoft, Great Yarmouth, Grimsby, Teesside, Tyneside, Fife, Machrihanish and Belfast to name but a few. Large-scale projects like East Anglia Three will continue to help to encourage economic regeneration where it is needed most."

The East Anglia Three wind farm is expected to power nearly 1 million homes in the U.K. upon completion.

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Merkel Climate Goal in Doubt with Greenhouse Gases on the Rise

Posted August 07, 2017, 8:45 A.M. ET

By Brian Parkin

More than 12 straight months of rising greenhouse gas pollution in Germany are casting doubt on whether Chancellor Angela Merkel's government can meet climate targets.

"Without an immediate program of climate protection, the 2020 target will clearly be missed," according to a statement from Agora Energiewende, a Berlin-based researcher that published preliminary emissions data on August 7.

Carbon dioxide emissions in Europe's largest economy grew by 5 million tons, or 1.2 percent, to 428 million tons in the first six months, according to Agora. The rise in greenhouse gases responsible for global warming follows increased German emissions in 2016, which reached 906 million tons compared with 902 million tons the year before.

The data shows that Merkel's goal—cutting 2020 emissions by 40 percent relative to 1990

levels—is on the verge of failure. By last year, Germany had cut emissions by just 28 percent compared to output in 1990.

"The gap to reach a 40 percent reduction target for climate protection won't narrow, but will remain at about 150 million tons," Agora Director Patrick Graichen said in the statement.

A combination of economic growth, rising power generation and car sales contributed to Germany's rising emissions last year, according to Agora. Goods and services in the world's fourth-biggest economy grew almost 2 percent, helping German car drivers add 3.4 million mostly-diesel automobiles to the road, a 4.5 percent increase from the year before.

Emissions from diesel combustion rose 6.5 percent in the first six months of this year. Carbon dioxide pollution from oil, gas and lignite combustion rose by almost 10 million tons for the six months through June 30. Emissions from hard coal dropped by 5 million tons, said Agora.

Lawmakers from Merkel's Christian Democratic party want Germany to drop over-ambitious climate targets and align the nation's policy with European Union-wide goals after next month's federal election. The EU wants to reduce emissions by 40 percent by 2030.

Germany's Ministry of the Environment didn't immediately respond to requests for comment. Coal plants run by RWE AG, Uniper SE and Vattenfall AB are to blame for slowing German progress toward greenhouse gas reduction goals, the ministry said earlier this year.

Merkel may seek to tread carefully over climate policy as the election nears. Climate change tops German voters list of worries, ahead of terror attacks, crime rates and the influx of refugees, according to a Kantar Emnid GmbH poll conducted on July 26-27. Some 71 percent of respondents said climate change "caused them personally most worry" according to the poll.

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Big Oil's Dream of $65B Hidden Off Norway Is Fading Away

Posted August 07, 2017, 7:43 A.M. ET

By Mikael Holter

Norway's oil industry has been salivating for years over the Arctic Lofoten islands, which could hold billions of barrels of crude. It will likely have to keep dreaming.

The general election next month is unlikely to lift a deadlock that's keeping a ban on drilling off the environmentally sensitive archipelago as more and more Norwegians are turning their backs on the industry that helped make the country one of the world's richest.

"It's a dead issue," said Frank Aarebrot, a professor of political science at the University of Bergen.

Backed by unions and business, Norway's two biggest parties, Labor and the Conservatives, have long favored steps that could open up the area for exploration. But so far they have had to compromise with smaller parties that are determined to keep Lofoten oil-free.

That's because the area is a natural wonder. The waters off the rugged archipelago are home to the world's biggest cold-water coral reef and a breeding area for 70 percent of all fish caught in the

Norwegian and Barents seas, according to WWF. The islands also host mainland Europe's biggest seabird colony. Opponents of oil exploration argue a spill could cause catastrophic harm and that Norway will run afoul of the Paris climate agreement if it expands exploration more.

Oil companies led by state-controlled Statoil ASA, the biggest Norwegian producer, say gaining access is key if the country wants to maintain production of oil and gas, which is forecast to fall again from 2025 after already dropping 12 percent since a 2004 peak. While the government estimates Lofoten could hold about 1.3 billion barrels of oil equivalent, industry group Konkraft has said resources could top 3 billion barrels. If it's all crude rather than gas, that would represent at least $65 billion in sales value at current prices.

"We're dependent on making new discoveries to have new projects in that time-frame," Statoil spokesman Bard Glad Pedersen said by phone. "That also underlines the urgency in an impact assessment for Lofoten and Vesteraalen."

The debate over Lofoten frames a wider discussion in Norway over what role western Europe's biggest oil and gas producer, which started pumping crude in the 1970s, should take in the fight against climate change. Some 44 percent of Norwegians would be willing to leave some oil in the ground if it helps cut emissions, according to an Ipsos poll done this month for Dagbladet.

The question is also whether there will actually be a need for the area's untapped crude. As prices for renewable energy drop and oil producers from Exxon Mobil Corp. to OPEC hike their forecasts for electric car sales, Big Oil has started talking about crude demand peaking as early as next decade.

While both Prime Minister Erna Solberg and her rival from Labor, Jonas Gahr Store, say Norway needs to become less reliant on oil, they also maintain that petroleum production will continue to play a big part for many years ahead. Production alone still accounts for about 12 percent of the economy, down from more than 20 percent before oil prices crashed in 2014, and the entire industry employs almost 200,000 workers.

The Compromise

Ascendant opponents such as the Green Party, which looks set to gain more seats in parliament next month, and environmental groups say Norway needs to start to phase out its oil industry, arguing that more production would be a breach to its commitments under the Paris climate accord. Greenpeace is suing the country to get it to stop exploring in the Barents Sea off Norway's northern tip.

In a sign that opponents of drilling are gaining traction, Labor in a "compromise" earlier this year said it would only seek to start an impact study in one of the three areas designated as potential oil blocks off Lofoten. But even such as small move is opposed by the Center Party and the Socialist Left Party, its potential ruling partners after the Sept. 11 vote. Polls show such a coalition would win a clear majority.

Even industry friendly politicians such Ola Borten Moe, deputy leader of the Center Party, says there's no need to push into Lofoten. "There's more than enough good acreage available," he said in an interview.

But the former oil minister, who was well-liked in the industry, stopped short of presenting Labor with an ultimatum, contrary to the Socialist Left which says it won't lend its support to any government that allows oil activity off Lofoten.

"We will spend political capital on this," Kari Elisabeth Kaski, a member of the party's governing body, said in an interview. "It's an important symbolic issue."

The parliamentary situation is fluid and Labor could potentially seek support to form a coalition from the Christian Democrats and the Liberal Party, two centrist groups that currently support the Conservative-led government. But they also oppose an impact study.

Any government run by Labor or the Conservatives would maintain stable terms for the oil industry, including taxes and acreage awards, even if several smaller parties are pushing for an overhaul of Norway's energy policy.

The price for that may well be that Lofoten is left alone forever.

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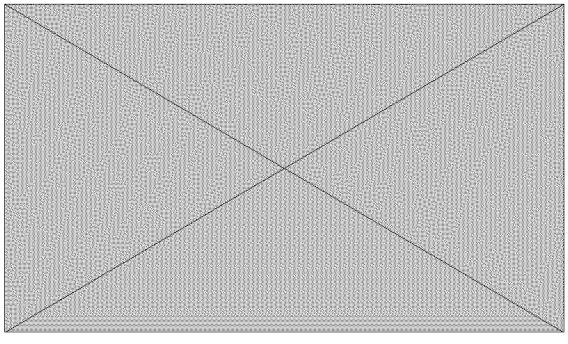
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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Wed 10/4/2017 10:04:45 AM
Subject: AEI Today: The best part of the Republican tax plan

Fiscally responsible tax reform will prove well worth it when we have a broader tax base, lower rates, and a simpler tax code.

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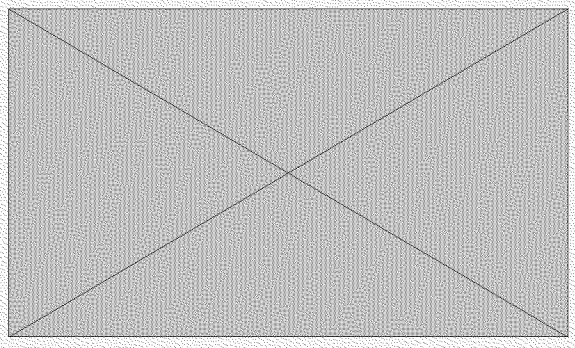
Reuters

The best part of the Republican tax plan

Alex Brill | The Hill

Fiscally responsible tax reform will prove well worth it when we have a broader tax base, lower rates, and a simpler tax code. While lawmakers should protect tax incentives for charitable giving and savings, the myriad of other deductions, credits, and exclusions should be considered fair game — starting with the state and local tax deduction. This repeal of the largest itemized deduction alone can finance a cut in taxes for half of all filers while preserving the American tax

code's progressivity.

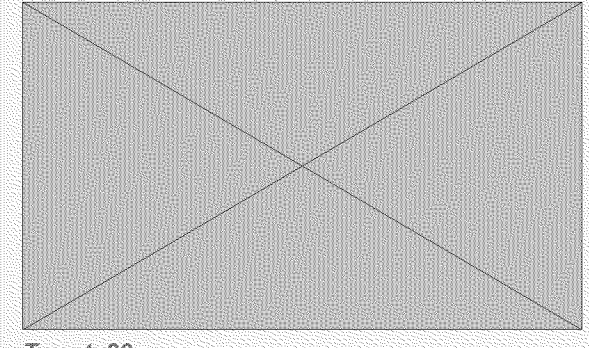


Twenty20

The bizarre case for dumbing down tech

Mark Jamison | AEIdeas

Are tech firms too smart? Some people seem to think so: Proponents of more regulations believe the world would be a better place if tech companies benefited less from what they know. The problem here isn't with privacy but instead stems from the basic belief that the race for knowledge is bad for competition. If our country values knowledge so much that we subsidize universities and promote STEM education, perhaps we should allow tech companies to be as smart as they can be.

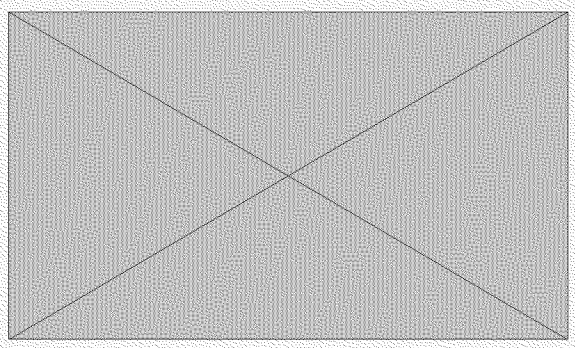


Twenty20

Conservatives at odds over school reform only hurt themselves

Andy Smarick | US News & World Report

On K-12 policy, conservatives are pulled in opposite directions by competing schools of thought that are difficult to reconcile. The "bold reform" conservative camp sees our public education system as controlled by government monopolies. To many members of this camp, Education Secretary Betsy DeVos is an exceptional leader and spokesperson. But another branch of conservatism finds all of this unsettling.



Reuters

Republicans need tax principles to sell reform. Like these.

Michael R. Strain | Bloomberg View

Debate over the tax framework released by Republican congressional leaders and the Trump administration has rightly focused on the implications of its details — some known, some not — for the middle class, the rich, and the deficit. If these details are the trees, what is the forest? What principles should GOP leaders be trying to advance? Here's one: The system should treat comparable taxpayers similarly.

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Ramesh Ponnuru | Bloomberg View

Years of Erdogan have done irreparable damage to Turkey. It's time to talk succession.
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'Sin' taxes are supposed to curb bad habits and raise revenue. New research shows they may not be effective at either.
Aparna Mathur and Matt Winesett | AEIdeas

Infographic: Congress' skillful approach to CBO reform
Matt Jensen | AEI Open Source Policy Center

At Harvard, Betsy DeVos' tone is more 'tread carefully' than 'go for it.' That's a healthy change.
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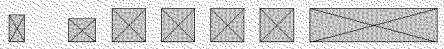
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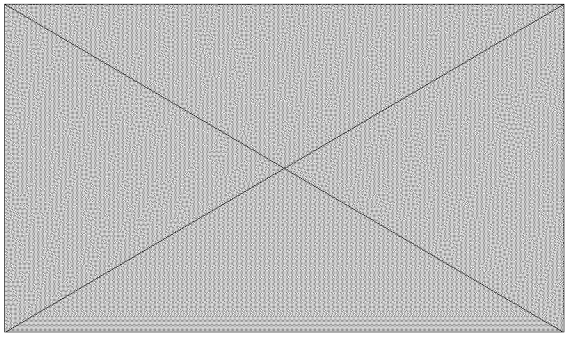


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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Sent: Thur 10/26/2017 10:03:40 AM
Subject: AEI Today: Rabbi Lord Jonathan Sacks receives 2017 Irving Kristol Award

Rabbi Lord Jonathan Sacks is an international religious leader, philosopher, award-winning author, and respected moral voice.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



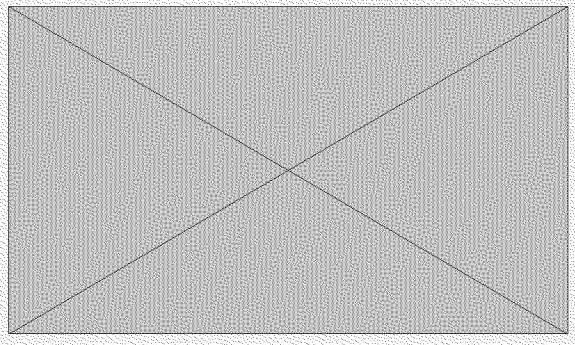
AEI

Rabbi Lord Jonathan Sacks receives 2017 Irving Kristol Award

Rabbi Lord Jonathan Sacks | AEI

Rabbi Lord Jonathan Sacks is an international religious leader, philosopher, award-winning author, and respected moral voice. He was awarded the 2016 Templeton Prize in recognition of his "exceptional contributions to affirming life's spiritual dimension." Last night he received the 2017 Irving Kristol Award, the highest honor conferred by AEI. "Don't lose the American

covenant," said Sacks. "It's the most precious thing you have. Renew it now."

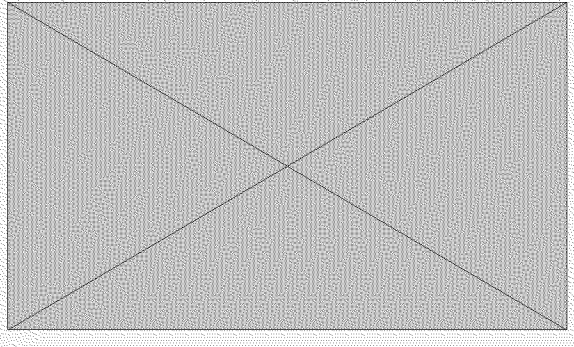


Reuters

A right-wing Justin Trudeau tries to fix Austrian immigration

Dalibor Rohac | The National Interest

Fears about a hard-right turn in Austria following its parliamentary election this past weekend need to be put in perspective. The populist, anti-immigration, Russia-friendly Freedom Party of Austria will likely be a junior partner in the center-right coalition government of Sebastian Kurz. Kurz's electoral success was driven in part by promises of political renewal — in particular a hard line against immigration from Muslim-majority countries.

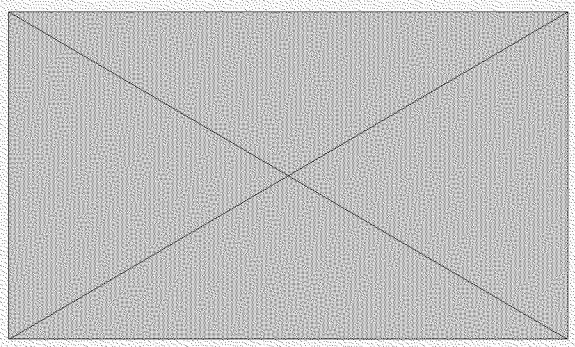


Twenty20

Conservatives, regulatory humility goes both ways

Gus Hurwitz | AEIdeas

Regulation is built on an assumption that government has the power to do good things and need only authorize use of that power to see those good things done. Those of us who study regulation know that this sort of thinking is an embodiment of what Harold Demsetz called "the nirvana fallacy." But reflexive opposition to regulation should be tempered: There are times when regulation complements and even improves on market mechanisms.



Twenty20

Even the government is confused by the student loan program

Jason D. Delisle | US News & World Report

Last year, the US Treasury Department revealed a shocking statistic about the federal student loan program: Borrowers who default tend to carry the bad debt around with them for many years. A random sample showed that unpaid loans are in default for six years on average. A policymaker might find all of this puzzling. In

fact, the policies for curing a defaulted loan are so confusing, even the Department of Education gets them wrong.



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Iraq may have just turned the corner from chaos to stability
Michael Rubin | Washington Examiner

Bailing out failed nuclear plants isn't going to help the environment — or the economy
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Desmond Lachman | USA Today

Vice President Pence: Our punitive tax system has hollowed out America's industrial heartland
Mike Pence | AEI remarks

Podcast: Sen. Ben Sasse (R-NE) and Jonah Goldberg on sports, current events, and survivalism
Jonah Goldberg | 'The Remnant' podcast

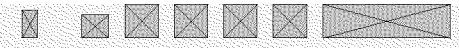
Why is YouTube undercutting the fight against ISIS?
Michael Rubin | Washington Examiner

Argentina's president restores confidence in the free market and provides an alternative to left-wing populism
Roger F. Noriega and Andres Martinez-Fernandez | AEIdeas

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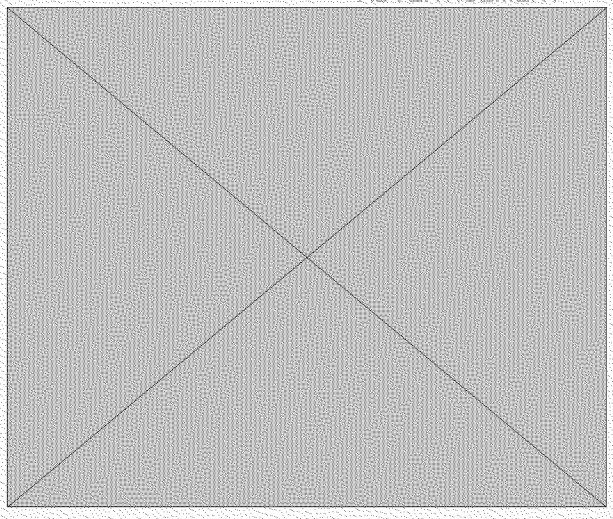
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From: The Washington Post
Sent: Wed 8/9/2017 4:00:33 PM
Subject: [SPAM] Checkpoint: Divers work to recover U.S. military aircraft off Australia after crash that presumably killed 3 Marines



An Iranian drone just threatened a U.S. fighter as it tried to land on an aircraft carrier

The incident occurred in the Persian Gulf as the Navy F/A-18E Super Hornet attempted to land on the USS Nimitz.
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He served in Vietnam. His HOA just ordered him to remove an American flag from his mailbox.

The Florida HOA wanted the veteran to remove “something I hold dearly.” He's fighting back.
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Divers work to recover U.S. military aircraft off Australia after crash that presumably killed 3 Marines

Twenty-three personnel have already been rescued.

By Thomas Gibbons-Neff and Brian Murphy • Read more »

U.S. troops are on the ground in Yemen for offensive against al-Qaeda militants

It's the first large-scale operation against al-Qaeda in Yemen since 2015.

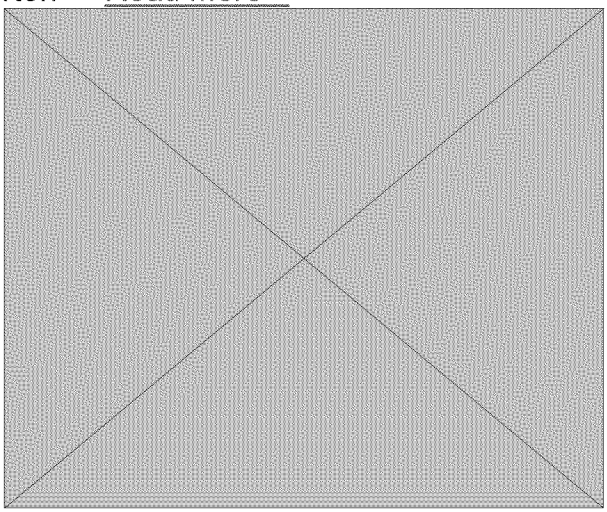
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Trump talked about sending troops to battle 'tough hombres' in Mexico. Can he do that?

A transcript of the president's call with Enrique Peña Nieto reveals that Trump raised the specter of using the U.S. military to fight Mexican drug cartels.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Mon 10/16/2017 9:26:00 PM
Subject: Trump's EPA Curbs "Sue-And-Settle" Practice

WHAT THEY ARE SAYING ...

Trump's EPA Curtails "Sue-And-Settle" Practice

BLOOMBERG: "The Trump administration moved Monday to curb settlements with conservationists and industry, instead vowing to fight cases designed to force the Environmental Protection Agency to take action. EPA Administrator Scott Pruitt said he is ending a 'sue-and-settle' practice that has resulted in closed-door agreements committing the agency to regulating greenhouse gas emissions or mercury pollution from power plants. 'It's very important that we do not engage in rulemaking through litigation,' Pruitt told reporters at a briefing Monday. As of today, with this directive and the memorandum, we're no longer going to be involved in that practice.'" (Bloomberg, 10/16/17)

TALKING POINTS MEMO: "Pruitt pledged that the agency would no longer reimburse attorneys' fees in cases where it decides to avoid a lawsuit, arguing that both environmental and business groups had abused it to enrich themselves in the past. 'This is not particular to one type of plaintiff,' he said. 'There should be no attorneys' fees paid, period, no matter who the plaintiff is.'" (Talking Points Memo, 10/16/17)

THE PROGRESSIVE FARMER: "President Barack Obama's U.S. Environmental Protection Agency took a lot of heat from rural America for working with environmental groups that sued the federal government on various aspects of environmental law. Otherwise known as sue and settle, environmental groups and others have made a cottage industry out of suing and forcing EPA to settle. The agency has taken heat for making so-called backroom deals with those groups, often leading to changes in environmental laws. On Monday, EPA Administrator Scott Pruitt announced an agency-wide directive to end the practice." (The Progressive Farmer, 10/16/17)

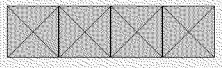
THE WASHINGTON POST: "Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to limit the extent to which EPA can reach legal agreements with groups suing to force it to take regulatory action. Ending the practice known as 'sue and settle' has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs' attorney fees." (The Washington Post, 10/16/17)

FOX NEWS: "Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests." (Fox News, 10/16/17)

THE WASHINGTON EXAMINER: "The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court

settlements that alter environmental outcomes to the liking of environmental and other special interest groups." (The Washington Examiner, 10/16/17)

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From: POLITICO
Sent: Sat 8/12/2017 5:39:45 PM
Subject: BREAKING NEWS: Trump denounces 'hate' and 'violence' following Charlottesville clashes

President Donald Trump said on Saturday that there is "no place for this kind of violence in America" as reports from a rally in Charlottesville, Va., depicted violent clashes between white nationalists and counter-protesters.

"We ALL must be united & condemn all that hate stands for. There is no place for this kind of violence in America. Lets come together as one!," Trump wrote on Twitter.

Read more here: http://politi.co/2uypuMW

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EHS State Regulatory Alert

August 03, 2017 - Number 148

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Arkansas

OIL AND GAS INDUSTRY
Oil and Gas Commission/Gas-Oil Ratio
Arkansas OIL AND GAS INDUSTRY

Final rule of the Oil and Gas Commission repeals regulations under General Rule D9 regarding gas-oil ratio. The rule removes a provision that prohibits wells from producing gas in excess of the maximum ratio determined for a common source of supply unless all gas produced in excess is returned to the common source. The rule is effective July 26, 2017. Contact: Lawrence Bengal; OGC; 501-683-5814

—Arkansas Register (08/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Oil and Gas Commission/Monthly Reports Costs
Arkansas OIL AND GAS INDUSTRY

Final rule of the Oil and Gas Commission repeals regulations under General Rule C6 regarding monthly reports costs. The rule removes a provision that directs the commission to prescribe a fee per copy or subscription for notices and reports prepared and published by the commission. The rule is effective July 26, 2017. Contact: Lawrence Bengal; OGC; 501-683-5814

—Arkansas Register (08/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Oil and Gas Commission/Pipeline Maps
Arkansas OIL AND GAS INDUSTRY

Final rule of the Oil and Gas Commission repeals regulations under General Rule D11 regarding pipeline maps. The rule removes a provision that requires pipeline maps indicating the location, size, extensions, and any portions abandoned or not used to be filed at the request of the commission. The rule is effective July 26, 2017. Contact: Lawrence Bengal; OGC; 501-683-5814

—Arkansas Register (08/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Oil and Gas Commission/Production Practice
Arkansas OIL AND GAS INDUSTRY

Final rule of the Oil and Gas Commission repeals regulations under General Rule B33 regarding production practice. The rule removes a provision that requires naturally flowing wells to be produced at a continuous, uniform rate unless the commission specifically permits stop-cocking to reduce the gas-oil ratio or overcome logging up. The rule is effective July 26, 2017. Contact: Lawrence Bengal; OGC; 501-683-5814

—Arkansas Register (08/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Oil and Gas Commission/Requirements for Well Completion Utilizing Fracture Stimulation
Arkansas OIL AND GAS INDUSTRY

Final rule of the Oil and Gas Commission amends regulations under General Rule B19 regarding requirements for well completion utilizing fracture stimulation. The rule clarifies that the requirements apply to all new horizontal wells and all vertical wells where the amount of hydraulic fracturing fluid used during the hydraulic fracturing treatment of the well exceeds 10,000 barrels. The rule is effective July 26, 2017. Contact: Lawrence Bengal; OGC; 501-683-5814

—Arkansas Register (08/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Oil and Gas Commission/Salt Water
Arkansas OIL AND GAS INDUSTRY

Final rule of the Oil and Gas Commission repeals regulations under General Rule B27 regarding salt water. The rule removes a provision that requires all wells producing 2 percent or more salt water in controlled fields to be reported monthly by their owner or operator to the commission. The rule is effective July 26, 2017. Contact: Lawrence Bengal; OGC; 501-683-5814

—Arkansas Register (08/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Oil and Gas Commission/Use of Gas for Other than Light or Fuel

Arkansas OIL AND GAS INDUSTRY

Final rule of the Oil and Gas Commission repeals regulations under General Rule D11 regarding the use of gas for purposes other than light or fuel. The rule removes a provision that requires a verified statement with specified information to be filed with the commission before an individual uses gas for purposes other than light or fuel and allows the commission to hold a public hearing on the proposed utilization of gas. The rule is effective July 26, 2017. Contact: Lawrence Bengal; OGC; 501-683-5814

—Arkansas Register (08/01/2017)

Regulatory Update

Michigan

OCCUPATIONAL SAFETY AND HEALTH

Construction Code/Building Code

Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, amends regulations under MAC 408.30401 regarding the building code (Part 4) and storm shelter requirements under the incorporated 2015 International Building Code. The rule exempts certain Group E occupancies, including public schools and occupancies accessory to places of religious worship, from the requirement to construct storm shelters where the shelter design wind speed for tornadoes is at its highest (250 miles per hour). The rule makes permanent provisions of a July 1, 2017, emergency rule that expires Dec. 13, 2017. A hearing is scheduled for Aug. 24, 2017, in Lansing. Comments are due Aug. 24, 2017. Contact: Shannon Matsumoto; DLRA, Bureau of Construction Codes; 517-241-6312; matsumotos@michigan.gov

—Michigan Register (08/01/2017)

Regulatory Update

WATER

Cleanup Criteria Requirements for Response Activity/1,4-Dioxane

Michigan WATER

Proposed rule of the Department of Environmental Quality, Remediation and Redevelopment Division, amends regulations under MAC 299.44 and .49 (Part 201) regarding generic groundwater cleanup criteria. The rule establishes a residential drinking water cleanup criterion for 1,4-dioxane in groundwater of 7.2 parts per billion. The rule makes permanent provisions of a Nov. 15, 2016, emergency rule that expires Oct. 27, 2017. A hearing is scheduled for Aug. 22, 2017, in Lansing. Comments are due Aug. 22, 2017. Contact: Dan Yordanich; DEQ, Remediation and Redevelopment Division; 517-284-5174; yordanichd@michigan.gov

—Michigan Register (08/01/2017)

Regulatory Update

Pennsylvania

WATER
Environmental Laboratory Accreditation
Pennsylvania WATER

Final rule of the Environmental Quality Board amends regulations under 25 PAC 252.1 through .708 (nonconsecutive) concerning accreditation of environmental laboratories. The rule establishes requirements concerning development and maintenance of instructions for sample collection, preservation, and sample receipt. The rule also updates accreditation requirements, provides for designation of temporary laboratory supervisors, requires deficiencies to be corrected within 120 calendar days, and addresses personnel certification and qualification requirements. In addition, the rule requires laboratories to notify customers of an expiration of accreditation and removes requirements for onsite assessments, except for onsite assessments for initial accreditation. Finally, the rule provides for receipt of electronic applications and fee payment, increases fees, modifies the fee schedule, and requires laboratories to check the pH of each sample container. The rule is effective July 29, 2017. Contact: Aaren Alger; Department of Environmental Protection, Laboratory Accreditation Program; 717-346-8212; RegComments@pa.gov

—Pennsylvania Bulletin (07/29/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission/Review and Approval of Projects
Pennsylvania WATER

Notice announces a June 29, 2017, final rule of the Susquehanna River Basin Commission that clarifies application requirements and standards for review of projects and provides for the registration of grandfathered projects. The rule also revises requirements for hearings and enforcement actions and updates definitions. The final rule includes numerous changes and clarifications to the rule as proposed. For example, the final rule allows the executive director to use past grandfathering determinations and allows the commission to waive certain registration information if a project is relying on a past grandfathering determination. The final rule does not finalize proposed changes to the consumptive use mitigation policy. The commission plans to reevaluate its policies and procedures for consumptive use and consumptive use mitigation in a more comprehensive fashion. The rule is effective July 1, 2017. Provisions concerning registration of grandfathered projects and grandfathered consumptive use are effective Jan. 1, 2018. Contact: Jason Oyler; Susquehanna River Basin Commission; 717-238-0423; joyler@srbc.net. Citations: 18 CFR 806.1 through 808.18

—Pennsylvania Bulletin (07/29/2017)

Regulatory Update

Rhode Island

AIR
Efficient Buildings Fund Project Priority List
Rhode Island AIR

Final rule of the Department of Administration, Office of Energy Resources, amends regulations under RICR 300-00-00-1 regarding the Efficient Buildings Fund project priority list. The rule provides for new eligible technologies, clarifies definitions and the application period, consolidates provisions on evaluation criteria, and adds a provision concerning requisition for payment. The rule is effective Aug. 21, 2017. Contact: Barbara Cesaro; DEM, Office of Energy Resources; 401-574-9105; Barbara.cesaro@energy.ri.gov

—Rhode Island Regulations (08/01/2017)

Regulatory Update

Washington

HAZARDOUS MATERIALS TRANSPORTATION
Utilities and Transportation Commission
Washington HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Utilities and Transportation Commission amends regulations under WAC 480-14-999 through -123-999 (nonconsecutive) to revise standards for solid waste and refuse collection companies and hazardous liquids pipelines. The rule updates the adoption by reference of federal standards and other adopted publications. The rule is effective Aug. 13, 2017. Contact: Ann LaRue; UTC; 360-664-1245

—Washington State Register (08/02/2017)

Regulatory Update

Wisconsin

WATER
Water Quality Standards for Surface Waters/Lac Courte Oreilles
Wisconsin WATER

Notice announces the intention of the Department of Natural Resources to amend regulations under WAC NR 102.06 to establish phosphorus site-specific criteria for Lac Courte Oreilles in Sawyer County. The rule is being proposed due to a court-approved settlement in which the DNR agreed to adopt such criteria for the lake. A hearing will be announced at a later date. A comment

due date is not specified. Contact: Kristi Minahan; DNR; 608-266-7055; Kristi.minahan@wisconsin.gov

—Wisconsin Administrative Register (07/31/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/4/2017 4:56:06 PM
Subject: Aug. 04 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

August 04, 2017 - Number 149

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
NSPS, NESHAP and Stratospheric Ozone Applicability Determinations
AIR

Notice of the EPA announces the availability of applicability determinations, alternative monitoring decisions, and regulatory interpretations pertaining to NSPS, NESHAP, and the Stratospheric Ozone Protection Program. The information includes 31 documents that have been compiled by the agency on the Applicability Determination Index database system, which is available on the EPA's Clean Air Act Compliance Monitoring website. Contact: Maria Malave; EPA; 202-564-7027; malave.maria@epa.gov. Citations: 40 CFR 60, 61, 63, 82

82 FR 36394 (08/04/2017)

Regulatory Update

AIR
Refrigerator and Refrigerator-Freezer Test Procedures Exemption/Panasonic
AIR

Notice of the Energy Department, Office of Energy Efficiency and Renewable Energy, grants a waiver extension to Panasonic Appliances Refrigeration Systems Corporation of America (PAPRSA) from test procedure requirements for consumer refrigerators and refrigerator-freezers. PAPRSA must test and rate the combination cooler-refrigerator basic model, PR5181WBC, using a correction factor of 0.85. The extension is effective Aug. 4, 2017, and expires Oct. 28, 2019. Contact: Bryan Berringer; DOE, Building Technologies Office; 202-586-0371; AS_Waiver_Requests@ee.doe.gov. Citations: 10 CFR 430, Subpart B, Appendix A

82 FR 36386 (08/04/2017)

Regulatory Update

AIR

Room Air Conditioners Energy Conservation Standards

AIR

Notice of the Energy Department requests information to consider updates to test procedures for room air conditioners (ACs). The agency seeks comments on issues identified in a June 18, 2015, request for information (80 FR 34843) regarding energy conservation standards and the test procedures for room ACs, including how best to harmonize testing procedures with portable ACs test procedures, test setup and air sampling, and room AC referenced test procedures. The agency also seeks comments on ways to simplify testing requirements, measures to lower the cost of its regulations applicable to room ACs, and any other relevant issues. Comments are due Sept. 5, 2017. Contact: Bryan Berringer; DOE, Office of Energy Efficiency and Renewable Energy; 202-586-0371; ApplianceStandardsQuestions@ee.doe.gov. Citations: 10 CFR 430

82 FR 36349 (08/04/2017)

Regulatory Update

AIR

Solid Waste Incineration Unit Negative Declarations/EPA Region 8

AIR

Notice of the EPA announces the withdrawal of a June 5, 2017, direct final rule (82 FR 25734) that approved negative declarations for several categories of solid waste incineration units in Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. The negative declarations address small municipal waste combustor (MWC) units, large MWC units, commercial industrial solid waste incineration units, and other solid waste incineration units. The negative declarations also certify that there are no designated facilities subject to emissions guidelines currently operating in these states. The withdrawal is due to the receipt of one adverse comment that the agency will address in a subsequent final rulemaking. The withdrawal is effective Aug. 3, 2017. Contact: Gregory Lohrke; EPA Region 8, Air Program; 303-312-6396; lohrke.gregory@epa.gov. Citations: 40 CFR 62.1370 through 62.12660

82 FR 36335 (08/04/2017)

Regulatory Update

ENDANGERED SPECIES

Washington State/Marine Mammals Incidental Take

ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the receipt of a request for authorization to take small numbers of marine mammals incidental to conducting construction activities related to marine structure maintenance and pile replacement at five naval installations in Washington state inland waters from 2018 to 2023. The proposed project consists of annual maintenance and repair activities of existing waterfront structures, including the replacement of 822 structurally unsound piles at Naval Station Everett; Zelatched Point; and the Kitsap Bangor, Kitsap Bremerton, Kitsap Keyport, and Kitsap Manchester naval bases. The proposed activities would expose marine mammals in the vicinity to elevated levels of underwater sound, resulting primarily in Level B incidental take and potentially Level A harassment. Comments are due Sept. 5, 2017. Contact: Ben Laws; NMFS, Office of Protected Resources; 301-427-8401; ITP.Laws@noaa.gov

82 FR 36359 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Naval Base Point Loma Pier Replacement Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the National Marine Fisheries Service announces the receipt of a request from the U.S. Navy for authorization to take nine species of marine mammals incidental to demolition and pile installation activities associated with a multiyear pier replacement project at Naval Base Point Loma in San Diego. The authorization allows take in the form of Level B harassment for one year. Comments are due Sept. 5, 2017. Contact: Laura McCue; NMFS, Office of Protected Resources; 301-427-8401; ITP.McCue@noaa.gov

82 FR 36360 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Environmental Impact Statements
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the availability of environmental impact statements, filed July 24-28, 2017. Contact: Dawn Roberts; EPA, Office of Federal Activities; 202-564-7146. Citations: 40 CFR 1506.9

82 FR 36400 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Gulf of Mexico OCS Geological/Geophysical Exploration
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Ocean Energy Management announces the availability of a final programmatic environmental impact statement to evaluate the effects of multiple geological and geophysical exploration activities in Outer Continental Shelf (OCS) waters of the Gulf of Mexico, from the coastline to the seaward boundary of the exclusive economic zone. The final PEIS addresses activities for the oil and gas exploration and development, renewable energy, and marine minerals program areas and includes mitigation measures. The covered activities include seismic, sidescan-sonar, and electromagnetic surveys and geological and geochemical sampling. Contact: Jill Lewandowski; BOEM, Office of Environmental Programs; 703-787-1315; gomggeis@boem.gov

82 FR 36418 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Louisiana/Westlake Expansion Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of an application by Gulf South Pipeline Co., of Houston, for authorization to construct, operate, and maintain facilities for the Westlake Expansion Project in Calcasieu Parish, La. The facilities include the 10,000 horsepower Westlake Compressor Station, 0.3 miles of 16-inch diameter natural gas pipeline, a delivery meter station, and a receipt meter station on an existing Gulf South facility site. FERC will complete an environmental assessment or issue a notice of schedule for environmental review by Oct. 30, 2017. Comments are due Aug. 21, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 36392 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Maine/West Buxton Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of an environmental assessment regarding the West Buxton Hydroelectric Project on the Saco River in Cumberland and York counties in Maine. The project, proposed by Brookfield White Pine Hydro LLC, of Lewiston, Maine, consists of an existing concrete dam, an impoundment, a dam-integral powerhouse with five generating units that total 3,812 kilowatts, a second powerhouse with a 4,000-kW generating unit, a conduit, a surge chamber, transmission lines, a switching station, and appurtenant facilities with an average annual generating capacity of 34,007 megawatt hours. The environmental assessment concludes that licensing the product, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment. Comments are due Sept. 5, 2017. Contact: Allan Creamer; FERC; 202-502-8365; allan.creamer@ferc.gov

82 FR 36391 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Massachusetts/Cape Wind Energy Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Ocean Energy Management announces the availability of a final supplemental environmental impact statement concerning the Cape Wind Energy Project on Horseshoe Shoal in Nantucket Sound offshore of Massachusetts. The project includes construction and operation of offshore wind turbines. The supplemental EIS addresses geological survey data and other relevant data that relates to the adequacy of the seafloor to support wind turbines in the lease area in response to a court order. Contact: Michelle Morin; BOEM, Office of Renewable Energy Programs; 703-787-1722; michelle.morin@boem.gov

82 FR 36418 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Puerto Rico/Arecibo Observatory Operations
GENERAL ENVIRONMENT AND SAFETY

Notice of the National Science Foundation announces the availability of the final environmental impact statement for proposed changes to operations at the Arecibo Observatory in Arecibo, Puerto Rico. The EIS evaluates alternatives for the facility's future disposition involving reduced or eliminated funding, including collaboration and transition to education-focused operations, mothballing of facilities, partial or complete demolition and site restoration, and the agency-preferred alternative of collaboration with interested parties for continued science-focused operations. The agency will issue a record of decision no sooner that 30 days after the EPA publishes a notice of availability. Contact: Elizabeth Pentecost; NSF; 703-292-4907; envcomp-AST@nsf.gov

82 FR 36456 (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Schedule I and II 2017 Aggregate Production Quotas
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Drug Enforcement Administration to adjust the 2017 aggregate production quotas for controlled substances in schedules I and II and the assessment of annual needs for list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The agency proposes to adjust aggregate production quotas for numerous specified controlled substances and chemicals to provide for the estimated medical, scientific, research, and industrial needs of the U.S.; lawful export requirements; and the establishment and maintenance of reserve stocks. The agency also proposes to establish aggregate production quotas for nine temporarily scheduled substances. The quotas include imports of ephedrine, pseudoephedrine, and phenylpropanolamine but do not include imports of controlled substances for use in industrial processes. Comments are due Sept. 5, 2017. Contact: Michael Lewis; DEA, Diversion Control Division; 202-598-6812. Citations: 21 CFR 1303.13, 1315.13

82 FR 36449 (08/04/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Applications for Special Permits
HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the receipt of five new applications and three modified applications for special permits related to specified hazardous materials transportation regulations. Comments are due Sept. 5, 2017. Contact: Ryan Paquet; PHMSA, Office of Hazardous Materials Approvals and Permits; 202-366-4535. Citations: 49 CFR 172, 173, 178

82 FR 36523 (08/04/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Applications for Special Permits
HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the receipt of nine applications for new special permits related to specified hazardous materials transportation regulations. Comments are due Sept. 5, 2017. Contact: Ryan Paquet; PHMSA, Office of Hazardous Materials Approvals and Permits; 202-366-4535. Citations: 49 CFR 107, 172, 173,175, 177, 178

82 FR 36524 (08/04/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Applications for Special Permits
HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the receipt of seven applications for modifications of special permits related to specified hazardous materials transportation regulations. Comments are due Aug. 21, 2017. Contact: Ryan Paquet; PHMSA, Office of Hazardous Materials Approvals and Permits; 202-366-4535. Citations: 49 CFR 172, 173, 174, 175, 177

82 FR 36525 (08/04/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Pipeline Projects/Cultural Resources Investigations
OIL AND GAS INDUSTRY

Notice of FERC announces the availability of final revised guidelines for reporting on cultural resources investigations for natural gas pipeline projects. The revisions update guidance on communicating with federally recognized tribes, clarify off-the-record communications provisions, and address documentation for activities eligible under the blanket certificate program. The notice is dated July 31, 2017. Contact: FERC; 866-208-3676; FercOnlineSupport@ferc.gov. Citations: 18 CFR 380.12

82 FR 36393 (08/04/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerance Exemption/Beta Dyclodextrin, Methyl Ethers
PESTICIDES

Final rule of the EPA establishes an exemption from the requirement of a tolerance for residues of beta cyclodextrin, methyl ethers (CAS No. 128446-36-6) when used as an inert ingredient in pesticide formulations applied to growing crops preharvest, limited to a maximum concentration of 40 percent by weight in the pesticide formulation. The rule eliminates the need to establish a maximum permissible level for the residues when used in accordance with approved conditions.

The rule, which is issued in response to a petition filed on behalf of Wacker Chemie AG, of Munich, is effective Aug. 4, 2017. Objections and hearing requests are due Oct. 3, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov. Citations: 40 CFR 180.920

82 FR 36335 (08/04/2017)

Regulatory Update

RADIATION

Nuclear Reactors/Evaluating Deviations and Reporting Defects and Noncompliance

RADIATION

Notice of the NRC announces the availability of a draft regulatory guidance for industry concerning evaluation of deviations and reporting of defects and noncompliance. The guidance provides licensees and applicants with formal guidance for an acceptable method of evaluating and reporting defects and is intended to aid in minimizing compliance challenges for licensees and vendors that have been identified through inspection activities. The guidance also approves licensees' use of a method of evaluating and reporting defects described in the Nuclear Energy Institute's Guidelines for Implementations of 10 CFR part 21 Reporting of Defects and Noncompliance, Revision 1 (No. 14-09). Comments are due Oct. 3, 2017. Contact: Paul Prescott; NRC, Office of New Reactors; 301-415-6263; Paul.Prescott@nrc.gov. Citations: 10 CFR 21

82 FR 36457 (08/04/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Fri 12/1/2017 3:02:21 PM
Subject: POLITICO's Morning Score: GOP eyes Obama-Trump districts — Pro-Jones super PAC files empty disclosure — Barton will retire

By Maggie Severns | 12/01/2017 10:00 AM EDT

With Zach Montellaro and Elena Schneider

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

PAINT IT RED - "GOP eyes Obama-Trump districts despite national headwinds," by Campaign Pro's Elena Schneider: "When Democratic Rep. Matt Cartwright woke up on Nov. 8, 2016, he represented a safe blue Pennsylvania district. But by the time he went to sleep that night, Donald Trump had painted Cartwright's turf red beneath his feet.

Cartwright still won a third term, but Republicans hope to follow up on Trump's top-of-the-ticket success by targeting Cartwright and 11 other House Democrats in Trump districts in 2018. A well-funded Republican jumped in to oppose Cartwright for the first time, while Rep. Cheri Bustos - the only Midwesterner in House Democratic leadership - has also drawn a stronger challenger than last year. Other Trump-district Democrats in Iowa, Minnesota and Wisconsin are also top Republican targets, as are open seats in the Las Vegas suburbs and southern New Hampshire." **Full story here.**

DRUMROLL, PLEASE - New disclosure from pro-Jones super PAC reveals... almost nothing: Highway 31, the mysterious new pro-Doug Jones super PAC that has recently spent close to $2 million in Alabama filed its first disclosure documents with the Federal Election Commission on Thursday. But the report, which spans Nov. 6-22, doesn't list any contributions from donors or organizations funding the PAC. Instead, Highway 31 disclosed spending itself into $1.1 million in debt -- all of it to high-profile political firms for ad production and placement -- and raising no money at all. The next disclosure won't happen until after the election, so voters in Alabama won't know who has been funding the ads when they go to vote.

Washington Democrats say they aren't the source of the funds for Highway 31. But it is worth noting that several firms with histories of doing high-profile work for national Democrats are working for the super PAC. Among them is Waterfront Strategies, a media buyer that has done work for House Majority PAC and Senate Majority PAC in the past. **See the filing here.**

BARTON IS DONE - "Barton to retire after nude selfie fallout," by POLITICO's Kyle Cheney: "Rep. Joe Barton (R-Texas) announced Thursday that he won't run for reelection in 2018, following a string of stories about him sending lewd texts and nude photos and videos to women. Barton, the ninth-most senior member of the House, told the Dallas Morning news in an interview, 'There are enough people who lost faith in me that it's time to step aside.' Local GOP

leaders had begun calling for Barton to step down in recent days." **Full story.**

Days until the 2018 election: 339

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and .mseverns@politico.com

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

RUNNING BUDDIES - "Jon Husted will be Mike DeWine's running mate," Cleveland.com's Jeremy Pelzer reports: "Ohio Secretary of State Jon Husted will end his gubernatorial campaign to become primary rival and Attorney General Mike DeWine's running mate, according to reliable sources tied to the candidates. The decision looks to be a game-changer in the race for Ohio governor in 2018, creating a Republican team with political and financial clout and turning one of DeWine's major challengers into an ally." **Full story here.**

NEW ENTRY - Dallas County sheriff will resign to run for governor, via WFAA: "Dallas County Sheriff Lupe Valdez will resign her office so she can challenge Greg Abbott in 2018, according to Dallas County Democratic Chairwoman Carol Donovan. ... Donovan told WFAA that Valdez will resign effective next Friday, Dec. 8. The deadline to file to be a candidate is Dec. 11." **Full story here.**

RATINGS ALERT - "House 2018: Less Than a Year Out, Race for Control Is a Coin Flip," by Sabato's Crystal Ball's Kyle Kondik: "We're a little bit past the halfway point between the last national election, in 2016, and the next national election, in 2018. In that time, the Democrats' chances of winning the House have only seemed to rise, based on a number of indicators. ... Put it all together, and the battle for control of the House looks something like a coin flip, with Democrats having a very real chance to net the 24 seats they need to win a majority. In fact, the big-picture indicators might suggest the Democrats should be favored to win the House. But we're not willing to go that far, at least at the moment." **Full story.**

AIR WAR - NARAL hits Democrat Lipinski for opposing gay marriage: NARAL Pro-Choice America is out with a TV ad that attacks Illinois Democratic Rep. Dan Lipinski for "opposing same-sex marriage" and "extended background checks to all gun sales." NARAL, along with several other progressive groups, has endorsed Lipinski's primary opponent, Marie Newman. **Watch the ad here.**

CANDIDATE PUSHBACK - McCready pens indictment of both parties: Democrat Dan McCready, who's vying to challenge North Carolina Rep. Robert Pittenger, wrote an op-ed in the Charlotte Observer slamming both parties for their handling of sexual harassment cases. McCready directly went after House Minority Leader Nancy Pelosi for using "moves from the Bill Clinton-era playbook, initially defending [Rep. John] Conyers instead of condemning sexual assault." Read the op-ed here.

QUOTE OF THE DAY: "I think it's time for both of them to go," New York Rep. Joe Crowley, chairman of the House Democratic Caucus, said of Sen. Al Franken and Rep. John Conyers on Thursday. Crowley is the highest-ranking Democrat to say both lawmakers should resign.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Thur 8/17/2017 2:04:40 PM
Subject: POLITICO's Morning Energy: Desperately seeking Zinke's attention — Wyoming v. West Virginia in coal feud — More time for comments on WOTUS repeal

By Anthony Adragna | 08/17/2017 10:00 AM EDT

With help from Alex Guillén and Adam Behsudi

EVERYONE WANTS ZINKE'S EAR: It may be August recess for much of Washington, but Interior Secretary Ryan Zinke has a bunch of deadlines coming up in the next couple of weeks and lots of people looking to grab his attention. Today's the last day for public comments on BOEM's push to write a new five-year offshore drilling plan (submit yours here). Nearly 51,000 comments have already poured in as President Donald Trump's administration is expected to begin the two-to-three year process of writing a plan that would open parts of the Gulf of Mexico and Atlantic Ocean as well as Alaska's Chukchi Sea, Beaufort Sea and Cook Inlet areas to drilling opportunities.

A group of 69 House Democrats, led by Rep. Jared Huffman, urged Zinke in a letter Wednesday not to expand drilling opportunities in the Arctic and Atlantic saying "the risks are simply too high, and the consequences too severe." But more than 110 other House lawmakers, led by Natural Resources Chairman Rob Bishop, said in their own letter it was "imperative" to open as much of the Outer Continental Shelf as possible "to ensure opportunities are not missed" to expand U.S. energy independence. Meanwhile, the administration of Trump ally Gov. Chris Christie voiced opposition to including any of the area off the coast of New Jersey in the new plan in its own comments. And a coalition of environmental organizations warned opening Atlantic waters to drilling posed "a direct threat to the fragile and unique ecosystems of the southeast coast and to the millions of people whose livelihoods depend on our clean coastal resources."

Separately, Zinke is nearing the end of his national monument review, and more than 400 executives from the outdoor apparel, footwear and equipment sectors are urging him not to make any changes to nearly two dozen designations under the Antiquities Act currently being examined. "As business leaders, we simply ask that your final report remain true to the Teddy Roosevelt values we share with you - to maintain the national treasures Presidents of both parties have protected, to defend the integrity of the monument-making process and to assure these majestic places remain accessible for all Americans, sustaining healthy communities and a healthy economy," they wrote. Among those signing the letter are Adidas Outdoors, Burton, L.L. Bean, Orvis, The North Face, REI and YETI.

Monument backers got some good news Wednesday when Zinke announced he would recommend no changes to California's existing Sand to Snow National Monument. "The land of Sand to Snow National Monument is some of the most diverse terrain in the West, and the monument is home to incredible geographic, biologic, and archaeological history of our nation," he said in a statement. Former President Barack Obama created it back in February 2016.

MORE TIME GIVEN ON WOTUS REPEAL: Interested parties now have until Sept. 27 to comment on the EPA's efforts to repeal the previous administration's Waters of the U.S. regulation after the agency extended the public comment period by a month, Pro's Annie Snider reports . Administrator Scott Pruitt wants to author his own version of the rule defining which marshes, bogs and creeks are subject to regulation under the Clean Water Act, though backers of the Obama rule have criticized the length of time the Trump administration gave for public comment.

Speaking of WOTUS, Pruitt appeared in a video released Wednesday for the National Cattlemen's Beef Association urging farmers and ranchers to make sure they formally submitted comments before the deadline. "This record being made is so important because it helps us make informed decisions," Pruitt said, being careful not to specify what the comment should sound like.

IT'S THURSDAY! I'm your host Anthony Adragna, and Faegre Baker Daniels' Andrew Wheeler was first up to identify Wednesday as the 40th anniversary of Elvis' death. For today: What's the only country located in all four hemispheres? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

WELCOME TO THE GOP, GOV. JUSTICE! Wyoming's all-Republican congressional delegation is decidedly not a fan of West Virginia Gov. Jim Justice's proposed $15-per-ton subsidy for utilities to buy coal from Appalachian mines instead of those in Western states. "We strongly urge you not to take actions, such as adopting the subsidy policy proposed by Governor Justice, that would repeat the mistakes of the last eight years," Sens. John Barrasso and Mike Enzi, as well as Rep. Liz Cheney, wrote in a letter to Trump. "Now is the time to remove distortions in our energy markets. We should not be imposing new ones." Justice's proposal would have to go through Congress, where Barrasso chairs the Environment and Public Works Committee, and Enzi holds the Budget Committee gavel, and where the Freedom Caucus, which tends to oppose any overt energy subsidies, holds substantial sway in the House.

GREENS CONDEMN CHARLOTTESVILLE RALLY: A coalition of more than 110 environmental and public interest groups issued a statement Wednesday condemning the white nationalist rally and associated violence from last weekend in Charlottesville, Va. "President Trump and all political leaders, no matter their party affiliation, have an obligation to stand up against such hate groups immediately and unequivocally," they said. "Their voices and words - and lack thereof - matter." Among those signing the statement are Citizens Climate Lobby, Earthjustice, Natural Resources Defense Council, Sierra Club and Physicians for Social Responsibility.

HEITKAMP LANDS A CHALLENGER: Wealthy potato farmer and Republican state Sen. Tom Campbell threw his hat into the ring to face Democratic Sen. Heidi Heitkamp Wednesday, Campaign Pro's Kevin Robillard reports. He's given enough personal money to launch an advertising blitz , which heavily focuses on his potato farming business that employs hundreds of people in the state. His first ad includes this pretty witty line: "It's time for a leader who knows how to grow something besides government."

ADVISER NO MORE: A spokesman said Wednesday Daniel Yergin, vice chairman of consulting agency IHS Markit, "fully supports" the decision to disband Trump's Strategic and Policy Forum that he sat on, Pro's Ben Lefebvre reports. Yergin, who advises many of the country's largest energy companies and helps organize the industry's largest annual conference, sat on the White House forum with the heads of GM, JPMorgan Chase and other major companies. Dow Chemical's Andrew Liveris also voiced support for the decision to disband the Manufacturing Council. "In discussions I had with the White House earlier today, I indicated that in the current environment it was no longer possible to conduct productive discussions under the auspices of the Initiative," he said in a statement. "And so, as proud as I am of the efforts we were taking on behalf of the American worker, disbanding the Manufacturing Jobs Initiative was the right decision." More from POLITICO's Dan Diamond on the corporate revolt here.

Meanwhile, the American Technology Council, a government committee with advisers from the tech industry, will keep going, Pro Tech's Steven Overly and Nancy Scola report, citing a White House official. The group was distinct from the other business groups that disbanded in that it was designed to convene government officials such as the secretary of Defense and head of OMB, rather than business executives. But it convened a summit in June that included heavy-hitters like Apple's Tim Cook, Amazon's Jeff Bezos and venture capitalist John Doerr, a major greentech backer.

MAIL CALL! PROTECT CLEAN ENERGY IN NAFTA TALKS: The Business Council for Sustainable Energy sent a letter to U.S. Trade Representative Robert Lighthizer urging the protection of clean energy technologies as the Trump administration begins to renegotiate the North American Free Trade Agreement. "Giving attention to items such as a zero tariff for goods produced in North America, promoting U.S. codes and standards, and updating language to reflect the growing impact of information technology on all sectors, will ensure that NAFTA supports the continued growth of clean energy and the benefits it provides to the U.S. economy," Lisa Jacobson, the group's president, wrote. That comes as multiple environmental groups slammed the administration for kicking off negotiations in private.

BATHROOM BILLS OPPOSED BY ENERGY SECTOR KILLED: Texas lawmakers failed to pass several bills by the end of a special session that would have limited transgender individuals' access to bathrooms in public places and schools, BuzzFeed reports. The bills, which divided state Republicans and the business community, were opposed by leaders of major energy companies, including BP America, Chevron, Dow Chemical Co., Exxon Mobil and Halliburton.

TRADE REMEDY CORNER: BIODIESEL INDUSTRY SAYS AD EXTENSION NOT A BIG DEAL: The Commerce Department this week announced a delay in its preliminary antidumping duty determination on imports of biodiesel from Argentina and Indonesia. The U.S. industry which is seeking relief says it's no big deal. The National Biodiesel Board, which is petitioning for the duties, requested an extension to the anti-dumping probe last month. The Commerce investigation is expected to issue preliminary countervailing duties by Aug. 22, which is also an extended deadline.

"It is evident from market reaction that some in the industry are not familiar with this legal

process and the fact that nearly every trade case, from steel to cased pencils, includes these routine extensions," said Doug Whitehead, chief operating officer of the National Biodiesel Board. "This in no way impacts the schedule or the fact that unfairly traded imports are hurting American companies and the employees who serve this industry. We remain confident that both the DOC and ITC will find in American biodiesel producers' favor."

SEND IN REINFORCEMENTS: NYU School of Law is launching the State Energy and Environmental Impact Center, backed by a $6 million grant from Bloomberg Philanthropies, to help state attorneys general fight Trump administration efforts to roll back environmental regulations or climate change policies, the Washington Post reports. David J. Hayes, deputy Interior secretary under President Obama, will be executive director for the nascent group.

PARK BOTTLE BAN AXED: Amid news it removed a Bikeshare station installed during the Obama administration from White House grounds, the Trump administration on Wednesday also killed off its predecessors effort to stop the sale of disposable water bottles on National Park Service grounds. "While we will continue to encourage the use of free water bottle filling stations as appropriate, ultimately it should be up to our visitors to decide how best to keep themselves and their families hydrated during a visit to a national park," Acting National Park Service Director Michael T. Reynolds said. The change in policy, which axes a 2011 Interior memorandum, takes effect immediately.

NEW ENERGY INFRASTRUCTURE COALITION LAUNCHED: The Energy Equipment and Infrastructure Alliance launched a new campaign Wednesday to tout "the importance and benefits of energy infrastructure and its ongoing development." Entitled Energy Builders, the effort comes in response to expanding pipeline protest movement and aims to highlight local economic benefits and jobs that come from infrastructure projects. "The extremists pushing to 'keep it in the ground' don't appreciate what these projects mean to wage earners and their families, not to mention the power they provide for America's homes and businesses now and in the future," Terry O'Sullivan, general president of the Laborers' International Union of North America, said in a statement.

REPORT: YES WE CAN (LIMIT TEMPERATURE INCREASES): The Rocky Mountain Institute released a report Wednesday arguing limiting temperature increases to 2 degrees Celsius is both practical and possible. "Today, many experts doubt that energy systems can decarbonize fast enough to prevent this scenario," the report says. "But this belief is both dangerous and wrong." Among the shifts needed are rapid and economic scaling of clean energy technologies; foundational changes to emissions within agriculture, forestry and other land-use behaviors and coordinated market and policy incentives globally.

HOW TO TAKE AN AX TO EPA: Former Trump EPA transition leader Myron Ebell issued a report Wednesday offering suggestions for how to radically reduce the size of the agency. Among his recommendations: Eliminate the enforcement office; abolish the 10 regional offices and push their emergency response functions to FEMA; stop the environmental justice programs; and overhaul how the agency approaches its scientific work. Ebell also calls for greater disclosure from the agency on its discretionary spending on functions not formally designated by Congress.

BIG SALE! Exxon Mobil, Chevron, Total and two dozen other companies bid on 76 million Gulf of Mexico acres, drawing more than $121 million in winning bids Wednesday from oil and gas companies, Pro's Ben Lefebvre reports. The bidding comes up short of the $247 million generated from a Gulf of Mexico lease sale last March.

ENVIRONMENTAL JUSTICE TOOL UPDATED: EPA issued an annual update Wednesday to EJSCREEN, its geographic tool for exploring environmental justice issues. According to EPA, the update includes new data on public schools and housing; a new way to view surface water pollution; and the ability to view cities as distinct areas, like with states. EPA will host three training webinars in the coming weeks. Click here for a blog post on the update from Matthew Tejada, director of EPA's Office of Environmental Justice. The Trump administration's proposed 2018 budget sought to zero out EPA spending on environmental justice, though Hill appropriators have not taken that route.

QUICK HITS

- 'You can't hoodwink the EPA': Drinking-water protection a problem for cash-strapped Pa. Penn Live.

- Millions consumed potentially unsafe water in the past 10 years. Texas Tribune.

- Western Officials Support Possible BLM, Federal Agency Relocation To Denver. Western Wire.

- Missouri Utility Regulators Reject Proposed Massive Wind Power Line. AP.

- Oil dips despite steep draw in U.S. crude stocks. Reuters.

THAT'S ALL FOR ME!

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/08/17/desperately-seeking-zinkes-attention-221923

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 10/18/2017 5:06:31 PM
Subject: Playbook Power Briefing, presented by JPMorgan Chase & Co.: TRUMP accuses Dem congresswoman of lying about conversation with Gold Star family -- POTUS and PAUL RYAN back away from CSR deal -- SESSIONS says he has not been interviewed by MUELLER

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Today's Playbook Power Briefing presented by JPMorgan Chase & Co.

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Wednesday afternoon. THIS MORNING, IN REVIEW ...

-- PRESIDENT TRUMP accused Frederica Wilson, a Democratic congresswoman from Florida, of lying about a conversation he had with the widow of a fallen U.S. soldier. "Democrat Congresswoman totally fabricated what I said to the wife of a soldier who died in action (and I have proof). Sad!" Wilson said she was in the car when Trump called. She tweeted this morning: "I stand my account of the call with @realDonaldTrump and was not the only one who heard and was dismayed by his insensitive remarks."

The fallen soldier's mother -- who also said she was in the car -- told the Washington Post that "President Trump did disrespect my son and my daughter and also me and my husband." She also backed up Wilson's side of the story. Trump has not released any evidence, but said during a pool spray at a meeting with senators that he "did not say what she said." ***The WaPo story from Anne Gearan and Kristine Phillips*** http://wapo.st/2zy7q4w

-- PRESIDENT TRUMP backed away from the Alexander-Murray deal which, as we detailed in the morning, he had given shifting opinions on. At 9:41 a.m., he tweeted: "I am supportive of Lamar as a person & also of the process, but I can never support bailing out ins co's who have made a fortune w/ O'Care." ***Situational awareness, Doug Andres, Ryan's White House press spokesman, said:*** "The speaker does not see anything that changes his view that the Senate should keep its focus on repeal and replace of Obamacare." (h/t Matt Fuller)

OTHER THINGS TRUMP COULD BE TALKING ABOUT -- Senate Republicans passing a budget, putting Washington one step closer to a once-in-a-generation tax rewrite ... His meeting with the Senate Finance Committee -- including Democrats! -- about tax reform ... The RNC raising $100 million ...

MCCONNELL: LET'S WORK MORE "McConnell to hold Senate in session for

longer workweeks," by Burgess Everett: "The Senate majority leader is preparing to hold the chamber in session for more rigorous workweeks, including Friday's and possibly even weekends, according to two sources familiar with the matter. The Senate GOP discussed a more aggressive schedule at Tuesday's party lunch and the majority of the conference agreed.

"The Senate has come under criticisms from conservatives for its light workweeks, typically spanning from Monday evening to early Thursday afternoon. But without buy-in from his members, it's been difficult to hold the chamber in open longer without facing the possibility of attendance problems and failed votes." http://politi.co/2zxfm5X

SESSIONS ON THE HILL -- "Sessions says Mueller hasn't interviewed him in Russia probe," by Josh Gerstein and Elana Schor: Attorney General Jeff Sessions on Wednesday told senators that he has not been interviewed by the special counsel probing Russia's meddling in the 2016 election and declined to answer questions about his private conversations with President Donald Trump.

"Until the president waives any claims to executive privilege, Sessions told the Senate Judiciary Committee, he would not address questions about his talks with Trump concerning the federal investigation into Russian electoral meddling, the firing of former FBI Director James Comey and other high-profile issues.

"Sessions told senators that Robert Mueller, the special counsel leading the Department of Justice's Russia probe, had not interviewed him. Deputy Attorney General Rod Rosenstein, who has taken over supervision of the Russia probe, has been interviewed by Mueller's team. ... Sessions did not discuss whether he had provided documents or other materials to Mueller, and his spokeswoman, Sarah Isgur Flores, said she did not know whether he had been asked. The attorney general initially hesitated when Sen. Patrick Leahy (D-Vt.) asked about his interactions with Mueller." http://politi.co/2zyxIJh

-- "Grassley promises hearing on 2016 law after reports it hurt opioid enforcement," by Elana Schor: http://politi.co/2zjOWnF

HMM... -- "Republican lawmakers' posh hideaway bankrolled by secret corporate cash," by the Center for Public Integrity's Carrie Levine: "[B]ehind the scenes, several major corporations and trade groups secretly bankrolled a plush hideaway for lawmakers at the same Republican National Convention in Cleveland where Trump gave the speech, records obtained by the Center for Public Integrity show. Comcast Corp., Microsoft, Koch Companies Public Sector, the National Retail Federation, Health Care Service Corp., the American Petroleum Institute, Chevron and AT&T are among the companies, associations and lobbying powerhouses that funded a limited liability company called 'Friends of the House 2016 LLC,' according to bank records.

"Friends of the House 2016 LLC, in turn, paid for the design and outfitting of an exclusive office, lounge and gathering space for Republican lawmakers -- including

House Speaker Paul Ryan -- and controlled access to the so-called 'cloakroom.' The limited liability company effectively hid the corporations' contributions from public view at a time when activist groups were pressuring companies to scale back giving to the Republican convention, and a few of the companies had publicly minimized their participation." http://bit.ly/2zxZvUl

****** **A message from JPMorgan Chase & Co.: What's the Word** It's been more than 30 years since we reformed our tax code, putting good jobs and higher wages at risk. In fact, 90% of CEOs believe that inaction by lawmakers could slow hiring and wage growth. Learn more about what tax reform could mean for American workers: http://politi.co/2xE3I1i ******

TRAVEL BAN UPDATE -- RULING THIS MORNING -- "Second judge rules against latest travel ban, saying Trump's own words show it was aimed at Muslims," by WaPo's Matt Zapotosky: "A federal judge in Maryland early Wednesday issued a second halt on the latest version of President Trump's travel ban, asserting that the president's own comments on the campaign trail and on Twitter convinced him that the directive was akin to an unconstitutional Muslim ban.

"U.S. District Judge Theodore D. Chuang issued a somewhat less complete halt on the ban than his counterpart in Hawaii did a day earlier, blocking the administration from enforcing the directive only on those who lacked a 'bona fide' relationship with a person or entity in the United States, such as family members or some type of professional or other engagement in the United States." http://wapo.st/2zy1sRb

CAMPAIGN STOP -- "DCCC raised $8.9M, NRCC $4.9M in September," by Maggie Severns ***More for Pros*** http://politico.pro/2zko9qW

AFTERNOON READ -- "A Marine Attacked an Iraqi Restaurant. But Was It a Hate Crime or PTSD?" by NYT's Dave Philipps in Portland, Oregon: "The DarSalam Iraqi restaurant, with its steaming plates of falafel and kebab, has for years served as a popular community gathering spot here. The Iraqi family who ran it felt welcome in this eclectic city.

"But all of that changed one night last spring when a man with a shaved head walked in and took a seat. As other customers chatted, he refused to order, instead staring at photos of the Iraqi countryside on the wall. After about a half-hour, he got up, walked over to the cash register, began cursing about Iraq, and threw a chair at a waiter's head, sending him dazed to the floor. ...

"Determined to take a stand, the authorities came down hard on the restaurant attacker, a 40-year-old California man named Damien Rodriguez. Though similar crimes typically merit misdemeanor charges, lawyers said, prosecutors charged him with felony-level hate crime and assault charges that carry a mandatory prison sentence. That is where people who know Mr. Rodriguez say the case took a wrong turn. Mr. Rodriguez was a decorated Marine sergeant major who was forced to retire after his arrest. He had

spent years in combat. Friends and family say his actions were not provoked by hate but by post-traumatic stress disorder for which, despite repeated efforts, he never received effective treatment." http://nyti.ms/2zy8R34

THE LATEST ON RUSSIA -- "GOP calls grow to end Russia investigations in Congress this year," by CNN's Manu Raju and Jeremy Herb: "In the House and Senate, several Republicans who sit on key committees are starting to grumble that the investigations have spanned the better part of the past nine months, contending that the Democratic push to extend the investigation well into next year could amount to a fishing expedition. The concerns are in line with ones raised by President Donald Trump, who has publicly and privately insisted he's the subject of a 'witch hunt' on Capitol Hill and by special counsel Robert Mueller.

"Democrats, meanwhile, are raising their own concerns that the congressional Russia probes are rushing witnesses -- including the testimony of President Donald Trump's son-in-law Jared Kushner -- as well as stalling appearances of other key Trump associates. ... Sen. Jim Risch, a senior GOP member of the Senate intelligence committee, said 'nobody wants to move this so quickly that we miss something,' but added: 'The question is how many weak leads can you follow?'" http://cnn.it/2zi93m4

-- "These Americans Were Tricked Into Working For Russia. They Say They Had No Idea," by BuzzFeed's Rosalind Adams and Hayes Brown: "Russia's most infamous troll farm recruited US activists to help stage protests and organize self-defense classes in black communities as part of an effort to sow divisions in US society ahead of the 2016 election and well into 2017. Four people contacted by what is believed to be the 'American Department' of the St. Petersburg-based Internet Research Agency told BuzzFeed News that while they found their contacts strange, they never suspected that they were the target of foreign recruitment." http://bzfd.it/2zy8XaE

ATTENTION HILL STAFFERS -- "Cups Could Be No More," by Roll Call's Alex Gangitano: "The beloved Cups & Company in the Russell Senate Office Building, a favorite on Capitol Hill, could lose its contract and end services. Charles and Kathy Chung have been operating Cups since 2001 and their contract has to be renewed every four years. But this time around, they are competing with other companies and will find out in November if Cups will still be operating." http://bit.ly/2zy5Y2f

-- PLEASE, don't do this. Cups is great.

CORRECTION OF THE DAY -- WSJ: "Max Scherzer of the Washington Nationals is a right-handed pitcher. A Sports article Saturday about starters incorrectly identified him as left-handed."

BEYOND THE BELTWAY -- "Obama's name to replace Jeff Davis on Jackson [Mississippi] elementary school," by Mississippi Today's Kayleigh Skinner http://bit.ly/2zyTiYY

SPOTTED: Steve McMahon at the Westin Excelsior rooftop bar in Florence, Italy on Wednesday "chatting with other Americans about past races as the sun went down," per our tipster ... Tim Geithner waiting at Penn Station for the Acela back to D.C. last night

DESSERT -- OBAMA ALUMNI - ZEKE EMANUEL, former special adviser on health policy to President Obama's OMB director and the National Economic Council, has partnered with Askinosie Chocolate to create the "Zeke Bar," a dark chocolate bar with beans from Madagascar, which he visited to craft the limited-edition chocolate bar, which went on sale on Tuesday. http://bit.ly/2xOIlvQ ... ***Video of the making of the bar*** http://bit.ly/2gNWMyS

****** **A message from JPMorgan Chase & Co.: Ready, Set, Grow** The American economy is poised for growth - and tax reform can drive that expansion. According to a Business Roundtable survey of American CEOs, more than 70% believe that that tax reform is the best way to accelerate growth. According to JPMorgan Chase Chairman and CEO, "Reforming the tax code is the single most important thing that Congress could do to jump-start our economy, create jobs, and raise wages for American workers." Learn more about how tax reform can help the economy get off the starting line: http://politi.co/2z6j0D8 ******

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From: POLITICO
Sent: Tue 8/15/2017 6:22:50 PM
Subject: BREAKING NEWS: Cutting Obamacare payments would boost insurance premiums by 20 percent, CBO says

Insurance premiums for Obamacare plans would rise 20 percent next year and people in small pockets of the country wouldn't have any insurance options if President Donald Trump scraps a key insurance subsidy, according to a new analysis from the CBO.

Trump has repeatedly threatened to pull the Obamacare subsidy - worth an estimated $7 billion this year - that helps insurers lower out-of-pocket health care costs for low-income customers. Trump must decide by early next week whether to make next month's payment.

The nonpartisan CBO also found eliminating the payments would increase the deficit by $194 billion over a decade because of higher spending on premium subsidies.

Read more: http://www.politico.com/story/2017/08/15/cutting-obamacare-payments-would-boost-insurance-premiums-241655

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From: POLITICO
Sent: Mon 9/25/2017 10:17:18 PM
Subject: BREAKING NEWS: Collins opposes last-ditch Obamacare repeal plan

Sen. Susan Collins (R-Maine) says she opposes the latest Graham-Cassidy version of Obamacare repeal, joining GOP Sens. John McCain and Rand Paul in providing a decisive third no vote. Senate Republicans can only lose two votes and still pass a bill.

Republicans have not yet decided whether to hold a vote on the health care plan this week and will hold a caucus meeting on Tuesday to discuss the matter, senators said.

Read more: http://politi.co/2xFFrS2

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From: Bloomberg BNA
Sent: Mon 8/7/2017 7:49:56 PM
Subject: Aug. 7 -- Daily Environment Report - Afternoon Briefing



Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Scotts Miracle-Gro Leads Pack in Cutting Bee-Harming Pesticides

Posted August 07, 2017, 7:01 A.M. ET

By Tiffany Stecker

Scotts Miracle-Gro Co. made an unusual move last year when the company announced it would remove a class of insecticides linked to bee deaths from its Ortho brand of home and garden products by 2021.

The decision was timely: the company's main customers were, one by one, announcing goals to phase out products with neonicotinoids—neonics for short—from store shelves.

Lowe's, The Home Depot, and Wal-Mart accounted for more than 60 percent of Scotts Miracle-Gro's sales in 2016. All three have committed to remove neonics by 2018. One year after the announcement, the company is well ahead of its goal, having already ditched three chemicals in the class and plans to remove the last one well before 2021.

"It's a chance to differentiate us from our competitors," Tim Martin, vice president and general manager of the Ortho, Roundup and TomCat brands, told Bloomberg BNA. "There's plenty other control products that will help gardeners out in controlling the pests that might get into their roses and make them look less than beautiful."

Scotts Miracle-Gro, whose Ortho brand is now the leader in garden pesticides, has forged an image as the greener garden care company. It has the largest organic gardening business in the country, accounting for almost 10 percent of its $2.2 billion U.S. sales. The company has also invested in indoor and hydroponic growing, the primary method for growing cannabis as marijuana legalization spreads in states around the country.

In making its commitment, Ortho stepped into a heated debate over declining pollinator health. Though pesticides contribute to the problem, so do parasitic mites, landscapes barren of wild flowers and grasses, and climate change. The makers of neonicotinoids, and the farmers who benefit from their bug-killing properties, have urged the public not to jump to conclusions on the

chemicals' impacts on bees.

"The science shows that when the neonics are properly used, they're not posing a risk to pollinator colony health," Becky Langer, head of the North American Bee Care Program for Bayer CropScience, told Bloomberg BNA. Bayer, the original maker of the older neonic imidacloprid, also manufactures products to help beekeepers control parasitic Varroa mites that endanger honeybees.

"If we eliminate all of those choices, the customers lose access to the products which are allowing them to protect their homes and yards," Langer added.

Bayer CropScience sold its home pesticide business to French company SBM Développement last year, although the products still carry the Bayer name.

Neonics Out by 2021

Ortho's news of phasing out neonics ruffled the feathers of agricultural interests, an industry that has been skeptical of the claim that the chemicals are a primary cause of bee die-offs. The announcement to remove them from Ortho's product line was unconventional enough that Chairman and CEO Jim Hagedorn felt the need to explain the company's actions to shareholders.

"When consumers buy our products, they are physically interacting with the environment," he said on a May 3, 2016, quarterly earnings call last year, weeks after the announcement. "They care about the environment and they expect us to care as well. We can't simply play lip service to the issue. They need to know that we have their back."

"I'll just say this," Hagedorn added. "If we had the choice to make again, we would do the same thing. My only regret is we didn't do it sooner."

Scotts Miracle-Gro has made good on its promise well ahead of schedule. Ortho's pest-killers for trees, shrubs and flowers no longer contain three commonly used neonics: imidacloprid, clothianidin and dinotefuran. Acetimiprin, still used in some of Ortho's plant sprays, will be out well before the 2021 deadline, according to the company.

Neonics work by absorbing into a plant and spreading through the vascular system. These "systemic" insecticides have made the pesticide very convenient for users and reduces exposure to the surrounding environment. But they can also materialize in pollen that bees pick up and return to the hive, weakening the colony. Dust from seed coatings can also shake off and affect bees.

Colony Collapse Disorder Waning

Scientists generally agree that all pesticides pose a threat to pollinator populations, but there is debate over whether it's the top concern for overall bee health. A number of other factors—parasitic mites, loss of wild grasses and flowers and weather—also play a role.

Neonicotinoids came on the radar around 2008, when reports of bees fleeing their hives hit headlines. This mysterious "colony collapse disorder" drew attention to the importance of pollinators for food production and the environment.

Since, the situation has somewhat improved. The Department of Agriculture released a Aug. 1 survey that found a 40 percent drop in colonies lost due to symptoms associated with colony collapse disorder for honeybee operations with fewer than five colonies, and 27 percent less for

operations with five or more colonies.

A recent survey from the Bee Informed Partnership shows that beekeepers lost about 33.2 percent of colonies between April 2016 and March 2017, a notable decrease from the 2012-2013 peak of 45 percent but still a troubling rate for the sector.

Ortho's neonic alternatives work by killing bugs on contact, rather than systemically, Martin of Scotts Miracle-Gro said, eliminating any "collateral damage" to bees. The company's four neonic alternatives contain pyrethrins and spinosad, plant and bacteria-based pesticides, and sulfur.

The Drift Problem

But Ortho's alternatives are still sprays, meaning the product will drift on a windy day right as bees are feeding on nearby flowers, Frank Hale, an entomologist at the University of Tennessee Institute of Agriculture, said.

With neonics, homeowners can mix their product in a bucket of water, pour it around the base of a tree, cover it with mulch and let it seep to the roots to prevent the drift from happening.

"It could probably control the insects all summer," Hale told Bloomberg BNA. "With even a light breeze, that drift can drift across your whole yard. It can drift into your neighbor's pool."

Martin knows that a neonic phase-out isn't the only solution for helping pollinators. The company is working to improve the directions on the bottles and packages for the alternatives, like not spraying directly on a bloom, or applying when bees aren't active, like early in the morning or late in the evening, he said.

Human Error

Environmental groups that pressure retailers to stop selling neonics and plants treated with the pesticides, have taken notice.

"It's a significant step for a manufacturer of that size to be signaling 'hey, this is a problem, we want to be getting this out of out products'," Tiffany Finck-Haynes, a campaigner with the advocacy group Friends of the Earth, told Bloomberg BNA.

More than 120 retailers have made varying commitments to not sell plants or products with neonics, Finck-Haynes said. Friends of the Earth has led a push to get box-store retailers to phase out the chemicals since 2013.

The company also formed a partnership with the Pollinator Stewardship Council at the time of the neonic announcement. Michele Colopy, program director of the Pollinator Stewardship Council, said the move is just the first step in a long-term effort.

The human error of applying pesticides the wrong way is any product's biggest weakness, said Colopy.

"Our mission is not about banning pesticides," Colopy told Bloomberg BNA. "It's about education, it's about maintaining habitat."

"There seems to be a focus within the company [shifting away] from killing things to repelling

things," she added.

Invasive Species Plan Won't Shut Down Lake Michigan Shipping

Posted August 07, 2017, 01:12 P.M. ET

By David Schultz

The Army Corps of Engineers wouldn't shut down a crucial shipping channel between the Mississippi River and Lake Michigan as part of a draft plan to halt the spread of an invasive fish species.

The draft, released today, instead calls for installing numerous barriers at the Brandon Road Lock and Dam outside Chicago, including water jets, noise cannons, and an underwater electric fence. The corps said this and other measures should be the most effective at preventing the spread of the invasive Asian carp into the Great Lakes Basin. The carp has the potential to devastate the basin's fishing industry.

The corps estimated that these measures will cost more than $275 million to install, plus an additional $30 million in annual upkeep costs. The project could be complete by 2025 at the earliest, it said.

The corps also considered shutting down the lock entirely. While this would be the most effective at stopping the spread of the carp, it also would close an artificial channel that connects the Mississippi basin to the Great Lakes Basin. This option, however, would cause the the shipping industry to lose more than $300 million a year, the corps said.

Interior Calls for Changes in Sage Grouse Conservation Plans

Posted August 07, 2017, 03:13 P.M. ET

By Alan Kovski

Federal policy on the greater sage grouse in 11 states has room for changes, including modification of guidelines on oil and gas leasing as well as of the strictest protections aimed especially at mining, according to an Interior Department report released Aug. 7.

The report resulted from a policy review that Interior Secretary Ryan Zinke ordered in June. The agency called for better coordination of federal policies with state policies formulated to keep the bird from being listed for Endangered Species Act protections, a decision that could have had even greater impacts on energy, mining, and ranching sectors.

Zinke issued a statement saying he wanted agencies in his department "to immediately follow through on the short- and long-term recommendations," such as waivers and modifications for priority habitat protections.

Trump Foiling Bid to Shun Unwanted Ethanol Spat with Brazil

Posted August 07, 2017, 01:14 P.M. ET

By Mario Parker and Fabiana Batista

President Donald Trump's America First rhetoric is doing no favors for U.S. ethanol producers, who are hoping to avoid a trade fight with fuel buyers in Brazil.

The administration has started making noise about rising imports of Brazilian biofuel made from sugar. That's got the South American producer mulling tariffs or a quota on imports of U.S. fuel made from corn. A trade spat would be a much bigger problem up north because the U.S. ships more than four times as much to Brazil than it buys from the country.

The brewing trade dispute is gearing up to pit the world's two biggest ethanol producers against each other. As the rivalry heats up, hedge funds seem to be signaling that Brazil will be the winner -- speculators cut their bullish bets on corn last week while getting less bearish on sugar.

"The winds of protectionism are blowing in Washington," said Joel Velasco, a principal at Albright Stonebridge Group in Washington and a former representative for the Brazilian Sugarcane Industry Association, or UNICA. "The race to raise barriers can quickly sour things for U.S. and Brazil relations."

Raw-sugar futures have climbed 2.7 percent since the end of June, buoyed by the outlook for increased use in ethanol. Gains for crude oil have spurred Brazil's state-controlled oil company, Petroleo Brasileiro SA, to raise gasoline prices, boosting the allure of ethanol, which competes directly at the pump in a country where most cars can use either fuel. A recent fuel-tax hike is also favoring use of the biofuel.

Corn Wagers

Speculators cut their corn net-long position, or the difference between bets on a price increase and wagers on a decline, by 21 percent to 84,644 contracts in the week ended July 25, according to U.S. Commodity Futures Trading Commission data released three days later. By contrast, the net-bearish sugar position contracted by 19 percent.

The tension escalated last month, when the U.S. Environmental Protection Agency, in proposing annual renewable-fuel quotas, asked for public comments addressing the agency's concerns that Brazilian ethanol is being used to satisfy parts of the country's biofuel mandate.

Both countries have long imported from each other, with demand fluctuating along with corn and sugar price differentials.

While Brazil also depends on its shipments to the U.S., its No. 1 customer, its industry as a whole is not as reliant on exports because of a robust domestic market, making a trade dispute more of an issue for the American producers. The U.S.'s capacity exceeds its current domestic demand.

Bad Timing

It's also bad timing for U.S. producers who already lost a mammoth customer in China after the nation raised tariffs on American ethanol and an animal feed byproduct. While the American industry wrote a Feb. 7 letter to Trump asking him to intervene, those issues were absent in a May announcement that the U.S. reached an agreement with China on commodities, including beef.

To ward off a similar fate from Brazil, Washington-based trade groups for agriculture and biofuels are lobbying the Trump administration for a softer stance and for the South American nation to

reconsider its move toward a tariff.

The efforts seem to be helping. The South American nation on July 25 postponed an official decision from its trade chamber on the potential 20 percent tax. Groups including the U.S. Grains Council, the Renewable Fuels Association and Growth Energy applauded the move.

"This proposal, if implemented, would have wide-ranging and long-standing impacts on both our industries and the global fuel supply," the groups said in an emailed statement.

Still, it's hardly a settled debate. Brazil's industry group UNICA plans to push regulators to move against a recent flood of American shipments, according to Eduardo Leao, the group's executive director. One proposal is for an import quota of 600 million liters (158 million gallons), with a 20 percent tariff on shipments exceeding the limit, he said. That quota would be less than half the total shipments from the first half of this year.

U.S. ethanol exports to Brazil plummeted 68 percent in June, according to U.S. Agriculture Department data.

Even though gains for sugar prices mean that imports are sometimes favorable for Brazil, "they don't want to be on the hook," perpetually soaking up a surplus of U.S.-produced ethanol at the expense of their domestic industry, said Craig Irwin, an analyst at Roth Capital Partners LLC in Newport Beach, California.

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Merkel Climate Goal in Doubt with Greenhouse Gases on the Rise

Posted August 07, 2017, 8:45 A.M. ET

By Brian Parkin

More than 12 straight months of rising greenhouse gas pollution in Germany are casting doubt on whether Chancellor Angela Merkel's government can meet climate targets.

"Without an immediate program of climate protection, the 2020 target will clearly be missed," according to a statement from Agora Energiewende, a Berlin-based researcher that published preliminary emissions data on August 7.

Carbon dioxide emissions in Europe's largest economy grew by 5 million tons, or 1.2 percent, to 428 million tons in the first six months, according to Agora. The rise in greenhouse gases responsible for global warming follows increased German emissions in 2016, which reached 906 million tons compared with 902 million tons the year before.

The data shows that Merkel's goal—cutting 2020 emissions by 40 percent relative to 1990 levels—is on the verge of failure. By last year, Germany had cut emissions by just 28 percent compared to output in 1990.

"The gap to reach a 40 percent reduction target for climate protection won't narrow, but will remain at about 150 million tons," Agora Director Patrick Graichen said in the statement.

A combination of economic growth, rising power generation and car sales contributed to Germany's

rising emissions last year, according to Agora. Goods and services in the world's fourth-biggest economy grew almost 2 percent, helping German car drivers add 3.4 million mostly-diesel automobiles to the road, a 4.5 percent increase from the year before.

Emissions from diesel combustion rose 6.5 percent in the first six months of this year. Carbon dioxide pollution from oil, gas and lignite combustion rose by almost 10 million tons for the six months through June 30. Emissions from hard coal dropped by 5 million tons, said Agora.

Lawmakers from Merkel's Christian Democratic party want Germany to drop over-ambitious climate targets and align the nation's policy with European Union-wide goals after next month's federal election. The EU wants to reduce emissions by 40 percent by 2030.

Germany's Ministry of the Environment didn't immediately respond to requests for comment. Coal plants run by RWE AG, Uniper SE and Vattenfall AB are to blame for slowing German progress toward greenhouse gas reduction goals, the ministry said earlier this year.

Merkel may seek to tread carefully over climate policy as the election nears. Climate change tops German voters list of worries, ahead of terror attacks, crime rates and the influx of refugees, according to a Kantar Emnid GmbH poll conducted on July 26-27. Some 71 percent of respondents said climate change "caused them personally most worry" according to the poll.

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U.K. Clears $5.5 Billion Offshore Wind Farm for Scottish Power

Posted August 07, 2017, 9:23 A.M. ET

By Anna Hirtenstein

The U.K. government gave the green light to ScottishPower Renewables Ltd. to build a 1.2-gigawatt wind farm off the coast of Norfolk that may cost as much as $5.5 billion.

The East Anglia Three offshore wind farm received planning consent from Secretary of State for Business, Energy and Industrial Strategy Greg Clark, according to a statement from the developer. It will consist of 172 turbines, each more than twice as tall as the Big Ben clock tower in London. It may cost as much as $5.5 billion, according to analysts at Bloomberg New Energy Finance.

The developer will now move to the next phase where it prepares to bid in an auction for a contract for difference, which would fix a price for the electricity generated from the wind turbines. If successful, ScottishPower Renewables expects construction to begin in 2022 and for the project to be working by 2025.

"This project will need the U.K. to hold a third contracts for difference round in order to get a subsidy and find a route to market, as it will be built too late for it to compete in the second one," said Tom Harries, wind analyst at Bloomberg New Energy Finance.

ScottishPower Renewables is currently working on its East Anglia One wind farm, which is planned to be 714 megawatts in installed capacity and operational by 2020. It will sell its power at a price of 119 pounds ($155) a megawatt-hour. The developer expects to be able to deliver a lower price for East Anglia Three, according to the statement.

"Major contracts are already being delivered in towns and cities spread out all across the U.K.,," said Keith Anderson, CEO of ScottishPower Renewables. "Offshore wind has supported jobs and investment in Hull, Hartlepool, Lowestoft, Great Yarmouth, Grimsby, Teesside, Tyneside, Fife, Machrihanish and Belfast to name but a few. Large-scale projects like East Anglia Three will continue to help to encourage economic regeneration where it is needed most."

The East Anglia Three wind farm is expected to power nearly 1 million homes in the U.K. upon completion.

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Big Oil's Dream of $65B Hidden Off Norway Is Fading Away

Posted August 07, 2017, 7:43 A.M. ET

By Mikael Holter

Norway's oil industry has been salivating for years over the Arctic Lofoten islands, which could hold billions of barrels of crude. It will likely have to keep dreaming.

The general election next month is unlikely to lift a deadlock that's keeping a ban on drilling off the environmentally sensitive archipelago as more and more Norwegians are turning their backs on the industry that helped make the country one of the world's richest.

"It's a dead issue," said Frank Aarebrot, a professor of political science at the University of Bergen.

Backed by unions and business, Norway's two biggest parties, Labor and the Conservatives, have long favored steps that could open up the area for exploration. But so far they have had to compromise with smaller parties that are determined to keep Lofoten oil-free.

That's because the area is a natural wonder. The waters off the rugged archipelago are home to the world's biggest cold-water coral reef and a breeding area for 70 percent of all fish caught in the Norwegian and Barents seas, according to WWF. The islands also host mainland Europe's biggest seabird colony. Opponents of oil exploration argue a spill could cause catastrophic harm and that Norway will run afoul of the Paris climate agreement if it expands exploration more.

Oil companies led by state-controlled Statoil ASA, the biggest Norwegian producer, say gaining access is key if the country wants to maintain production of oil and gas, which is forecast to fall again from 2025 after already dropping 12 percent since a 2004 peak. While the government estimates Lofoten could hold about 1.3 billion barrels of oil equivalent, industry group Konkraft has said resources could top 3 billion barrels. If it's all crude rather than gas, that would represent at least $65 billion in sales value at current prices.

"We're dependent on making new discoveries to have new projects in that time-frame," Statoil spokesman Bard Glad Pedersen said by phone. "That also underlines the urgency in an impact assessment for Lofoten and Vesteraalen."

The debate over Lofoten frames a wider discussion in Norway over what role western Europe's biggest oil and gas producer, which started pumping crude in the 1970s, should take in the fight against climate change. Some 44 percent of Norwegians would be willing to leave some oil in the ground if it helps cut emissions, according to an Ipsos poll done this month for Dagbladet.

The question is also whether there will actually be a need for the area's untapped crude. As prices for renewable energy drop and oil producers from Exxon Mobil Corp. to OPEC hike their forecasts for electric car sales, Big Oil has started talking about crude demand peaking as early as next decade.

While both Prime Minister Erna Solberg and her rival from Labor, Jonas Gahr Store, say Norway needs to become less reliant on oil, they also maintain that petroleum production will continue to play a big part for many years ahead. Production alone still accounts for about 12 percent of the economy, down from more than 20 percent before oil prices crashed in 2014, and the entire industry employs almost 200,000 workers.

The Compromise

Ascendant opponents such as the Green Party, which looks set to gain more seats in parliament next month, and environmental groups say Norway needs to start to phase out its oil industry, arguing that more production would be a breach to its commitments under the Paris climate accord. Greenpeace is suing the country to get it to stop exploring in the Barents Sea off Norway's northern tip.

In a sign that opponents of drilling are gaining traction, Labor in a "compromise" earlier this year said it would only seek to start an impact study in one of the three areas designated as potential oil blocks off Lofoten. But even such as small move is opposed by the Center Party and the Socialist Left Party, its potential ruling partners after the Sept. 11 vote. Polls show such a coalition would win a clear majority.

Even industry friendly politicians such Ola Borten Moe, deputy leader of the Center Party, says there's no need to push into Lofoten. "There's more than enough good acreage available," he said in an interview.

But the former oil minister, who was well-liked in the industry, stopped short of presenting Labor with an ultimatum, contrary to the Socialist Left which says it won't lend its support to any government that allows oil activity off Lofoten.

"We will spend political capital on this," Kari Elisabeth Kaski, a member of the party's governing body, said in an interview. "It's an important symbolic issue."

The parliamentary situation is fluid and Labor could potentially seek support to form a coalition from the Christian Democrats and the Liberal Party, two centrist groups that currently support the Conservative-led government. But they also oppose an impact study.

Any government run by Labor or the Conservatives would maintain stable terms for the oil industry, including taxes and acreage awards, even if several smaller parties are pushing for an overhaul of Norway's energy policy.

The price for that may well be that Lofoten is left alone forever.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Wed 10/4/2017 9:45:44 AM
Subject: Morning Energy, presented by Chevron: Pruitt's flight, meeting habits raise eyebrows — Four EPA nominees get hearings today — Bishop sends broad letter on Zinke's travel habits

By Anthony Adragna | 10/04/2017 05:43 AM EDT

With help from Alex Guillén, Eric Wolff, Darius Dixon and Ben Lefebvre

SCRUTINY MOUNTS OF PRUITT'S HABITS: Critics of EPA Administrator Scott Pruitt increasingly see a chief who avoids contact with the broader public and distrusts even his own agency's career staff, opting instead for meetings with like-minded industry and political leaders that could prove useful in a future political run, Pro's Emily Holden and Alex Guillén report. The Trump administration doesn't consider Pruitt's $58,000 in charter and military flight expenses to be as troubling as former HHS Secretary Tom Price's and now consider the controversy resolved after Price's resignation last week, one administration official said.

Environmentalists and other critics say Pruitt's spending is at best tone-deaf given agency budget reductions and at worst speaks to paranoia. Christine Todd Whitman, a Republican who ran EPA during President George W. Bush's first term, said she recalls taking chartered planes only while visiting remote areas of Alaska that were otherwise inaccessible. "Most people have to wait in line for a long time for planes," Whitman said. "The fact that you just turn around and order a private plane ... that starts to look really problematic. It's a lot of money." The agency said the flights were all cleared by ethics officials and say Pruitt's unprecedented around-the-clock security protection is necessary given increased threats.

Others point to who he met with as especially revealing. An analysis of Pruitt's broader schedule shows he's met most often with oil and gas executives, followed by agriculture and farming interests. And the former Oklahoma attorney general has paid especially close attention to his home state. Of at least 30 meetings or speaking engagements Pruitt had with oil and gas executives or trade groups, seven appear to have connections to Oklahoma. He's also spoken at events or held calls with right-wing policy groups that spend little of their time on environmental issues, such as the Family Research Council, Council for National Policy, State Policy Network and Federalist Society.

PRUITT LIEUTENANTS HOP ONTO HOTSEAT: Sparks are guaranteed to fly as Senate Environment and Public Works Committee hears from four EPA nominees and an NRC candidate today. Expect Democrats to pay close attention to William Wehrum, the EPA air nominee, and his long history as an industry attorney, the same issue that kept him from this post in the pre-nuclear option George W. Bush era. Since leaving EPA a decade ago, Wehrum's client list is a who's who of industry groups, including the American Petroleum Institute, American Fuel & Petrochemical Manufacturers and the Utility Air Regulatory Group. Wehrum just last week helped industry groups challenge OSHA's silica rule in court — though the judges indicated they weren't buying his arguments that the agency had failed to prove new health benefits.

Heavy focus expected on Dourson: The other nominee likely to face heat is Michael Dourson, nominee for EPA chemicals and pesticides chief. The job will be vital as EPA works to implement the reformed Toxic Substances Control Act. Critics were also incensed when Pruitt earlier this year rejected agency scientists' suggestion to ban the pesticide chlorpyrifos. Dourson's work as an independent toxicologist often concluded that safe levels of various chemicals and pesticides were significantly higher than the findings of government and university scientists. Dourson is also the author of a series of self-described "science-Bible stories."

Also slated to attend: Matt Leopold, the nominee for EPA general counsel, and David Ross, the pick to run EPA's water office. Leopold is a Florida lawyer who was previously the Florida Department of Environmental Protection's general counsel. Ross heads the Wisconsin Department of Justice's Environmental Protection Unit and previously helped challenge the Obama administration's WOTUS rule, which EPA is working to repeal and replace. Joining the EPA nominees is Democrat Jeff Baran, who is up for renomination to the NRC through 2023.

If you go: Chairman John Barrasso will gavel in the hearing at 10 a.m. in Dirksen 406.

WHAT ABOUT THE BOSS?: Pruitt himself hasn't been to an EPW hearing since he was confirmed in February, and the committee's top Democrat Tom Carper is out of patience. "It's almost nine months into the administration and we're still waiting for the head of EPA to come in and defend the administration's budget for EPA, which is appalling," Carper told ME.

The House Energy and Commerce Committee has never heard from Pruitt in a public hearing, though it is traditional for the EPA boss to testify there at least once a year. Illinois Republican John Shimkus , who chairs the E&C environment subcommittee, says a visit is overdue, especially in light of the heightened scrutiny of his spending. Shimkus said he thinks Cabinet officials should fly commercial, just like members of Congress do. "We're also stewards of taxpayers' dollars and these agencies, we're asking them to do more with less," Shimkus told ME Tuesday. "It probably would have been better had he come earlier than later."

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the Joyce Foundation's Ed Miller first identified Rep. Fred Grandy, aka Gopher from *The Love Boat*, as the Iowa congressman. For today: Who did Nancy Pelosi succeed when she first won election to Congress in 1987? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

ADMINISTRATION PICKS ARMY CORPS CHIEF: Trump announced late Tuesday his choice of R.D. James to lead the Army Corps of Engineers. He's previously served on the Mississippi River Commission where he's provided water resources advice to several administrations and Congress. James has also served as president of the Southern Cotton Ginners Association. Among other responsibilities, James would have a major role as the Trump administration revamps the Waters of the U.S. regulation. An April report made it sound like James was lukewarm on taking the post: "I'm a country boy, and I can't imagine living up there, but, if chosen, I will, and I will do my very best."

TRUMP STRIKES HARSH TONE IN PUERTO RICO: Visiting the devastated island of Puerto Rico Tuesday, President Donald Trump warned the island's millions of residents — many of whom have been told not to expect electricity or potable drinking water for months — they had "thrown our budget a little out of whack because we've spent a lot of money on Puerto Rico" and avoided a "real catastrophe" like Hurricane Katrina. As POLITICO's Matthew Nussbaum and Nolan D. McCaskill note, Trump maintained his boasts about a wildly successful response effort that hasn't matched the reality of the hurricane-ravaged island.

At a stop later in the day Trump insisted residents didn't need flashlights (it's unclear what he meant) even though 95 percent of the island lacks electricity. "The power grid, honestly, was devastated before the hurricanes even hit. And then the hurricanes hit and they wiped them out," Trump said, as he repeatedly seemed to blame the island for its poor infrastructure and financial situation. Joining him on the trip were Pruitt and Energy Secretary Rick Perry.

POLITICO's Burgess Everett and Seung Min Kim report the administration will today ask for $13 billion in hurricane recovery funding, $16 billion in flood insurance relief and more than $500 million for wildfires with congressional consideration likely in mid- to late-October.

BISHOP PROBES YEARS OF NON-COMMERCIAL TRAVEL: House Natural Resources Chairman Rob Bishop and Rep. Bruce Westerman sent a letter to Interior Secretary Ryan Zinke Tuesday asking for all records of non-commercial travel by the Interior secretary since the start of the Obama administration, as well as copies of department policies on the matter. "When partisan opportunists conflate diligent conformance to scandal, no one wins," they wrote. "Let's get all facts on the table, ensure taxpayers are protected and proceed with the peoples' business."

More questions raised for Zinke: A group of 26 House Democrats, led by Nanette Barragan and Don Beyer, asked Zinke in a Tuesday letter to immediately disclose all details of his use of charter aircraft.

Zinke doesn't plan to repay the government for his charter flights, the Associated Press reports.

NUCLEAR WASTE BILL ON ICE — FOR NOW: Shimkus said plans to bring a committee-passed nuclear waste package, H.R. 3053 (115), to the House floor are on hold for now as Nevada lawmakers, some of the most vocal opponents of the measure, deal with Sunday's massacre. "In light of the tragedy, there's no desire to move quickly," he said.

BISHOP: SILENCER CONTROVERSY 'SILLY': Delaying a broad sportsmen's package over language loosening gun silencer restrictions amid the response to the Las Vegas tragedy would be silly, Bishop told reporters. As your ME host reports, Bishop added: "If that's a hang-up, that's sad that that's a hang-up." GOP sources have previously indicated the SHARE Act, H.R. 3668 (115), likely won't come to the floor anytime soon after the shooting that killed 59 people and injured hundreds others.

COAL, NUCLEAR CAUTIOUSLY BACK PERRY'S PLAN: Representatives of the coal and nuclear industries offered qualified support before a House Energy and Commerce subcommittee for Perry's plan to extend their plants a lifeline through FERC, Pro's Darius Dixon reports.

Nuclear Energy Institute CEO Maria Korsnick voiced support for an extended public comment period while Paul Bailey, who heads the American Coalition for Clean Coal Electricity, said he'd back the proposal if forced to answer yes or no with "a huge caveat [that] we're still looking at it."

Lotsa wiggle room: FERC General Counsel James Danly told Senate lawmakers Tuesday the commission intends to act on DOE's resiliency pricing rulemaking proposal within the 60 days outlined by Perry, but he left plenty of room to tease out what that might look like, Pro's Darius Dixon reports.

Not giving up: Three new groups — the Energy Storage Association, the American Biogas Council, and the Business Council for Sustainable Energy — have linked arms with the other 11 energy groups asking DOE and FERC to slow down. The groups were spooked by FERC's decision on Monday to take comments on DOE's proposal even before the rulemaking was published but it's unclear how the processes will mesh. They have asked FERC to respond by Friday to their request for an extended comment period and technical conference.

** **A message from Chevron**: Advanced technology is helping us find safer ways to deliver energy. We're piloting a program that uses drones to monitor tanks and pipelines. Watch the video: http://politi.co/2xO60oe **

GREENS PLAN SUIT OVER MISSED OZONE DEADLINE: A group of 10 environmental groups said Tuesday they plan to sue Pruitt after he missed a deadline to decide which parts of the U.S. do or do not meet the 2015 ozone, standard, Pro's Alex Guillén reports. In response, an agency spokesman told ME: "The agency is continuing to work closely with the states to work through the designations process for the 2015 ozone standard."

SEIA GOES TO THE WHITE HOUSE: The Solar Energy Industries Association has a meeting today at the White House with presidential aides and staff from DOE, USTR and other cabinet agencies, Abigail Ross Hopper from the Solar Energy Industries Association said Tuesday. SEIA is trying to ward off tariffs on imported solar panels that will ultimately be decided by the president. The group would not specify who they'd be meeting with. "We are speaking with all of those folks who have a seat at the table and will help advise the president what the right decision is," Hopper said. "This is a conversation about American jobs, American blue collar jobs from many of the states that voted for our president."

LET'S GET TOGETHER, ROYALLY: Interior convenes the initial meeting of its new Royalty Policy Commission today. Counselor to the Secretary for Energy Policy Vincent DeVito will chair the commission, which he said will help with "looking at financial elements [at Interior] that have not been looked at in quite some time." The department caught flak earlier this year for stacking the commission with industry representatives but failing to fill slots reserved for public interest groups. NGOs said they will provide public comments, however, with The Wilderness Society set to ask Interior to increase royalty rates for oil and gas developed on public land from the current 12.5 percent. "Remarkably, for oil and gas, this rate has not changed since the 1920s," TWS said in prepared remarks seen by ME.

MORE JABS AT MANCHIN FROM BLANKENSHIP: Former West Virginia coal executive Don Blankenship released an ad Tuesday attempting to link Sen. Joe Manchin to both the Benghazi consulate attack and the deaths at Upper Big Branch Mine, Campaign Pro's Kevin Robillard reports . The spot, airing on state television, provocatively asks: "Does Manchin have blood on his hands?" Blankenship, who served a year in prison for conspiring to violate mine safety standards, has previously mused about challenging Manchin for his Senate seat as a Republican.

MURRAY JOBS SUIT REACHES SUPREME COURT: Coal producer Murray Energy asked the Supreme Court Tuesday to conclude Section 321(a) of the Clean Air Act requires EPA to produce a detailed study of its effects on coal jobs, Pro's Alex Guillén reports . A federal appeals court said that study represents a discretionary duty after a district court judge originally called it a mandatory one. But keep your expectations in check: It'll likely take the administration months to respond and there's no guarantee SCOTUS will ultimately hear the appeal.

AHEAD OF THE CLASS: Solar energy capacity in 2016 was 4,500 percent higher than the government thought it would be 10 years earlier, and wind supply is 350 percent above projections, the Natural Resources Defense Council finds in a report out Tuesday. "When you look at how clean energy development has exploded beyond official government projections from just 10 years ago, it offers hope that its potential will continue to far surpass expectations and we'll meet our U.S. climate goals," Amanda Levin, co-author of the report, said.

CEI SUES FOR PARIS DOCUMENTS: The Competitive Enterprise Institute filed a lawsuit Tuesday seeking emails and text messages concerning the communications of three former Obama-era State Department officials in the lead up to the Paris climate agreement being reached. In particular, the lawsuit seeks records related to Todd Stern and Sue Biniaz's communications with officials at NRDC and the World Wildlife Fund.

LAWSUIT FILED OVER ADVISORY BOARD RECORDS: The Center for Biological Diversity filed a lawsuit Tuesday seeking NOAA records concerning its decision to end a federal climate change advisory panel — Advisory Committee for the Sustained National Climate Assessment — over the summer. Copy of the filing here.

MOVERS, SHAKERS: State Energy & Environmental Impact Center at NYU School of Law, which aims to help state attorneys general fight Trump environmental rollbacks, today announced the additions of **Elizabeth Klein** as deputy director and **Chris Moyer** as communications director. Klein was most recently Interior's associate deputy secretary under the Obama administration and Moyer was most recently deputy communications director for California Attorney General Xavier Becerra.

Former FERC Commissioner Colette Honorable has joined the Bipartisan Policy Center as a senior fellow.

QUICK HITS

— EPA Asks Drillers and Miners for Advice on Regulating Them. Bloomberg.

— Pipeline wins federal OK to carry hazardous liquids across Kentucky. Lexington Herald-Leader.

— Former DEP official tapped to lead EPA regional office. State Impact.

— 'The new OPEC bromance': How Saudi Arabia and Russia are bonding over oil. CNBC.

— Coal-state lawmakers introduce bill to shore up pensions for miners. Washington Examiner.

— Miles of Algae Covering Lake Erie. New York Times.

HAPPENING TODAY

9:00 a.m. — Rob Bishop addresses Heritage Foundation on Antiquities Act, Heritage Foundation, 214 Massachusetts Ave. NE

9:30 a.m. — Natural Gas Supply Association holds its winter outlook media briefing for 2017-2018, RSVP: hinson.peters@ngsa.org

10:00 a.m. — Full committee markup on various bills, House Natural Resources Committee, Longworth 1334

10:00 a.m. — Senate Environment and Public Works Committee holds hearing on various EPA, NRC nominees, Dirksen 406

10:00 a.m. — "Air Quality Impacts of Wildfires: Perspectives of Key Stakeholders," House Energy and Commerce Environment Subcommittee, Rayburn 2123

12:45 p.m. — House Natural Resources Chairman Rob Bishop holds a press call to discuss emergency response efforts in hurricane-impacted U.S. Territories, RSVP: molly.block@mail.house.gov

2:00 p.m. — House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs holds legislative hearing on three bills, Longworth 1334

3:00 p.m. — House Natural Resources Committee holds members forum to discuss rescue and recovery in Puerto Rico and the U.S. Virgin Islands, location: TBD

3:00 p.m. — Senate HELP Committee holds hearing on mine safety nominee, Dirksen 430

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http://politi.co/2xO60oe **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/10/pruitts-flight-meeting-habits-raise-eyebrows-024898

Stories from POLITICO Pro

Pruitt critics see political motives in flights and meetings Back

By Emily Holden and Alex Guillén | 10/03/2017 07:02 PM EDT

EPA Administrator Scott Pruitt is facing growing political blowback about his taxpayer-funded spending and meetings with industry allies, with critics seizing on his expensive flights, $25,000 soundproof phone booth and 18-person security detail just days after lavish travel costs brought down former HHS Secretary Tom Price.

The travel expenses drawing the most scrutiny for Pruitt — $58,000 at last count — don't come close to the more than $1 million that taxpayers had spent to fly Price on private and government planes since May. But to his detractors, the EPA chief's spending on charter and government flights, eavesdropper protection and round-the-clock security point to an administrator who avoids contact with the broader public and distrusts even his own agency's career staff.

Instead, according to multiple interviews and POLITICO's review of agency travel records, Pruitt spends much of his time meeting with like-minded industry and political leaders — the kind of people who could back him in a future political campaign — but meets relatively seldom with environment and public health groups that oppose President Donald Trump's policies.

Pruitt, who spent six years as Oklahoma's elected attorney general, is already facing an EPA inspector general investigation for taking at least 10 commercial flights in March, April and May to his home state, where he is widely seen as a potential candidate for U.S. senator in 2020. Since then, he's been back to Oklahoma several times, including to meet with oil and gas companies and state political leaders and participate in media interviews, according to his published schedule.

Agency records released in the past week show that he has also spent tens-of-thousands of dollars on four private or government flights, including more than $36,000 to travel on an Air Force plane from Cincinnati to New York in June. House Democrats have asked the inspector general to review those as well. Senate Judiciary Chairman Chuck Grassley (R-Iowa) also cited some of Pruitt's travels last week in a letter urging Trump to rein in Cabinet spending.

The White House has taken note of the negative news coverage surrounding Pruitt's travels but doesn't consider his expenses to be as troubling as Price's, one administration official told POLITICO on Tuesday. Administration officials have said they consider the travel-expense controversy to have been resolved by Price's departure, which was quickly followed by an order requiring Cabinet officials to get chief of staff John Kelly's approval for almost any trips on

chartered or government planes.

But environmentalists and other critics say the records raise questions about Pruitt's priorities.

Pruitt "has traveled extensively and spent an inordinate amount of time in Oklahoma, which begs the question of whether or not he's laying the groundwork for a campaign," said Tiernan Sittenfeld, senior vice president of government affairs at the League of Conservation Voters.

Pruitt's staff has defended all his trips, and has said the four non-commercial flights were approved by ethics officials and were necessary for him to make it to key meetings.

But Christine Todd Whitman, a Republican who ran EPA during President George W. Bush's first term, said she recalls taking chartered planes only while visiting remote areas of Alaska that were otherwise inaccessible.

"Most people have to wait in line for a long time for planes," Whitman said. "The fact that you just turn around and order a private plane ... that starts to look really problematic. It's a lot of money."

Whitman said Pruitt's other expenses are troubling, too. The agency already had a secure enclosure where people can talk and use the phone protected from eavesdropping — but, as The Washington Post reported last week, EPA is spending nearly $25,000 to install a customized private phone booth that is outfitted against eavesdropping inside his office at DC's Federal Triangle.

Whitman said she "can't imagine what the reasoning is behind this, except the paranoia."

One current EPA employee, who requested anonymity to discuss internal agency affairs without authorization, told POLITICO that it's difficult for anyone outside Pruitt's office to hear someone speaking inside. A few hand-picked administrative staffers work outside the office's thick wooden doors, and beyond that are several unoccupied rooms, which are also guarded by security.

And Whitman said EPA administrators typically haven't needed the around-the-clock protection that Pruitt is demanding. "The problem that I have with it is not that he's getting the security details but that it's at the same time they're cutting the budget of the agency," she said.

Pruitt's aides say he needs his security detail, which is far bigger than what any previous administrator had, to guard him against increased threats. On one of his trips, the agency decided that his security needs warranted chartering a private flight so that Pruitt wouldn't have to fly commercial without a bodyguard or wait for a delayed plane.

His guards were initially drawn away from other duties in EPA's enforcement office until the agency made an exception to a hiring freeze to bring on more officers.

Eric Schaeffer, executive director of the Environmental Integrity Project and a former director of

civil enforcement at EPA, called Pruitt's travel habits "arrogant" and "tone-deaf."

"What would Republicans have done if Gina McCarthy had done this?" Schaeffer said, referring to former President Barack Obama's second-term EPA chief. "They would have gone ape. And now they're not concerned."

Penn State climate researcher Michael Mann, a frequent critic of Trump's and Pruitt's environmental policies, said via email Monday that "ethical violations demand that Pruitt step down."

"And by ethical violations, I don't just mean his abuse of the public trust through frivolous personal use of government-funded private plane trips," Mann added. "I also mean the manner in which he has betrayed the citizens he is supposed to represent by endangering them through the dismantling of environmental protections built up over decades, under Democratic and Republican administrations."

Critics say they are most upset because Pruitt's spending comes amid potential budget cuts. He has indicated, for example, that he wants to end payments to Justice Department lawyers who force polluters to pay to clean up Superfund sites, The New York Times reported last week.

They say his travel records are just as telling in showing whom he chooses to meet with as EPA administrator.

His four non-commercial flights included a trip to visit with Oklahoma farmers, meetings with Republican officials in North Dakota and a tour to criticize a Colorado environmental project mishandled by the Obama administration.

In July, he flew in an Interior Department plane from Tulsa to Guymon, Okla., where he met with farmers as part of a tour highlighting his effort to withdraw an Obama administration water rule. Pruitt and his aides then continued in the plane to visit state officials in Oklahoma City. The total cost for both legs was $14,434.50.

EPA declined to provide a more detailed schedule or a list of business leaders who were present. Spokesman Jahan Wilcox provided local news clips that report 90 farmers and ranchers from Oklahoma, Texas and Kansas attended.

In August, Pruitt toured the site of the Gold King Mine spill, a 2015 mining-waste disaster caused by EPA and its contractors, for a visit in which he said the Obama administration had "failed those who counted on them." He got there via a plane that EPA had chartered from Denver to Durango, Colo., at a cost of more than $5,000.

The agency says Pruitt had initially traveled on a commercial flight to Denver, only to learn that his planned connection to Durango would be delayed by several hours. Individual seats were available on other commercial planes but didn't have enough space for Pruitt's bodyguard or other staff, the agency said.

In a third trip, Pruitt had lunch with North Dakota Republicans — Gov. Doug Burgum, Sen. John Hoeven and Rep. Kevin Cramer — in Fargo. He and two staffers then flew with the governor on his state plane to meet farmers and tour an energy research center that studies ways to keep the state's struggling coal industry alive. The ride cost EPA $2,144.40, according to The Washington Post. A spokesman said Pruitt needed to fly with Burgum to keep up with the governor's schedule. Driving between the two cities would have taken about an hour and a half.

The flight with the biggest price tag, $36,068.50, was on an Air Force plane from Cincinnati to New York's John F. Kennedy International Airport on June 7. Pruitt then flew on to Rome, on what Wilcox described as a scheduled commercial flight, where he arrived several days early for a meeting with foreign environment ministers. Wilcox said Pruitt had to find a way to New York after the president invited him at the last minute to Cincinnati to promote infrastructure development.

EPA spokespeople have said they explored all other options for the Rome trip, although they did not comment on why Pruitt couldn't have flown commercially from Cincinnati to another U.S. international hub and then to Italy.

Trump's event with Pruitt was set to conclude by 2:10 p.m., according to the president's schedule. Pruitt's public schedule for the following day, June 8, didn't show any public meetings until 1 p.m., at the U.S. Embassy, and 2 p.m., with a business roundtable — which could have left time for even a lengthy international flight. Travel sites show that on a typical Wednesday, multiple options from Cincinnati to Rome would fit the time window and cost around $3,000 per person when purchased last-minute.

On June 9, Pruitt met with officials from the Catholic Church and attended a judicial roundtable. Not until June 10 and 11 did he met with foreign ministers, before leaving the high-profile event early to make it back for a Cabinet meeting at the White House on the morning of June 12, according to his schedule. During the trip, EPA tweeted pictures of Pruitt rolling pasta and eating prosciutto with Italian environment minister Gian Luca Galletti, which critics were quick to highlight when he left ahead of schedule.

A POLITICO analysis of Pruitt's broader schedule, as shown in EPA records, demonstrate he's spent much of his time meeting with key industries, including ones back home. He's met most often with oil and gas executives, followed by agriculture and farming.

Of at least 30 meetings or speaking engagements Pruitt had with oil and gas executives or trade groups, seven appear to have connections to Oklahoma. He's spent time with executives of companies whose employees donated at least $37,000 for his 2014 campaign to be Oklahoma attorney general, according to state campaign finance records.

For example, Pruitt met in March with representatives from Oklahoma Gas & Electric, whose executives were a major source of cash for his 2014 reelection campaign. Pruitt has also had face-to-face sit-downs with John Minge, the head of BP America, Duke Energy's Lynn Good and the boards of the National Mining Association, the American Coalition for Clean Coal Electricity, the American Petroleum Institute and American Fuel & Petrochemical Manufacturers.

Pruitt spends far more time with industry and political leaders than with environmental advocates, according to two months of calendars released under public records requests and another six months of far less detailed schedules that the agency has published.

EPA maintains a list of environmental or public health groups the agency has met with, but they do not appear officially on Pruitt's schedule.

The EPA chief has also spoken at events or held calls with right-wing policy groups that spend little of their time on environmental issues. For example, he had a call in May with the Family Research Council, a conservative group that lobbies against abortion rights and believes homosexuality is "unnatural" but has never filed comments on EPA proceedings.

In the same month, he had a speaking engagement with the Council for National Policy, which advocates for limited government and "Judeo-Christian values," and was on a call with the State Policy Network, an umbrella group for state-level conservative think tanks.

He continues to appear at events for the Federalist Society, a group that advocates for an originalist interpretation of the Constitution and has become an established gatekeeper for conservatives seeking judicial posts.

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Price resigns from HHS after facing fire for travel Back

By Dan Diamond, Rachana Pradhan and Adriel Bettelheim | 09/29/2017 04:40 PM EDT

HHS Secretary Tom Price resigned Friday in the face of multiple federal inquiries and growing criticism of his use of private and government planes for travel, at a cost to taxpayers of more than $1 million since May.

The White House said the former seven-term Georgia congressman, 63, offered his resignation earlier in the day and that President Donald Trump had accepted it.

Price becomes the first Trump administration Cabinet secretary to step down. The White House said Trump asked Deputy Assistant Health Secretary Don Wright to serve as acting secretary of the agency, which has an annual budget $1.15 trillion and includes the Medicare and Medicaid programs, as well as the FDA, NIH and CDC.

As late as Thursday, Price said he believed he had the president's support. But the tumult surrounding his travel became another distraction for an administration already reeling from the defeat of repeated Senate efforts to repeal Obamacare and criticism for its hurricane relief efforts in Puerto Rico.

Price ran afoul of Trump in part because his actions seemed to symbolize everything the president had inveighed against on the campaign trail by vowing to "drain the swamp." The fallout extended to the entire Cabinet Friday night when the White House announced that chief of staff John Kelly must approve almost all travel on "government-owned, rented, leased, or chartered aircraft."

Price, in his resignation letter, expressed regret that "recent events" distracted from efforts to overhaul the health care system. "In order for you to move forward without further disruption, I am officially tendering my resignation as the Secretary of Health and Human Services effective 11:59 PM on Friday," he wrote.

Senate Democrats quickly served notice they were preparing for a potential confirmation fight over Price's successor, saying the next HHS secretary must not undermine Obamacare. Under Price, the department cut the law's enrollment period in half and slashed advertising and outreach for the enrollment period starting in November.

"The next HHS secretary must follow the law when it comes to the Affordable Care Act instead of trying to sabotage it," said Senate Minority Leader Chuck Schumer.

"Tom Price's replacement needs to be focused on implementing the law as written by Congress and keeping the president's promise to bring down the high cost of prescription drugs," Senate Finance ranking Democrat Ron Wyden of Oregon said in a statement.

House Speaker Paul Ryan, a close ally, praised Price as a dedicated public servant. "His vision and hard work were vital to the House's success passing our health care legislation," Ryan said in a statement.

POLITICO revealed that Price flew at least 26 times on private aircraft at a cost of hundreds of thousands of dollars, a sharp break with his predecessors' practice. Many of Price's flights were between major cities that offered inexpensive alternatives on commercial airlines, including Nashville, Philadelphia and San Diego.

On some of those trips, Price, an orthopedic surgeon, mixed official business with leisure. He took a government-funded private jet in August to get to St. Simons Island, an exclusive Georgia resort where he and his wife own land, a day and a half before he addressed a medical conference he and his wife have long attended. In June, HHS chartered a private jet to fly Price to Nashville, where he owns a condominium and where his son resides. Price toured a medicine dispensary, spoke to a local health summit organized by a friend and had lunch with his son, an HHS official confirmed.

Price also used military aircraft for multi-national trips to Africa, Europe and Asia, at a cost of more than $500,000 to taxpayers. The White House said it had approved those trips but not the private jets within the United States.

Price tried to defuse the controversy by promising on Thursday to reimburse the government for

the approximately $52,000 cost of his own seat on his domestic trips. But that wasn't enough to tamp down the scandal, which had infuriated the president and prompted a bipartisan inquiry from the House Oversight Committee and separate calls for accountability from lawmakers including Republican Sen. Chuck Grassley. The inspector general of Price's own agency is reviewing if Price complied with federal travel regulations.

The White House put Cabinet officials on notice Friday that it would crack down on use of private planes, telling them chief of staff John Kelly must approve almost all travel on "government-owned, rented, leased, or chartered aircraft."

Mick Mulvaney, director of the Office of Management and Budget, sent out the memo soon after Price's resignation was made public, reminding department and agency heads that, by regulation, "Government-owned, rented, leased, or chartered aircraft should not be used for travel by Government employees except with specific justification."

The issue of Cabinet members' travel has already extended beyond Price: POLITICO reported Interior Secretary Ryan Zinke and his aides took several flights on private or military aircraft, including a $12,000 charter plane to take him to events in his hometown in Montana and private flights in the Caribbean. Zinke dismissed the furor as a "little B.S." during a Friday appearance at the Heritage Foundation.

Price's wife, Betty, accompanied him on the military flights, while other members of the secretary's delegation flew commercially to Europe.

HHS spokeswoman Charmaine Yoest said Price reimbursed the agency for his wife's travel, but declined to elaborate.

White House officials have groused about Price's frequent travels, with one senior White House official saying the HHS secretary was "nowhere to be found" as they mounted a last-ditch unsuccessful push to repeal Obamacare.

Congressional Democrats attacked Price for advocating spending cuts to the health agencies he oversaw and health care programs while spending taxpayer dollars on private jets. "There could not be a clearer statement of the Trump administration's priorities," Sen. Maggie Hassan (D-N.H.) said. Key Democrats overseeing health issues in Congress had formally requested that HHS's inspector general review Price's travel practices.

In June, Price defended a proposed fiscal 2018 budget for HHS that included a $663,000 cut to the agency's $4.9 million annual spending on travel, or roughly 15 percent. "The budgeting process is an exercise in reforming our federal programs to make sure they actually work — so they do their job and use tax dollars wisely," Price told the Senate Finance Committee on June 8.

Ethical questions dogged Price even before questions about his travel arose. During his Senate confirmation hearing to helm HHS, Price faced pointed questions about his personal investments in health care companies during his time in Congress. Democrats called on government ethics officials to investigate Price's health care stock trades, following reports that he got a sweetheart

deal from a biotech company and invested in Zimmer Biomet, a medical device-maker, just days before writing legislation that would have eased regulations on the sector.

The Senate confirmed Price by a 52-47 margin in February after he maintained full Republican support.

Price carved out a reputation as a staunch fiscal conservative during his decade-plus tenure in the House of Representatives. He generally supported reducing government spending on health care while shifting more of the financial burden onto individuals. Like most conservatives, he's supported privatizing Medicare so that seniors would receive fixed dollar amounts to buy coverage and limiting federal Medicaid spending to give states a lump sum, or block grant, and more control over how they could use it.

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Trump expected to pick Bush EPA official turned industry lawyer for agency's air office
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By Alex Guillén | 07/24/2017 10:03 AM EDT

President Donald Trump is expected to nominate Bill Wehrum, a former George W. Bush-era EPA official, to run the agency's powerful air office, according to two sources outside the administration familiar with the plans.

While Wehrum would bring critical knowledge of EPA's workings and environmental law, he also represents several high-profile industry groups in lawsuits challenging numerous Obama-era EPA regulations, meaning he may face recusal and conflict issues similar to EPA Administrator Scott Pruitt.

Wehrum served as acting assistant administrator for the Office of Air and Radiation from 2005 to 2007. Bush pulled Wehrum's formal nomination to that post after Democrats blocked him as too industry-friendly, though the new simple majority threshold on nominees likely will prevent that from happening again. Wehrum spent 2001-2005 as counsel to Jeff Holmstead, Bush's first air administrator. Holmstead emerged last month as a possible Trump pick to be EPA deputy administrator, though coal lobbyist Andrew Wheeler remains the frontrunner for that job.

In a 2013 interview with Law360, Wehrum said that despite the Supreme Court's 2007 ruling that said EPA has the authority to regulate greenhouse gases, he believes "Congress never intended the EPA to address an issue such as climate change under the Clean Air Act."

He also called for lengthening the review cycle for National Ambient Air Quality Standards beyond five years — House Republicans recently passed a bill that would stretch that to ten years — and said the Obama administration tried to shift power away from the states and toward

EPA, comments since echoed by Pruitt.

And in a 2015 Wall Street Journal editorial, Wehrum said the EPA-caused Gold King mine spill highlighted how the agency "often criminalizes actions that are nothing more than accidents, many far less damaging to the environment than the Animas River disaster." That spill fouled Colorado's Animas River and downstream areas for several weeks before water quality returned to normal and the river was reopened to recreational activities.

Wehrum pointed to the 2014 chemical spill that fouled drinking water for hundreds of thousands of West Virginia residents, which led to an EPA investigation and the company's bankruptcy, as an example of "unjust" treatment.

For the last decade Wehrum has been a partner at the high-powered D.C. law firm Hunton & Williams, where he currently represents high-profile clients, including two leading oil and gas industry lobbying groups, in a number of ongoing lawsuits against EPA.

Wehrum represents the American Petroleum Institute in a challenge to EPA's methane rule for new oil and gas wells, as well as the separate legal battle over EPA Administrator Scott Pruitt's decision to stay that rule while under review, where API has defended Pruitt's stay.

He also represents either API or American Fuel & Petrochemical Manufacturers, a refinery sector group, in lawsuits over a 2015 rule limiting pollution from oil refineries; a "regional consistency" rule that governs how court rulings apply to nationwide EPA regulations; and permitting rules for Indian lands.

He represents the Utility Air Regulatory Group, a coalition that challenges EPA air regulations, in a legal challenge over an Obama-era rule meant to decrease explosions at chemical plants and other facilities. Pruitt has put that rule on hold while it is under review.

Wehrum helped the Gas Processors Association challenge two greenhouse gas reporting rules. He took an EPA boiler regulation to court on behalf of a coalition of industry groups, including the American Chemistry Council, the National Association of Manufacturers and the American Forest & Paper Association. He is challenging an EPA emissions rule for brick manufacturers on behalf of an industry group. And he represented construction interests in various lawsuits against the Labor Department, including an ongoing challenge to the Occupational Safety and Health Administration's 2016 silica exposure rule.

Wehrum did not immediately reply to a request for comment on Monday. EPA and White House spokespeople did not immediately respond to a request for comment.

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EPA nominee's case against OSHA rule draws skepticism from judges Back

By Alex Guillén | 09/26/2017 12:24 PM EDT

Federal judges seemed skeptical today of arguments made by William Wehrum, President Donald Trump's pick to head EPA's air office, against the Occupational Safety and Health Administration's silica rule.

Wehrum, an attorney at Hunton & Williams, argued on behalf of various industry groups that OSHA had not proven that lowering the silica standard would provide any significant health benefits.

"OSHA had a thumb on the scale" because it had already decided to lower the standard and had "lost objectivity," Wehrum told a three-judge panel at the D.C. Circuit Court of Appeals.

Judge David S. Tatel called Wehrum's comment "curious" and pointed to reams of data and studies OSHA used to justify the new standard.

Chief Judge Merrick Garland noted that there are some legitimate disagreements among scientists about silica's health effects — but he said the law says the regulation in such situations

should lean in favor of caution. "There's supposed to be a thumb on the scale in terms of safety," Garland said.

"We believe that skepticism is well warranted," Wehrum replied.

A Justice Department attorney defending the rule faced light questioning from the judges about OSHA's methodologies and called Wehrum's arguments about uncertainty in epidemiology "flimsy."

As air administrator, Wehrum would be charged with implementing or writing new versions of a number of health-based standards, including the 2015 ozone rule. EPA officials last week noted that Wehrum can argue against the OSHA rule since it is not an EPA regulation and is unrelated to his nomination.

WHAT'S NEXT: The D.C. Circuit will weigh Wehrum's argument along with arguments made by other attorneys on technological, economic and union issues with the silica rule. Wehrum's nomination hearing was postponed last week and has not yet been rescheduled.

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Trump brings harsh edge to Puerto Rico trip Back

By Nolan D. McCaskill and Matthew Nussbaum | 10/03/2017 05:03 AM EDT

President Donald Trump brought a jarring tone to Puerto Rico as he toured the hurricane devastation Tuesday, appearing to blame the U.S. territory for having "thrown our budget a little out of whack" and complimenting officials for sustaining only 16 deaths, compared with the much higher human toll of Hurricane Katrina.

"I hate to tell you, Puerto Rico, but you've thrown our budget a little out of whack because we've spent a lot of money on Puerto Rico," Trump said as he met with local officials from the island, which declared a form of bankruptcy in May. "And that's fine."

The president also appeared to boast that the death toll in Puerto Rico pales in comparison to the more than 1,800 fatalities that followed Katrina in 2005.

"We saved a lot of lives," said Trump, who added that "every death is a horror" and broached what he called "a real catastrophe" in Katrina.

"Sixteen people versus in the thousands," the president said, overstating Katrina's death toll.

"You can be very proud of all of your people, all of our people working together," he told Gov. Ricardo Rosselló. "Sixteen versus literally thousands of people. You can be very proud. Everybody around this table and everybody watching can really be very proud of what's taken place in Puerto Rico."

A Rosselló spokesman said Tuesday night that the death toll had more than doubled, to 34, news agencies reported.

Trump landed in Puerto Rico on Tuesday after spending much of the past week boasting about a wildly successful response effort that hasn't matched the reality of the hurricane-ravaged island — and after picking a fight over the weekend with San Juan's mayor and other "political motivated ingrates" who have questioned the robustness of the federal response.

The visit came as he's attempting to be soother-in-chief for the nation after a shooting in Las Vegas left at least 59 dead on Sunday night — the first time he's had to navigate two disasters of national scope that are politically perilous for any president, but especially one prone to off-the-cuff riffs.

The Puerto Rico stop marks only the start of emotionally charged travels for Trump this week. On Wednesday, he is scheduled to travel to Las Vegas to meet with the families of victims of Sunday's massacre.

Trump struck a somber and unifying tone Monday when discussing the attack in Las Vegas. But on Tuesday, he traded the scripted and controlled setting of the Diplomatic Room for a storm-ravaged island where more than half of the residents remain without access to drinking water and only 5 percent of the island has electricity.

Throughout the day, he boasted about his administration's response and appeared to repeatedly blame Puerto Rico for its poor infrastructure and financial situation before Hurricane Maria ripped through and left a humanitarian crisis in its wake.

Early on Tuesday, Trump extended praise to his officials and to Rosselló, Puerto Rico's Democratic governor. And he asked the island territory's Republican non-voting congresswoman, Jenniffer González-Colón, to repeat past accolades of the administration's response for the television cameras.

"He's not even from my party, and he started right at the beginning appreciating what we did," Trump said of Rosselló. "Right from the beginning this governor did not play politics. He didn't play it at all. He was saying it like it was, and he was giving us the highest grades. And on behalf of our country, I wanna thank you."

Trump, however, sought to have the plaudits reciprocated, noting that he watched González-Colón say "such nice things about all of the people that have worked so hard" the other day and asking her to repeat her compliments.

"Jenniffer, do you think you can say a little bit [of] what you said about us today?" Trump asked. "And it's not about me. It's about these incredible people, from the military to FEMA to first responders. I mean, I've never seen people working so hard in my life. Perhaps you could say, congresswoman?"

Cameras captured the president engaging in a conversation with a hurricane victim, asking

multiple questions and commending public officials in closing, but also telling another group of victims impacted by the storm to "have a good time."

The pool of reporters accompanying the president described a pair of basketball-related exchanges. Trump asked a teenager whether he played basketball and was going to the NBA. After handing out bags of rice at a church, Trump began tossing paper towels into the crowd — mimicking the motions of a jump shot.

In later remarks Tuesday — as the president handed out flashlights — Trump insisted Puerto Ricans don't need flashlights, though much of the territory is still without power, as he acknowledged to reporters just minutes prior.

"The power grid, honestly, was devastated before the hurricanes even hit. And then the hurricanes hit and they wiped them out," Trump said. "A lot of generators have been already brought to the island. Most of the hospitals are open — or at least partially open. But most of them now are open. And, again, the job that's been done here is really nothing short of a miracle. It's been incredible."

Trump has courted controversy by blasting on Twitter the "poor leadership ability" of Puerto Rican officials, who he said "want everything to be done for them." Trump had also said the island's leaders "are not able to get their workers to help," and he accused Carmen Yulín Cruz, the Democratic mayor of San Juan — who repeatedly slammed the Trump administration's response to Hurricane Maria — of trying to score partisan political points by criticizing him.

"We have done a great job with the almost impossible situation in Puerto Rico. Outside of the Fake News or politically motivated ingrates," Trump tweeted on Sunday.

All the while, he's kept up an upbeat tone about the response. He told reporters in the Oval Office on Monday that it's "amazing what's been done in a very short period of time." He added: "There's never been a piece of land that we've known that was so devastated."

Other officials have echoed his attitude. "The federal government is doing everything within our powers and capabilities to first focus on the life-sustaining and life-saving measures as well as on the rebuilding process," press secretary Sarah Huckabee Sanders told reporters on Monday.

But Trump's comments on Tuesday at times distracted from his administration's response efforts, with Cruz, the San Juan mayor, freshly criticizing the president for his comments about Puerto Rico's impact on the U.S. budget.

"It goes to prove the lack of sensibility," she told CNN in an interview.

Colin Wilhelm contributed to this report.

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White House seeking $29 billion more in disaster assistance Back

By Burgess Everett and Seung Min Kim | 10/03/2017 08:54 PM EDT

The Trump administration is expected to request about $29 billion in disaster assistance on Wednesday, according to three sources familiar with the matter.

The administration is expected to ask Congress to deliver nearly $13 billion in funding for recovery from hurricanes that struck Puerto Rico and other parts of the United States, $16 billion in flood insurance relief, and more than $500 million for wildfires, the source said. Congress is expected to consider the package in mid- to late-October.

The figures were first reported by the Associated Press. The nearly $13 billion in FEMA funding is estimated to last through Dec. 31, one source said, although the government has been spending disaster money more quickly than expected because of the recent spate of hurricanes.

Congress previously approved more than $15 billion in disaster assistance for hurricanes in Texas and Florida in September.

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Nuclear waste bill clears House committee with bipartisan backing Back

By Darius Dixon | 06/28/2017 12:05 PM EDT

The House Energy and Commerce Committee approved nuclear waste reform legislation this morning on a bipartisan 49-4 vote, facing only a handful of Democratic holdouts.

The bill, H.R. 3053, sponsored by E&C Environment Subcommittee Chairman John Shimkus, would make the first changes in 30 years to the Nuclear Waste Policy Act, which names Yucca Mountain as the nation's sole waste repository.

The committee agreed to a compromise manager's amendment that would let DOE open one interim storage facility while regulators continue to work on a permanent repository. That eliminated most of the Democratic objections to a draft version of the bill that would have barred such work until the Nuclear Regulatory Commission issued a decision on Yucca Mountain.

Yucca Mountain supporters have been concerned that a storage site would take the pressure off of approving a repository. Meanwhile, lawmakers have been anxious to move the waste building up at defunct nuclear power plants in their states.

Another bipartisan amendment, also approved on a voice vote, removed the bill's original language impacting Nevada's water rights and air permitting. The amendment would also increase Yucca's capacity from 70,000 metric tons to 110,000 metric tons.

The bill also authorizes payments to host states and limits work on any defense waste-only repository.

New Jersey Rep. Frank Pallone, the top Democrat on E&C, said that the bill was "a delicate and difficult negotiation, but I believe we have arrived at a very good compromise."

WHAT'S NEXT: Shimkus has said he expects the bill to get a vote by the full House before the August recess, but GOP leaders have not yet scheduled floor time for the bill.

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Bishop: 'Silly' to delay sportsmen's package over silencer provision Back

By Anthony Adragna | 10/03/2017 02:26 PM EDT

House Natural Resources Chairman Rob Bishop told reporters today it would be "silly" to remove provisions in a broad sportsmen's package, H.R. 3668 (115), loosening restrictions on purchasing gun silencers even after the nation's worst shooting massacre in modern history.

"The suppressor part actually helps people," he said. "To remove it, you're not helping anybody out. That would be silly to do that."

He added: "If that's a hang up, that's sad that that's a hang up."

GOP sources previously told POLITICO the Las Vegas shooting would derail consideration of the Sportsmen's Heritage and Recreational Enhancement Act at least in the short term.

Bishop said he'd been told by leadership the legislation would get a floor vote "soon," but said he'd never been given a specific date. But the Utah Republican said he hadn't spoken to them about the matter this week.

"To get a floor vote for things, I would strip naked if I had to," he said.

WHAT'S NEXT: Republican sources have previously indicated the SHARE Act is unlikely to get a floor vote in the near future.

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Coal, nuclear industry leaders cautiously supportive of DOE proposal Back

By Darius Dixon | 10/03/2017 05:38 PM EDT

Coal and nuclear power industry representatives offered qualified endorsements today of the Energy Department's proposed regulation that offer their plants an economic lifeline.

Many experts are already confused about DOE's proposal to FERC, and a strange-bedfellows coalition of energy groups, including oil and renewables trade associations, has asked regulators to slow down.

Testifying before a House Energy and Commerce subcommittee, Nuclear Energy Institute CEO Maria Korsnick said she'd support having another 30 days to comment on the Energy Secretary Rick Perry's plan to FERC, which gave regulators just 60 days to finalize the rule or issue an interim final rule. She said the proposal is "a good baseline but additional conversations need to be had through the rulemaking process."

Paul Bailey, who heads the American Coalition for Clean Coal Electricity, demurred when asked how long FERC should collect comments, stressing that the work "needs to be done very, very quickly." Bailey said he'd back the proposal if he was only given a yes-or-no option, but he added there was "a huge caveat [that] we're still looking at it."

Rep. Fred Upton (R-Mich.) noted that FERC often allows 180 days to comment on complex proposals.

Meanwhile, Marty Durbin, an executive with the American Petroleum Institute, which has criticized the proposal, said it was "totally inconsistent" with the grid study DOE issued in August.

John Moore, of the Natural Resources Defense Council, said he would toss the proposal "in the trash can because I don't think it meets the minimum standards of due process and the Administrative Procedures Act."

WHAT'S NEXT: FERC has asked for comments on the proposal to be submitted by Oct. 23 and for reply comments by Nov. 7. DOE has not yet published its proposal in the Federal Register, which will kick off the 60-day countdown clock.

To view online click here.

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Official: FERC will take 'appropriate action' on DOE pricing rule within 60 days Back

By Darius Dixon | 10/03/2017 04:22 PM EDT

FERC intends to act on the Energy Department's resiliency pricing rulemaking proposal within the 60 days Energy Secretary Rick Perry directed last week, FERC General Counsel James Danly told lawmakers this afternoon. But his comments left plenty of room for interpretation.

"Right now, the commission is internally reviewing the notice of proposed rulemaking that was put forward by the secretary," Danly told members of a Senate Energy and Natural Resources subcommittee, while noting that FERC has already requested comments on the proposal.

"We're reviewing the options that are available and we are in the process of building the record by soliciting these comments and reply comments," he said. "Once they're assembled, we're going to review them and take the appropriate action within the 60-day timeframe established by the NOPR."

The law that Perry is using to initiate the rulemaking at FERC directs regulators to take "final action" within a reasonable timeframe, but it's unclear what FERC might consider a final action. Similarly, Danly's phrase "appropriate action" could represent a number decisions by FERC.

WHAT'S NEXT: FERC has asked for comments on the proposal to be submitted by Oct. 23 and for reply comments by Nov. 7. DOE has also not yet published its proposal in the Federal Register, which will kick off the 60-day countdown clock.

To view online click here.

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Greens will sue Pruitt over missed ozone deadline Back

By Alex Guillén | 10/03/2017 05:13 PM EDT

Ten environmental groups say they plan to sue EPA Administrator Scott Pruitt for missing the Oct. 1 deadline to decide which parts of the U.S. do or do not meet the 2015 ozone standard, a critical step toward implementing the rule and curbing pollution.

"It's an outrage that Scott Pruitt just willfully ignored his legal and moral obligation to keep American communities safe from dangerous air pollution that sends children to the hospital," Matthew Gravatt of the Sierra Club said in a statement.

Pruitt earlier this year announced plans to delay the designations by one year, citing trouble with data collection from states. Following lawsuits from green groups and Democratic attorneys general, EPA reversed course and said Pruitt would work to meet the deadline. But the deadline passed this week without any word from EPA on any designations.

The underlying 2015 standard is itself under review at EPA, along with a host of other Obama-

era regulations. EPA in recent weeks also sent for White House review what appears to be a proposal setting new thresholds for which areas would have to take action to improve their air quality.

EPA on Monday had no comment on when the agency plans to issue the designations.

Groups suing include the Sierra Club, Natural Resources Defense Council, American Lung Association and National Parks Conservation Association.

WHAT'S NEXT: The Clean Air Act requires anyone suing EPA over a missed deadline to give the agency at least 60 days' notice. The lawsuit could be filed as soon as early December.

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Taxpayer advocate, Democrats see industry tilt on Zinke's royalties panel Back

By Ben Lefebvre | 09/14/2017 03:33 PM EDT

Interior Secretary Ryan Zinke has pledged to increase energy revenue from federal lands, but congressional Democrats and public watchdogs are worried the agency is putting key policy decisions about royalties in the hands of the industry.

Interior officials have said increasing drilling on federal lands would help fulfill President Donald Trump's promise to "usher in a golden age of energy dominance" — and help restore the agency's coffers back to levels seen a decade ago, when they were bolstered by oil prices that flirted with $150 a barrel.

Now, with oil prices under $50 a barrel, the portion of Interior's budget from those revenues has dropped to $6.2 billion, one-quarter of where it was in during the heady market of 2008.

"I will be looking at revenue," Zinke told senators during a June budget hearing, pointing to the federal income from natural gas, oil and wind. "If you're going to operate on public land, then the public should have a say, because we are all stewards of our public lands. We want to make sure we have a fair return. That return should be transparent."

But public interest groups and Democrats say the 20-member advisory committee Zinke named to review royalty rates that oil, natural gas and coal companies pay for access to federal land and water is stocked with industry-linked members.

The committee includes five energy company representatives and six others members who hail from energy-friendly, GOP-led local governments. Critics say it lacks representatives from public interest groups or Democrats who might question whether the public is getting a fair deal from new drilling.

"We should be exploring better royalty structures," Sen. Tom Udall (D-N.M), whose state is the fifth largest oil producer in the country, said in an email. "But I'm skeptical that the royalty policy committee established by Secretary Zinke is structured to ask the most probing and balanced questions to benefit citizens." Udall plans to reintroduce his legislation, S. 2254 (108), next week that would institute royalties on gold, silver and other precious minerals currently excluded from generating royalties.

Ryan Alexander, president of public watchdog group Taxpayers for Common Sense, lauded Zinke's move to restart that commission as an opportunity to make sure taxpayers get a fair return for energy developed on public lands, but its make-up didn't give her confidence that would happen.

"There's a lot of people who know a lot of stuff on that committee," said Alexander, whose nomination to the committee was rejected by Interior. "But there isn't anyone who focuses on taxpayer interest. It is a definitely a concern that this is weighted toward the industry. We're going to be watching carefully."

Republicans have backed Zinke's exclusion of environmental and public interest groups.

"Many of these public interest groups have been driving this debate in court and so forth at the demise of our natural resource industry, and our economies and jobs in places like Montana," Sen. Steve Daines (R-Mont.) told POLITICO. "So it's time to change it up."

Interior's royalty rates dictate the percentage of the proceeds from oil, gas or other energy produced from federal lands or waters that companies must share with the government. The new committee will "provide advice to the Secretary ... on the fair market value of and on the collection of revenues derived from, the development of energy and mineral resources on Federal and Indian lands," according to the charter Zinke approved in March.

Oil production on federal lands reached an all-time high of 580 million barrels in 2016 from the surge in offshore production, according to data from the Office of Natural Resources Revenue, an overall increase of 33 percent from 2008.

Even as oil production surged, oil revenues flowing to Interior dropped to $2.8 billion, however, the lowest point since 2005, largely because of weak market prices. U.S. oil averaged $43.29 per barrel last year, less than half the price in 2014.

Natural gas volumes have fallen by a a third since 2008, with most of the drop because of offshore drillers' shift to more profitable oil production. And coal production on federal land fell by a third between 2008 and 2016, following electric utilities' switching to cheaper natural gas.

Interior's decisions on royalties have a major impact on state budgets. In 2016, Wyoming received $684 million from federal leases, nearly one-quarter of the state's $3 billion budget that year, while New Mexico got $386 million, about 6 percent of the state's total budget.

Interior lowered the minimum royalty payments for oil and gas produced from shallow-water areas of the Gulf of Mexico that it offered in a lease in August. But that cut failed to attract companies to the area, which is largely tapped out of oil and gas from years of development, and only 10 percent of the tracts up for auction were leased.

Interior has also rolled back an Obama-era rule on assessing the value of coal from federal lands that required mining companies to use the price they sold the coal at on the open market — not to affiliate companies they may have sold it to at a steep discount. Zinke's move did away with a rule that the department estimated would increase Interior's coal royalty revenues by up to $85 million a year, but that coal companies complained was too burdensome.

Zinke's appointments to the committee include employees of ConocoPhillips, Anadarko Petroleum and the National Ocean industries Association, a trade group representing offshore drilling companies.

He also included Matthew Adams, vice president of taxation at Cloud Peak Energy, a Wyoming-based coal company that donated $10,000 to Zinke's PAC in 2016. Cloud Peak paid the department $80 million in royalties last year, according to government data.

Interior Department spokeswoman Heather Swift called the commission members "eminently qualified individuals," and added that Cloud Point Energy's donation to Zinke's PAC was "absolutely not" a factor in appointing a company representative the commission.

Another member of the committee is John Sweeney, an investor relations executive at VWR Corp., a Pennsylvania-based company that provides laboratory services to the pharmaceutical, biotech, industrial and healthcare industries.

Sweeney nominated himself to the commission and was appointed because of "his education and experience in business connecting investors with developers," Swift said. Sweeney did not reply to messages seeking comment.

Swift also pointed to the native American tribes on the commission as operating some renewable energy projects. Those tribes on the board are also heavily invested in oil, gas and coal projects. The Navajo Nation, whose president Russell Begaye is on the royalty commission, runs the largest coal-fired power plant in the western United States, and Begaye wrote an op-ed in March asking for government assistance to keep plant from shutting.

Zinke promised to appoint up to four members representing "academia and public interest" groups when he announced plans for the commission, and he has stressed the importance of public oversight on royalties.

But the sole slot that was allotted in the end for a representative for the public interest went to Daniel Rusz , a coal expert from energy industry consulting group Wood MacKenzie.

Interior's Swift initially said the choice came about because "no groups identifying themselves as public interest were nominated or self-nominated." She didn't address the rejection of the

Taxpayers for Common Sense nomination, but said the group was "still permitted to attend the public meetings and the public comments are taken into consideration in decision making processes."

The commission also doesn't include any local government representatives identified as Democrats or nominated by Democratic governors. No one from Colorado or California was appointed, despite those two states producing more energy resources from federal lands than Alaska or Texas.

Gov. Steve Bullock, the Democratic head of Zinke's home state of Montana, nominated a Montana Department of Natural Resources employee who helps manage 6.2 million acres in the state that received $23 million in royalties from Interior in 2016, though that nominee was rejected. Interior did name a Montana representative as an alternate board member in case a sitting member drops out.

Instead, Interior appointed a Clinton Carter, Alabama's Republican state finance director. Alabama received $1.9 million in royalties from the department in 2016.

The lack of public accountability advocates on the board threatens to undermine its purpose of helping Interior increase public revenue, House Natural Resources committee ranking member Raul Grijalva (D-Ariz.) said in a letter to Zinke.

Appointing a committee dominated by the fossil fuel industry with no public interest voices does not build "greater trust and transparency," Grijalva said in his letter, adding that the committee "should not be allowed to act as a fig leaf for actions designed solely to favor the interests of drilling and mining companies."

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Convicted coal exec attacks Manchin in new ad Back

By Kevin Robillard | 10/03/2017 04:15 PM EDT

Don Blankenship, a former energy executive convicted of a misdemeanor related to the deaths of 29 coal miners in West Virginia, is paying for an inflammatory new television ad attacking Democratic Sen. Joe Manchin.

The 30-second ad, which is airing on broadcast television in the state, starts by talking about the deaths of four Americans at the U.S. consulate in Benghazi, Libya and then links it to the deaths at Upper Big Branch Mine, which Blankenship blames on the federal government. The ad repeatedly shows Manchin side-by-side with former President Barack Obama and Democratic presidential nominee Hillary Clinton, along with captions asking: "Does Manchin have blood on his hands?"

"In 2012, four Americans were killed by terrorists in Benghazi, Libya. Many say the Obama administration hid the Benghazi truth," a male narrator says. "The truth about more killed Americans has also been hidden. In 2010, 29 Americans were killed. None of them were an ambassador, none were CIA agents, none were killed by terrorists. They were coal miners who were killed when the U.S. government reduced their mines' airflow. President Trump must be told the truth about Obama's deadliest cover-up."

The ad is the latest in a series of amateurish spots Blankenship has paid for attacking Manchin and asserting federal officials are to blame for the deaths at Upper Big Branch. The United Mine Workers of America have blasted the ads as "desperate, low-life attempt to once again shift the blame for a decade of death, destruction and despair at Massey Energy while Blankenship was CEO."

Manchin is considered a slight favorite to win reelection in a state President Donald Trump won handily. Rep. Evan Jenkins and Attorney General Patrick Morissey are competing in the Republican primary to challenge Manchin in 2018. Blankenship has previously mused about running for the seat himself as a Republican.

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Murray asks Supreme Court to force EPA study of coal job losses Back

By Alex Guillén | 10/03/2017 03:21 PM EDT

Coal producer Murray Energy has asked the Supreme Court to force EPA to study how its regulations and other actions affect coal jobs.

A federal judge in West Virginia initially sided with Murray in ruling that Section 321(a) of the Clean Air Act required EPA to produce a separate, detailed study of its effects on coal jobs, despite EPA arguments that it did so on a rolling basis as it worked on each rule.

But just days before the July 1 deadline for EPA to cough up a study going back through 2009, the 4th Circuit Court of Appeals ruled that the study is a discretionary duty, not a mandatory one open to enforcement in the courts, thus freeing EPA from having to produce the study.

Last week, Murray appealed to the Supreme Court, arguing that the 4th Circuit's ruling "creates a substantial blind spot where EPA will be left to its own devices.

"An evaluation of the job losses that have occurred and those jobs that remain under threat because of EPA's decisions will be a powerful tool in helping EPA, Congress, the States, and Plaintiffs address and correct a policy that, up until now, has been far 'too narrow a policy and a cruel one at that for workers' in the coal industry," Murray wrote.

The case is *Murray Energy v. Pruitt*, 17-478.

WHAT'S NEXT: It will likely take months for the Trump administration to reply. If the Supreme Court agrees to hear the appeal — a major question — it likely will do so next spring or fall.

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By Anthony Adragna | 10/26/2017 05:40 AM EDT

With help from Alex Guillén and Eric Wolff

WHAT A CONFIRMATION MESS! Sen. Jim Inhofe's hold on Democratic FERC nominee Richard Glick may end up indefinitely delaying the confirmations of a whole bundle of Energy, Interior and FERC nominees his party supports. The Oklahoman desperately wants to get his buddy Scott Pruitt some help at EPA and wants the agency nominees confirmed before he'll release his hold, but Democrats appear exceedingly unlikely to ease the path to passage for any of President Donald Trump's EPA picks. The problem is Glick's pick is a component of a negotiated package of nominees between Senate Energy Chairman Lisa Murkowski and ranking member Maria Cantwell, so without him the entire package is stuck. "As much as I want to move all of the nominees that have gone through the process, other committees are not mine to resolve," Murkowski told reporters. "That's something Senator Inhofe is going to have to work through."

Barrasso blames Democrats: Four EPA picks cleared the Senate Environment and Public Works Committee on Wednesday and Chairman John Barrasso wasted no time in blasting Democrats for preventing their swift confirmation. "It's time to clear the deck and let these people who've been nominated, vetted, gone through the committees, been approved — time to get them to work," he said, describing the delays as "outrageous." Of course, ME gently reminds readers that Republicans routinely placed holds on non-controversial Obama nominees, and it was GOP concerns over biofuels policy that delayed consideration of the EPA picks last week. Now, a fellow Republican's hold is delaying consideration of another bloc of nominees.

No fast lane for Wehrum, Dourson: It's true Democrats have slow-walked many of Trump's picks thanks to arcane Senate procedural tactics and they signaled they'd do so again for the controversial selections of Michael Dourson to run EPA's chemical office and William Wehrum to run the agency's air division. "We're going to move it as slowly as we can at this point," Sen. Tom Udall , author of the landmark overhaul of the nation's chemicals law, told reporters about Dourson. "We'll use all the time. It's a devastating departure from the bipartisanship that we had in passing TSCA reform." This is important because with the Senate's calendar already jam-packed, leadership is frequently less inclined to tackle nominees that require the chamber to burn days via procedural hurdles.

NORTHEY NOMINATION IN LIMBO: Republican Sens. Ted Cruz and Mike Lee on Wednesday put a hold on the nomination of Bill Northey to a senior USDA post. Northey had been expected to breeze through the chamber. According to a spokesman for Lee, the senator had lifted his hold by Wednesday afternoon, but a Republican Senate aide said Cruz's hold was still on as of late afternoon.

Payback at work? Northey's name had moved out of the Senate Agriculture Committee by voice vote, but multiple sources in the refining industry told ME that the holdup was a "reaction" to the way Iowa Republican Sens. Joni Ernst and Chuck Grassley intensely pressured EPA into protecting Renewable Fuel Standard volume requirements. "It's about time someone stood up to the kind of extortion we have seen coming from some of the Midwestern senators when the RFS is at issue," said one refining industry source.

Rubbing salt on wound: Blocking Northey has some extra sting. Grassley's grandson, Iowa State Rep. Pat Grassley, is a candidate to replace Northey as Iowa agriculture secretary if he is confirmed to the subcabinet position, the Des Moines Register reported. "It is indeed shocking that this type of corncob-rolling would be taking place in such an august body as the U.S. Senate," another refining source said.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and the Union of Concerned Scientists' Katherine Catalano was first to identify Vermont and Mississippi as the two states that have never sent a woman to Congress. For today: How many (and which) states have two House seats? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

FLAGGING! Trump is meeting with Pruitt today at 3 p.m. in the Oval Office.

GOVERNOR REQUESTS PROBE OF WHITEFISH CONTRACT: Puerto Rico Gov. Ricardo Rosselló asked the DHS inspector general Wednesday to look into why the tiny company of Whitefish Energy from Interior Secretary Ryan Zinke's hometown won a $300 million contract to rebuild the island's electric grid. "I request that your office complete its review of the Whitefish Contract so that a final determination can be made as to the Whitefish Contract and address any other issues regarding the same by Monday, October 30, 2017," he said in a letter.

New electricity sheriff on the island: The requested probe comes as the federal oversight board for Puerto Rico named Noel Zamot, a retired Air Force officer, to a position overseeing the recovery of the beleaguered Puerto Rico Electric Power Authority from two major hurricanes, Pro Financial Services' Colin Wilhelm reports.

Well, this is just stupid: Whitefish Energy and San Juan Mayor Carmen Yulín Cruz spent the afternoon fighting on Twitter after the mayor suggested the company's contract should be "voided" immediately earlier Wednesday. "We've got 44 linemen rebuilding power lines in your city & 40 more men just arrived. Do you want us to send them back or keep working?" Whitefish asked on Twitter. Cruz shot back the comment "implies that you will not treat the City of San Juan with the diligence it deserves. Thus admitting political motivations." Hours later, Whitefish apologized for its comments and said they "did not represent who we are and how important this work is to help Puerto Rico's recovery."

Eyebrows up: Montana Sen. Steve Daines said he'd never heard of the two-person, two-year-old company based in his state that won the $300 million contract. "I literally found out about [Whitefish] in the paper," he told ME. "Anytime a large contract is awarded Congress should be

asking questions. It's appropriate."

** **A message from Chevron:** Advanced technology is helping us find safer ways to deliver energy. We're piloting a program that uses drones to monitor tanks and pipelines. Watch the video: http://politi.co/2yXRtrd **

TRUMP ENDORSES RESILIENCY PUSH? He never uttered the words climate change, but Trump seemed to back rebuilding Houston to better withstand flooding during a swing through Texas on Wednesday. "We're going to look at the concept of a more permanent solution, because you do get inundated and it's been going on for decades," he said. "Let's take a look at the costs and then see if it's possible to do, because that would save a lot of money into the future and it would also put a lot of people to work." ME would note that what the president's talking about doing seems like it would have been covered under the Obama administration's flood standard that he rolled back in August.

SHARPENING THOSE (DEREGULATORY) KNIVES: As ordered by Trump in the spring, federal agencies released plans for reducing regulations that slow the deployment of energy resources.

—**The Interior Department** said it wanted to speed up permitting for energy projects and minerals mining by tweaking policies designed to protect wildlife conservation areas, Pro's Ben Lefebvre and Esther Whieldon report. And the Fish and Wildlife Service is re-evaluating whether laws establishing protections for migratory birds should apply to energy projects, while also reviewing an Obama-era rule that gave wind developers 30-year permits to injure or kill protected eagles.

—**EPA** pledged to review how its regulations and other actions affect employment across multiple sectors, the agency said in its own report. Laws like the Clean Air Act and Clean Water Act include language about EPA studying its impacts, and coal company Murray Energy nearly forced EPA to produce such a study for an Obama administration rule earlier this year before the 4th Circuit said the duty is not mandatory. The report does not say how often or expansive the studies will be.

—**The Energy Department** wants to revisit how it develops energy efficiency standards and may issue a request for information specifically on how to amend its procedures for setting up new efficiency standards for consumer products, Pro's Darius Dixon reports. The agency will also look at ways to make the national labs "operate more efficiently" and potentially expand its efforts to lower barriers for "small-scale" natural gas exports to include larger-scale projects.

—**The Commerce Department** vowed to speed up environmental review processes tied to offshore energy projects and create a committee to ultimately "exempt certain actions" from Endangered Species Act regulations designed to protect endangered species, Pro's Ben Lefebvre reports.

PRUITT: I'M NO ENFORCEMENT SOFTIE: Polluters won't get a free pass while he runs EPA, Administrator Pruitt told Bloomberg in an interview. "They don't know me," Pruitt said.

"I've led a grand jury. We are going to do enforcement, to go after bad actors and go after polluters." He added — without offering any timeframe — that he's still making plans for a "red team, blue team" exercise to debate climate science, but said any effort to revisit the endangerment finding would be separate.

Money quote from Pruitt: "I am here because I really feel called to it. My desire each day is to bless the president and the decisions he's making."

Oops: An EPA press release Wednesday referred to Bill Wehrum as the nominee to head the agency's "Office of Air and Regulation." It's, of course, actually the Office of Air and Radiation.

ON TAP TODAY IN CONGRESS — E&C SUBPANEL MULLS THREE BILLS: The House Energy and Commerce Energy Subcommittee gathers at 10 a.m. to mark up three bills: H.R. 1733 (115) aims to boost beneficial reuse of used lubricating oil; H.R. 2872 (115) would allow FERC to grant license exemptions to push hydropower development at existing non-powered dams and H.R. 2880 (115) seeks to promote closed-loop pumped storage hydropower development. Background memo here.

Fun aside: ME saw subcommittee Chairman Fred Upton (and potential challenger to Michigan Sen. Debbie Stabenow) on the Senate side on Wednesday where he said he was "trolling for lunch."

LCV URGES 'NO' ON BUDGET: Ahead of today's vote on the Senate-passed budget H. Con. Res. 71 (115), the League of Conservation Voters urged lawmakers to vote it down since it provides a pathway for opening ANWR to drilling. "We have a moral obligation to protect this natural treasure and to transition to a clean energy future," the group wrote of ANWR.

Other bill passes: The House voted 234 to 187 in favor of the Sunshine for Regulations and Regulatory Decrees and Settlements Act H.R. 469 (115), which would limit the ability of the government to enter into so-called "sue and settle" agreements by requiring settlements to be posted online and opened to additional intervenors.

NASA NOMINEE HEARING SCHEDULED: The Senate Commerce Committee will hold a confirmation hearing Nov. 1 on Oklahoma Rep. Jim Bridenstine's selection to run NASA, it announced Wednesday.

READY TO ROLL! A new group, the Alliance Commission on U.S. Transportation Sector Efficiency, launches today with the goal of developing recommendations to reduce energy use in the U.S. transportation sector by 50 percent by 2050. Members from the public and private sectors participating in the effort include Pittsburgh Mayor William Peduto, Fort Worth Mayor Betsy Price, Audi of America President Scott Keogh, National Grid President Dean Seavers, NRDC President Rhea Suh and EEI President Tom Kuhn. More information here.

MAIL CALL! CAN I BE A WITNESS? The House's second-highest Democrat, Minority Whip Steny Hoyer, asked Senate Banking Chairman Mike Crapo to allow him to testify at Scott Garrett's confirmation hearing next week to lead the Export-Import Bank. "Scott Garrett is

precisely the wrong pick to lead the Ex-Im Bank," Hoyer wrote. Letter here.

GOVERNORS: WE NEED A WILDFIRE FIX: Four governors — Nevada's Brian Sandoval, Montana's Steve Bullock, California's Jerry Brown and Wyoming's Matt Mead — sent a letter to congressional leaders urging lawmakers to "reform the federal wildfire suppression funding formula and provide stability for long-term planning and wildfire mitigation practices."

PIPELINE ATTACK TRACKER LAUNCHES: Energy Builders unveiled a new database to track attacks on energy infrastructure, such as pipelines, that it argues have become a "regular feature" of environmental protests against such projects. Greenpeace USA Executive Director Annie Leonard quickly shot back: "This is more fear-mongering by a corporate bully hoping to see what it can get away with in Trump's America."

NEW MONUMENTS AD UNVEILED: The National Wildlife Federation is launching a six-figure ad buy on cable news networks in the Washington area featuring a delegate of the Navajo Nation Council urging Trump to "protect America's heritage, protect our national monuments." Watch here.

MOVER, SHAKER: Adam Fetcher has recently started as VP of environmental impact and policy at outdoor clothing brand Askov Finlayson. He previously was a speechwriter and communications adviser at Patagonia and is an alum of Obama DHS and Interior and OFA (h/t Playbook).

QUICK HITS

— Big companies' climate change targets are 'unambitious', say analysts. The Guardian.

— Saudi Arabia, Russia Want Oil Output Limits Through 2018. Wall Street Journal.

— Roanoke County to request rehearing on FERC's pipeline certification. WSLS.

— Anti-Fossil Fuel Groups Admit No Air Testing Conducted In Oklahoma Emissions Report. Western Wire.

— For an Endangered Animal, a Fire or Hurricane Can Mean the End. New York Times.

HAPPENING TODAY

10:00 a.m. — "Examine Cyber Technology and Energy Infrastructure," Senate Energy and Natural Resources Committee, Dirksen 366

10:00 a.m. — Tulsi Gabbard hosts press conference with supporters of her bill, the Off Fossil Fuels for a Better Future Act, House Triangle

10:00 a.m. — "Improving Oversight of the Regulatory Process: Lessons from State Legislatures," Senate Homeland Security Subcommittee on Regulatory Affairs and Federal

Management, Dirksen 342

10:00 a.m. — Subcommittee vote on three bills, House Energy and Commerce Energy Subcommittee, Rayburn 2123

12:00 p.m. — Natural Gas Roundtable hosts USTDA's Energy Sector Worldwide Team Lead, Carl B. Kress, University Club, 1135 16th Street, NW

THAT'S ALL FOR ME!

** **A message from Chevron:** Advanced technology is helping us find better and safer ways to deliver energy to America. We're piloting a program that uses drones, HD imaging, and thermal mapping capabilities to monitor Chevron wells, tanks, and miles of pipeline. Watch the video: http://politi.co/2yXRtrd **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/10/gop-power-plays-snarling-energy-nominations-025233

Stories from POLITICO Pro

Puerto Rico board names officer to oversee power utility recovery Back

By Colin Wilhelm | 10/25/2017 05:23 PM EDT

Puerto Rico's federal oversight board will appoint a "chief transformation officer" for its beleaguered power authority.

The board announced plans to name Noel Zamot, a retired Air Force officer, to the position to oversee the recovery of the Puerto Rico Electric Power Authority from two major hurricanes. Most of the U.S. commonwealth has been without power since Hurricane Maria hit the territory over a month ago.

The lack of electricity affects medical services, water distribution and other key portions of Puerto Rico's infrastructure.

Recently PREPA awarded a no-bid contract worth hundreds of millions of dollars to a Montana company with two employees and no record of wide-scale electrical repair that has connections to Interior Secretary Ryan Zinke. The utility, which is run by the commonwealth government. announced the contract a day after Puerto Rico Gov. Ricardo Rosselló met with President Donald Trump and other officials in Washington.

The company, Whitefish Energy, feuded with San Juan Mayor Carmen Yulin Cruz on Twitter Wednesday afternoon, asking her if they should send their workers home after she questioned their receiving the contract.

Zamot previously served as revitalization coordinator, a position appointed by Puerto Rico's governor to work with the federal oversight board on the commonwealth's economic recovery.

The board named Zamot under its authority as the utility's trustee under the debt restructuring law passed by Congress last year. The executive director of the board argued that the role is similar to an appointment made in municipal bankruptcy.

"As the representative of PREPA under Title III of PROMESA, the Board believes the successful exit of PREPA from Title III requires adapting the pre-hurricane transformation plans with ongoing federal reconstruction efforts," said Executive Director Natalie Jaresko.

To view online click here.

Back

Trump to roll back climate-focused flood standard Back

By Annie Snider | 08/15/2017 12:41 PM EDT

President Donald Trump will roll back a flood standard designed to protect federal investments from stronger storms as part of an executive order set to be signed this afternoon, according to a White House source.

The Federal Flood Risk Management Standard was established under an executive order issued by President Barack Obama in 2015. It requires that new federally funded projects — from government buildings like Veterans Administrations hospitals to bridges and schools funded by federal grants — be built to withstand the stronger storms and additional flooding projected to occur as the climate changes. It does not apply to the National Flood Insurance Program.

The Obama administration's standard offers multiple options for achieving greater flood protection, but generally requires construction to withstand a 500-year storm. The previous standard, on the books for more than four decades, required construction to take place outside of the 100-year floodplain. The new standard has not actually taken effect yet; each federal agency is tasked with developing its own regulation for implementing the standard, and none have yet been finalized.

Industry groups objected to the standard, arguing it was developed behind closed doors and could greatly increase costs.

Environmental groups have objected to efforts to repeal the standard.

"Ninety percent of all natural disasters in the United States involve flooding. These events claim lives and strain the capacity of government agencies and local communities to adequately respond and provide relief," Laura Lightbody with the Pew Charitable Trusts said in a statement.

WHAT'S NEXT: Trump is slated to sign an executive order on infrastructure containing the roll back of the Federal Flood Risk Management standard at 3 p.m. today.

To view online click here.

Back

Interior outlines plan to speed permitting Back

By Esther Whieldon and Ben Lefebvre | 10/25/2017 07:39 PM EDT

The Interior Department said on Wednesday it was looking to speed up permitting for energy projects and minerals mining by tweaking policies designed to protect wildlife conservation areas.

Interior's Fish and Wildlife Service is also re-evaluating whether laws establishing protections for migratory birds should apply to energy projects, and it's reviewing the Obama rule that gave wind developers 30-year permits to injure or kill protected eagles.

"The federal government can and must be a better business partner," Vincent DeVito, counselor for energy policy to Secretary Ryan Zinke, said in statement accompanying the report that was written to comply with President Donald Trump's executive order calling on agencies to streamline the permit process for energy projects.

Interior said the Bureau of Land Management will examine whether to change procedures to speed up permitting, including how it grants rights of way through national monuments and other national conservation areas and for mineral leases near wild scenic rivers.

And within three months, FWS hopes to finalize new guidance on what FERC-licensed interstate pipelines should do to mitigate the damage they inflict on migratory birds and their habitat.

Interior has already taken steps on many of the rules listed in the report, including repealing a disputed Obama rule on hydraulic fracturing.

The department also made clear it was mulling loosening multiple rules governing drilling in Alaska.

The department could change or rescind numerous rules for offshore oil and gas drilling, such as eliminating the requirement that drilling companies have cap and flow systems and containment domes to stop oil spills within seven days' reach of well sites.

Another change would make it easier for BOEM to process permits for companies to conduct seismic testing offshore.

Another issue the report highlighted was a potential regulatory change to reduce the number of

protests that challenge BLM lease sales. Those protests have risen sharply, the report said, and are typically focused on opposition to fracking or fighting climate change rather than parcel-specific protests.

"A regulatory change may be necessary to limit redundant protests that hinder orderly development," the report sad.

To view online click here.

Back

DOE to scrutinize efficiency rulemaking, LNG exports Back

By Darius Dixon | 10/25/2017 04:22 PM EDT

The Energy Department plans to revisit how it handles the development of energy efficiency standards, the agency's central regulatory power, according to a memo the agency released this afternoon.

In a six-page document responding to a White House executive order aimed at reducing rules that "unnecessarily encumber" energy development, Energy Secretary Rick Perry says the agency is focusing on four areas where it wants to shed burdensome regulations, particularly on energy efficiency.

The document says DOE is considering whether to issue a request for information specifically on how to amend its procedures for setting up new efficiency standards for consumer products. Commenters, the agency said, pressed DOE to extend the agency's so-called lookback provision, which mandates that each efficiency rule be revisited every six years for a potentially tighter standard. Although changing that timeframe would need congressional intervention, the memo states that DOE may conduct the necessary review but avoid establishing a more restrictive rule in order to give affected industries more time to comply.

Before it can sign off on a more aggressive standard, DOE rulemakers have to declare that a regulation is both "economically justified" and "technologically feasible." But DOE says economically justified "is subject to interpretation" and may seek to redefine the term.

Perry says DOE will look for ways to make the national labs "operate more efficiently" and it plans to build on its rulemaking effort to lower barriers for "small-scale" natural gas exports to non-Free Trade Agreement countries to potentially include "larger-scale exports."

WHAT'S NEXT: The document was sent to the White House but it didn't include a timeline for the review processes.

To view online click here.

Back

Commerce presses to cut environmental review times for energy projects Back

By Ben Lefebvre | 10/25/2017 04:10 PM EDT

The Commerce Department today issued recommendations it said would speed up environmental review processes tied to offshore energy projects.

The proposals in the Commerce report sent to the White House are designed to help meet President Donald Trump's April executive order calling on agencies to streamline the permit process for energy projects. The Commerce recommendations focus on the National Marine Fisheries Service.

Among the recommendations is to create an Endangered Species Committee to ultimately "exempt certain actions" from Endangered Species Act regulations designed to protect endangered species.

"Commerce recognizes that the statutory provisions might constrain flexibility on this endeavor but nevertheless commits to reviewing the issue," the department said in the report.

The department also recommended NMFS decrease the steps needed to complete an individual environmental review and combine more projects into "batch" consultations to save time, the report says. The department said it will designate someone to monitor how long reviews were taking.

Commerce said it would consult its agency economists and OMB to "improve standards to adequately assess the potential costs and benefits to business communities, infrastructure and the environment" before new marine sanctuaries were designated.

An agency spokesman said the Obama Commerce Department already conducted such cost-benefit analyses, but the new recommendation "reflects that the Department felt the last administration did not take industry into account,"

WHAT'S NEXT: The White House will review the report.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 11/3/2017 5:46:00 PM
Subject: Wind energy credit changes only apply to new construction

By Eric Wolff

11/03/2017 01:44 PM EDT

A proposal to cut the production tax credit for wind energy in the House tax bill will only apply to turbines built after the bill passes, according to a manager's markup published today.

The version of the Tax Cuts and Jobs Act, H.R. 1 (115), introduced Thursday would eliminate the inflation adjustment to the production tax credit, lowering it from the 1.9 cents per kilowatt-hour level that took effect this year to 1.5 cents per kilowatt-hour.

A summary from the House Ways & Means Committee indicated that the change would only apply to new turbines, but the bill text did not. The manager's amendment released today fixes that inconsistency.

Sen. Chuck Grassley (R-Iowa) has criticized the proposed language, noting that the PTC already has a scheduled sunset written into it.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/wind-energy-credit-changes-only-apply-to-new-construction-095201

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/3/2017 12:39:42 PM
Subject: Aug. 03 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

August 03, 2017 - Number 148

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Summaries

AIR
Harcros Chemicals/Clean Air Act Consent Decree
AIR

Notice of the Justice Department announces a proposed consent decree in United States v. Harcros Chemicals Inc. (Civil Action No. 2:17-cv-2432), lodged June 26, 2017, with the U.S. District Court for the District of Kansas. The consent decree would resolve claims regarding alleged Clean Air Act violations in connection with three of Harcros' chemical manufacturing, repacking, blending, storage, and distribution facilities in Bessemer, Ala.; Kansas City, Kan.; and Shreveport, La. The consent decree would provide injunctive relief regarding those facilities and 26 additional facilities in various states by requiring Harcros to pay a civil penalty of $950,000 for the alleged violations and for violations expected to be uncovered at the other facilities. The defendant also would be required to audit its facilities for compliance with CAA Section 112(r), to correct any discovered violations of the requirements, and to perform a supplemental environmental project to enhance its fire-prevention capability at eight of its facilities. Comments are due Sept. 5, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 36157 (08/03/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Biologics Patent Infringement Complaint
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces that an applicant for a proposed biosimilar product has notified the agency that a patent infringement action has been filed in connection with the applicant's biologics license application. Contact: Daniel Orr; FDA, Center for Drug Evaluation and Research; 240-402-0979; daniel.orr@fda.hhs.gov

82 FR 36149 (08/03/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Drug Product Labeling/Child-Resistant Packaging Statements Guidance
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a draft guidance for industry regarding child-resistant packaging statements in drug product labeling. The guidance is intended to assist applicants, manufacturers, packagers, and distributors that include such statements in prescription and over-the-counter human drug product labeling and addresses information that should be included to avoid misleading statements. Comments are due Oct. 2, 2017. Contact: Richard Lostritto; FDA, Center for Drug Evaluation and Research; 301-796-1697. Citations: 16 CFR 1700

82 FR 36148 (08/03/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Minnesota, North Dakota/Valley Expansion Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the schedule of environmental review for the Valley Expansion Project in Clay County, Minn., and Barnes, Burleigh, Cass, and Stutsman counties in North Dakota. The project, proposed by WBI Energy Transmission Inc., of Bismarck, N.D., involves the construction, operation and maintenance of interconnect facilities with Viking Gas Transmission, including 38 miles of pipeline, a 2,600 horsepower electric compressor station, two replacement town border stations, and a regulator station. The issuance of the environmental assessment is scheduled for Sept. 20, 2017, and the 90-day federal authorization decision is due Dec. 19, 2017. Contact: FERC, Office of External Affairs; 866-208-3372; FERCOnlineSupport@ferc.gov

82 FR 36131 (08/03/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Mountaineer Xpress and Gulf Xpress Projects
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of the final environmental impact statement for the Mountaineer XPress Project and the Gulf XPress Project proposed by Columbia Gas Transmission LLC and Columbia Gulf Transmission LLC, respectively. The Mountaineer XPress Project involves the construction and operation of approximately 170 miles of pipeline and modification to or construction of three compressor stations in West Virginia, for the transportation of up to 2.7 million dekatherms per day (Dth/d) of natural gas. The Gulf XPress Project involves the construction and operation of seven new compressor stations and upgrades at an existing compressor station and meter station in Kentucky, Mississippi and Tennessee to allow for an additional 860,000 Dth/d of natural gas delivery to the Gulf Coast region. The agency concludes that approval of the proposed projects would result in some adverse and significant environmental impacts, however, if the projects are constructed and operated in accordance with mitigation measures discussed in the EIS and agency recommendations, the impacts would be

reduced to acceptable levels. Contact: FERC, Office of External Affairs; 866-208-3372; FERCOnlineSupport@ferc.gov

82 FR 36130 (08/03/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Withdrawal of Approval of New and Abbreviated New Drug Applications
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the withdrawal of approval of three new drug applications and one abbreviated new drug application held by B. Braun Medical Inc., of Bethlehem, Pa. The applicant requested the withdrawal because the drug products are no longer marketed. The withdrawal is effective Sept. 5, 2017. Contact: Valerie Butler; FDA, Center for Biologics Evaluation and Research; 240-402-7911. Citations: 21 CFR 314.150

82 FR 36150 (08/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Commercial Driver's License Standards Regulatory Guidance
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Motor Carrier Safety Administration announces the availability of regulatory guidance clarifying that state driver licensing agencies may agree to facilitate the commercial learner's permit (CLP) application process and to administer the commercial driver's license (CDL) general knowledge test to individuals who do not live in the state. The guidance specifies that licensing agencies are authorized to perform such functions if the agency administering the general knowledge test transmits the test results to the applicant's state of domicile and the state agrees to accept the results and issue the CLP. The agency states that the guidance is consistent with an Oct. 13, 2016, final rule (81 FR 70634) regarding military personnel applying for a CLP or CDL. The guidance is applicable Aug. 3, 2017, and expires Aug. 3, 2022. Contact: Nikki McDavid; FMCSA, Office of Safety Programs; 202-366-0831; nikki.mcdavid@dot.gov. Citations: 49 CFR 383.73

82 FR 36101 (08/03/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
National Priorities List/General Superfund Sites
HAZARDOUS WASTE CLEANUP

Final rule of the EPA adds seven sites to the General Superfund section of the National Priorities List: the Post and Lumber Preserving Co. site in Quincy, Fla.; the Microfab Inc. site in Amesbury, Mass.; the Old HWY 275 and North 288th Street site in Valley, Neb.; the Saint-Gobain Performance Plastics site in Hoosick Falls, N.Y.; the Battery Recycling Co. site in Bo. Cambalache, P.R.; the Former Custom Cleaners site in Memphis, Tenn.; and the Highway 18 Ground Water site in Kermit, Texas. The rule does not finalize the proposed addition of the Anaconda Copper Mine

site, in Yerington, Nev., to the NPL. The rule is effective Sept. 5, 2017. Contact: Terry Jeng; EPA, Office of Superfund Remediation and Technology Innovation; 703-603-8852; jeng.terry@epa.gov. Citations: 40 CFR 300

82 FR 36095 (08/03/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
National Priorities List/Proposed General Superfund Sites
HAZARDOUS WASTE CLEANUP

Proposed rule of the EPA would add four sites to the General Superfund section of the National Priorities List: the Newark South Ground Water Plume site in Newark, Del.; the American Creosote DeRidder site in DeRidder, La.; the Mississippi Phosphates Corp. site in Pascagoula, Miss.; and the Eagle Industries site in Midwest City, Okla. The agency also is withdrawing its previous proposal to add the Burlington Northern Livingston Shop Complex site in Livingston, Mont. Comments are due Oct. 2, 2017. Contact: Terry Jeng; EPA, Office of Superfund Remediation and Technology Innovation; 703-603-8852; jeng.terry@epa.gov. Citations: 40 CFR 300

82 FR 36106 (08/03/2017)

Regulatory Update

PESTICIDES
FIFRA Scientific Advisory Panel Meeting/Endocrine Disruption
PESTICIDES

Notice of the EPA announces changes to the comment periods for a previously announced meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (82 FR 26097; 06/06/2017) to consider and review scientific issues concerning the continuing development of alternative high-throughput screens to determine endocrine disruption. The meeting will include review of the agency's proposed high-throughput computational model of androgen receptor pathway activity and discussion of development of a high-throughput model of steriodgenesis and of a proposed adverse outcome pathway-based framework for screening chemicals for potential thyroid disruption. The meeting is scheduled for Nov. 28-30, 2017, in Arlington, Va., and via webcast. A list of prospective ad hoc panelists for the meeting will be posted on the agency's website by Aug. 22, 2017, and comments on the nominees are due Sept. 7, 2017. All other comments now are due Oct.16, 2017. Contact: Todd Peterson; EPA, Office of Science Coordination and Policy; 202-564-6428; peterson.todd@epa.gov

82 FR 36137 (08/03/2017)

Regulatory Update

PESTICIDES
Pesticide Registration Cancellations
PESTICIDES

Notice of the EPA announces corrections to a Nov. 22, 2016, notice of receipt (81 FR 83833) and

an April 10, 2017, cancellation order (82 FR 17253) regarding requests from 11 registrants to voluntarily cancel 17 pesticide product registrations and to amend five registrations to terminate uses. The corrections revise the registration number for Curacron 8E to 100-669. Contact: Christina Scheltema; EPA, Office of Pesticide Programs; 703-308-2201; scheltema.christina@epa.gov

82 FR 36136 (08/03/2017)

Regulatory Update

PESTICIDES
Pesticide Registration Cancellations
PESTICIDES

Notice of the EPA announces the receipt of requests from registrants to voluntarily cancel 221 pesticide product registrations. The notice lists the registration numbers, product names, chemical names, and registrants. The agency intends to issue an order canceling all of the affected registrations unless there are substantive comments that warrant further review or the registrants withdraw their requests. Comments are due Jan. 30, 2018. Contact: Michael Yanchulis; EPA, Office of Pesticide Programs; 703-347-0237; yanchulis.michael@epa.gov

82 FR 36138 (08/03/2017)

Regulatory Update

PESTICIDES
Pesticide Registration Review/Draft Risk Assessments
PESTICIDES

Notice of the EPA announces the availability of draft human health and ecological risk assessments for the registration review of benfluralin, bromuconazole, carbaryl, clodinafop-propargyl, deltamethrin, diflufenzopyr, esfenvalerate, lufenuron, and mepiquat chloride/mepiquat pentaborate under FIFRA Section 3(g) and the procedural regulations for registration review. Comments are due Oct. 2, 2017. Contact: Dana Friedman; EPA, Office of Pesticide Programs; 703-347-8827; friedman.dana@epa.gov. Citations: 40 CFR 155, Subpart C

82 FR 36135 (08/03/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerances/Cyclaniliprole
PESTICIDES

Final rule of the EPA establishes tolerances for residues of the insecticide cyclaniliprole in or on almond hulls at 6 parts per million; wet apple pomace at 0.5 ppm; cattle meat, goat meat, horse meat, and sheep meat at 0.01 ppm; nut tree group 14-12 at 0.03 ppm; and tea at 50 ppm. The rule also establishes tolerances in or on cattle fat, cattle meat byproducts, goat fat, goat meat byproducts, horse fat, horse meat byproducts, milk, sheep fat, and sheep meat byproducts at 0.015 ppm. In addition, the rule establishes tolerances in or on pome fruit group 11-10 at 0.3 ppm; small vine-climbing fruit subgroup 13-07F, except fuzzy kiwifruit, at 0.8 ppm; stone fruit group 12-

12 at 1 ppm; brassica head and stem group 5-16 at 1 ppm; cucurbit group 9 at 0.15 ppm; fruiting vegetable group 8-10 at 0.2 ppm; and leafy vegetable group 4-16 at 15 ppm. Finally, the rule establishes an exemption from the requirement of a tolerance for indirect or inadvertent residues. The rule is issued in response to a petition filed by ISK Biosciences Corp, of Concord, Ohio. The rule is effective Aug. 3, 2017. Objections and hearing requests are due Oct. 2, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.694; 180.1344

82 FR 36090 (08/03/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerances/Ethaboxam
PESTICIDES

Final rule of the EPA establishes tolerances for residues of the fungicide ethaboxam in or on ginseng at 0.1 parts per million; grape at 6 ppm; pepper/eggplant subgroup 8-10B at 0.9 ppm; cucurbit vegetables, group 9 at 0.3 ppm; and tuberous and corm vegetables, subgroup 1C at 0.01 ppm. The rule is issued in response to a petition filed by Valent USA Corp., of Walnut Creek, Calif. The rule is effective Aug. 3, 2017. Objections and hearing requests are due Oct. 2, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.622

82 FR 36086 (08/03/2017)

Regulatory Update

RADIATION
Commercial Power Reactor Operator Licensing Examination Data
RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB regarding operator licensing examination data (Form 536). The collection addresses the voluntary submission of projected numbers of candidates for initial operator licensing examinations, estimated dates of the examinations, and the source of the examinations (NRC or facility) by commercial power reactor licensees and applicants for an operating license. Comments are due Sept. 5, 2017. Contact: David Cullison; NRC, Office of Information Services; 301-415-2084; INFOCOLLECTS.Resource@NRC.GOV. Citations: 10 CFR 50, 10 CFR 52

82 FR 36161 (08/03/2017)

Regulatory Update

TOXIC SUBSTANCES
Science Advisory Committee on Chemicals Nominations
TOXIC SUBSTANCES

Notice of the EPA announces an additional 64 candidates under consideration for appointment to the Science Advisory Committee on Chemicals (SACC). The committee provides advice and recommendations on the scientific basis for risk assessments, methodologies, and pollution

prevention measures or approaches. A Dec. 9, 2016, notice (81 FR 89092) provided a list of 29 candidates under consideration for appointment to the SACC. The EPA intends to further consider the 29 candidates in addition the newly identified 64 candidates. Comments are due Sept. 5, 2017. Contact: Tamue Gibson; EPA, Office of Science Coordination and Policy; 202-564-7642; gibson.tamue@epa.gov

82 FR 36132 (08/03/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sun 10/8/2017 3:05:43 PM
Subject: POLITICO Playbook, presented by Koch Industries: MORE on Tim Murphy -- TRUMP pokes Corker, a critical vote on everything -- SUNDAY BEST -- TRUMP to Pennsylvania Wednesday -- HUNTER WALKER wedding

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by Koch Industries

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

Good Sunday morning. NIGHT ON THE TOWN -- SPOTTED: JARED and **IVANKA** at Masseria Saturday night.

-- NOTABLE, from the president Saturday night: Question: "What's the one thing that will work with North Korea?" **TRUMP:** "Well, you'll figure that out pretty soon." ... **TRUMP:** "I've known Harvey Weinstein for a long time. I'm not all surprised to see it."

SHOT -- @realDonaldTrump at 9:59 a.m.: "Senator Bob Corker 'begged' me to endorse him for re-election in Tennessee. I said 'NO' and he dropped out (said he could not win without..." **at 10:09 a.m.:** "..my endorsement). He also wanted to be Secretary of State, I said 'NO THANKS.' He is also largely responsible for the horrendous Iran Deal!" ... **at 10:13 a.m.:** "...Hence, I would fully expect Corker to be a negative voice and stand in the way of our great agenda. Didn't have the guts to run!"

CHASER -- AP: "Corker's free agent status should make Trump, GOP nervous," by Richard Lardner: "The two-term lawmaker isn't seeking re-election. That gives him even more elbow room to say what he wants and to vote how he pleases over the next 15 months as Trump and the party's leaders on Capitol Hill struggle to get their agenda on track. Corker, a fiscal hawk, is holding the GOP's feet to the fire on tax legislation, declaring that he'll oppose any measure that increases the national debt by a single cent. Republicans hold a narrow, 52-seat majority in the Senate, and just three defections would torpedo the top priority in their partisan push." http://bit.ly/2wFTCDg

FLASHBACK, BURGESS EVERETT and **JOHN BRESNAHAN:** "But Corker said Trump has repeatedly urged him to run again. 'When we knew we had the support of the president, that didn't really matter,' Corker said of Bannon." http://politi.co/2gmjXjq

THE PRESIDENT'S WEEK -- TRUMP will host the Pittsburgh Penguins at the White House Tuesday. Prime Minister Justin Trudeau and his wife, Sophie Gre??goire, come to the White House Wednesday. **TRUMP** goes to Pennsylvania on Wednesday.

ONLY IN PLAYBOOK -- MORE ON TIM MURPHY: Over the past 72 hours, Rachael Bade, Jake Sherman and John Bresnahan have received an outpouring of thank-you notes from ex-Murphy aides for writing about staff abuses that occurred in that office over the years (ICYMI, read about it here: http://politi.co/2gfEx4X). "I don't want to get my name caught up in any of this, but I did want to thank you for writing about Murphy and Susan," one person wrote. "They hurt so many people, so many kids who didn't know it wasn't normal. I'm not one to get satisfaction from others down fall, but I'm so relieved they won't be able to keep abusing people."

After our story ran, several former Murphy staffers called Rachael to divulge their own horror stories. One ex-staffer spoke of being scolded by chief of staff Susan Mosychuk - Murphy's right-hand in his reign of terror -- for trying to expense costs associated with using her personal car to drive the congressman around town. Another ex-staffer spoke of Murphy badmouthing his work ethic to his new boss -- a congressman -- on the House floor. And third got dressed down for taking a lunch break his first day on the job -- he didn't know Mosychuk made staff eat at their desks. Mosychuk and Murphy's office did not have a comment.

BUT THIS GUY THINKS THEY'RE GREAT! -- Christopher Schell, Murphy's legislative director who started there in May, sent Rachael, Jake and Bres this statement on Friday night defending Mosychuk: "The actions ascribed to Susan by former-staffers, both unidentified and identified, are wholly inconsistent with my time in Congressman Murphy's DC office. Personally, I feel working with Susan has been one of the best experiences of my professional career. I have found her scrupulously honest, and in my innumerable interactions with Susan and staff, I have never once heard her scream or use intimidating language. I have spoken with Susan any number of times about staff, and I've only ever heard her express an earnest desire to make their lives easier. I'm proud to work with Susan, and I'm proud of the excellent work Congressman Murphy has accomplished with the help of his talented staff."

HMM -- "Erik Prince, Blackwater Founder, Weighs Primary Challenge to Wyoming Republican," by NYT's Jeremy Peters, Maggie Haberman and Glenn Thrush: "Erik Prince, the founder of the security contractor Blackwater, is seriously considering a Republican primary challenge for a Senate seat in Wyoming, potentially adding a high-profile contender to a fledgling drive to oust establishment lawmakers with insurgents in the mold of President Trump.

"Mr. Prince appears increasingly likely to challenge John Barrasso, a senior member of the Senate Republican leadership, according to people who have spoken to him in recent days. He has been urged to run next year by Stephen K. Bannon, who is leading the effort to shake up the Republican leadership with financial backing from the

New York hedge fund billionaire Robert Mercer and his daughter Rebekah. Over the weekend, Mr. Prince traveled to Wyoming with his family to explore ways to establish residency there, said one person who had spoken to him." http://nyti.ms/2y2qCa9

-- SO, Bannon is encouraging these people to run: Michael Grimm, a convicted felon with a decidedly moderate voting record, and Erik Prince, a government military contractor who doesn't even live in the state of Wyoming.

TRUMP RE-UPS ON TWITTER -- @realDonaldTrump retweeted a tweet from yesterday at 5:04 a.m.: "More and more people are suggesting that Republicans (and me) should be given Equal Time on T.V. when you look at the one-sided coverage?"

TRUMP'S GOP -- "Republicans largely abandon their platform of fiscal restraint," by WaPo's Damien Paletta: "The Republican Party has largely abandoned its platform of fiscal restraint, pivoting sharply in a way that could add trillions of dollars in federal debt over the next decade. Cutting spending to balance the budget was almost religion to the Republican Party for much of the past eight years. But all year long, despite their control of the White House and Congress, Republicans have not taken steps to balance the budget, to overhaul entitlement programs such as Medicare and Medicaid, or to arrest the growth of the country's $20 trillion in debt.

"With the House passing a critical budget resolution this past week, GOP lawmakers are charging forward next week with plans to cut taxes in a way that could add more than $1.5 trillion to the government's debt over 10 years, with the goal of legislation by early next month. That is on top of an effort to significantly increase military spending. White House officials say their focus is on growing the economy now and dealing with the debt later." http://wapo.st/2xqmQun

USING THE PEN -- "Trump Poised to Sign Order Opening New Paths to Health Insurance," NYT's Robert Pear: "Stymied in his efforts to repeal the Affordable Care Act, President Trump is poised to issue an order that could ease some federal rules governing health insurance and make it easier for people to band together and buy coverage on their own, administration officials said Saturday.

"One official said the directive could move the president a step closer to one of his longstanding goals: allowing consumers to buy health insurance across state lines. Conservatives say that interstate sales could expand options for consumers, increase competition in the insurance market and perhaps lower costs.

"The order, which the administration officials said was likely to be announced in the coming week, would instruct three cabinet departments to take actions to help individuals and small businesses join together to buy insurance through arrangements known as association health plans. Such plans could be sponsored by trade and professional groups and community organizations." http://nyti.ms/2wFK8YA

****** **A message from Koch Industries:** Koch has been the Environmental Protection

Agency's (EPA) first- or second-ranked company for pollution prevention initiatives since 2012. What's more, since 2012, we have implemented more than 1,000 pollution prevention activities across the United States. See how at ChallengeAccepted.com.
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MUELLER WATCH -- "Hoping to Have Trump Cleared, Legal Team Eases Resistance to Inquiry," by NYT's Matt Apuzzo and Mike Schmidt: "White House officials once debated a scorched-earth strategy of publicly criticizing and undercutting Robert S. Mueller III, the special counsel investigating Russian efforts to disrupt last year's election. Now, President Trump's lawyers are pursuing a different course: cooperating with the special counsel in the hope that Mr. Mueller will declare in the coming months that Mr. Trump is not a target of the Russia inquiry. ...

"The president's legal team is working swiftly to respond to requests from Mr. Mueller for emails, documents and memos, and will make White House officials available for interviews. Once Mr. Mueller has combed through the evidence, Mr. Trump's lawyers plan to ask him to affirm that Mr. Trump is not under investigation, either for colluding with Russian operatives or for trying to obstruct justice." http://nyti.ms/2xqLQNd

SHAKING THE MONEY TREE -- "GOP hopefuls' new must-have: Megadonors," by Maggie Severns and Kevin Robillard: "The first big move of Leah Vukmir's Senate campaign wasn't a traditional kick-off speech or a catchy web video, but a private audience with an influential billionaire. Vukmir, a nurse and longtime Republican state legislator in Wisconsin, was only vaguely familiar with roofing magnate Diane Hendricks. But shortly before launching her Senate bid, Vukmir met with the megadonor and other businesspeople at a wood-paneled country club owned by Hendricks. After two hours hearing from Vukmir about her political beliefs and preliminary campaign plans, Hendricks stood up and told the soon-to-be candidate she had her support.

"Just like that, Vukmir had acquired this year's must-have Senate campaign accessory: a billionaire backer. Hendricks 'likes the fact that we've removed red tape and regulations in Wisconsin,' Vukmir told POLITICO. She is one of a growing group of Republican candidates around the country who spent the first months of this year courting megadonors and even announcing their support before formally launching campaigns, in the same manner that Jeb Bush and others did for months during the last presidential race.

"Candidates scrambling for donor help is nothing new. But the early efforts this year to secure big-name funders have further blurred the hazy lines between candidates and unlimited-money outside groups, while reshaping Senate races around the country - propelling unknown candidates to prominence, scaring off potential opponents and heralding millions of dollars of outside spending as Republicans prepare for tough campaigns against Democratic senators." http://politi.co/2kxWwbt

-- "Trump zeroes in on 2020 battlegrounds," by Gabe Debenedetti: "President Donald Trump's campaign operatives and other allies have begun surveying the political

landscape for his 2020 reelection bid, viewing a handful of upcoming midterm races as especially insightful to his strategic path three years from now. There's been a flurry of activity in those states in recent weeks.

"Aides from Trump's 2016 effort have signed on to work campaigns in Ohio and Florida, giving them footholds in two essential battleground locations. Trump himself has repeatedly returned to Pennsylvania, Wisconsin, Ohio, and Michigan, the quartet of Democratic-leaning Rust Belt states that helped propel him to victory. ... Here are five of the 2017 and 2018 races that Trump operatives and allies expect will begin to answer these questions in the run-up to 2020." http://politi.co/2kuLi7E

MEANWHILE, ON THE LEFT -- "The 'Resistance,' Raising Big Money, Upends Liberal Politics," by NYT's Ken Vogel on A1: "It started as a scrappy grass-roots protest movement against President Trump, but now the so-called resistance is attracting six- and seven-figure checks from major liberal donors, posing an insurgent challenge to some of the left's most venerable institutions - and the Democratic Party itself. The jockeying between groups, donors and operatives for cash and turf is occurring mostly behind the scenes. But it has grown acrimonious at times, with upstarts complaining they are being boxed out by a liberal establishment that they say enables the sort of Democratic timidity that paved the way for the Trump presidency. ...

"Just as the new forces on the right are threatening primary challenges to establishment Republicans, some groups on the left have begun talking about targeting Democratic incumbents in the 2018 midterm elections. Entrenched Democratic groups are facing growing questions about the return on the hundreds of millions of dollars they have spent over the years." http://nyti.ms/2y0Zg71

FOR YOUR RADAR -- "Americans Jailed After Failed Coup in Turkey Are Hostages to Politics," by NYT's Carlotta Gall in Hatay, Turkey: "One is a NASA scientist who was vacationing with relatives in Turkey. Another is a Christian missionary who has lived in Turkey for 23 years. Others include a visiting chemistry professor from Pennsylvania and his brother, a real estate agent. They are among a dozen Americans who have been jailed by the government of President Recep Tayyip Erdogan and face long prison sentences for allegedly playing a part in a failed coup last year. ... [A]mid deteriorating relations with the United States and Europe, Turkey is also arresting increasing numbers of foreign nationals. Most, including the Americans, are accused of ties to the Islamist cleric Fethullah Gulen, who Turkey says orchestrated the conspiracy from his self-imposed exile in Pennsylvania." http://nyti.ms/2hUUwsX

-- "Tropical storm Nate weakens but rain, floods to continue," by AP's Jeff Amy in Biloxi, Mississippi: "A fast-moving storm called Nate brought flooding and power outages to the U.S. Gulf Coast early Sunday after it sloshed ashore outside Biloxi, Mississippi - the first hurricane to make landfall in that state since Katrina devastated the region 12 years ago. The storm hit Mississippi as a Category 1 hurricane with maximum sustained winds near 85 mph (140 kph) but weakened later to a tropical storm as it moved inland, the U.S. National Hurricane Center in Miami said. More than

100,000 residents in Mississippi and Alabama were without power following the arrival of Nate, but no deaths or injuries were reported early Sunday." http://bit.ly/2z5hotT

SUNDAY BEST ...

-- NRA'S CHRIS COX to **CHRIS WALLACE** on **"FOX NEWS SUNDAY"** : "We don't believe bans have ever worked on anything. What we have said has been very clear: that if something transfers a semi-automatic to function like fully-automatic, then it ought to be regulated differently. ... People can own things safely and responsibly and be a danger to no one. And that's the part of this conversation. It can't be a fair and balanced conversation if you are not willing to discuss the broader problems we have with a violent culture coming out of Hollywood, with video games that have fundamentally changed how military simulators work."

-- CHUCK TODD talks with **SEN. DIANNE FEINSTEIN (D-CALIF.)** on **NBC'S "MEET THE PRESS": TODD:** "Are you running for re-election?" **FEINSTEIN:** "You are going to find out about that very shortly." **TODD:** "What do you make of the poll recently? 50 percent say they'd like they don't know if they want to see you run for re-election again." **FEINSTEIN:** "Oh look. There are polls and then there are polls. I'm ready for a good fight. I've got things to fight for. I'm in a position where I can be effective, and hopefully that means something to California." **TODD:** "Well, that sounds like you've just announced your re-election bid. Close?" **FEINSTEIN:** "Close."

-- CHUCK also sat down with **HOUSE MAJORITY WHIP STEVE SCALISE (R-LA.)**: **TODD:** "Is [the right to bear arms] unlimited?" **SCALISE:** "It is." **TODD:** "You really believe it is?" **SCALISE:** "You've seen limits put in place, Chuck, you've seen limits already in place you've seen laws on the books ... Let's go out and enforce those laws, don't try to put new laws in place."

-- MICK MULVANEY to Chuck about a health care deal with Democrats: "Fixing ... that's an interesting word ... If the question is is the president interested in working with Democrats to repeal and replace -- that would be our language --the answer is yes."

-- JAKE TAPPER speaks with **SEN. CHRIS MURPHY (D-CONN.)** on **CNN'S "STATE OF THE UNION": TAPPER:** "Do you think Tillerson should resign?" **MURPHY:** "Again, I don't think that that solves the problem. I think the president should stop undermining the people in his administration. I think he should stop doing hurtful things to the country's national security, like telling the North Koreans that there is no diplomatic path for them to give up nuclear weapons. I have big disagreements with Secretary Tillerson. I don't think he's been a good secretary of state. But I'm not sure that there is anyone that can succeed in that position, given the just absolutely catastrophic dysfunction of this White House."

THE NATIONALS WIN! -- WAPO'S TOM BOSWELL "With two swings of the bat, everything may have changed for the Nationals": "Maybe something changed, even something big, on Saturday night as the autumn moon rose over the right field stands to

get a glimpse of what, far down on planet earth, was causing all that ruckus down at Nationals Park, a place that seldom raises it voice until the heavens take note.

"Within a matter of perhaps 15 minutes of lunacy, Game 2 of this National League Division Series changed utterly, from what seemed like an almost certain Chicago Cubs victory to a stunning, ground-shaking, 6-3 Washington Nationals win.

"Eighth-inning home runs, first a titanic one by Bryce Harper to tie the score, then a three-run wall-scraping thriller by Ryan Zimmerman to win it, tied this series at a game apiece, but with enormous baseball gravitational pull suddenly on the Nats' side just when such cause for hope was least expected." http://wapo.st/2fTS1Tp

-- GAME 3, Monday in Chicago, 4 p.m., TBS

Playbook Reads

PHOTO DU JOUR: Jason Aldean performs "I Won't Back Down" on "Saturday Night Live," on Oct. 7 in New York in tribute to the victims of the Las Vegas mass shooting and the late rock superstar Tom Petty. | Will Heath/NBC via AP

POSTCARD FROM THE NEW YORKER FESTIVAL - PREET BHARARA, in a Q&A with Jeffrey Toobin, describing when he met with then-President Elect Trump during the transition: "At the time, I had guys with lights and sirens and guns who could facilitate my entry into the building, because there are Secret Service you have to coordinate with. And I go into the building, and you may remember at the time, there was a stakeout of journalists in the lobby at Trump Tower. And I try to - they're very hard to avoid, because you walk in like and they're all right there. And I'll never forget that as I'm walking towards the elevator bank trying to ignore the press, somebody shouts out 'Mr. Bharara, are you here to serve a subpoena?'" **TOOBIN:** "And that day may come." ... **BHARARA:** "[S]omeone [is] going to hire me for like 8 bucks an hour to..." **TOOBIN:** "Not you, exactly."

BHARARA: "'You've been served.' [Laughter] I would totally do that, by the way." **TOOBIN:** "I know. Next time." **BHARARA:** "And I would waive my hourly fee. So somebody yells that, I laugh very hard on the inside, we get in the elevator, there's lots of gold. We get up to the 26th floor, and then there becomes this issue of whether or not - small detail that I thought was cool, whether or not I have to go through a metal detector. And I found out later that there was a little bit of an argument between the head of the Secret Service there and the security folks. And he said no, I'm ... the top law enforcement official in Manhattan. I'm not going to get wanded going through. And what I thought was cool about that was Mitt Romney apparently had been to meet the President Elect a few days earlier, and they wanded that guy. I'm very petty. Small

things ... are important to me."

--SETH MEYERS, in a Q&A with Ariel Levy: "When we meet a comedian and they send us a sample and we like the sample, we will just look at their Twitter feed. Because we can go back and look at five years of jokes ... There's this weird thing now that everybody's kind of leaving a permanent record of their writing. Which is great for people who are trying to find writers but it's also for young writers, it's a reminder that if you're going to put yourself out there, make sure it's a refined product that you will be happy to be judged by because that will be what happens."

ON LAS VEGAS -- "Who Was Stephen Paddock? The Mystery of a Nondescript 'Numbers Guy,'" by NYT's Sabrina Tavernise, Serge Kovaleski and Julie Turkewitz: "Stephen Paddock was a contradiction: a gambler who took no chances. A man with houses everywhere who did not really live in any of them. Someone who liked the high life of casinos but drove a nondescript minivan and dressed casually, even sloppily, in flip-flops and sweatsuits. He did not use Facebook or Twitter, but spent the past 25 years staring at screens of video poker machines. Mr. Paddock, a former postal worker and tax auditor, lived an intensely private, unsocial life that exploded into public view on Sunday, when he killed 58 people at a country music festival and then shot himself. But even with nationwide scrutiny on his life, the mystery of who he was has only seemed to deepen." http://nyti.ms/2fS7fs0

-- CHRIS WALLACE talks with **STEVE WYNN** on **"FOX NEWS SUNDAY":**
WALLACE: "I understand that Stephen Paddock had gambled and stayed at your properties along with a lot of other places along the Strip. I know you talked to your security team afterwards. Looking back, after talking to all of them, how much of a profile did you have on him? And was there anything in that profile that should have raised a red flag?" **WYNN:** "He's been staying in Las Vegas since '06. So you know, we're talking about 11 years with his girlfriend or at least in recent years, frequent visitor, once or twice a month to this hotel and others. The most vanilla profile one could possibly imagine. A modest gambler at least by our standards, you know, nothing serious, paid promptly, never owed any money anywhere in Las Vegas. He didn't fit the profile of a problem or compulsive gambler. ...

"But if there's anything interesting that stood out over the six years, nobody that's ever worked here have ever seen the gentleman or the lady take a drink of wine, beer or alcohol of any kind. Now, a lot of people don't drink. But considering their frequency of all the restaurants, and their behavior as normal tourist taking advantage of everything that's available in our resort, they never ever imbibed in any liquor. Their behavior was conservative, private, understated in every way. You never ever would stop a man like this coming in, you know, in the building."

-- JASON ALDEAN'S SNL cold open http://bit.ly/2yPalos

-- "Showgirls, casinos and chapel weddings: Las Vegas snaps back after deadliest mass shooting in modern U.S. history," by WaPo's Kevin Sullivan in Las

Vegas: "Forty-seven hours after the massacre, Crystal Rose was back in her flouncy red showgirl plumage on the Vegas Strip, bare-chested except for tiny, shiny pasties keeping her just this side of legal. ... 'I took the day off yesterday, out of respect,' said Crystal, 25 ... This pulsing City of Sin has returned almost immediately to its high-glitz version of normal after Sunday's massacre of 58 people, the deadliest mass shooting in modern American history. The shows go on. The roulette wheels spin, the dice fly, and people carrying Coronas wander the Strip alongside bubbly showgirls and a guy dressed as Chewbacca." http://wapo.st/2kxkh3u

-- WSJ: "Las Vegas Mayor Predicts Limited Economic Impact From Mass Shooting": http://on.wsj.com/2yxJOQa

TRUMP INC. -- "Losses at Trump's Scottish resorts doubled last year," by AP's Bernard Condon: "Donald Trump boasts of making great deals, but a financial report filed with the British government shows he has lost millions of dollars for three years running on a couple of his more recent big investments: his Scottish golf resorts. A report from Britain's Companies House released late Friday shows losses last year at the two resorts more than doubled to 17.6 million pounds ($23 million). Revenue also fell sharply." http://bit.ly/2y2n9eo

FIRST PERSON - "I witnessed Harvey Weinstein's sleaziness up close: ex-waitress," by Jade Budowski in the N.Y. Post: "Harvey Weinstein was every bit the sleazy Hollywood caricature recent reports have made him out to be. When I was working as a waitress [at Tribeca Grill], I watched numerous times as a string of young women - some seemingly no older than 21 - entered the restaurant for long, flirty dinners with him, even though he was married with five children. These women were all the same: vaguely European, always beautiful, stylishly dressed, and totally out of place next to someone like him. The staff could usually tell that the woman was there to meet him before she had even said a word.

"If a woman waited for him at the bar, he'd bellow furiously at more than one of us for not having seated her prior to his arrival, despite the fact that she'd insisted on it. 'Why the f- -k isn't she at the table?' he'd say. The ritual for his rendezvous was very firm. Champagne, caviar, and an unspoken rule that Weinstein and his date not be disturbed. The pair would sit close, whispering and touching each other suggestively. After dining, Weinstein and a woman would often disappear for a while, exiting the restaurant through a side door. ... Many of the women he saw would return for second or third dates. Sometimes, Weinstein and a woman would come back to the restaurant the next morning, with her sporting wet hair and the same clothes." http://nyp.st/2wEYFUn

****** **A message from Koch Industries:** It's one thing to say we're committed to environmental responsibility. But quite another to demonstrate it. This year, Koch was named the EPA's ENERGY STAR® Partner of the Year. The award recognizes organizations that have made outstanding contributions to protecting the environment through energy efficiency. To-date we've invested $600 million into energy saving initiatives. And over the last five years, we've saved enough energy to power 360,000

households for an entire year. See our contributions at ChallengeAccepted.com. ******

MEDIAWATCH - ALEX WAGNER has returned to "CBS This Morning" after her maternity leave. ***Video of the show welcoming her back and her sharing some pix of her new baby boy, Cy Kass*** http://cbsn.ws/2z5kdvd

BONUS GREAT WEEKEND READS, curated by Daniel Lippman, filing from New York:

-- "Citizens of anywhere," by Matthew Valencia in 1843 Magazine: "Globalisation has turned citizenship into a commodity. Matthew Valencia went shopping for a new passport and found bargains to be had." http://bit.ly/2hU21Ao

-- "The Last Invention of Man," by Max Tegmark in Nautilus Magazine: "How AI might take over the world." http://bit.ly/2yNMXrc

-- "Why nation-states are good," by Dani Rodrik in Aeon Magazine: "The nation-state remains the best foundation for capitalism, and hyper-globalisation risks destroying it." http://bit.ly/2ktG9wN (h/t TheBrowser.com)

-- "What Happens When We Give up Control of Our Cars?" by Malcolm Gladwell in Car and Driver: "A history of unintended consequences." http://bit.ly/2fYAcGK

-- "The Story Behind the Chicago Newspaper That Bought a Bar," by Andy Wright in Topic: "Journalists will go far for a story and they'll go far for a drink-but would they buy a bar? In Chicago, that's exactly what a newspaper did. An oral history of an incredible experiment." http://bit.ly/2yvb95t (h/t TheBrowser.com)

-- "Christ in the Garden of Endless Breadsticks," by Helen Rosner in Eater: "They are designed to create a sense of vague familiarity. You go to Olive Garden because you've always gone there. You bring your children, and they grow up having always gone there. It is a restaurant that's good at some things, a few of them on the menu, more of them about price and convenience and a general exhausted tolerance for unruly children and arguing couples." http://bit.ly/2fRIcW1

-- "How Deep Is Your Love?" by Alison Kinney in Lapham's Quarterly: "Turreted and crenellated, the castle appears as the product of centuries of reconstruction and renovation, down to the irregularities of the asymmetrical foundation. But Neuschwanstein, the unfinished masterpiece of Ludwig II, king of Bavaria from 1864 to 1886, was built to manifest Ludwig's obsession with Richard Wagner. The king was the world's greatest opera fan; Neuschwanstein remains the world's greatest work of fan art." http://bit.ly/2y1scJs

-- "The Coming Software Apocalypse," by James Somers in The Atlantic: "A small group of programmers wants to change how we code-before catastrophe strikes." http://theatln.tc/2z4dAcg

-- **"In 1973, I invented a 'girly drink' called Baileys:** We got £3,000 all-in for the creation of the world's most successful cream liqueur," by David Gluckman in Irish Times: "We bought a small bottle of Jamesons Irish Whiskey and a tub of single cream. We mixed the two in our kitchen, tasted the result and it was bloody awful. We went back to the store, found some Cadbury's Powdered Drinking Chocolate, and added it to our formula. Hugh and I were taken by surprise. It tasted really good." http://bit.ly/2yNNwRQ

-- **"Justin Bieber Made a New Jersey Suburb Lose Its Mind This Summer,"** by Reeves Wiedeman in Vulture - per Longreads.com's description: "Justin Bieber spent his summer in a quiet American suburb doing what most people do: He went to the mall, purchased beverages at Starbucks, and played basketball in a driveway. His appearances caught a community off guard and made them ravenous for gossip." http://bit.ly/2xnlz1c

-- **"Selling China by the Sleeve Dance,"** by Nicholas Hune-Brown in Hazlitt: "Beneath the ubiquitous posters for the Shen Yun ballet is a battle between dissidents and the state over the soul of a nation, both at home and across the diaspora." http://bit.ly/2xmxy4X (h/t Longform.org)

Playbookers

WEEKEND WEDDINGS -- Hunter Walker, White House correspondent at Yahoo News, on Saturday married **Gloria Rejas Romero,** the former associate director of finance at the Michael J. Fox Foundation, at the Prospect Park Boathouse in Brooklyn. The couple met at a bar in Brooklyn. Business Insider's Colin Campbell was best man, and there was a Peruvian band and themed cocktails. Guests also got gift bags with a New York Yankees shot glass and a bottle of Pisco. ***Instapic*** http://bit.ly/2wFObnQ

-- **Vanessa Oblinger**, director of media relations at Javelin, on Friday evening married **Dr. Steven Santos**, scientific review officer at NIH, in an intimate ceremony at the Portuguese-style winery Morais in the Virginia countryside. They met playing on the same co-ed hockey team. ***Pics*** http://bit.ly/2kxoxA2 ... http://bit.ly/2y8R1p9

SPOTTED: Jason Gorey and Lauren Ehrsam, Keith and Kristen Urbahn, Matt Latimer and Anna Sproul Latimer, Bre Payton, Brielle Coolly, Ben Domenech, Joe Schoffstall, Matt Vespa, Taylor Swindle, Ben Walters, Dylan Colligan, Tyler Bryant and Jonathan Bronitsky.

OBAMA ALUMNI - John Farmer, director of technology and civic innovation at Microsoft and former senior adviser for innovation in the Obama White House, on Saturday married **Brittany McCandless,**digital producer for CBS News' "60 Minutes Overtime" and a CNN alum. The ceremony was the Church of the Holy Name of Jesus and the reception was at the Harvard Club. The couple met in August, 2014 on the

street in Manhattan. Their honeymoon is in Dubai, Zanzibar and Kenya. ***Pics*** http://bit.ly/2wF9A0x ... http://bit.ly/2fVMBrk ... ***NYT announcement*** http://nyti.ms/2y0Yhn1

SPOTTED: Brian Forde, Coach Kathy Kemper, Todd Park, Amy Geng, Ryan Panchadsaram

OUT AND ABOUT -- SPOTTED at a News Media Alliance party last night for Franklin Foer's new book, "World Without Mind: The Existential Threat of Big Tech" hosted by David Chavern -- ***$16.20 on Amazon*** http://amzn.to/2gmhMwB : Terry Samuel, Marcus Brauchli and Maggie Farley, Sally Quinn, Margaret Carlson, Eli Lake, Ali Shehabi, Michael and Sarah Crowley, Eric Lipton, Ryan Williams, Garance Franke-Ruta, Denise Couture, Paul Wood, Janet Donovan, Mark Neuman, Nina Rees, Dana Milbank and Anna Greenberg, Perry Bacon, Evelyn Farkas, Abdulwahab al-Hajjri.

SPOTTED at a birthday party last night for Liz Sidoti's 40th at the home of Stephanie Cutter and co-hosted by Sara Fagan and Nedra Pickler: her husband Andy Davis, Poppy MacDonald, Mike Gottlieb, Amy and Matt McDonald, Debra Deshong, Jo Anne Ginsburg, Linda Roth, Penny Lee, Kiki McLean, Mo Elleithee, Mary Kathryn and Michael Steel, Kevin Madden, Terry Sullivan, Michael and Tovah Meehan and Andrea Jones on a state visit from California -- ***pic of the party*** http://bit.ly/2z7rXwB

TRANSITIONS - GARRETT MURCH has been hired as the new political/communications director of the Maine Republican Party. He most recently has been a senior adviser in Maine Gov. Paul LePage's office of policy and management and is a LifeZette and Jeff Sessions alum.

BIRTHDAY OF THE DAY: Adrienne Watson, the DNC's deputy communications director and Trump war room director, celebrating in Bermuda. **A trend she thinks is undercovered:** "Democrats are winning races across the country - we've flipped 8 seats this year, while Republicans haven't flipped any in contested races. We are converting the enormous momentum on the ground into wins." **Read her Playbook Plus Q&A:** http://politi.co/2xpPAmT

BIRTHDAYS: Blain Rethmeier, managing director at Ditto PR, is 41 (hat tip: Tim Burger) ... Steve Coll, dean of Columbia's Graduate School of Journalism and a New Yorker staff writer, is 59 ... former Rep. Dennis Kucinich (D-Ohio) is 71 ... the Rev. Jesse Jackson is 76 ... Bill Schneider ... Mackenzie Weinger ... Ivanka Farrell of Bully Pulpit Interactive ... Jennifer Allen of LCV ... Kim Gamel of Stars and Stripes ... Matthew J. Shuman ... Dan Dunham ... Politico's Terry Golway ... former HHS Secretary Tom Price is 63 ... Rep. David Kustoff (R-Tenn.) is 51 ... Kristen Osborne of MSNBC PR (h/t Hollie Tracz) ... Joseph Galitzin ... Julia Tylor ... Adam Weiss (h/t Jon Haber) ... Molly Erman, VP of brand and communications at New Lab and author of "Work Life," who celebrated last night at New Lab's first anniversary party ... Nicole Schlinger of Campaign HQ (h/t Jimmy Centers) ... Anna Levin ...

... Shripal Shah, VP at American Bridge ... Tom Sheridan, a Democratic lobbyist at the Sheridan Group (h/t Erik Smith) ... Lillie Belle Viebranz of Palantir ... Abdul Dosunmu, DOT alum now a student at NYU Law ... Ingrid Jones ... Micah Morris ... Caroline Nonna Holland, tech policy fellow at Mozilla and Obama DOJ alum ... David Burstein, CEO and founder of Run For America ... Riki Parikh, policy counsel for Sen. Michael Bennet (D-Colo.) ... Dennis Alpert, director of advocacy and public affairs for U.S. government relations at Pfizer, is 52 ... Shankar Vedantam, NPR's social science correspondent and host of the "Hidden Brain" podcast ... Sophia Yan ... Kiffin Eckert ... Kirk Monroe, EVP at Rasky Baerlein ... Tamara Lipper Smith ... Bridger McGaw ... Marcella Caldwell-Gadson ... Nicholas Piatek ... Joe Torsella ... Kay Lund ... Kirk Schwarzbach ... Judy Sulentic (h/ts Teresa Vilmain)

****** **A message from Koch Industries:** At Koch, we work to create more value, using fewer resources than the day before. With more than 300 manufacturing sites across the United States, we're one of America's largest manufacturers. To stay in business for the long term, we constantly need to improve and innovate- both in the products we make and how we make them. In 2015, 92 percent of our production-related waste from reporting facilities was recycled, recovered for energy or treated. Overall, Koch has had a 33 percent reduction in waste produced since 2012. Creating innovations while saving resources? Challenge Accepted. ******

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From: The Washington Post
Sent: Fri 7/28/2017 4:03:53 PM
Subject: [SPAM] Checkpoint: WWII pilots used North Carolina waters for target practice. Now their bombs are washing ashore.

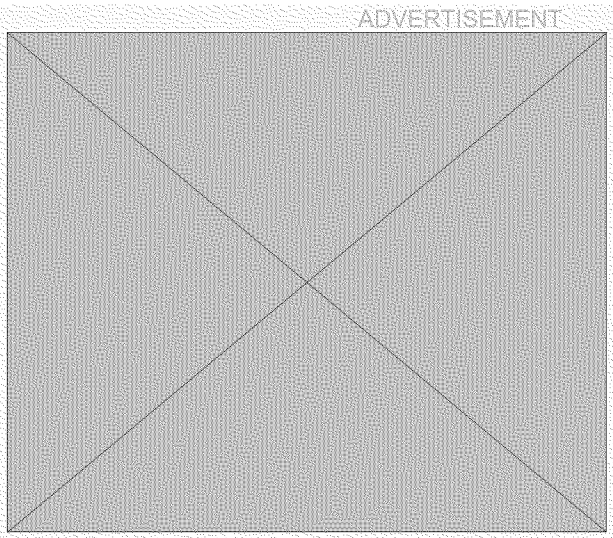


Pentagon has made no change yet to its transgender policy, says highest-ranking officer in U.S. military

An internal letter said the secretary of defense must first issue a plan for implementation.

By Thomas Gibbons-Neff • Read more »

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Would transgender troops disrupt the military, as President Trump asserts?

Trump prompts a return to the long-running debate within the Defense Department.

By Dan Lamothe and Max J. Rosenthal • Read more »

‘He was trying to kill us’: New video contradicts Jordanian accounts of how 3 U.S. soldiers were killed

The sole survivor of the gunfight, a Green Beret, describes the exact sequence of events.

By Thomas Gibbons-Neff • Read more »

WWII pilots used North Carolina waters for target practice. Now their bombs are washing ashore.

North Carolina's coast has always been a hotbed of military activity, including during the Civil and Second World War.

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Trump called transgender troops a costly disruption. An expert who studied it says he’s wrong.

The most prominent analysis on transgender troops is at odds with the White House's position.

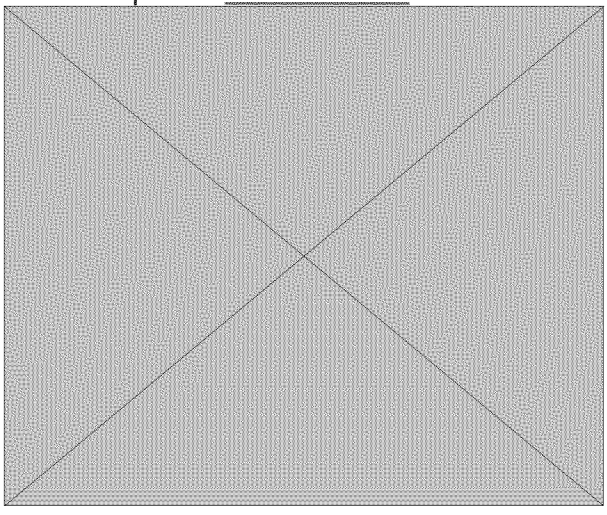
By Alex Horton • Read more »

The Pentagon’s history of resisting transgender troops

President Trump has signaled his intent to ban transgender men and women from serving in the U.S. military. But the path to this point can be traced to the Pentagon's deep institutional resistance to an all-inclusive policy ushered in by the Obama administration.

By Andrew deGrandpre • Read more »

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Fri 8/4/2017 4:15:00 PM
Subject: FOX DENVER: EPA chief to tour Gold King mine on 2-year anniversary of spill caused by agency

FOX 31 DENVER

EPA Chief to Tour Gold King Mine on 2-Year Anniversary of Spill Caused by Agency

Click Here To Watch The Video

FOX 31 Denver
August 4, 2017
http://kdvr.com/2017/08/04/epa-administrator-pruitt-part-of-delegation-to-tour-gold-king-mine-area-on-2-year-anniversary-of-spill/

Environmental Protection Agency Administrator Scott Pruitt and Colorado leaders will tour the site of the Gold King mine spill on Friday to mark the second anniversary of the spill that dumped 3 million gallons of tainted wastewater into the Animas River.

Gov. John Hickenlooper, Sens. Cory Gardner Michael Bennet, and Rep. Scott Tipton will also tour the site above Silverton, and meet with Pruitt and other representatives of the EPA. ...

A cleanup led by the EPA at the old gold mine on Aug. 5, 2015 dumped wastewater contaminated with arsenic and lead into the Animas River in southwest Colorado, turning it a shade of yellow.

The blowout sent water laced with toxic heavy metals through southwest Colorado, New Mexico and Utah.

To Read The Full Story Click Here

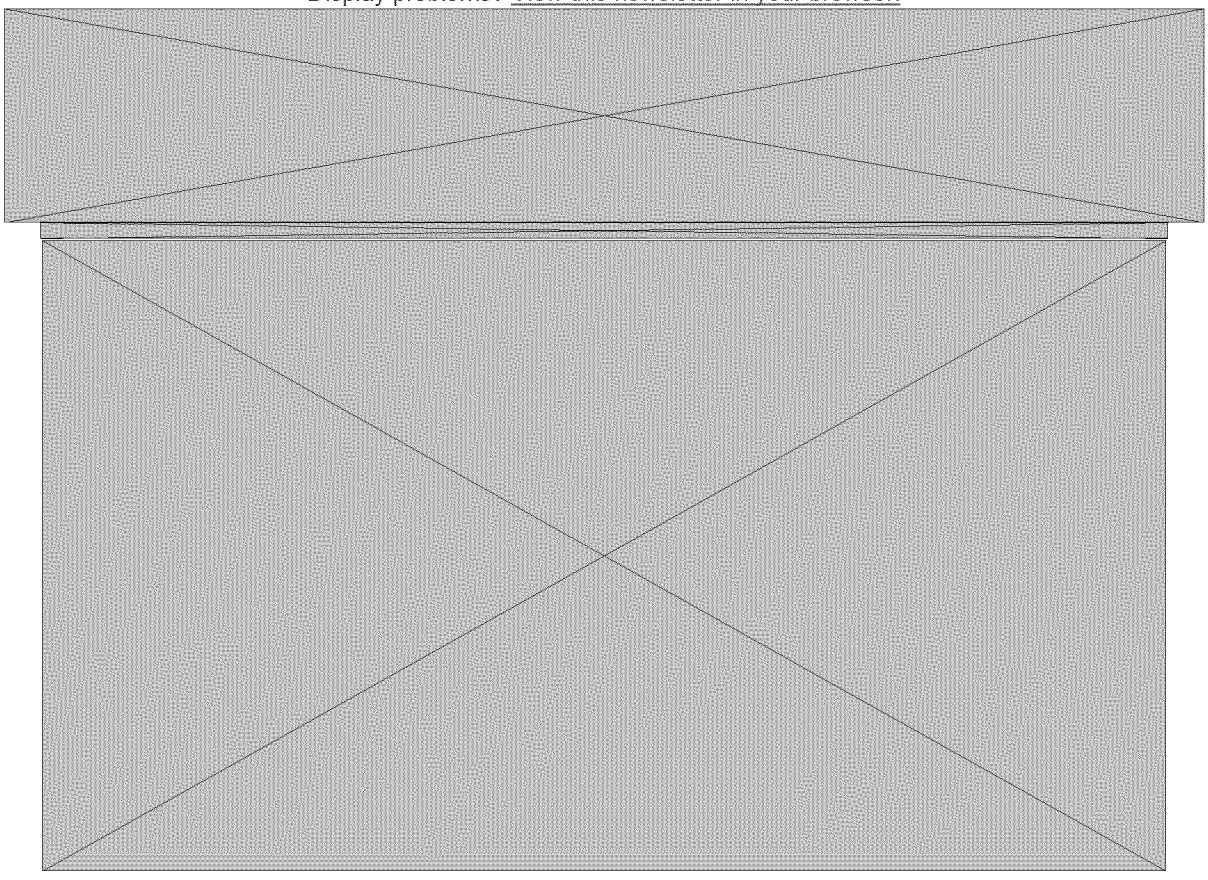
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From: GovTechWorks
Sent: Fri 12/1/2017 2:49:18 PM
Subject: Evidence-Based Policy Act Could Change How Feds Use Data | How Employers Try to Keep Tech Talent | Calculating Costs Can Focus IT Modernization Efforts

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Evidence-Based Policy Act Could Change How Feds Use, Share Data

The bipartisan Foundations for Evidence-Based Policymaking Act would drive every agency to hire a chief data officer, expose more data for public and interagency use and change how program success is measured. But first the hard part: Settling on open data standards. Read More

How Employers Try to Retain Tech Talent

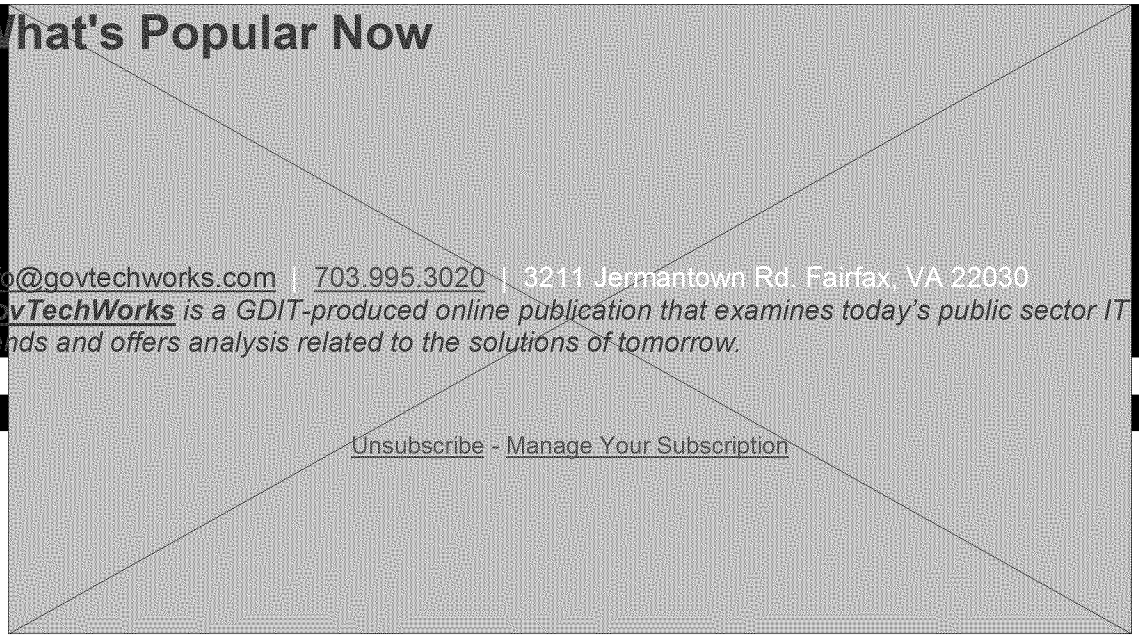
The global shortage of IT and cyber talent pits industries against each other in a battle for talent. While salary makes a difference and perks are attractive, the most important reasons current employees often choose to stay put are mission, flexibility and good, old-fashioned

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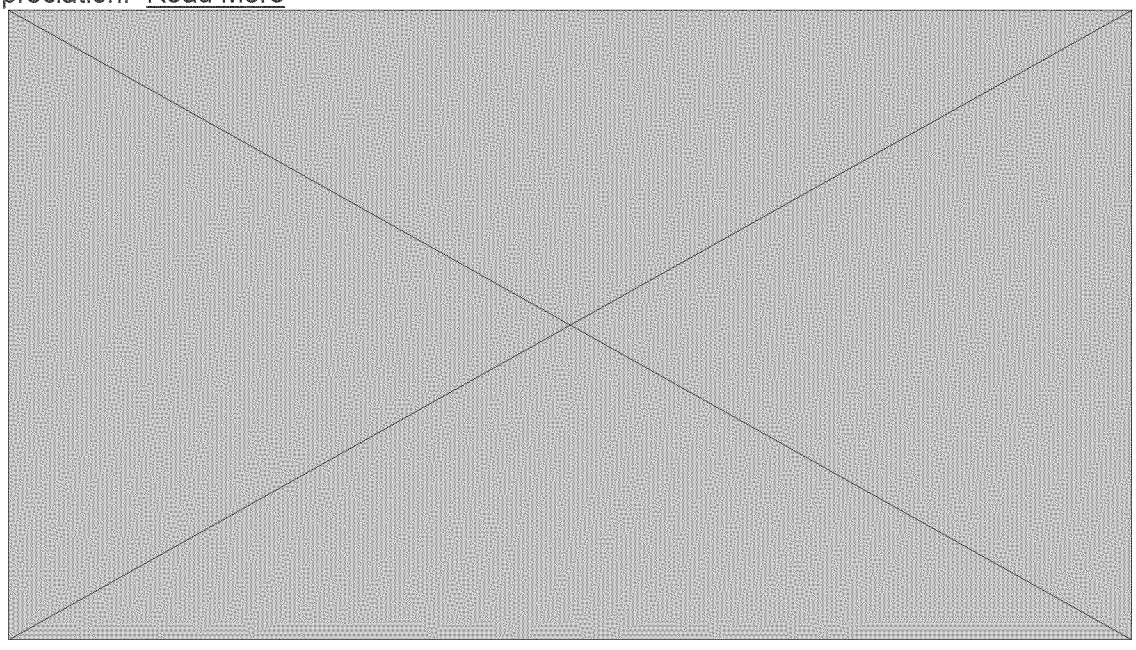
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appreciation. Read More



Calculating Technical Debt Can Focus Modernization Efforts

Tracking technical debt isn't just for agile developers. Figuring out the hidden, long-term costs of maintaining legacy systems is also key to understanding whether it makes economic sense to keep those systems running or shut them down for good. Read More

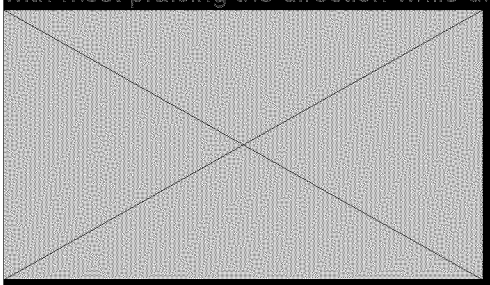
From Our Sponsor

AFCEA Bethesda's Health IT Day 2018
On January 16th top health IT leaders in CMS, HHS, VA, CDC, NIH and FDA will discuss healthcare initiatives in civilian and military health. Check our website for the latest confirmed speakers and register today! Click here



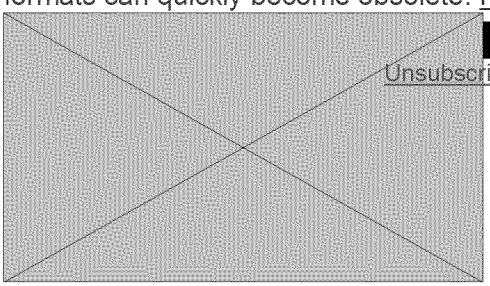
How the Final IT Modernization Report Could Look

Response to the American Technology Council's draft report on IT modernization was favorable, with most praising the direction while urging more action. Read More



Big Risk With Big Data: Beware of Format Lock-in

Long-term big data projects demand developers take the long view because existing data formats can quickly become obsolete. Read More



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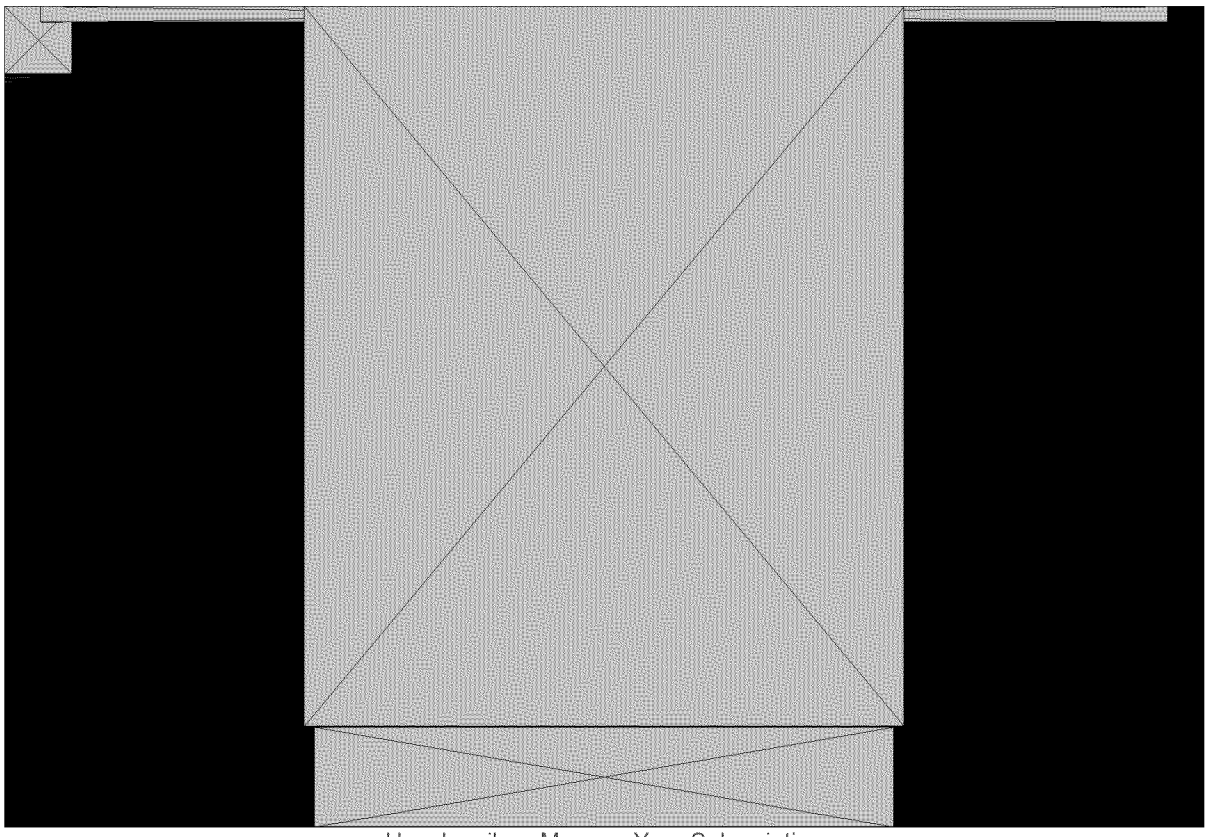
Military Aims to Maintain Its Cyber Mission Force

In building the Cyber Mission Force, the military is coming to grips with a new reality: High demand for cyber warriors affects retention. Read More

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/17/2017 12:33:46 PM
Subject: Aug. 17 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

August 17, 2017 - Number 158

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Alabama SIP/Cross-State Air Pollution Rule
AIR

Proposed rule of the EPA would approve portions of revisions to the Alabama SIP that replace the Cross-State Air Pollution Rule (CSAPR) federal implementation plan with a state trading program for ozone season nitrogen oxides (NOx) emissions. The state program is integrated with the CSAPR federal trading programs and is substantively identical to the federal trading program except for provisions allocating emission allowances among state units. If approved, the SIP revisions would automatically eliminate state units' requirements to participate in the federal allowance trading program for ozone season NOx emissions. The revisions also would satisfy the state's good neighbor obligation to prohibit emissions that significantly contribute to nonattainment or interfere with maintenance of the 1997 eight-hour ozone NAAQS and partially satisfy the good neighbor obligation regarding the 2008 eight-hour ozone NAAQS. Comments are due Sept. 18, 2017. Contact: Ashten Bailey; EPA Region 4, Air Regulatory Management Section; 404-562-9164; bailey.ashten@epa.gov. Citations: 40 CFR 52

82 FR 39070 (08/17/2017)

Regulatory Update

AIR
Alabama SIP/Regional Haze Plan and Infrastructure Requirements
AIR

Proposed rule of the EPA would approve revisions to the Alabama SIP regarding visibility and regional haze. The rule allows the state to change from reliance on the Clean Air Interstate Rule to reliance on the Cross-State Air Pollution Rule; converts EPA's limited approval and limited disapproval of the 2008 regional haze SIP to a full approval; and approves the visibility prong of the state's infrastructure SIP submittals for the 2012 fine particulate matter, 2010 nitrogen dioxide, and 2010 sulfur dioxide NAAQS. The rule also converts EPA's disapproval of the visibility portion of the infrastructure SIP submittal for the 2008 ozone NAAQS to an approval.

Comments are due Sept. 18, 2017. Contact: Michele Notarianni; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9031; notarianni.michele@epa.gov. Citations: 40 CFR 52

82 FR 39090 (08/17/2017)

Regulatory Update

AIR
Alabama SIP/Transportation Conformity Standards
AIR

Direct final rule of the EPA approves portions of revisions to the Alabama SIP regarding transportation conformity standards. The revisions reflect updates to federal transportation conformity standards that address the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (73 FR 4420; 01/24/2008) and that reorganize and update standards so they apply to any new or revised NAAQS (77 FR 14979; 03/14/2012). The rule is effective Oct. 16, 2017, unless adverse comments are received by Sept. 18, 2017. Contact: Kelly Sheckler; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9222; sheckler.kelly@epa.gov. Citations: 40 CFR 52.50

82 FR 39035 (08/17/2017)

Regulatory Update

AIR
Alabama SIP/Transportation Conformity Standards
AIR

Proposed rule of the EPA would approve portions of revisions to the Alabama SIP regarding transportation conformity standards. The revisions reflect updates to federal transportation conformity standards that address the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (73 FR 4420; 01/24/2008) and that reorganize and update standards so they apply to any new or revised NAAQS (77 FR 14979; 03/14/2012). A concurrent direct final rule adopts the provisions, effective Oct. 16, 2017. Comments are due Sept. 18, 2017. Contact: Kelly Sheckler; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9222; sheckler.kelly@epa.gov. Citations: 40 CFR 52.50

82 FR 39078 (08/17/2017)

Regulatory Update

AIR
Colorado SIP/2010 SO2 NAAQS, 2012 PM-2.5 NAAQS
AIR

Final rule of the EPA approves portions of revisions to the Colorado SIP regarding infrastructure requirements for the 2010 sulfur dioxide (SO2) and 2012 fine particulate matter (PM-2.5) NAAQS. The EPA is not taking action on the state's SIP submittal concerning interstate transport prongs 1 and 2 for the 2010 SO2 and 2012 PM-2.5 NAAQS. The rule is effective Sept. 18, 2017. Contact: Abby Fulton; EPA Region 8, Air Programs Branch; 303-312-6563; fulton.abby@epa.gov. Citations: 40 CFR 52.353

82 FR 39030 (08/17/2017)

Regulatory Update

AIR
NESHAP for Plywood and Composite Wood Products
AIR

Notice of the EPA announces the submission of a new information collection request to the OMB regarding the plywood and composite wood products (PCWPs) NESHAP residual risk and technology review. The collection will include a survey (Phase I) of operators of major source and synthetic area source PCWP facilities regarding facility-level, emissions and control information; compliance data; and descriptions of technological innovations used to avoid major source status. The collection also will include a contingent testing phase (Phase II) if the information gathered during Phase I is inadequate, consisting of a survey of selected PCWP facilities across various industry segments regarding emissions and production information. Comments are due Sept. 18, 2017. Contact: John Bradfield; EPA, Sector Policies and Programs Division; 919-541-3062; bradfield.john@epa.gov. Citations: 40 CFR 63, Subpart DDDD

82 FR 39122 (08/17/2017)

Regulatory Update

AIR
North Carolina SIP/Air Curtain Burners
AIR

Direct final rule of the EPA approves portions of revisions to the North Carolina SIP regarding the state's strategy to meet and maintain the NAAQS. The revisions address air pollution control requirements for air curtain burners. The agency is not taking action on air pollution control requirements for incinerators. The rule is effective Oct. 16, 2017, unless adverse comments are received by Sept. 18, 2017. Contact: Sean Lakeman; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9043; lakeman.sean@epa.gov. Citations: 40 CFR 52.1770

82 FR 39027 (08/17/2017)

Regulatory Update

AIR
North Carolina SIP/Air Curtain Burners
AIR

Proposed rule of the EPA would approve portions of revisions to the North Carolina SIP regarding the state's strategy to meet and maintain the NAAQS. The revisions address air pollution control requirements for air curtain burners. The agency is not taking action on air pollution control requirements for incinerators. A concurrent direct final rule adopts the changes, effective Oct. 16, 2017. Comments are due Sept. 18, 2017. Contact: Sean Lakeman; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9043; lakeman.sean@epa.gov. Citations: 40 CFR 52.1770

82 FR 39097 (08/17/2017)

Regulatory Update

AIR
South Carolina SIP/Regional Haze
AIR

Proposed rule of the EPA would supplement a Jan. 17, 2014, (79 FR 3147) proposed approval of a revision to the South Carolina SIP for regional haze. The revision includes a progress report towards reasonable progress goals (RPGs) for the Cape Romain Class I Wilderness area and a determination of adequacy of the existing regional haze SIP. The progress report specifies that the state's regional haze plan is sufficient to enable the state and other states to achieve RPGs for the wilderness area. The supplement addresses the agency's proposed finding that the state adequately relied on the Clean Air Interstate Rule in its regional haze plan from 2007-2011 to meet requirements under the regional haze rule. The supplement is in response to a court decision to delay Phase 2 sulfur dioxide emissions and ozone-season nitrogen oxide budgets for the state under the Cross-State Air Pollution Rule. Comments are due Sept. 18, 2017. Contact: Michele Notarianni; EPA Region 4, Pesticides and Toxics Management Division; 404-562-9031; notarianni.michele@epa.gov. Citations: 40 CFR 52

82 FR 39079 (08/17/2017)

Regulatory Update

AIR
South Carolina/Minor New Source Review
AIR

Proposed rule of the EPA would approve portions of revisions to the South Carolina SIP regarding minor new source review and the federally enforceable state operating permit requirements. The revisions clarify applicability, update the permitting process, and provide additional options for the minor source permitting program. The EPA is not acting on revisions concerning specified permit requirements and other minor administrative and technical changes. Comments are due June 9, 2017. Contact: Brad Akers; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52

82 FR 39083 (08/17/2017)

Regulatory Update

AIR
Tennessee/Reid Vapor Pressure Requirements
AIR

Proposed rule of the EPA would approve Tennessee's request to revise the summertime federal Reid vapor pressure (RVP) standards for gasoline in Shelby County. The rule would revise the RVP standard to 9.0 pounds per square inch for gasoline sold from June 1 to Sept. 15 each year. A July 7, 2017, final rule (82 FR 31462) approved the state's 2008 ozone NAAQS noninterference demonstration regarding the revisions to gasoline RVP requirements in Shelby County. Comments are due Sept. 18, 2017, unless a hearing request is received by Sept. 1, 2017. Contact:

David Dickinson; EPA, Office of Transportation and Air Quality; 202-343-9256; dickinson.david@epa.gov. Citations: 40 CFR 80.27(a)(2)

82 FR 39098 (08/17/2017)

Regulatory Update

AIR
Virginia SIP/Revocation of the 1997 Ozone NAAQS
AIR

Direct final rule of the EPA approves revisions to the Virginia SIP to implement the revocation of the 1997 ozone NAAQS. The revisions address the control and abatement of air pollution to be consistent with EPA's March 6, 2015, final rule (80 FR 12263) implementing the 2008 ozone NAAQS and revoking the 1997 ozone NAAQS. The rule is effective Oct. 16, 2017, unless adverse comments are received by Sept. 18, 2017. Contact: Sara Calcinore; EPA Region 3; 215-814-2043; calcinore.sara@epa.gov. Citations: 40 CFR 52.2420

82 FR 39031 (08/17/2017)

Regulatory Update

AIR
Virginia SIP/Revocation of the 1997 Ozone NAAQS
AIR

Proposed rule of the EPA would approve revisions to the Virginia SIP to implement the revocation of the 1997 ozone NAAQS. The revisions address the control and abatement of air pollution to be consistent with EPA's March 6, 2015, final rule (80 FR 12263) implementing the 2008 ozone NAAQS and revoking the 1997 ozone NAAQS. A concurrent direct final rule adopts the provisions, effective Oct. 16, 2017. Comments are due Sept. 18, 2017. Contact: Sara Calcinore; EPA Region 3; 215-814-2043; calcinore.sara@epa.gov. Citations: 40 CFR 52.2420

82 FR 39097 (08/17/2017)

Regulatory Update

COMMUNITY RIGHT-TO-KNOW
Toxic Chemical Release Reporting/2017 NAICS Codes
COMMUNITY RIGHT-TO-KNOW

Direct final rule of the EPA updates the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the OMB 2017 NAICS code revision. The rule requires facilities to begin reporting to the TRI using 2017 NAICS codes beginning with TRI reporting forms that are due on July 1, 2018, covering releases and other waste management quantities for the 2017 calendar year. The rule also removes descriptive text for Standard Industrial Classification (SIC) codes from the list of exceptions and limitations associated with NAICS codes for TRI reporting purposes. Facilities with questions regarding the SIC code descriptions may instead refer to the SIC manual posted on OSHA's website. The rule is effective Nov. 15, 2017, unless adverse comments are received by Sept. 18, 2017. Contact: Stephanie Griffin; EPA, Toxics Releases Inventory Program Division; 202-564-

1463; griffin.stephanie@epa.gov. Citations: 40 CFR 372.22, 372.23

82 FR 39038 (08/17/2017)

Regulatory Update

COMMUNITY RIGHT-TO-KNOW
Toxic Chemical Release Reporting/2017 NAICS Codes
COMMUNITY RIGHT-TO-KNOW

Proposed rule of the EPA would update the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the OMB 2017 NAICS code revision. The rule would require facilities to begin reporting to the TRI using 2017 NAICS codes beginning with TRI reporting forms that are due on July 1, 2018, covering releases and other waste management quantities for the 2017 calendar year. The rule also would remove descriptive text for Standard Industrial Classification (SIC) codes from the list of exceptions and limitations associated with NAICS codes for TRI reporting purposes. Facilities with questions regarding the SIC code descriptions may instead refer to the SIC manual posted on OSHA's website. A concurrent direct final rule adopts the revisions, effective Nov. 15, 2017. Comments are due Sept. 18, 2017. Contact: Stephanie Griffin; EPA, Toxics Releases Inventory Program Division; 202-564-1463; griffin.stephanie@epa.gov. Citations: 40 CFR 372.22, 372.23

82 FR 39101 (08/17/2017)

Regulatory Update

ENDANGERED SPECIES
Atlantic Sturgeon DPS Critical Habitat Designation
ENDANGERED SPECIES

Final rule of the National Marine Fisheries Service designates critical habitat for the endangered New York Bright, Chesapeake Bay, Carolina, and South Atlantic distinct population segments (DPSs) and the threatened Gulf of Maine DPS of Atlantic sturgeon. The rule designates 152 miles for the Gulf of Maine DPS in rivers in Maine, Massachusetts, and New York; 340 miles for the New York Bright DPS in rivers in Connecticut, Delaware, Massachusetts, New Jersey, New York, and Pennsylvania; 480 miles for the Chesapeake Bay DPS in rivers in the District of Columbia, Maryland, and Virginia; 1,205 miles for the Carolina DPS in rivers in North Carolina and South Carolina; and 1,791 miles for the South Atlantic DPS in rivers in Florida, Georgia, and South Carolina. The rule is effective Sept. 18, 2017. Contact: Lynn Lankshear; NMFS, Greater Atlantic Regional Fisheries Office, 978-282-8473. Citations: 50 CFR 226.225

82 FR 39160 (08/17/2017)

Regulatory Update

ENDANGERED SPECIES
Oregon, Washington State/Marine Mammal Incidental Takes
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces a request from the Scripps Institution of Oceanography, of La Jolla, Calif., for an incidental harassment authorization to take marine

mammals incidental to a low-energy marine geophysical survey offshore Oregon and Washington state in the northeastern Pacific Ocean. Scripps requests authorization to take a small number of 27 species of marine mammals by Level A and B harassment for a five-day period in September 2017. The agency proposes to issue a one-year authorization, provided specified mitigation, monitoring, and reporting requirements are incorporated. The agency is preparing an environmental assessment for the requested authorization. Comments are due Sept. 18, 2017. Contact: Jordan Carduner; NMFS, Office of Protected Resources; 301-427-8401

82 FR 39276 (08/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Florida/Rinker Facilities Abandonment Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Florida Gas Transmission Co., of Houston, to abandon approximately 6.7 miles of the eight-inch-diameter Rinker Lateral, an associated measurement and regulation station, and appurtenant facilities located in Miami-Dade County, Fla. The agency plans to complete an environmental assessment or issue a notice of schedule of environmental review by Nov. 9, 2017. Protests and motions to intervene are due Oct. 10, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 39118 (08/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Louisiana/Texas Gas Transmission Pipeline Abandonment
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Texas Gas Transmission LLC, of Houston, to abandon in place approximately 14 miles of pipeline, the Bay Round Platform, and the Brammer Old Camp Pass Platform in Terrebonne Parish, La., and Louisiana state waters. The facilities have been idled since 2012. The agency plans to complete an environmental assessment or issue a notice of schedule of environmental review by Nov. 8, 2017. Protests and motions to intervene are due Oct. 10, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 39121 (08/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Ohio River System Interstate Transportation
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the receipt of an application from Ohio River System LLC, of Dallas, requesting a limited jurisdiction certificate to provide jurisdictional transportation service on its Ohio River System (ORS) natural gas gathering facilities. The applicant proposes to provide 150,000 million British thermal units per day of interstate transportation service, via

displacement, for Rover Pipeline LLC to allow Rover's shippers to deliver gas to Rockies Express Pipeline LLC's system that uses the ORS. The Rover system will interconnect with the ORS near Cadiz, Ohio, and no new facilities will be constructed. The applicant also seeks a determination that the proposed interstate service will not otherwise affect the status of the ORS as a gathering system not otherwise subject to FERC's jurisdiction or affect the nonjurisdictional status of any other ORS operation. The notice specifies that the agency will complete an environmental assessment or issue a notice of schedule of environmental review by Nov. 8, 2017. Comments and motions to intervene are due Aug. 31, 2017. Contact: FERC, Office of External Affairs; 886-208-3676; FERCOnlineSupport@ferc.gov

82 FR 39119 (08/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Ohio/Columbia Gas Pipeline
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Columbia Gas Transmission LLC, of Houston, to abandon approximately six miles of pipeline and associated appurtenances and exposures in Hocking County, Ohio. The local distribution company, Columbia Gas of Ohio, will run a new line to the town of Carbon Hill to continue service, and the existing line will be abandoned upon completion of the new line. The agency will complete an environmental assessment or issue a notice of schedule of environmental review by Nov. 8, 2017. Protests and motions to intervene are due Oct. 9, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 39120 (08/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Ohio/Lucas Storage Field
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Columbia Gas Transmission LLC, of Houston, to abandon two injection/withdrawal wells and associated pipelines and appurtenances at its Lucas Storage Field in Ashland and Richland counties in Ohio. The applicant specifies that there will be no changes to the existing boundary, total inventory, reservoir pressure, reservoir and buffer boundaries, or the certificated capacity of the storage field. The notice specifies that the agency will complete an environmental assessment or issue a notice of schedule of environmental review by Nov. 8, 2017. Protests and motions to intervene are due Oct. 9, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 39118 (08/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Vermont/Guptil Road Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the receipt of a notice of intent from the Village of Waterbury to construct the Guptil Road project, a qualifying conduit hydropower facility in Washington County, Vt. The project will utilize an existing potable water pipeline; includes an intake pipe, a generating unit with an installed capacity of 4 kilowatts, and an outlet pipe; and has an estimated annual generation of 35.6 megawatt-hours. FERC has preliminarily determined that the project satisfies the requirements for a qualifying conduit hydropower facility and is not required to be licensed or exempted from licensing. Motions to intervene are due Sept. 11, 2017. Comments are due Sept. 25, 2017. Contact: Robert Bell; FERC; 202-502-6062; robert.bell@ferc.gov

82 FR 39117 (08/17/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Gas and Liquid Pipeline Advisory Committees Meetings

OIL AND GAS INDUSTRY

Notice of PHMSA announces a meeting of the Gas Pipeline Advisory Committee (GPAC) and a joint meeting of the GPAC and the Liquid Pipeline Advisory Committee. The agenda for the GPAC meeting includes discussion of an April 8, 2016, proposed rule (81 FR 20722) regarding safety of gas transmission and gathering pipelines. The joint meeting agenda includes discussion on a variety of topics concerning the pipeline safety program and policy issues. The joint meeting is scheduled for Sept. 6, 2017, and the GPAC meeting is scheduled for Sept. 7-8, 2017, in the Washington, D.C., area at a location to be posted on the agency's website. Comments are requested, but a due date is not specified. Contact: Cheryl Whetsel; PHMSA; 202-366-4431; cheryl.whetsel@dot.gov

82 FR 39153 (08/17/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 8/15/2017 6:14:58 PM
Subject: Court says EPA overstepped in denying small refiners RFS exemption

By Alex Guillén

08/15/2017 02:09 PM EDT

The Obama administration in 2016 wrongly forced two small refineries in Wyoming to comply with the Renewable Fuel Standard, a federal court ruled today.

The Sinclair Oil-owned facilities had requested exemptions from the RFS, citing language in the law that allows EPA to spare small refiners from the program's biofuel blending requirements if they would experience "disproportionate economic hardship." While DOE recommended granting them a 50 percent waiver, EPA in October 2016 said both facilities were profitable enough to bear the RFS's costs and thus would have to comply fully with the program.

However, a split panel from the 10th Circuit Court of Appeals today said EPA overstepped its authority by concluding that the exemption could only be granted if complying with the RFS presented a long-term, "existential threat" to the refineries' survival.

EPA "chose a definition of economic hardship plainly at odds with Congress's statutory command," concluded the two majority judges, Timothy Tymkovich, a George W. Bush appointee, and Nancy Moritz, an Obama appointee. They sent the matter back to EPA for further action.

In a dissent, Carlos Lucero, a Clinton appointee, said he believed EPA had relied on "a more nuanced analysis" than the majority said which may have been permissible.

The decision comes just weeks after the D.C. Circuit ruled in a separate case that the Obama EPA had misappropriated a broader waiver authority under the RFS to require using less corn ethanol in 2016 than Congress required.

WHAT'S NEXT: EPA must review the refineries' petitions in light of the ruling. The agency could find further reasons for denying the petitions or it may grant Sinclair the sought-after exemptions.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/court-says-epa-overstepped-in-denying-small-refiners-rfs-exemption-091820

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Thur 10/12/2017 9:25:38 PM
Subject: Today on Climate Beat

October 12, 2017

Today on Climate Beat . . .

. . . we went on the radio, noting that EPA chief Scott Pruitt is offering his rationale for why the agency is moving to repeal the Obama administration's Clean Power Plan (CPP) before replacing it, arguing the rule is creating ongoing regulatory for coal plants even though it has been stayed by the Supreme Court.

In personnel news, David Harlow, who recently worked with the law firm Hunton & Williams is joining EPA's air office to serve in a role similar to the one held by former senior air office counsel Joe Goffman during the Obama administration.

And our daily news roundup looked at speculation about what might happen to EPA's GHG rule for new power plants given the recent attention on the CPP.

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Mailing address: 1919 South Eads Street, Suite 201, Arlington VA 22202

Telephone: 703-416-8500 or 1-800-424-9068

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Wed 10/4/2017 9:40:54 AM
Subject: Morning Media: POLITICO Morning Media: When the president blocks you -- Split-screen tragedy -- Top editors meet DOJ -- Moment of silence for S.I.

By Michael Calderone | 10/04/2017 05:39 AM EDT

TRUMP BLOCKS JOURNALIST CHALLENGING FALSEHOODS: Toronto Star Washington correspondent Daniel Dale emerged during the 2016 race as one of the journalists most closely tracking candidate Trump's statements -- and misstatements -- on the campaign trail. He chronicled the experience in a POLITICO magazine piece, "Confessions of a Trump Fact-Checker," and since inauguration has tallied more than 650 false claims. He revealed Tuesday that the president has now blocked him on Twitter.

-- Dale told me the president's action "won't change anything about the work I produce, it'll just make it slightly (and needlessly) more difficult to do it. I've now created a separate Twitter account just so I can view the president's tweets and obtain links for quote-tweeting purposes, and I'll have to toggle back and forth throughout the day. So: hardly a big problem, just silly. I think the blocking is more silly and revealing than it is an actual impediment." (A White House spokesperson did not respond for comment).

-- Still, it's troubling to see public officials, from the president down, selectively bar members of the public, including journalists, from reading what they tweet unless in response to serious abuse online. But as I noted on Twitter , even prominent journalists block their colleagues -- including this media reporter -- on Twitter for presumably the same reason: to avoid scrutiny. It's understandable for a journalist to block users when facing harassment and highly personal attacks. It's hypocritical to do so in an effort to skirt responsibility for one's work while professing to hold others accountable.

-- Not to mention, you can always just mute people who annoy you.

Good morning and welcome to Morning Media. Follow, don't block, me at @mlcalderone and send tips to mcalderone@politico.com. Morning Media is edited by Alex Weprin (@alexweprin). Archives. Subscribe.

SPLIT-SCREEN TRAGEDY: Cable news networks turned to Puerto Rico on Tuesday as Trump visited the storm-ravaged island. Still, the ongoing humanitarian crisis only got so much airtime given that news outlets remained primarily focused on the massacre in Las Vegas, where the president heads today.

BETWEEN THE TWO VISITS, Trump found time Tuesday night to attack the press by retweeting Fox News host Sean Hannity's swipe: "Tonight the truth about how despicable the media and the left are in America today. We will name names. 9 est Hannity Fox News from Vegas."

UNIVISION CEO RANDY FALCO URGED political leaders in Washington not to forget

Puerto Rico: "Just imagine if the entire state of Connecticut was cut off from communications, electricity, fresh water and supplies after a natural disaster. We would not tolerate any delay in getting our citizens there help. And we should not tolerate any further delays with Puerto Rico, which is roughly the same size as Connecticut. Puerto Rico may be separated from the mainland U.S. by an ocean but it is still America."

MILLIONS TUNE IN TO CABLE NEWS IN WAKE OF LAS VEGAS ATTACK. Alex Weprin writes: In the the aftermath of the mass shooting, millions of people turned to cable news for the latest information. More than 7.4 million people, on average, watched Fox News, CNN and MSNBC in primetime on Monday -- roughly twice as many as normal, even in this busy news year. All told, Fox News averaged just shy of 3.6 million viewers in primetime, compared to CNN, which averaged just shy of 2 million, and MSNBC with 1.9 million.

FROM ORLANDO TO LAS VEGAS: Journalists who covered the previous deadliest mass shooting in modern U.S. history offered advice for those covering the latest one, as Poynter's Kristen Hare reports.

MUST-READ: "Two strangers bond over country music and beer. Then the gunshots started." -- WaPo's Wesley Lowery.

SOUND BITES:

-- "Most telling, depressing observation at our morning editorial meeting: 'We did that story during the last mass shooting.'" [Scott Simon]

-- "Amazed at the number of prominent people who want to believe ISIS claims over the FBI. Folks want a narrative that bad?" [Chuck Todd]

DOJ MEETS THE PRESS: Deputy Attorney General Rod Rosenstein met Monday with top editors and news executives to discuss the Justice Department's process for dealing with reporters in leak investigations. Attorney General Jeff Sessions announced plans in August to review the guidelines for issuing media subpoenas.

-- The News Media Dialogue Group previously provided input to the Obama administration for guidelines it issued after coming under fire for secretly seizing reporters' records. The current group included: Bruce Brown (Reporters Committee for Freedom of the Press), Chris Isham (CBS), Ken Strickland (NBC), Susan Page (USA Today), Jerry Seib (WSJ), Marty Baron (WaPo), Elisabeth Bumiller (NYT), David Vigilante (CNN), Chris Turpin (NPR), and Karen Kaiser (AP).

-- Rosenstein told attendees that the "review of its policies regarding obtaining information from, or records of, members of the news media is still in the information gathering phase," according to a Department readout. During the meeting, "the group discussed the motivations of those that leak classified information to the news media, the importance to news media organizations of notice before information is subpoenaed, the impact of the current guidelines on prosecutors and the news media, and some of the previous cases prosecuted by the Department."

EMBRACING "THE ENEMY": The president's attempt to delegitimize the press as the anti-American enemy of the people doesn't appear to be working, according to a new Reuters/Ipsos poll: "The poll of more than 14,300 people found that the percentage of adults who said they had a 'great deal" or 'some' confidence in the press rose to 48 percent in September from 39 percent last November." Meanwhile, the poll found that "confidence in Trump's administration moved in the opposite direction."

"THE YEAR THAT CHANGED JOURNALISM": The new print edition of the Columbia Journalism Review examines how the "world of journalism is a fundamentally different place as a result of the election of Donald J. Trump," editor Kyle Pope writes. The issue, available today, includes contributions from Lee Bollinger, Margaret Sullivan, Jill Abramson, Janine Gibson, and McKay Coppins. And CJR is also holding a half-day conference today on the subject in Atlanta. If you're not in the neighborhood, here's the livestream.

BROKAW DISMISSES KELLY KERFUFFLE: After a series of reports suggesting Megyn Kelly deliberately cut off Tom Brokaw's mic because he was criticizing the NRA, the NBC News veteran said the incident was a misunderstanding triggered by his difficulty hearing in the studio. "Chick Hearn, the late, great L.A. Lakers play-by-play announcer had a phrase: no harm, no foul," Brokaw told The Washington Post. "Exactly the case this a.m. No harm, no foul. Not worth any fuss. I'm a Kelly fan."

DEEP DIVE: "The Unstoppable Rise Of Jesse Watters, 'Golden Boy' Of Trump's Favorite Network" -- HuffPost's Maxwell Strachan

ROSS RUNS: Ross Barkan, who quit the Jared Kushner-owned Observer after it endorsed Donald Trump and who has more recently been writing on New York City politics for the Village Voice, is entering the fray himself as a candidate for state senate. Barkan was asked about the legacy of local journalists running for office, most notably Norman Mailer and Jimmy Breslin in the late 1960's, and whether there are examples of any actually winning.

-- "The great Errol Louis ran for city council in 1997," Barkan told The Voice, referring to the NY1 anchor and CNN commentator. "He was very active in the community. I think he had founded a local credit union. I believe he'd been a journalist beforehand. He ran a serious Democratic primary. He did not win. I don't know of journalists turned winners, but I'm not going to let that stop me. As we've learned from the 2016 presidential cycle, past is not prologue, and I don't think it ever will be again."

HONORING S.I. NEWHOUSE: Condé Nast will pause for a moment of silence today at 10:30 a.m. for the late S.I. Newhouse, who was also honored Tuesday night with the darkening of the tower spire lights at the magazine empire's current home of 1 World Trade Center and the company's previous offices at 4 Times Square and 1 Bryant Park.

"MAGAZINE MEDIA. BETTER. BELIEVE IT." That's the new pitch from the Association of Magazine Media. The New York Times rolled out its "Truth" advertising campaign earlier this year, and now the magazine association, working on behalf of 123 brands, is also marketing

itself as upholding credibility and trust in an era of rampant misinformation and so-called "fake news." The new ad slogan will also be the theme of the next American Magazine Media Conference in February.

REVOLVING DOOR:

John Cook, who twice left Gawker Media during the past decade, is now departing its successor, Gizmodo Media Group, where he most recently served as executive editor for the special projects desk. Cook wrote in a memo that he plans to take time away from the news cycle and "pursue some ideas that don't necessarily involve writing and editing news stories on the internet." The experience, he told colleague has "been exhilarating, maddening, terrifying, enraging, heartbreaking, and worth it."

Kelsey Snell, most recently with The Washington Post, is returning to NPR as a Congressional reporter. She once worked as an intern and production assistant on the weekend edition of "All Things Considered.

Masha Gessen and **Troy Patterson** will be writing for The New Yorker's site. Gessen, who has written extensively on authoritarianism and Putin's Russia, will write a twice-weekly column. Patterson, currently Style editor for Bloomberg, joins as a cultural critic, writing primarily on television, per staff memo.

FUNDING NONPROFIT NEWSROOMS: The Democracy Fund, the John S. and James L. Knight Foundation, and the John D. and Catherine T. MacArthur Foundation announced a $3 million fundraising campaign today for News Match, which aims to support nonprofit newsrooms by matching contributions to over 100 eligible organizations.

CONGRATS: Pulitzer Prize winner David Wood - whom I was fortunate to cross paths with at HuffPost - has won the Dayton Literary Peace Prize for his book, "What Have We Done: The Moral Injury Of Our Longest Wars."

EXTRAS:

-- Reuters' Katie Paul writes on women -- and women journalists, like herself -- now being able to drive in Saudi Arabia.

-- Ava Sirrah, who worked in the New York Times' branded content studio, addresses the blurring of editorial and advertising for MediaShift.

-- Charles F. McElwee III revisits the legacy of Morton Downey Jr. in the age of Trump for The American Conservative. And if you need a refresher on Downey Jr., please watch.

-- Morning Hangover publisher and former Breitbart spokesman Kurt Bardella writes on the healing power of country music.

-- And the inside story behind the most famous Rolling Stone cover, from Joe Hagan's

forthcoming biography of Jann Wenner.

To view online:
http://www.politico.com/tipsheets/morning-media/2017/10/04/morning-media-when-the-president-blocks-you-split-screen-tragedy-top-editors-meet-doj-moment-of-silence-for-si-222622

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 11/3/2017 5:43:14 PM
Subject: EPA boosts industry membership on key advisory boards

By Alex Guillén

11/03/2017 01:41 PM EDT

EPA officially announced the new line ups for several key advisory boards today, bolstering their membership with employees of energy companies and state agencies just days after Administrator Scott Pruitt ordered scientists who have received agency grant money to give up their EPA funding or their seat.

As POLITICO reported on Tuesday, the Science Advisory Board's new additions include representatives from Phillips 66, Total, Southern Co., the American Chemistry Council and NERA Economic Consulting, a firm frequently hired by industry interests. Their additions boost the industry membership of SAB, although the panel had previously included members from Dow Chemical and other industries or companies.

The Clean Air Scientific Advisory Committee, which provides health advice for air quality standards, also has three new members. Aside from new Chairman Tony Cox, an independent consultant, the new members are Larry Wolk of the Colorado Department of Public Health and Environment and James Boylan of the Georgia Department of Natural Resources.

EPA also announced a slate of new additions to the Board of Scientific Counselors, which advises on research issues. The former chairwoman, Deborah Swackhamer of the University of Minnesota, is now listed as member, while Paul Gilman of waste-to-energy company Covanta has taken over as chair.

Other new BOSC members include representatives from the North Dakota Petroleum Council, Eli Lilly and Co., the Defense Threat Reduction Agency, the Arkansas Department of Environmental Quality, the California Energy Commission and the consulting firm Ramboll Environ.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/epa-boosts-industry-membership-on-key-advisory-boards-095200

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Mon 10/16/2017 9:06:41 PM
Subject: Today on Climate Beat

October 16, 2017

Today on Climate Beat . . .

. . . we talked vehicles, reporting that a new industry coalition supporting current fuel economy and greenhouse gas standards has released its current membership, including many electric utilities that would benefit from wider deployment of electric vehicles (EVs), as well as two automakers that only build EVs.

In court, EPA Administrator Scott Pruitt has signed a directive he says will end "sue and settle" agreements through which he says special interest groups such as environmental organizations have forced the agency into legal agreements that impose binding deadlines for issuing discretionary regulations.

Looking at the calendar, an American University professor plans to present her findings to EPA that there is "no evidence that more stringent local pollution regulation changes GHG emissions from manufacturing sectors," a study that could add to the debate over the agency's cost-benefit review justifying its plan to repeal the Clean Power Plan.

In personnel news, EPA Administrator Scott Pruitt appears poised to tap an Alaska official to lead EPA Region 10, moving the agency closer to filling a handful of remaining political slots and bringing in personnel needed to help Pruitt advance President Donald Trump's broad deregulatory agenda at the agency.

And our daily news roundup looked at how some coal towns are not finding much relief from the Trump administration's shifts on climate change policy.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Fri 8/18/2017 6:55:33 PM
Subject: Manchin rules out Trump energy secretary appointment

By Austin Wright

08/18/2017 02:50 PM EDT

Sen. Joe Manchin (D-W.Va.) today ruled himself out as the next Energy secretary, quashing speculation President Donald Trump might nominate him to run the Energy Department and have the governor of West Virginia appoint a Republican senator.

The plan, floated last week in a Bloomberg News report, could have given the GOP one more vote for its stalled bill to repeal and replace Obamacare.

But Manchin took himself out of the running at a town hall in West Virginia, according to spokesman Jonathan Kott.

The current Energy secretary, Rick Perry, is considered a contender to succeed White House chief of staff John Kelly as head of the Department of Homeland Security.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/manchin-rules-out-trump-energy-secretary-appointment-091940

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Fri 8/4/2017 4:07:36 PM
Subject: [SPAM] Checkpoint: What an ISIS suicide attack looks like from the air and the ground

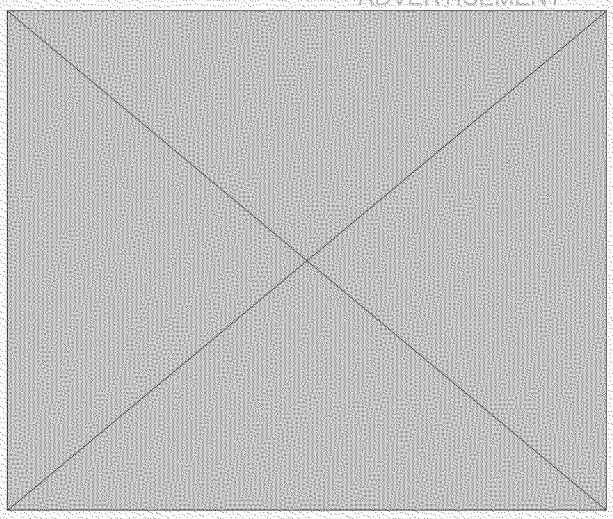


Trump talked about sending troops to battle 'tough hombres' in Mexico. Can he do that?

A transcript of the president's call with Enrique Peña Nieto reveals that Trump raised the specter of using the U.S. military to fight Mexican drug cartels.

By Alex Horton • Read more »

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Pentagon identifies two U.S. troops killed in Afghanistan

"Chris and Jon lived and died as warriors," said Col. Toby Magsig, commander of the 82nd Airborne's 1st Brigade Combat Team.

By Thomas Gibbons-Neff • Read more »

One soldier killed, several wounded in latest attack on NATO troops in Afghanistan

It's the second attack in just as many days that has killed Western troops.

By Thomas Gibbons-Neff • Read more »

What an ISIS suicide attack looks like from the air and the ground

21st century warfare

By Thomas Gibbons-Neff • Read more »

U.S. reportedly mulls sending antitank missiles to Ukraine. It may be two years too late.

Expert casts doubt the delivery of Javelin missiles can turn the tide of battle.

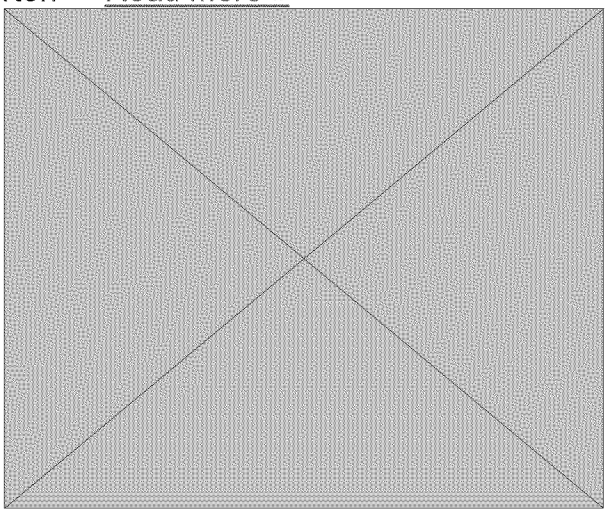
By Alex Horton • Read more »

Test firing a ballistic missile in California was routine. Growing tension with North Korea is not.

Officials stressed this was a routine launch and not a response to North Korean missile tests.

By Alex Horton • Read more »

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 12/1/2017 2:32:17 PM
Subject: BREAKING NEWS: Mueller's office announces plea hearing set for Michael Flynn

Special Counsel Robert Mueller has formally charged ex-national security adviser Michael Flynn with one count of making a false statement, according to a court document.

A plea hearing for Flynn has been scheduled on Friday for a federal court in Washington, D.C., the office of special prosecutor Robert Mueller announced Friday morning.

Read more: https://www.politico.com/story/2017/12/01/muellers-office-announces-flynn-will-plead-guilty-274349

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/17/2017 12:32:05 PM
Subject: Aug. 17 -- EHS State Regulatory Alert



EHS State Regulatory Alert

August 17, 2017 - Number 158

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Alaska

WATER
Clean Water and Drinking Water Revolving Loan Funds
Alaska WATER

Final rule of the Department of Environmental Conservation amends regulations under 18 AAC 76.010, .030, .060, .080, .252, .255, and .990 regarding the clean water and drinking water revolving loan funds. The rule updates provisions to comply with federal requirements, allows financing terms for up to 30 years, and revises the finance rates to reflect fluctuations in the municipal bond market. The rule also revises definitions and clarifies requirements for loan eligibility, applications, accounting, and contract terms. The rule is effective Sept. 10, 2017. Contact: Carrie Bohan; DEC, Division of Water; 907-465-5143; carrie.bohan@alaska.gov

—Alaska Regulations (08/15/2017)

Regulatory Update

Colorado

WATER
Basic Standards and Methodologies for Surface Water/Molybdenum
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-31 regarding basin standards and methodologies for surface water. The rule revises total recoverable molybdenum standards to 9,000 micrograms per liter for water supply use and 1,000 µg/L for agriculture use. A hearing is scheduled for Dec. 12, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER
Classifications and Numeric Standards/Arkansas River Basin
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-32 regarding classifications and numeric standards for the Arkansas River Basin. The rule addresses the review of temporary modifications of standards scheduled to expire before Dec. 31, 2019. The rule removes the temporary modification of the temperature standard for the Upper Arkansas segment 8b because it is scheduled to expire Dec. 31, 2017. The rule takes no action on temporary modifications of the cadmium and zinc standards for the Upper Arkansas segment 8b, temporary modifications of various standards for the Middle Arkansas segment 4b, temporary modification of the temperature standard for the Middle Arkansas segment 6b, and temporary modifications of the selenium and sulfate standards for the Lower Arkansas segment 1a, all of which are scheduled to expire Dec. 31, 2018. A hearing is scheduled for Dec. 11, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER
Classifications and Numeric Standards/Arkansas River Basin
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-32 regarding classifications and numeric standards for the Arkansas River Basin. The rule corrects the spelling of North Rush Creek, which is included in the description of Lower Arkansas segment 9b. A hearing is scheduled for Dec. 11, 2017, in Denver. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER
Classifications and Numeric Standards/Lower Colorado River Basin
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-37 regarding classifications and numeric standards for the Lower Colorado River Basin. The rule addresses the review of temporary modifications of standards scheduled to expire before Dec. 31, 2019. The rule removes the

temporary modification of the iron standard for the Lower Colorado segment 4e and adds site-specific iron standards based on evidence submitted by Tri-State Generation and Transmission Assoc. The rule takes no action on temporary modification of the copper standard for the Lower Colorado segment 4e scheduled to expire Dec. 31, 2019. A hearing is scheduled for Dec. 11, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER
Classifications and Numeric Standards/Rio Grande Basin
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-36 regarding classifications and numeric standards for the Rio Grande Basin. The rule addresses the review of temporary modifications of standards scheduled to expire before Dec. 31, 2019. The rule takes no action on temporary modifications of various standards for the Rio Grande segments 4a and 7 scheduled to expire Dec. 31, 2018. A hearing is scheduled for Dec. 11, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER
Classifications and Numeric Standards/South Platte, Laramie, Republic, Smoky Hill River Basins
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-38 regarding classifications and numeric standards for the South Platte, Laramie, Republic, and Smoky Hill river basins. The rule addresses the review of temporary modifications of standards scheduled to expire before Dec. 31, 2019. The rule provides for a temporarily less stringent application of the chronic arsenic standard through Dec. 31, 2021, for the Cherry Creek segment 3 and Boulder Creek segment 7b. The rule also removes the temporary modification of the ammonia standard for Upper South Platte segment 3 that is scheduled to expire Dec. 31, 2017. The rule takes no action on temporary modification of the copper standard for the Upper South Platte segment 10a and the cadmium standard for Clear Creek segment 13b that are scheduled to expire Dec. 31, 2018. The rule also takes no action on the temperature standard for Clear Creek segments 11, 14a, 14b, and 15 that are scheduled to expire June 30, 2019. A hearing is scheduled for Dec. 11, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER
Classifications and Numeric Standards/Upper Colorado River Basin and North Platte River
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-33 regarding classifications and numeric standards for the Upper Colorado River Basin and North Platte River (Planning Region 12). The rule addresses the review of temporary modifications of standards scheduled to expire before Dec. 31, 2019. The rule provides for a temporarily less stringent application of the chronic arsenic standard through Dec. 31, 2021, for the Upper Colorado segment 2, Blue River segment 2a, Roaring Fork segment 12, and Yampa River segment 2a. The rule also removes the iron and selenium temporary modifications for various Yampa River segments and adds site-specific iron and selenium standards on those and additional segments of the Yampa River subbasin. The rule takes no action on the temporary modification of the molybdenum standard for the Blue River segment 14 scheduled to expire Dec. 31, 2017, and the temporary modifications of the selenium and iron standards for various segments of the Yampa River scheduled to expire Dec. 31, 2018. A hearing is scheduled for Dec. 11, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

WATER
Classifications and Numeric Standards/Upper Colorado River Basin and North Platte River
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-33 regarding classifications and numeric standards for the Upper Colorado River Basin and North Platte River (Planning Region 12). The rule updates the total recoverable molybdenum agriculture-based standard for the Upper Colorado River segment 8 to 1,000 micrograms per liter. The rule also removes the water-supply based total recoverable molybdenum standard of 210 µg/L for the Blue River segment 14, adds a drinking water supply-based standard of 9,000 µg/L, and removes a temporary modification for molybdenum of "current conditions." A concurrent proposed rule revises the total recoverable molybdenum standards for surface waters to 9,000 µg/L per liter for water supply use and 1,000 µg/L for agriculture use. A hearing is scheduled for Dec. 12, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Division; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/14/2017)

Regulatory Update

Illinois

AIR
Air Quality Standards
Illinois AIR

Proposed rule of the Pollution Control Board amends regulations under 35 IAC 243.101, .105, .108, and .120 and repeals regulations under 35 IAC 243, Table A, to incorporate national ambient air quality standards (NAAQS) under 40 CFR 50, as of June 16, 2017. The rule implements the 2012 primary annual NAAQS for particulate matter (PM-2.5) and modifies requirements for handling monitoring data influenced by exceptional events. The rule also incorporates an updated equation used for calculating compliance with the PM-2.5 NAAQS. In addition, the rule incorporates the updated list of designated reference and equivalent methods, which includes a designated federal equivalent method for nitrogen dioxide in ambient air. Finally, the rule deletes the schedule for submission for data influenced by exceptional events for use in initial area designations. A concurrent notice includes a schedule for the rulemaking and announces an extension of the deadline for final action on the proposal. A hearing is scheduled for Sept. 21, 2017, in Chicago and Springfield via videoconference. Comments are due Sept. 25, 2017. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Register (08/11/2017)

Regulatory Update

AIR
Definitions and General Provisions/Volatile Organic Material and Compounds
Illinois AIR

Proposed rule of the Pollution Control Board amends regulations under 35 IAC 211.7150 to align provisions with the federal exemption of hydrofluoroether compound from the definition of volatile organic compound under 40 CFR 51.100. A concurrent notice includes a schedule for the rulemaking and announces an extension of the deadline for final action on the proposal. A hearing is scheduled for Sept. 21, 2017, in Chicago and Springfield via videoconference. Comments are due Sept. 25, 2017. Contact: Michael McCambridge; PCB; 312-814-6924; mccambm@ipcb.state.il.us

—Illinois Register (08/11/2017)

Regulatory Update

MINING
Surface Mined Land Conservation and Reclamation
Illinois MINING

Final rule of the Department of Natural Resources amends regulations under 62 IAC 300.40 regarding surface mined land conservation and reclamation. The rule increases the required bond amount for issuance of a surface mining or refuse disposal permit and increases the maximum bond amount to $10,000 per acre. The rule also requires a bond amount sufficient to ensure completion of a reclamation plan specified in an approved permit in the event of forfeiture if a written agreement between an operator and a third party requires overburden to be removed, replaced, graded, and seeded in a manner that the necessary bond penalty exceeds $10,000 per acre. In addition, the rule establishes a minimum bond of $600 per acre for a proposed permit area or less than an aggregate bonding amount of $3,000 for the entire area, whichever is greater.

The rule is effective July 28, 2017. Contact: Nick SanDiego; DNR; 217-558-1224

—Illinois Register (08/11/2017)

Regulatory Update

WATER
Public Water Supply Capacity
Illinois WATER

Final rule of the Illinois EPA repeals regulations under 35 IAC 652.101 through .605 (nonconsecutive) to reflect an April 29, 2016, final rule that clarified and consolidated public water supply permitting rules of the IEPA and the Pollution Control Board under 35 IAC 602 and a March 25, 2016, recommendation by the Joint Committee on Administrative Rules to repeal regulations under 35 IAC 652 to avoid confusion. The rule preserves provisions under 35 IAC 652.701 and .702 related to public water supply capacity not incorporated into 35 IAC 602 and changes the title to "Public Water Supply Capacity." The rule is effective July 28, 2017. Contact: Stephanie Flowers; IEPA, Division of Legal Counsel; 217-782-5544; stephanie.flowers@illinois.gov

—Illinois Register (08/11/2017)

Regulatory Update

Nevada

HAZARDOUS MATERIALS TRANSPORTATION
Motor Carrier Safety Standards
Nevada HAZARDOUS MATERIALS TRANSPORTATION

Notice announces the intention of the Department of Public Safety, Division of Highway Patrol, to amend regulations under NAC 706.247 and .297 regarding the adoption and enforcement of federal motor carrier safety standards. The rule establishes procedures for the review, approval, and disapproval of amendments to incorporated federal standards by the director. The rule also incorporates by reference federal motor carrier safety and hazardous materials transportation standards. In addition, the rule updates the definition of "commercial motor vehicle" and clarifies that DPS and the Department of Motor Vehicles may inspect carrier warehouses during regular business hours. A comment due date is not specified. Contact: DPS, Division of Highway Patrol; 775-687-5300

—Nevada Register (08/14/2017)

Regulatory Update

New Mexico

OIL AND GAS INDUSTRY
Oil and Gas/Monthly Production Reports, Rulemaking Procedures
New Mexico OIL AND GAS INDUSTRY

Proposed rule of the Energy, Minerals and Natural Resources Department, Oil Conservation Commission, amends regulations under 19.15.3 and 19.15.7.24 NMAC regarding filing of operators' production reports and rulemaking procedures. The rule reduces the time after an operator fails to file an acceptable monthly production report (form C-115) for the division to notify the operator of its intent to revoke the operator's authorization to transport to 30 days. The rule also reduces the time for such an operator to file an acceptable form or request a hearing on the proposed revocation to 60 days after the original due date of form C-115. In addition, the rule revises requirements for rulemaking initiation, notice, and hearings. Finally, the rule adds provisions concerning rulemaking deliberation and action, the record, and filing and appeal. A hearing is scheduled for Sept. 21, 2017, in Santa Fe. Comments are due Sept. 15, 2017. Contact: Florene Davidson; Oil Conservation Commission; 505-476-3458; florene.davidson@state.nm.us

—New Mexico Register (08/15/2017)

Regulatory Update

Oklahoma

WATER
Aquifer Storage and Recovery/Application Permits
Oklahoma WATER

Proposed rule of the Department of Environmental Quality adopts regulations under OAC 252:4-7-79, -80, and -81 to establish requirements for tier I, tier II, and tier III aquifer storage and recovery (ASR) applications. Hearings are scheduled for Sept. 26 and Nov. 7, 2017, in Oklahoma City and Tahlequah, respectively. Comments are due Sept. 15, 2017. Contact: Hillary Young; DEQ, Land Protection Division; 405-702-5100; Hillary.Young@deq.ok.gov

—Oklahoma Register (08/15/2017)

Regulatory Update

WATER
Public Water Supply Construction
Oklahoma WATER

Proposed rule of the Department of Environmental Quality amends regulations under OAC 252:626-1-2 regarding public water supply (PWS) construction. The rule revises the definition of PWS system to exclude mobile home parks, recreational vehicle parks, and correctional facilities from being classified as PWSs. Hearings are scheduled for Sept. 26 and Nov. 7, 2017, in Oklahoma City and Tahlequah, respectively. Comments are due Sept. 15, 2017. Contact: Mark Hildrebrand; DEQ; 405-702-8100; mark.hildebrand@deq.ok.gov

—Oklahoma Register (08/15/2017)

Regulatory Update

WATER
Public Water Supply Operations
Oklahoma WATER

Proposed rule of the Department of Environmental Quality amends regulations under OAC 252:631-1-2, -1-3, -3-1, and -3-10 regarding public water supply operations. The rule incorporates by reference federal standards under 40 CFR 141 and 143, as of Jan. 1, 2017, concerning national primary drinking water and national secondary drinking water provisions to allow for new alternative testing methods for contaminants. The rule also requires all public water supply systems (PWSs) to comply with reporting requirements under 40 CFR 141 and adds stability to calcium carbonate to the list of required tests for PWSs utilizing groundwater as a source. In addition, the rule revises the definition of PWS system to exclude mobile home parks, recreational vehicle parks, and correctional facilities from being classified as PWSs. Hearings are scheduled for Sept. 26 and Nov. 7, 2017, in Oklahoma City and Tahlequah, respectively. Comments are due Sept. 15, 2017. Contact: Mark Hildrebrand; DEQ; 405-702-8100; mark.hildebrand@deq.ok.gov

—Oklahoma Register (08/15/2017)

Regulatory Update

Washington

AIR
Olympic Region Clean Air Agency/Federal Standards
Washington AIR

Proposed rule of the Olympic Region Clean Air Agency amends regulations under Rule 1.11 to update the incorporation by reference of federal standards to July 1, 2017. A hearing is scheduled for Sept. 13, 2017, in Olympia. Comments are due Sept. 11, 2017. Contact: Mark Goodwin; ORCAA; 360-539-7610; mark.goodin@orcaa.org

—Washington State Register (08/16/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Safety Standards
Washington OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Industries amends regulations under WAC 296-52-60010 through -115-060 (nonconsecutive), adopts regulations under WAC 296-52-099 and -99-005, and repeals regulations under WAC 296-52-60130 and -99-020 to reformat safety standards for telecommunications, compressed air work, commercial diving operations, explosive handling, ski facilities, management of highly hazardous chemicals, paper mills, woodworking operations,

grain handling facilities, and charter boats. The rule is effective Sept. 1, 2017. Contact: Chris Miller; DLI; 360-902-5516

—Washington State Register (08/16/2017)

Regulatory Update

WATER
Water Quality Permit Fees
Washington WATER

Final rule of the Department of Ecology amends regulations under WAC 173-224-030, -040, and -050 regarding water quality permit fees to increase fees and update provisions to reflect current business practice relating to electronic payment options. The rule also modifies the structure of individual permit fee categories, including the winery general permit category, and renames the chapter. In addition, the rule establishes a separate fee category for vessel deconstruction and clarifies individual categories for inactive fees for asphalt and concrete operations. The rule is effective Aug. 20, 2017. Contact: Charles Gilman; Department of Ecology, Water Quality Program; 360-407-6425; charles.gilman@ecy.wa.gov

—Washington State Register (08/16/2017)

Regulatory Update

Wisconsin

OIL AND GAS INDUSTRY
Licenses, Certifications and Registrations/Liquefied Gas Suppliers
Wisconsin OIL AND GAS INDUSTRY

Final rule of the Department of Safety and Professional Services, Division of Safety and Buildings, amends regulations under WAC SPS 305.73 regarding financial responsibility requirements for retailers of liquefied petroleum gas. The rule requires a person applying for or holding a liquefied gas supplier or liquefied gas supplier restricted license to have commercial general liability insurance. The rule is scheduled to be effective Sept. 1, 2017. Contact: Dale Kleven; DSPS, Division of Policy Development; 608-261-4472; DSPSAdminRules@wisconsin.gov

—Wisconsin Administrative Register (08/14/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 10/12/2017 9:14:02 PM
Subject: Oct. 12 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Feds Must Support Nuclear Power for National Security, Perry Says

Posted October 12, 2017, 02:43 P.M. ET

By Rebecca Kern

The commercial nuclear power industry needs a federal boost for national security reasons to prevent the U.S. from falling behind global competitors such as Russia and China, Energy Secretary Rick Perry told lawmakers today.

"If we're going to continue to be a leader in nuclear energy in the world, we're going to have to support this industry in this country," Perry said during testimony at an Oct. 12 House Energy and Commerce Committee hearing.

"The question is do we have a national security interest in the nuclear industry, and I think the answer is yes," he said.

"If we lose our supply chain, if we lose our intellectual chain of supply of bright scientists," Perry testified, "then we're going to lose our role as a leader when it comes to nuclear energy in the world, and that in turn is going to affect our ability to address the weapons side of it."

Perry was on the defensive during the hearing, which focused heavily on the Energy Department's recent proposal directing the Federal Energy Regulatory Commission to take action to prop up certain coal and nuclear plants that are having difficulty competing in wholesale energy markets.

An unusual set of energy industry bedfellows, including renewable, gas and oil industry groups, as well as large industrial manufacturers and free-market think tanks, oppose the plan. FERC has set an expedited three-week public comment deadline of Oct. 23.

Members from both sides of the aisle questioned Perry about the intention behind the proposal, which he called"a way to kick-start a national discussion about resiliency and about reliability of the grid."

The proposal would allow generators with a 90-day supply of fuel on-site—which would include coal and nuclear facilities—to recover their operating costs at "a fair rate of return." Coal and nuclear plants now get paid a wholesale energy market rate set by historically low prices of natural gas. This is making it difficult for nuclear and coal plants to cover their operating costs and leading some

utilities to close plants due to difficulty competing economically.

FERC, as an independent agency, has the authority to choose how to address the market challenges identified in the proposal. It can do so by a rule or other action, regulators and legal experts told Bloomberg BNA.

House Republicans Push Bills to Promote Oil and Gas

Posted October 12, 2017, 04:12 P.M. ET

By Alan Kovski

Republicans in the House are lining up more oil and gas legislation, including a bill on offshore drilling, and a rewrite of the law on national monuments, all with solid opposition from Democrats.

The survival of some of the measures may hinge on whether they can be added to must-pass legislation such as an omnibus appropriations bill or tagged onto budget measures needing only simple majority votes in the Senate for passage.

Two draft bills under discussion in the House Natural Resources Committee would encourage a broadening and acceleration of offshore oil and gas drilling and a shift of more authority to states for the permitting of onshore drilling on federal lands. Spokesmen for Senate Energy and Natural Resources Committee Democrats suggested there would be no support among Democrats for either one.

Another bill would establish restrictions and public input requirements for presidential use of the Antiquities Act to create national monuments.

Rep. Rob Bishop (R-Utah), chairman of the House Natural Resources Committee, is lining the bills up for action by the full House. The first step is to go beyond the discussion-draft stage by introducing formal versions, which Bishop hopes to do within a month, committee spokeswoman Molly Block said.

Looking for Offshore Energy

Bishop's committee Oct. 11 debated a discussion draft, the Accessing Strategic Resources Offshore Act, that would establish a sharing of government revenues with Southeastern coastal states and Alaska from offshore oil and gas development. It also would allow the Interior secretary to add lease sales in areas excluded from the existing five-year leasing plan.

"Lease sales would be entirely at the discretion of the secretary, who would be free to ignore the five year plan altogether," Rep. Alan Lowenthal (D-Calif.), said. "This would never be acceptable to the people of California and many other states."

The bill also would limit a president's ability to put areas off limits to leasing and block use of the Obama administration's Arctic Rule, which added extra layers of regulatory protections for the difficult operating environment amid the icebergs and short drilling season off the Arctic coasts of Alaska.

Democrats have been defending the Arctic Rule since it was published in July 2016. The rigors of the Arctic environment, where an oil leak beneath sea ice might be unreachable for months, require

extra protections, the Democrats have said.

Rep. Paul Gosar (R-Ariz.) suggested the revenue sharing could boost support for Atlantic offshore drilling, where many people worry about the risks to the environment and tourism. A South Carolina Republican state senator from a coastal district, Stephen Goldfinch, testified that new revenues especially would be appreciated in South Carolina towns like Conway and Andrews, where the poverty rate is 50 percent.

But Goldfinch avoided endorsing or opposing the bill and said his constituents seemed evenly divided on the idea of offshore drilling.

Eric Milito, the director of Upstream and Industry Operations for the American Petroleum Institute, expressed support for the bill during the hearing, but his industry association did not offer any opinion on whether it could get through Congress. The National Ocean Industries Association did not respond to a request for comment.

Bigger State Roles in Onshore

The House Natural Resources Committee will debate a discussion draft focused on onshore oil and gas Oct. 13. That draft bill, Opportunities for the Nation and States to Harness Onshore Resources Act, would allow states to take over permitting and permit enforcement for oil and gas on federal lands.

The legislation also would eliminate the need for a Bureau of Land Management permit or National Environmental Policy Act (NEPA) reviews on non-federal land where the federal government has an ownership stake in the subsurface mineral rights. It also would bar federal regulation of hydraulic fracturing where states regulate fracking, and it would bar federal regulation of fracking on tribal lands without a tribe's consent.

Shifting permitting to states might void the application of NEPA and the Endangered Species Act, which impose requirements on federal rather than state agencies. Such a maneuver would have trouble finding support among House or Senate Democrats.

If either bill were to go to the Senate as stand-alone legislation it would have an uncertain future. A cloture vote to end debate would require 60 votes. Republicans have 52 senators, and not all of them are sure to support the bills.

Both bills can contribute to federal revenues, however, making it possible for them to be included in budget reconciliation legislation requiring only a simple majority. The House passed a fiscal year 2018 budget resolution Oct. 5 that reserved for the House Natural Resources Committee a provision for finding $5 billion in savings. Oil and gas leasing revenues are possible candidates for such savings.

Antiquities Act Rewrite

The Natural Resources Committee also has been an arena for argument over the Antiquities Act, used by presidents to declare national monuments, as President Barack Obama did in December with the Bears Ears National Monument in Utah.

The National Monument Creation and Protection Act (H.R. 3990), written to heavily amend the antiquities law, was approved by the committee Oct. 11 on a 23-17 vote. No Democrat supported the bill.

Proposed by Bishop, the measure would add stricter language in the act by specifying its purpose is to protect an "object or objects of antiquity." The existing act uses somewhat looser language, which the last three presidents before Donald Trump have used to protect millions of acres of onshore or offshore terrain.

The bill also would require more public engagement, including county and state approvals for monuments of 10,000 acres or more. Environmental activists have opposed such ideas as state legislative approval, saying it would prevent new monuments from being created.

Philip Morris Joins Growing Group of Carbon-Pricing Corporations

Posted October 12, 2017, 10:53 A.M. ET

By Christopher Martin and Emily Chasan

Philip Morris International Inc., the maker of Marlboro cigarettes, now uses an internal cost of carbon emissions in its business decisions, joining a group of almost 1,400 companies that agreed to consider how greenhouse gas emissions will affect their industries, according to a statement Oct. 12 from environment group CDP.

That's up from 150 companies in 2014.

Carbon markets from California to China and Europe are placing a price on the greenhouse gas as governments confront the growing threat of climate change. Businesses are responding by setting their own price and using it to determine the best course of action should their industry have to pay a carbon tax of some kind.

"Companies have accepted that there will be a carbon price one way or the other—carbon is no longer going to be a free ride," said Paula DiPerna, an adviser to CDP. "It's certainly become more of an investor focus. It's part of investors' lexicon of questions when they interrogate companies about environmental, social and governance issues."

The four-year effort by CDP to get global corporate leaders to measure the impact of carbon prices has been led by U.S. companies, which grew to 238 this year from 210 last year, including agriculture giant Cargill Inc. and cereal maker Kellogg Co. The biggest growth came from companies in Mexico, up 69 percent this year to 44, and China, which rose 40 percent to 102 now using an internal carbon price.

Philip Morris, which began using an internal carbon price in its decisions last year, adopted emission reduction goals of the Paris Climate Agreement and is using a mix of renewable energy and efficiency upgrades to meet it targets, Corey Henry, a spokesman, said in an emailed response to questions. The company set a price of $17 a ton.

It's used "to help us prioritize our GHG emission-reduction projects according to those most effective at reducing CO2," Henry said.

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Dakota Access Boosts Drillers but Won't Be a Bakken Game-Changer

Posted October 12, 2017, 9:17 A.M. ET

By Meenal Vamburkar

Once hailed as the spur for a North American "energy renaissance," the $3.8 billion Dakota Access pipeline has limited driller costs in its first four months in operation.

Just don't expect it to live up to its pre-approval hype.

That's the conclusion of analysts who say North Dakota's Bakken shale play will continue to lag the drilling surge in Texas and Oklahoma, pipeline or no pipeline. The conduit's use has dropped the break-even cost of drilling in the Bakken to around $52 a barrel from $55, as drillers abandon costlier rail shipments, said Erika Coombs, an analyst at BTU Analytics LLC. But that compares with about $46 on average in Texas's Permian play and $41 in Colorado's DJ basin, she said.

Is the Dakota Access "a game-changer?" Coombs said in a telephone interview. "The short answer: For the basin as a whole, not really." It helps, she said, "but it's not enough to attract capital away from the Permian or Scoop/Stack."

First proposed in 2014, the 1,172-mile (1,886-kilometer) pipeline is designed to ship as much as 570,000 barrels of crude. However, its construction has faced major opposition from Native American tribes and environmental activists over the last year, including a legal suit that's ongoing in federal court.

A judge ruled Oct. 11 that use of the conduit, in operation since June 1, could continue while its environmental impact is reviewed as a result of that suit.

Lawyers for Energy Transfer Partners LP, which operates the line, had argued it would be expensive to purge or plug the conduit while the U.S. Army Corps of Engineers conducted a supplemental review into aspects of the project, including its impact on the hunting and fishing rights of Native American tribes.

There's a "serious possibility" that the corps will be able to back its prior conclusions for approving the pipeline's route, U.S. District Judge James E. Boasberg ruled Oct. 11. But he urged the Corps not to treat his decision "as an exercise in filing out the proper paperwork" but to give serious considerations to errors that were made and identified. A follow-up court conference has been set by Boasberg for Oct. 18.

U.S. Justice Department spokesman Mark Abueg declined to comment on the court's decision. Vicki Granado, a spokeswoman for Energy Transfer, didn't immediately respond to request for comment.

The ruling is a win "for all major interstate infrastructure projects currently under construction or consideration," said Craig Stevens, a spokesman for the GAIN Coalition, a group that promotes more infrastructure development.

When newly inaugurated President Donald Trump advocated green-lighting the Dakota Access in January, it was hailed as "a new beginning" for North America's "energy renaissance," in a statement by Ron Ness, president of the North Dakota Petroleum Council. "As Bakken crude is finally compensated for its true value, state tax coffers, mineral owners and workers will reap the rewards," he said at the time.

And it has helped. In July, just a month after the conduit began operating, rail transported just 10 percent of Williston Basin output, down from 32 percent a year ago, according to the North Dakota Pipeline Authority. The pipeline runs from North Dakota to Illinois, where flows can be diverted to the Midwest and, eventually, make their way to the heart of the U.S. energy market, the U.S. Gulf Coast.

But even with cheaper transport, and smoother access to major markets, the Bakken remains disadvantaged, both in terms of location and overall cost.

Named for Henry Bakken, a North Dakota farmer whose land hosted the first well in the region in the early 1950s, the Bakken is expected to produce an average of 1.1 million barrels a day of oil this year and next, a figure lower than the 1.2 million barrels produced in 2015, according to the Energy Information Administration. At the same time, Permian production is expected to reach 2.9 million barrels a day by the end of next year, the EIA said in July.

The Bakken's lack of growth "really is from the competition with the Permian basin and the Oklahoma Anadarko basin," said Lynn Helms, director of the North Dakota's Department of Mineral Resources, in a September webcast. One big problem, according to Helms, is that skilled, experienced workers left for other plays when the oil rout hit.

"It's been difficult if not impossible to get them to move back to North Dakota," he said.

The pipeline has opened new markets for Bakken drillers, which offers new promise for their product, said Ryan Saxton, manager of oil transportation in North America at Genscape Inc., an energy data provider. But, he added,"that's not going to get you back to the hey-day of the Bakken."

—With assistance from Andrew Harris.

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China's Top Coal Region to Cut Pollution by 40 Percent

Posted October 12, 2017, 9:07 A.M. ET

By Feifei Shen

China's second-largest coal producing region is planning to cut pollution by two fifths over the autumn and winter seasons, Xinhua News Agency reported.

The reduction in China's northern province of Shanxi seeks to reduce the concentration of PM2.5 particles and sulfur dioxide from October to March 2018, Xinhua reported Oct. 11, citing the provincial environmental protection bureau.

In order to meet the target, authorities will take measures involving the closure of small highly-polluting firms, production cuts in heavy industry, and a ban on burning low-quality coal. One million households will also be pushed to shift toward electric or gas heating systems from traditional coal. Coal burning has also been prohibited completely in parts of six major cities, Xinhua said.

Shanxi is joining other regions in northern China to make greater efforts to curb smog during the winter, when pollution usually accumulates from home heating and weather conditions. Recurrent air pollution has been a persistent problem despite several years of government campaign to control

it to avoid social unrest.

Harsher measures to reduce pollution could challenge the province as it seeks to maintain economic growth at the same time. Shanxi's economy grew by 4.5 percent last year from the previous year, lagging behind the nation's 6.7 percent as a whole.

China also plans to plans to cut average PM2.5 concentrations in Beijing and surrounding areas by more than 15 percent, the environmental ministry said in August. Authorities will require emission licenses in the region for power, steel, cement, copper, zinc, lead and aluminum producers by the end of the year.

The Shandong provincial government has offered 600 million yuan ($91 million) in subsidies for people switching to electric and gas heating systems in six cities that affect the Beijing-Tianjin-Hebei region, Xinhua said.

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China Mulls Storage Salve for $4 Billion Renewables Headache

Posted October 12, 2017, 9:33 A.M. ET

By Feifei Shen

China is considering a prescription for nearly $4 billion worth of wasted electricity production looming over its push into clean energy.

The world's biggest investor in renewables plans an aggressive expansion into energy storage with an eye to making the technology widespread by 2025, according to a statement posted on the website of the National Development and Reform Commission Oct. 11.

In recent years, China's booming renewables sector has helped drive down the cost of solar panels and wind turbines globally. A push by the nation into storage may accelerate an expected drop in battery costs caused by increased global investment in their use for electric vehicles and grid use.

China will kick start the storage business with several pilot projects including lithium-ion battery storage systems of about 100 megawatts in size, along with other technologies such as supercritical compressed air and flywheel energy storage systems, according to the NDRC.

Storage is seen as critical to overcoming curtailment, a situation that arises when grid access is constrained, particularly for wind- and solar-generated electricity. China's renewable plants suffer from the world's most severe curtailment, according to a Bloomberg New Energy Finance report published in September.

Curtailment Cost

The phenomenon carries a heavy cost. Renewable energy generators in China experienced losses of 25.5 billion yuan ($3.87 billion) in 2016 because of the curtailment of wind and solar energy, representing 49.7 terawatt-hours of wasted wind and 3.28 terawatt-hours of squandered solar, BNEF estimated.

"The curtailment issue is tough and won't see significant improvement by 2020," said Tian Miao, a

Beijing-based senior analyst at Sun Hung Kai Financial Ltd. “Storage will help make a better use of renewables but it needs long-term progress.”

Along with the pilot projects, China is also encouraging companies to create innovative financing models and to participate in overseas projects to improve domestic manufacturing technology, the nation’s top economic planning agency said. Overseas storage projects would involve vanadium redox battery storage plants and lead carbon capacitors.

China’s total installed renewable power capacity surpassed 600 gigawatts as of the end of June, according to data from the National Energy Administration. The rate of curtailment, or idle rate, stood at 13.6 percent for wind turbines in the first half and 6.7 percent for photovoltaics, NEA data showed.

Along with supporting storage technology aimed at helping to absorb more renewable energy, China will also study the setting of prices for electricity coming from storage systems, the NDRC said.

Storage Needs

China’s move is “the first step in the right direction,” said I-Chun Hsiao, a BNEF analyst based in Tokyo, who added that the nation is keen to develop all kinds of technology.

Excluding capacity from pumped hydro power, China had 243 megawatts of storage at the end of 2016, up 72 percent from a year earlier, the China Energy Storage Alliance said in May. Lithium-ion batteries hold the biggest share, followed by lead-acid batteries and redox-flow batteries, the alliance said.

Global electricity storage capacity should triple by 2030 if countries were to double their share of clean energy such as solar and wind, according to the International Renewable Energy Agency.

With growing demand for storage from stationary and mobile applications, the total stock of storage in energy terms will need to grow to as much as 15.72 terawatt-hours by 2030 from an estimated 4.67 terawatt-hours this year, the Abu Dhabi-based agency said in a report last week.

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Brazil Experiments With Floating Solar Panels Above Dams

Posted October 12, 2017, 6:57 A.M. ET

By Michael Kepp

Floating solar panels on the reservoirs above two state-owned dams will showcase technology that could eventually help Brazil diversify its energy sector as the country grapples with severe droughts.

Brazil’s nationwide drought is now in its fifth year and has hampered hydropower generation, which accounts for 70 percent of the country’s electricity.

Subsidiaries of Eletrobras, the federal electricity holding company, recently contracted for floating solar systems on the reservoirs above two dams in drought–stricken areas. The grid of modular solar panels mounted on a floating array will allow dam operators to generate electricity even while reducing the flow of water through dam turbines when reservoir levels are low.

"Although France, England, and Japan were the first countries to install such systems, Brazil is the first country to build them on dam reservoirs," Orestes Goncalves Jr., managing partner of floating solar company Ciel & Terre's Brazilian office, told Bloomberg BNA. "And when Chesf and Eletronorte [the Eletrobras subsidiaries] confirm the viability of these floating systems here, they will encourage private Brazilian companies to install them."

Chesf expects its 1 megawatt, 12.5-million-real ($4-million) floating solar system to start operation by the end of the year at the 1,050-megawatt Sobradinho dam in northeast Bahia state.

Eletronorte is building a 57-million-real ($18-million), 5-megawatt floating solar project on the reservoir of the 250-megawatt Balbina dam in the western Amazon state of Amazonas, with operations expected to begin by next July. A smaller-scale pilot solar project had already been tested at the Balbina dam.

Because of drought, the Sobradinho dam is generating electricity at 16 percent of its installed capacity, Jose Bione, the manager in charge of the floating solar system at Chesf, told Bloomberg BNA.

The Balbino dam is functioning at 80 percent of its capacity, but that was at 40 percent from the end of 2015 until this May, Davidson Pereira Campos, manager of Eletronorte's innovation, technology and energy department, told Bloomberg BNA.

Eyes on Private Dams

"The private sector, which has 16 dams in the northeast ... will probably wait to see if floating systems at Sobradinho and Balbina are viable before waging capital on similar investments," Bione said.

Brazil's Votorantim Group, one of Latin America's largest industrial conglomerates, is studying using floating solar projects on the reservoirs of some of its 33 dams nationwide, which mainly supply electricity to steel mills, aluminum smelters, and pulp and paper plants, the company told Bloomberg BNA.

Braskem, Latin America's largest petrochemical producer, is also evaluating installing floating solar systems on small, natural lagoons on its Brazilian properties, mainly to provide electricity for its administrative offices, Robson Casali, who is in charge of Braskem's energy-related business, told Bloomberg BNA.

In addition to the dam-based projects, in August, a consortium led by France's Ciel & Terre installed a 304-kilowatt floating solar system on a rainwater accumulation pond in the north-central state of Goais.

The consortium includes Canadian Solar, the biggest solar panel maker in Brazil, and WEG Energy S.A., which manufacturers devices to transform the direct current from the floating solar panels to alternating current.

Future Energy Auctions

While floating systems are more expensive than land-based solar power, the water cools the panels, which can make them more efficient.

If the government confirms the viability and efficiency of these floating solar systems, it could allow developers to sell their future power at energy auctions, analysts and industry advocates said.

At these auctions, energy developers offer future power to electricity distributors at the lowest prices below a government-set ceiling, and they sign 20- to 30-year contracts with the first distributors that agree to buy the electricity.

"If the government finds that floating solar systems are structurally operative and maintainable during the 20- to 30-year duration of a supply contract, it will allow developers to sell future solar power from such systems at energy auctions," Helena Chung, a Bloomberg New Energy Finance analyst in Brazil, told Bloomberg BNA.

U.K. Eyes Cap on 'Rip-Off' Power, Gas Prices

Posted October 12, 2017, 11:47 A.M. ET

By Alex Morales

The U.K. government published its plans to cap domestic power and gas prices to protect millions of households from what it calls "rip-off" charges at the hands of the biggest utilities.

The new law will empower the energy regulator, Ofgem, to introduce the cap for those on Standard Variable Tariffs, the default rate consumers revert to once fixed-term contracts expire. The Department for Business, Energy and Industrial Strategy estimates there are 18 million such accounts.

"Our broken energy market has to change—it has to offer fairer prices for millions of loyal customers who have been paying hundreds of pounds too much," Prime Minister Theresa May said in a statement. The draft legislation "is a vital step towards fixing that."

May is delivering on a Conservative Party election pledge that was shared by the Labour opposition, meaning the legislation is unlikely to be obstructed in Parliament. Legislators from both parties want to fast-track the bill and the business department is seeking to build cross-party consensus on how the cap operates.

The draft bill requires Ofgem to consult on and impose the cap "as soon as practicable" after the legislation is passed, BEIS said Oct. 12, without being specific about the timing. The cap will be a temporary measure effective until end-2020, after which Ofgem will decide whether it should be extended on an annual basis until its expiry in 2023.

"It's likely to take at least a year before a full consultation process on a market-wide cap can be concluded and implemented," Ryan Thomson, a partner at energy consultants Baringa Partners, said by email. "Any potential benefits to consumers may not be felt until 2019."

Fast-track implementation is opposed by the utilities, which say they need to make a fair margin on the prices they charge in order to invest for the future. They also point to the mounting cost of meeting government targets for renewables, energy efficiency, installing smart meters and subsidizing poorer households.

"It is disappointing that the government has chosen to proceed with this crude and counter-

productive legislation," said Sam Hall, a senior research fellow at the think tank Bright Blue. "A price cap risks harming investment in new power generation and reducing competition in the market."

Centrica's Tumble

May's announcement to Conservative supporters last week that she'd legislate for the cap sent shares of Centrica Plc, the owner of British Gas, tumbling to a 14-year low. The U.K.'s "Big Six" utilities also include Electricite de France SA, SSE Plc, Innogy SE's Npower unit, Iberdrola SA's ScottishPower business and EON SE.

The government move follows a probe by the Competition and Markets Association that found customers overpay on their energy bills by 1.4 billion pounds ($1.8 billion) a year.

The energy market "does not operate in the interests of the majority of consumers," the business department said. "While we are in favor of free markets, we will always take action to fix them when they're broken."

Ofgem said on Oct. 11 it is extending a safeguard tariff to 1 million more vulnerable households, with a further 2 million set to benefit by "winter next year." The price cap already applies to 4 million customers.

—With assistance from Jessica Shankleman and Mathew Carr.

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Danish Company Dong Turns Trash into Energy

Posted October 12, 2017, 8:02 A.M. ET

By Jess Shankleman

The U.K. might soon be powering its lights with energy that comes from the trash. A Danish energy company is working on new machines that sort household trash from recycling, while rapidly breaking down organic materials like food to create power from biogas produced by the process.

Dong Energy A/S, which runs hundreds of wind turbines in the North Sea, says its plant 30 kilometers (19 miles) outside of Manchester is one of the first to use enzymes on an entire waste stream and then combine it with recycling sorting technology. That would be particularly helpful in cities where space is at a premium and small apartments often have room for only one trash bin.

The process "is a useful option for local authorities and waste companies that have not yet rolled out separate food waste collections," said Charlotte Morton, chief executive of the Anaerobic Digestion & Bioresources Association.

Dong, which is changing its name to Oersted, says its "Renescience" plant in Northwich will be finished at the end of this year at a cost of 600 million krone ($95 million). It will help deal with Britain's mountains of waste, about a quarter of which goes to landfill dumps, where it releases the potent greenhouse gas methane as it rots.

"If everything goes well, this is going to be a big showcase that people will come to from all over the world to see," Thomas Dalsgaard, executive vice president of thermal power and bioenergy at

Dong, said in an interview at the plant.

The Renescience process starts with a giant claw that crunches into a mountain of trash and it ends with seven different types of material—from plastics to metals and biogas, that can be used to create electricity, recycled or sold on to a scrap yard. Nothing goes to landfill.

Renescience enzymes, like those found in washing powder, clean trash for 12-hours in tanks 50 meters (164 feet) long, speeding up the decomposition process and taking organic materials to an anaerobic digestion plant where it's used to create electricity.

Anything that's left is sorted through a series of ballistic separators, conveyor belts, magnets and shredders to give the finished clean and reusable products. While some leftovers from the process are currently incinerated, Dalsgaard said that will stop by 2020.

"You can be lazy and have a good conscience with Renescience, and you can also solve an issue about space and we can solve whatever residuals would be from household sourcing," he said.

In fact, he reckons Renescience is better than home sorting because any waste food, like ketchup at the bottom of a plastic bottle is turned into electricity rather than washed away.

If the technology proves a success, Dong has plans to develop a series of plants across the U.K., Europe and the world, including Malaysia. Britain was the ideal place to start because filling landfills with mountains trash are getting more expensive.

Crucially, the biogas that drives the engines can create a steady flow of power to back up intermittent electricity generated by wind and solar. That could provide an alternative to plans for costly new nuclear power stations like the once being built at Hinkley Point.

"We would argue that offshore wind in a country like this is very close to being baseload, so combined with decentralized generation in multiple sites and storage, it could be a cost effective alternative to nuclear," he said.

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Australia to Fund Companies to Scale Back Energy Use This Summer

Posted October 12, 2017, 03:20 P.M. ET

By Murray Griffin

Australia will pay 10 large industrial energy users and small businesses to reduce energy use at times of extreme peak demand under a pilot program that has received A$35.7 million ($27.9 million) in government grants.

The Demand Response pilot project includes a diverse range of energy users that adds up to a commitment to cut energy demand by 200 megawatts by 2020 when requested. Federal funding for the program will total A$28.6 million ($22.4 million), with the remaining grant money provided by the New South Wales government as extra support for projects in that state, the two governments announced Oct. 11.

The new project aims to help the expansion of country's relatively small demand management

industry.

"Demand response will not only ease the strain on the electricity grid and prevent blackouts. These projects will also put money back into the pockets of Australian businesses and households, helping to reduce their energy costs and emissions," said Ivor Frischknecht, chief executive officer of federal authority Australian Renewable Energy Agency.

Years of policy reversals on energy and climate policy have raised fears of blackouts on extremely hot days in the impending Australian summer, as the grid struggles to supply sufficient electricity to millions of air-conditioned homes and nonresidential buildings.

Consequently, the government wants at least 143 megawatts of the total demand reduction capacity to be on-call ahead of this summer.

Ready to Participate

With one exception, the 10 project grants will go to intermediaries such electricity companies that will in turn invite their customers to participate. Energy company AGL Energy Ltd., for example, will provide 20 megawatts of demand response in New South Wales under the program, with 17 megawatts coming from commercial and industrial customers and 3 megawatts from residential customers.

"We expect the residential component of this program will grow to over 10,000 customers during the three-year project, and we will be providing a number of innovative energy solutions to our residential NSW customers who sign up to this project," an AGL spokesperson told Bloomberg BNA by email Oct. 12.

Meanwhile, EnergyAustralia said it will provide 50 megawatts of demand reduction capacity, with 40 megawatts to be secured in time for the summer, which starts Dec. 1.

Intercast & Forge, Australia's largest foundry, will receive A$323,654 ($253,300) to participate directly.

Energy users that sign up to the program will be paid a participation fee, irrespective of whether they're called on to reduce demand during an extreme peak period.

They will receive an additional payment if they are actually requested to scale back demand.

Aussie Green Energy Bank Warns Funds at Risk If Targets Scrapped

Posted October 12, 2017, 03:43 P.M. ET

By Perry Williams

Australia's government-owned green bank said investments in renewable energy generation will drop if the nation doesn't extend into the next decade clean energy targets and the financial incentives to meet them.

Clean Energy Finance Corp., which invested nearly A$2.1 billion ($1.6 billion) in the year to June in renewable and power storage projects, will be forced to cut funding if the country's existing subsidies program that expires in 2020 isn't replaced, according to Ian Learnmonth, the lender's

chief executive officer. Outside investments from developers will fall as well if the government of Prime Minister Malcolm Turnbull fails to set clear targets, he said.

"You are going to need a greater price signal than just the wholesale power price," Learnmonth said in an interview. "Developers would be cautious. You would see a downturn in investment if there is no guidance over the coming 12-18 months."

Extending clean energy targets beyond 2020 has become a lightning rod within the divided coalition government as it tries to balance competing energy sources amid spiraling power prices. A decline in renewables costs has boosted speculation Turnbull may refrain from setting new clean energy targets as he seeks to avoid further political infighting that has plagued his government.

CEFC, which has access to a A$10 billion fund, more than doubled investments in the year ending in June across 35 developments in solar, wind, energy storage and efficiency projects. It spent A$837 million in 2015-16 and A$484 million in the year before.

The government body has commissioned consultant Jacobs to calculate the impact of different policy outcomes on pricing forecasts for clean energy and a report is due in November. The results of that modeling will help the CEFC determine how much it might invest in a project, Learmonth said.

While cost declines have put the price of solar and wind power in line with thermal generation, according to Learmonth, prices fail to reflect the storage capacity needed to ensure the power grid can call on renewables when required. The cost of solar in Australia has dropped by more than half since the start of the decade and batteries will fall 60 percent by 2020, Energy Minister Josh Frydenberg said Oct. 9 at a conference in Sydney.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Mon 9/25/2017 9:13:29 PM
Subject: Today on Climate Beat

September 25, 2017

Today on Climate Beat . . .

. . . we checked in on biofuels, reporting that EPA is poised to soon issue the final version of its renewable fuel standard (RFS) rule for the 2018 compliance year following the White House Office of Management & Budget's quick five-day review of the rule, putting the agency to track to easily meet a Nov. 30 statutory deadline for issuing the final RFS rule.

Speaking of the White House, it has begun an inter-agency review of draft final EPA rules to delay implementation of Obama-era methane limits for new oil and gas equipment, after the agency's initial stay was scrapped in court as unlawful.

And our daily news roundup looked at EPA chief Scott Pruitt's schedule going back to April, which showed dozens of meetings with industry groups and mostly Republican elected officials.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Mon 8/7/2017 7:21:53 PM
Subject: EPA ELIMINATES NEW-CHEMICAL BACKLOG, ANNOUNCES IMPROVEMENTS TO NEW CHEMICAL SAFETY REVIEWS

Contact Information: press@epa.gov

EPA ELIMINATES NEW-CHEMICAL BACKLOG, ANNOUNCES IMPROVEMENTS TO NEW CHEMICAL SAFETY REVIEWS

Administrator Pruitt Strengthens TSCA New Chemical Review Program to Ensure Safety, Transparency and Continuous Improvements

WASHINGTON (August 7, 2017) – Following through with Administrator Pruitt's commitment to eliminating the backlog of new chemical cases that were stuck in EPA's review processes upon his confirmation, Administrator Pruitt is reporting that the backlog is eliminated.

"EPA has a tremendous responsibility to review new chemicals intended to enter the U.S. market for safety," said EPA Administrator Scott Pruitt. "EPA can either be a roadblock to new products, or it can be supporter of innovation and ever-improving chemical safety. I am happy to report that the backlog of new chemical reviews is eliminated. With the ongoing commitment of the staff working on TSCA reviews, and input from stakeholders, our goal is to ensure a new chemicals program that is both protective of human health and the environment, while also being supportive of bringing new chemicals to market."

The Toxic Substances Control Act (TSCA), amended by the 2016 Lautenberg Chemical Safety Act, ensures that EPA must make an affirmative safety determination before a new chemical can come to market. EPA can request more information from chemical companies if it needs more information to make a safety determination.

When Administrator Pruitt was confirmed, over 600 new chemicals were 'stuck' in the EPA review process. The current caseload is back at the baseline and now in line with the typical active workload. Administrator Pruitt committed to being a partner in the regulatory process, and ensuring safety for health and the environment, while also seeking ways to allow new chemicals to enter the market quickly, once EPA is assured that the chemical is not likely to present unreasonable risk for the intended and reasonably foreseen uses.

In addition to announcing the elimination of the backlog, EPA Administrator Pruitt is committing the Agency to a more predictable and transparent process for making safety determinations through a commitment to following operating principles; continuously improving; and, increasing the transparency in the decision-making for new chemical safety determinations.

"Not only do I support reducing the backlogs that have built up at this Agency, I also encourage continuous improvement and increased transparency," said EPA Administrator Scott Pruitt.

Additional Details of New Measures to Strengthen EPA's New Chemicals Review

EPA is committing to the following operating principles in its review of new chemicals:

- Where the intended uses in premanufacture notices (PMNs) or other Section 5 notices (such as low volume exemption (LVE) requests) raise risk concerns, EPA will work with submitters, and, if the submitters submit timely amended PMNs addressing those concerns, EPA will generally make determinations based on those amended submissions.
- Where EPA has concerns with reasonably foreseen uses, but not with the intended uses as described in a PMN or LVE application, as a general matter, those concerns can be addressed through significant new use rules.
- As described in the risk evaluation rule EPA Administrator Scott Pruitt signed on June 22, 2017, identification of reasonably foreseen conditions of use will be fact-specific. It is reasonable to foresee a condition of use, for example, where facts suggest the activity is not only possible, but, over time under proper conditions, probable.
- The purpose of testing in a Section 5 order is to reduce uncertainty in regard to risk. Specifically, it is to address risk concerns that gave rise to a finding of "may present unreasonable risk" or another Section 5 finding other than "not likely to present unreasonable risk." In addition, consistent with the statute, any request for testing by EPA will be structured to reduce and replace animal testing as appropriate.

EPA supports continued improvement of EPA's TSCA new chemicals program, including:

- Redeploying staff to increase the number of Full-Time Equivalent (FTE) staff working on new chemicals.
- Initiating a LEAN exercise to streamline work processes around new chemicals review.
- Institutionalizing a voluntary pre-submission consultation process so that submitters have a clear understanding of what information will be most useful for EPA's review of their new chemical submission, and of what they can expect from EPA during the review process. While such engagement prior to submission is an additional up-front time and resource commitment by submitters and EPA, it should more than pay for itself with faster, better-informed EPA reviews.

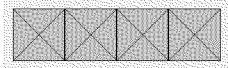
EPA needs to be more transparent in how it makes decisions on new chemicals under TSCA:

- In Fall 2017, EPA's Office of Pollution Prevention and Toxics (OPPT) intends to release, for public comment and stakeholder engagement, draft documents that will provide the public with more certainty and clarity regarding how EPA makes new chemical determinations and what external information will help facilitate these determinations.
- EPA will facilitate a public dialogue on the Agency's goal of continued improvement in the new chemicals review program.
- EPA will continue posting weekly web updates of program statistics, so that manufacturers and the public can determine the disposition of cases as quickly as possible.

For more information on the TSCA program, please visit:

https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/statistics-new-chemicals-review

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sat 8/12/2017 2:35:14 PM
Subject: POLITICO Playbook, presented by the Coalition for Affordable Prescription Drugs (CAPD): SCOOP: MCCONNELL and SESSIONS break bread -- TRUMP threatens Venezuela intervention, returning to DC Monday -- DEFENSE NEWS: All calm with the military in the Pacific

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Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/12/2017 10:30 AM EDT

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

Good Saturday morning. A JUICY SPOTTED FOR PRESIDENT TRUMP: Senate Majority Leader Mitch McConnell (R-Ky.) dining last night at Ocean Prime in D.C. with Attorney General Jeff Sessions. Needless to say, the two men -- who served in the Senate together for 20 years -- have recently found themselves at odds with President Donald Trump.

HIGHLIGHTS FROM THE PRESIDENT, from a pool spray yesterday at his golf club in New Jersey ...

-- ON TRADE: He will hold a press conference Monday in Washington, and will announce a trade investigation into China. ***More here from Andrew Restuccia*** http://politi.co/2uPjmvj

-- ON VENEZUELA: He said he is not ruling out military action in Venezuela. **REALITY CHECK FROM SEN. BEN SASSE (R-NEB.) --** "No. Congress obviously isn't authorizing war in Venezuela. Nicolas Maduro is a horrible human being, but Congress doesn't vote to spill Nebraskans' blood based on who the Executive lashes out at today." ... **@nancyayoussef:** "Overheard at the Pentagon, in what can only be described as in a whiny voice: 'I don't wanna go to war with Venezuela!'"

-- ON NORTH KOREA: Asked about a "bad solution" for the U.S. in North Korea, Trump declined to get into specifics. **Q:** "What would be a bad solution, sir?" **TRUMP:** "I think you know the answer to that." **Q:** "Mr. President, when you say bad solution, are you talking about war? Is the U.S. going to go to war?" **TRUMP:** "I think you know the answer to that."

@CNN: "Blitzer: I don't recall seeing you this emotional, possibly outraged Panetta: 'I'm concerned ... This is not a game'". http://bit.ly/2hThv7f

-- ON JOHN KELLY: He is happy with John Kelly, right now. "[I] think that General Kelly has brought a tremendous -- he's brought something very special to the office of chief -- I call him 'chief.' He's a respected man. He's a four-star from the Marines, and he carries himself like a four-star from the Marines. And he's my friend, which is very important." ***11 min. video of the pool spray*** http://bit.ly/2vrGsvk

CHECKING IN -- "If the U.S. is going to war in North Korea, nobody told the U.S. military, " by Defense News' David B. Larter: "[W]hile the rhetoric is nearing a fever pitch in D.C., out in the Pacific you'd never know the world was on the brink of nuclear war. In Yokosuka, Japan, the U.S. Navy's forward-deployed ready aircraft carrier USS Ronald Reagan sits peacefully pier-side, along with the U.S. 7th Fleet command ship Blue Ridge. On the Korean Peninsula, the State Department has not advised American citizens to leave the country and U.S. military family members are not being evacuated. No Marines are being loaded on amphibious ships; no sailors have been recalled off leave to prepare for emergency operations; and no ballistic missile defense ships have been sortied to North Korea, the waters off Japan or to Guam, three sources said." http://bit.ly/2wS8VIF

HENRY KISSINGER pens a WSJ op-ed: **"How to Resolve the North Korea Crisis:** An understanding between the U.S. and Beijing is the essential prerequisite. Tokyo and Seoul also have key roles to play." http://on.wsj.com/2vPoCn0

-- "How U.S. Military Actions Could Play Out in North Korea," by NYT's Michael Shear and Michael R. Gordon: http://nyti.ms/2vOOyiB

CHINA REACTS -- "Xi calls for calm after Trump says U.S. is 'locked and loaded,'" by AP's Eric Talmadge in Seoul and Jonathan Lemire in Bedminster, N.J.: "Chinese President Xi Jinping made a plea for cool-headedness over escalating tensions between the U.S. and North Korea in a phone conversation with U.S. President Donald Trump on Saturday, urging both sides to avoid words or actions that could worsen the situation. ... State-run China Central Television quoted Xi as telling Trump the "relevant parties must maintain restraint and avoid words and deeds that would exacerbate the tension on the Korean Peninsula." http://bit.ly/2uPIYb9

KELLY MAKES HIS PRESENCE FELT -- "Kelly considers further shuffling of West Wing staff, officials say," by Josh Dawsey, Eliana Johnson and Ben White: "White House chief of staff John Kelly spent this week in Bedminster, N.J., pondering changes in the West Wing, according to four White House officials. Kelly summoned aides to President Donald Trump's golf club there to ask about their portfolios and make suggestions on how to make the West Wing communicate better and get more done, while giving people clear responsibilities and then holding them accountable. The role of chief strategist Steve Bannon has come under particular scrutiny in several

conversations, particularly because he has a large staff, including an outside public relations expert, but no specific duties.

"In a number of daily meetings, Kelly generated a list of concerns, including aides without clear portfolios, decisions that aren't made with proper vetting and internal fights -- particularly a sustained campaign against national security adviser H.R. McMaster. He has met with top aides, including the president's son-in-law Jared Kushner, about making changes, the four officials say. In some of the encounters, he has suggested that people should be more concerned with the president's agenda and less concerned with their own.

"Kelly ... has also raised concerns about the administration's communications, personnel practices and political operations, these officials said. He has said there have been too many internal fights over appointments, and that they need to speed up. He has been vague about exactly what he wants, telling aides he is still studying the White House, but has made clear 'that the place will be different soon,' one senior administration official said." http://politi.co/2hTCjeQ

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

KNOWING MIKE PENCE -- "Mike Pence and the art of staying clean," by Darren Samuelsohn and Matt Nussbaum: "Vice President Mike Pence has so far avoided being dragged into the muck of the Russia probes that have engulfed President Donald Trump, his top aides and his family members. It's no accident. Unlike his boss, Pence's Twitter feed is silent about a 'Russia hoax' and 'witch hunts.' He's denied having knowledge of critical discrepancies in Michael Flynn's story - gaps that have landed the former national security adviser in prosecutors' crosshairs. And he's taken pains to note he wasn't even part of the Trump ticket at a controversial June 2016 meeting where a Kremlin-linked lawyer offered dirt on Hillary Clinton in a meeting with Donald Trump Jr., Jared Kushner and Paul Manafort.

"The Vice President's office has also instituted strict rules against speaking to the press, and any staffers have to clear it with Pence's new chief of staff, Nick Ayers, his communications director or press secretary before talking to reporters. And unlike in the West Wing, where staffers have taken to slinging arrows and airing unattributed grievances through the media, the rules have held firm in Pence's orbit, where infighting is rare. While Pence has become known for his aw-shucks persona, the former Indiana governor and longtime congressman is also a cunning politician who has developed a playbook for staying clean over his decades in the spotlight.

"Ryan Streeter, who served as Pence's deputy chief of staff when he was governor, said Pence has a way of creating 'barriers' between himself and wrongdoing, or even

the appearance of wrongdoing. Streeter said Pence used to tell staffers: 'If there's a line you don't want to cross, you don't even walk up to it -- you stop three feet in front of it.'" http://politi.co/2fAzONX

CNN'S MANU RAJU -- "GOP-led Senate panel wants White House responses on Kushner's security clearance": "The Senate Judiciary Committee is calling on the White House to provide new details about President Trump's son-in-law Jared Kushner's security clearance application, including whether he could be trusted with sensitive information after he initially failed to disclose meetings with Russian officials.

"The committee, led by Republican Chairman Chuck Grassley of Iowa , sent a letter in June to the White House and the FBI asking for a detailed list of questions about Kushner's security clearance form, which he has had to amend multiple times because of his initial failure to disclose meetings with foreign officials. In response, Kushner's outside attorney sent the panel a letter, but the White House has not yet responded to the panel's queries despite a July 6 deadline set by a bipartisan group of senators. ...

"'The committee is appreciative of the response we have gotten so far from Mr. Kushner's attorney,' Hartmann said. 'But the committee still does expect the White House to reply to its questions about Mr. Kushner's security clearance, and to provide answers to the requested questions of the SF-86,' referring to the questionnaire applicants fill out for security clearances." http://cnn.it/2fAhqVf

MEANWHILE ... -- JERUSALEM POST: "WHITE HOUSE AIDES TO VISIT REGION: MIDEAST PEACE 'DIFFICULT, BUT POSSIBLE'": "The White House official said the president is optimistic that a peace agreement can be reached," by Michael Wilner: "U.S. President Donald Trump will send three envoys to the region in the coming days, hoping that talks which ended a crisis on the Temple Mount last month have provided an opportunity for broader dialogue on the Israeli-Palestinian conflict.

"Two of his aides leading the peace effort -- Jason Greenblatt and Jared Kushner -- will be joined on this trip by Dina Powell, a national security adviser. They will meet with leadership from Saudi Arabia, the United Arab Emirates, Qatar, Jordan, Egypt, Israel and the Palestinian Authority, and report back to the president, a White House official said.

"Trump 'believes that the restoration of calm and the stabilized situation in Jerusalem after the recent crisis on the Temple Mount/Haram al Sharif has created an opportunity to continue discussions and the pursuit of peace that began early in his administration,' the official said. 'While the regional talks will play an important role, the president reaffirms that peace between Israelis and Palestinians can only be negotiated directly between the two parties and that the United States will continue working closely with the parties to make progress towards that goal.' The official said that National Security Adviser H. R. McMaster and Secretary of State Rex Tillerson are actively consulting with the delegation. A Palestinian official said on Thursday that the U.S. team

is expected in roughly two weeks." http://bit.ly/2vOBuK1

NYT's CARL HULSE -- WHAT RICHARD BURR IS THINKING -- "Senator Richard Burr, the initially reluctant but now determined leader of the Senate Intelligence Committee inquiry into Russian interference in the 2016 election, said the investigation had expanded beyond its original scope based on new evidence, but he hoped to complete it this year to allow Congress to take steps to prevent future efforts at tampering by Moscow.

"'What continues this investigation are the names of individuals that we didn't know at the time, the documents that we weren't aware of, the communications, the cables, the emails, the phone logs of individuals that we wouldn't have thought then that we needed to interview or to look at their records,' said Mr. Burr, the North Carolina Republican who is chairman of the intelligence panel. Mr. Burr said he remained 'hopeful that we can bring finality to this by the end of the year, but I also can't anticipate anything new that might come up that we don't know today that would extend it by a month or two months. So I am conscious of the fact that I need to do this expeditiously, but I need to do it thoroughly and I won't do anything to cut it short.' ... Mr. Burr said that the emergence of new information pushed the inquiry in new directions." http://nyti.ms/2uPw0Kw ... ***The podcast*** http://nyti.ms/2uykd8p

FOGGY BOTTOM WATCH -- "Interest in U.S. diplomatic corps tumbles in early months of Trump," by Daniel Lippman and Nahal Toosi: "Interest in joining the State Department's elite ranks of Foreign Service officers has tumbled in the early months of the Trump administration, triggering worries among former officials about the long-run risks to U.S. diplomatic power. This June, the number of Americans who took the Foreign Service exam to start the process of joining the prestigious State Department ranks fell 26 percent from the same month a year earlier to 2,730, according to data obtained by POLITICO. The June tally marked the lowest number of test-takers in nearly a decade. ...

"Top grad schools for international affairs that typically funnel graduates to the State Department also report a drop-off in interest. Information sessions for students who wanted to learn more about life as a Foreign Service officer at one leading university regularly drew at least 20 to 25 people. At one recent session, only three people showed up, according to a career services official at that university." http://politi.co/2vOW6SA

THE AGENDA -- "5 things Trump did this week while you weren't looking: Washington may be quiet, but the Trump administration isn't slowing down," by Danny Vinik: "1. Interior relaxes Obama-era Sage Grouse rules ... 2. EPA eases the approval process for new chemicals ... 3. DOJ switches sides in Ohio voting case ... 4. The fiduciary standard gets punted ... 5. The nuclear waste storage fight warms up." http://politi.co/2vsFJKE

POWER PLAYBOOKER -- "Silicon Valley Now Has Its Own Populist Pundit," by

Nellie Bowles on the cover of the NYT Sunday Styles section from Menlo Park, California (print headline **"He's Pushing Buttons In Silicon Valley"**): "It's not easy being the first and only Fox News host in Silicon Valley. But Steve Hilton, a tech entrepreneur who was once chief adviser to former Prime Minister David Cameron of Britain, added that role to his résumé in June.

"Now every week, Mr. Hilton flies from the home he shares with his high-profile tech executive wife, Rachel Whetstone, in Silicon Valley's billionaire enclave of Atherton, Calif., to Fox's studios in Los Angeles to host 'The Next Revolution With Steve Hilton.' Fox News markets the Sunday night program as exploring 'the impact of the populist movement.' ... Mr. Hilton is unfazed. 'I certainly have experienced a degree of curiosity, yes,' he said." http://nyti.ms/2hUKTKs

THE JUICE ...

-- WE'VE NEVER SEEN THIS BEFORE: Rep. Brian Fitzpatrick (R-Pa.) is raffling off tickets to an upcoming town hall. "Registration does not guarantee a ticket. Registered names will be randomly drawn by the Bucks County Courier Times and selected individuals will be contacted to RSVP and receive further details. Ticketed names and addresses will be checked at the door. This event is for PA-08 residents only." http://bit.ly/2vwAoAe

-- ALEX ISENSTADT reports that "America First Action, a White House-sanctioned outside group, will spend between $150,00 and $200,000 on digital advertising in support of [GOP Sen. Luther] Strange, the group announced. The move comes just days after Trump announced his endorsement of Strange in a tweet, saying that he 'has done a great job representing the people of the Great State of Alabama.'" http://politi.co/2vwgQvI

-- CAROLINE KENNEDY has joined the board of directors of Boeing. Non-employee directors make roughly $300,000 per year. Kennedy was most recently ambassador to Japan.

Playbook Reads

PHOTO DU JOUR: President Donald Trump speaks to the press alongside Secretary of State Rex Tillerson and Ambassador to the United Nations Nikki Haley on Aug. 11 at Trump National Golf Club in Bedminster, N.J | Jim Watson/AFP/Getty Images

2020 WATCH - "2 years before the caucuses, Democratic upstarts are trying to make a name in Iowa," by Des Moines Register's Jason Noble: "Who is Eric Swalwell? Who is Jason Kander? Who is Tim Ryan? And what the heck are they all doing in Iowa? Those questions have been echoing through Democratic conversations in the state for

the better part of a year now, and they rang out again here in northern Iowa on Friday night, when Swalwell and Kander headlined the Iowa Democratic Wing Ding fundraiser. Despite a new president just seven months on the job and Iowa's first-in-the-nation caucuses still more than two years away, the state has seen a profusion of visits from would-be, could-be national Democratic leaders. But for the most part, the visitors haven't come from the senators-and-governors set one might expect to see trying out on a presidential proving ground. Rather, the Democrats showing up in Iowa these days skew younger, with less political experience and lower national profiles but plenty of ambition. ...

"Swalwell, who was born in Sac City but raised in California, visited Iowa last fall and again in February on trips that took him through Iowa City, Des Moines and Davenport. He attended an event in Council Bluffs on Thursday night before Friday's Wing Ding, and is sticking around for a Progress Iowa fundraiser on Saturday and the Iowa State Fair on Sunday. ... Kander ... was in Iowa for political events last December and again in June. ... Tim Ryan ... [in] June ... met Des Moines Democrats at Cooney's Tavern in Beaverdale, and he's scheduled to return to the state in September as a headliner at the Polk County Steak Fry. ... Joining Ryan on the Steak Fry stage will be U.S. Reps. Seth Moulton, of Massachusetts, and Cheri Bustos, of Illinois." http://dmreg.co/2w0i7xg

SPEAKING OF 2020 -- "Megadonor Steyer vows to only back candidates that support abortion rights," by Gabe Debenedetti in Atlanta: "Democratic mega-donor Tom Steyer said on Saturday that he and his NextGen America group do not intend to work on behalf of anti-abortion politicians, jumping into the Democratic Party's ongoing debate on the topic. 'We're pro-choice,' the hedge fund manager-turned-activist told POLITICO on the sidelines of the progressive Netroots Nation conference here. Asked if his group would help candidates or sitting lawmakers who don't support abortion rights, he said, 'We do not work for a single candidate who is not pro-choice. I think people like to have litmus tests. We are explicitly pro-choice. We work a lot with Planned Parenthood, we work a lot with NARAL. We are absolutely committed to it.'" http://politi.co/2uPN1V8

--SPOTTED: Tom Steyer and Tom Perriello having drinks Friday night at the hotel bar in the Hyatt Regency Atlanta, where Netroots Nation is taking place ... Sen. Elizabeth Warren (D-Mass.) taking selfies at DCA this morning (including with a woman with a "she persisted" tattoo) before boarding a flight to Atlanta for Netroots Nation

SCOOP - "Manchin Emerges as Possible Pick for Energy Department," by Bloomberg's Kevin Cirilli, Jen Jacobs, and Steven T. Dennis: "Some White House and Republican officials are exploring the idea of putting West Virginia Democratic Senator Joe Manchin in charge of the Energy Department, according to four people familiar with the discussions, a move that could boost President Donald Trump's stalled legislative agenda. If Manchin were offered and accepted the position, that would allow West Virginia's Governor Jim Justice -- a newly minted Republican -- to appoint a GOP successor and bring the party a vote closer in the Senate to being able to repeal Obamacare. The idea is in the early stages of consideration, and it's unclear whether it

has support within the administration ... A spokesman for Manchin declined to say whether the senator would take the Energy secretary job -- currently held by former Texas Governor Rick Perry -- if offered." https://bloom.bg/2uyOr6Q

-- SOME CONTEXT: Yes, Republicans would love Manchin to join the Trump administration. It would make it much easier for Trump and McConnell to get their agenda passed. Heck, throw in Democratic Sen. Heidi Heitkamp of North Dakota and then Republicans would be really happy. But remember: Trump met with both lawmakers during the transition and talk of appointing them, or in fact any Democrat, to his cabinet went nowhere. For the record: Manchin hasn't sent any signals that he's interested in joining the Trump administration.

KEEPING THEM HONEST -- NYT A1, " Scott Pruitt Is Carrying Out His E.P.A. Agenda in Secret, Critics Say," by Coral Davenport and Eric Lipton: "When career employees of the Environmental Protection Agency are summoned to a meeting with the agency's administrator, Scott Pruitt, at agency headquarters, they no longer can count on easy access to the floor where his office is, according to interviews with employees of the federal agency. Doors to the floor are now frequently locked, and employees have to have an escort to gain entrance. Some employees say they are also told to leave behind their cellphones when they meet with Mr. Pruitt, and are sometimes told not to take notes.

"Mr. Pruitt ... often makes important phone calls from other offices rather than use the phone in his office, and he is accompanied, even at E.P.A. headquarters, by armed guards, the first head of the agency to ever request round-the-clock security. A former Oklahoma attorney general who built his career suing the E.P.A., and whose LinkedIn profile still describes him as 'a leading advocate against the EPA's activist agenda,' Mr. Pruitt has made it clear that he sees his mission to be dismantling the agency's policies - and even portions of the institution itself." http://nyti.ms/2vNZbCA

TRUMP'S WASHINGTON -- "Pentagon's empty posts cause uncertainty for defense contractors," by Reuters' Mike Stone: "U.S. President Donald Trump's failure to fill dozens of senior-level positions at the Pentagon is making it difficult for defense contractors to forecast business. Defense company officials, speaking on conference calls after their just-reported quarterly earnings, did not blame Trump directly, but said the lack of appointments to key positions at the Pentagon had slowed contract awards and created uncertainty. ... The Department of Defense said it has 42 unfilled top-level posts that require Senate confirmation, including general counsel, inspector general and other important roles like secretary of the Army and undersecretary of the Navy.

"The Pentagon referred a request for comment on its unfilled posts to the White House. A White House official said: 'Democrat obstruction has played a key role in jamming up the president's agenda.' Of the 42 open positions that require Senate confirmation, 29 have no nominee identified, while 13 have nominees awaiting confirmation." http://reut.rs/2vw3jV5

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

NYT SUNDAY STYLE COVER STORY -- JACOB BERNSTEIN: "Trump Tower, a Home for Celebrities and Charlatans" (print headline: **"Towering Egos"**): "Hillary Clinton slept here. The year was 2000. Mrs. Clinton was in the middle of her first political campaign, running to be New York's junior senator.

"Steven Spielberg, an enthusiastic donor to Mrs. Clinton who had the use of a pied-à-terre in Trump Tower purchased for him by Universal Pictures, barely stayed at the place, despite its views of Central Park, and offered it to the candidate as a crash pad on grueling campaign days. Donald J. Trump and Mrs. Clinton were on good terms back then. He donated money to her candidacy and called her 'tough and smart.' Moreover, Mr. Trump was skilled in the art of spinning his associations with celebrities into publicity. This was particularly true at Trump Tower. Johnny Carson, Liberace and Paul Anka had condominiums there in the 1980s, and Michael Jackson rented one in the 1990s. In 2000, Bruce Willis closed on a place too." http://nyti.ms/2hTg9cF

FOR YOUR RADAR -- "March of white supremacists at University of Virginia ends in skirmishes," by WaPo's Joe Helm: http://wapo.st/2uxRGzy

MEDIAWATCH -- "Uproar Over Omarosa Manigault-Newman at Black Journalists Convention," by NYT's Yamiche Alcindor in New Orleans: "The appearance of Omarosa Manigault-Newman, a White House aide, caused an uproar at a National Association of Black Journalists convention on Friday after she refused to answer some questions about President Trump's recent remarks encouraging the police to be rougher while arresting criminal suspects. ... It was moderated by a longtime journalist, Ed Gordon, a host at Bounce TV. The event began cordially, but within minutes, it devolved into a shouting match between Ms. Manigault-Newman and Mr. Gordon. ... It became a 25-minute argument during which Ms. Manigault-Newman called Mr. Gordon 'aggressive,' with Mr. Gordon pointedly asking what effect Ms. Manigault-Newman had made on the president." http://nyti.ms/2vZPnVA

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker - ***13 keepers*** http://politi.co/2vYhIM5

GREAT WEEKEND READS, curated by Daniel Lippman:

-- "When Silicon Valley Took Over Journalism," by Franklin Foer in September's The Atlantic: "The pursuit of digital readership broke the New Republic-and an entire industry." http://theatln.tc/2wBLhkj (h/t ALDaily.com)

-- **"At the heart of every restaurant,"** by WaPo's Tom Sietsema: "Our food critic works a shift to understand why top chefs are starting to give dishwashers their due." http://wapo.st/2vWZ0VV

--**"Unlearning the myth of American innocence,"** by Suzy Hansen in The Guardian in an excerpt from "Notes on a Foreign Country: An American Abroad in a Post-American World": "When she was 30, Suzy Hansen left the U.S. for Istanbul - and began to realise that Americans will never understand their own country until they see it as the rest of the world does". http://bit.ly/2vqKjZT ... ***$17.28 on Amazon*** http://amzn.to/2fA4cYD (h/t Longform.org)

-- **"Meet Alex, the Russian Casino Hacker Who Makes Millions Targeting Slot Machines,"** by Brendan I. Koerner in Wired: http://bit.ly/2vNbiiX

-- **"How Rebecca Solnit Became the Voice of the Resistance,"** by Alice Gregory in T Magazine: "[H]er 2008 essay 'Men Explain Things to Me' [http://bit.ly/2uPM9zy] ... was born of a now-famous anecdote: In 2003, Solnit was at a party in a chalet above Aspen, Colo., when the host of the party, upon learning that Solnit was an author, insisted on summarizing a book he had read a review of, ignoring her friend's efforts to inform him that Solnit herself had written it. The essay is credited with inspiring the hashtag-ready term 'mansplaining,' which is now used around the world; it's on T-shirts, on Twitter, in the most casual of conversations." http://nyti.ms/2fz98Ny

-- **"How to Kill a Dinosaur in 10 Minutes,"** by Paul Braterman in 3 Quarks Daily: "Ten minutes difference, and Earth would still be Planet of the Dinosaurs." http://bit.ly/2vqCxPs

-- **"'The wounds have never healed': living through the terror of partition,"** by Moni Mohsin in The Guardian: "It was one of the most painful births in modern history. More than 12 million people were displaced [in the 1947 partition of India]. Muslims fled across the hastily drawn borders into Pakistan, Hindus and Sikhs into India. Two million people were killed, tens of thousands of women were raped and abducted, homes were plundered and villages were torched." http://bit.ly/2wBQZCL (h/t TheBrowser.com)

-- **"The Chef Who Wouldn't Cook: Why Rocco DiSpirito Left the Kitchen,"** by Kevin Alexander in Thrillist: "Rocco DiSpirito is a cooking virtuoso. An artiste, a phenom. He was born with a gift, a gift that was nurtured and prodded and teased from him since adolescence. Rocco DiSpirito, who is just over 50, might be the most talented American chef alive at this very moment. Also: Rocco DiSpirito hasn't cooked in a restaurant kitchen in 13 years." http://bit.ly/2fz39IH

-- **"Hard Lessons in Living Off the Grid,"** by Grist's Amelia Urry: "A family tried to build its own sustainable paradise in Hawaii. Then Tesla's batteries came to town." http://bit.ly/2vqygvo

-- "The Loyal Engineers Steering NASA's Voyager Probes Across the Universe," by Kim Tingley in the N.Y. Times Magazine: "As the Voyager mission is winding down, so, too, are the careers of the aging explorers who expanded our sense of home in the galaxy." http://nyti.ms/2uyazhT

--"How Silicon Valley rediscovered LSD," by FT's Hannah Kuchler: "A new generation of San Franciscans believes the drug makes them more creative. ... 'I don't do coffee, I do acid,' [one 29-year old start-up founder] says." http://bit.ly/2uA9tlS

--"Flowers in Their Hair -- Remember the Summer of Love? No? Lucky You," by The Weekly Standard's Andy Ferguson: "Having come to an end half a century ago, the Summer of Love is one of those events San Francisco has never quite got over, like the gold rush and those two earthquakes. The summer of 1967 is considered by people who like to consider such things to be the high-water mark of the hippies, the climax of the counterculture, the Camelot moment when all that was lovely and innocent about the sixties blossomed fleetingly from the potential to the actual." http://tws.io/2w01Jx0

-- "The Drug Runners," by Ryan Goldberg in Texas Monthly: "The Tarahumara of northern Mexico became famous for their ability to run incredibly long distances. In recent years, cartels have exploited their talents by forcing them to ferry drugs into the U.S. Now, with their land ravaged by violence, they're running for their lives." http://bit.ly/2vqYNbZ

-- "Inside Kim Jong-un's Bloody Scramble to Kill Off His Family," by Jean H. Lee in September's Esquire: "While the world watches North Korea launch missiles, the very paranoid supreme leader has been busy eliminating anyone in his family who might knock him off the throne." http://bit.ly/2uOlmE9 ... ***Lee in the NYT today, "Donald Trump Is Giving North Korea Exactly What It Wants"*** http://nyti.ms/2vsokBq

--"The Un-Trump Republican: Gov. Larry Hogan's radically normal model for the GOP," by Matthew Mosk on the cover of WaPo Magazine: "[I]n the shadow of the nation's storm-tossed political epicenter, Larry Hogan's governorship is seeming more and more like an intriguing test case for a radically different version of the Republican Party: What would it look like if a politician played to Trump's electoral coalition while rejecting just about every element of the president's personal style?" http://wapo.st/2vulAkk

--"Whose Fault Was Dunkirk?" by Lynne Olson in Longreads: "Abandoned and isolated by their allies, lacking everything they needed to keep fighting, the Belgians felt they had held off the Germans for as long as humanly possible. On May 27, the Belgian government, in an official communiqué, informed France and Britain of its imminent surrender to Germany." http://bit.ly/2vMWPDN

GREAT WEEKEND LISTEN, curated by Jake Sherman:

--YES, this is still Lawn Boy. http://bit.ly/2hTvZUI

Playbookers

http://bit.ly/2uxz7f5 **SPOTTED:** Sam Osborn and Mathias Reynolds, Abe and Ashley Adams, Ryan and Katie Meerstein, Zac Moffatt, Michael and Brooke Beach, Tad and Jenna Rupp, Jason Weinstein and Jen Harrington.

ENGAGED -- Ibrahim AlHusseini, founder and managing partner of FullCycle Energy Fund and the Husseini Group, a family fund focused on impact investing, got engaged to actress **Sarah Himadeh**. They met in LA and were introduced by director/writer Chadi Zeneddine. Ibrahim proposed on the roof of her grandfather's ancestral home in the mountains outside of Beirut. ***Pics*** http://bit.ly/2vqXVnX ... http://bit.ly/2wQtHIJ

TRANSITIONS -- MATT MOWERS has started as chief of staff and chief policy officer for anti-HIV/AIDS program PEPFAR, part of the State Department. Mowers most recently served as the senior White House adviser at State, leading transition efforts. ... **Ciaran Clayton** is joining the Nature Conservancy as director of global media relations. For the past three months, Clayton, an Obama NOAA alum, has been consulting with the Center for American Progress working on public lands and marine monument defense. ... **Leacy Burke** has been named communications director for Sen. Jim Inhofe (R-Okla.). She was communications director for Rep. Joe Wilson (R-S.C.). ...

... **Kevin Walling** is joining political media firm Hamburger Gibson Creative, where he will head up its new digital division, HGC Digital. He previously led business development at DSPolitical. ... **Lizzie Ulmer** has been named communications director at the Democratic Attorneys General Association. Her last day as deputy communications director at Everytown and Moms Demand Action is Monday.

BIRTHDAYS: Kelley McCormick, managing director at SKDKnickerbocker (hat tips: Tammy Haddad, Tim and Kiki Burger and Hilary Rosen) ... Joe Moore is 31 ... Heritage

Foundation president Ed Feulner is 76 (h/t Rob Bluey) ... HuffPost labor reporter Dave Jamieson ... Mike Kelleher, lead int'l affairs officer at the World Bank and an Obama alum (h/t Burger) ... Brian Devine ... Trudi Boyd, EVP at Story Partners ... Brianna Puccini, comms director for Sen. Deb Fischer (h/t Jeff Grappone, filing from Maine) ... Matt Sparks, communications director for House Majority Leader Kevin McCarthy and the pride of Silver Spring ... Google's Nick Meads and Amber Jesse ... BuzzFeed's Nidhi Prakash ... Justin Folsom ... Julia Ziegler, news director of WTOP.com ... Molly French ... CNN KFile editor Kyle Blaine ... Jason Livingood ... Brandi Travis ... former Rep. Connie Mack (R-Fla.) is 5-0 ... Tess Glancey, deputy director of comms for House Homeland Security ... Deborah Colitti ... Stephen Claeys ... Rochelle Behrens ... Dana Berardi ... Mary Trupo ... Sophie Miller ... Thurgood Marshall Jr. ... Jenn Burr-Linn ...

... Mike Holtzman, partner at BLJ Worldwide, is 48 ... Christina Hartman, congressional candidate in Pennsylvania's 16th district, formerly of NDI and the Joyful Heart Foundation (h/t Ryan Morgan) ... Nicole Nason, former Bush NHTSA administrator now a State Department senior adviser (h/t college roommate Betsy Fischer Martin) ... Kristin Sheehy (h/t Jon Haber) ... Matt Krupnick, public policy director at Red Hat ... Doris Truong, WaPo homepage editor ... Christopher Dorobek ... Lauren Collins Cline ... Toby Burke ... Raytheon's Michael Dorff ... Laura Lawlor ... Ben Gulans ... former SEC enforcement chief Bill McLucas, now at WilmerHale ... Audrey Jones ... Matt Wahl ... Don Rockwell (h/t Jon Karl, whose nickname for Don is "Mr. DC Dining") ... Maris Segal ... Laura Hahn ... Lynn Trautmann ... Ben Gulans ... Patrice Hauptman (h/ts Teresa Vilmain)

THE SHOWS, by @MattMackowiak, filing from Austin:

-- "Fox News Sunday": Sen. Lindsey Graham (R-S.C.) ... CIA Director Mike Pompeo. Panel: Newt Gingrich, Donna Edwards, Tom Rogan and Marie Harf

-- NBC's "Meet the Press": National Security Adviser Lt. Gen. H.R. McMaster ... Adm. Mike Mullen ... Recode executive editor Kara Swisher. Panel: Helene Cooper, Rich Lowry, Joy Reid and Amy Walter

-- CNN's "State of the Union": James Clapper ... White House Homeland Security Adviser Thomas Bossert ... Sen. Cory Gardner (R-Colo.). Panel: Nina Turner, Michael Caputo, Rep. Debbie Dingell (D-Mich.) and Bill Kristol

-- ABC's "This Week": National security adviser Lt. Gen. H.R. McMaster ... Anthony Scaramucci. Panel: Alex Castellanos, Matthew Dowd, Ben Rhodes and Cokie Roberts

-- CBS's "Face the Nation": CIA Director Mike Pompeo ... Rep. Mac Thornberry (R-Texas) ... Leon Panetta ... David Ignatius and Michael Morrell. Panel: Molly Ball, Michael Duffy, Ed O'Keefe and Ramesh Ponnuru

-- Fox News' "Sunday Morning Futures": Rep. Mac Thornberry (R-Texas) ... Karl Rove ... Ayaan Hirsi-Ali ... Gordon Chang. Panel: Guy Benson and Charlie Hurt

-- Fox News' "MediaBuzz": Christina Bellantoni ... Mollie Hemingway ... Jessica Tarlov ... "America Trends" host Gina Loudon ... Catalina Magazine publisher Cathy Areu ... Steve Hilton

-- CNN's "Inside Politics" with John King: Panel: Michael Shear, Karoun Demirjian, Margaret Talev and Manu Raju

-- **CNN's "Fareed Zakaria GPS":** Victor Cha and former Australian Prime Minister Kevin Rudd ... Israel Channel 2 investigative journalist Ilana Dayan ... Bill Maher

--**CNN's "Reliable Sources":** CNN international correspondent Will Ripley, former ABC News White House correspondent Ann Compton and Rear Adm. John Kirby (Ret.) ... Politifact editor Angie Drobnic Holan and The Washington Post Fact Checker columnist Glenn Kessler ... HuffPost's Yashar Ali and NPR's David Folkenflik

-- Univision's "Al Punto": Rep. Luis Gutierrez (D-Ill.) ... Proceso Magazine's Jesus Esquivel and Univision Deportes commentator Pablo "La Torre de Jalisco" Ramírez ... Jeb Bush ... TransLatin@ Coalition president Bamby Salcedo ... Foro Penal Venezlano president Alfredo Romero

-- C-SPAN: "The Communicators": Net-Square CEO Saumil Shah ... **"Newsmakers":** Senate Leadership Fund president and CEO Steven Law, questioned by AP's Erica Werner and The Washington Examiner's Al Weaver ... **"Q&A":** Paul Butler ("Chokehold: Policing Black Men")

-- Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2r37J6h): Rep. Ron DeSantis (R-FL) ... Gen. Jerry Boykin (U.S. Army, Ret.).

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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Subject: Playbook Power Briefing, presented by BP: KEVIN BRADY dishes on tax reform in a Playbook Interview -- JOB GROWTH rebounds after hurricanes -- BANNON meets with NRCC chiefs -- MICHAEL KRUSE on 'the mystery' of Trump's mom

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Today's Playbook Power Briefing presented by BP

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good FRIDAY afternoon. BREAKING NEWS -- HOUSE WAYS AND MEANS CHAIRMAN KEVIN BRADY told us in a completely packed Playbook Interview this afternoon (nearly 300 people!) at the Newseum that he has asked the Congressional Budget Office for the updated budgetary impact of including a repeal of the individual mandate in health care reform in the tax package. **WHAT'S THAT MEAN?** Gutting health-care reform could become part of the tax reform process. That's a serious shift.

-- Q: Is a repeal of the individual mandate on the table? **BRADY:** "The president feels very strongly about including this at some step before the final process and he's told me that twice by phone and once in person ... and members have as well. ... There are pros and cons to this, importing health care into a tax reform debate has consequences. ... No decisions have been made, we're listening to the members and certainly the president as well."

-- OTHER FUN BITES. BRADY held up a postcard to show how Americans will file taxes under his plan. **Q:** "Will we really use just that postcard for our taxes?" **BRADY:** "No." ... There will be another worksheet.

-- ON TRUMP'S INVOLVEMENT ... BRADY: "He calls regularly, more often now, just weighing in on these decisions." ... **Q:** What about concerns of business taxes going up? **Q:** What role will the president play going forward? **BRADY:** "It's been positive in a big way ... he's using Twitter to make the case as well. He's been all in on the rollout ... He's going to stay engaged, his cabinet is staying engaged while he's traveling."

-- ON FLOOR PROCESS -- Q: Will there be any amendments from the floor? **BRADY:** "No. ... The work will be done in the committee and before we take it to the Rules committee and later in conference."

-- ON THE MIDTERMS -- Q: Is there pressure on House Republicans to pass the bill? **BRADY:** "We've not delivered on our promise on health care repeal. It's critical to deliver on tax reform ... This is the challenge of the lifetime ... At the end of the day, we

achieve this ... we've delivered on our promise."

BRADY says markup will end by Thursday.

GOOD JOB NUMBERS -- "Job growth rebounds after September hurricanes," by Ian Kullgren: "The Labor Department reported 261,000 new jobs in October, a sharp turnaround from September, when Hurricanes Harvey and Irma prompted a monthly gain of just 18,000 jobs. The numbers, while short of Wall Street expectations, are good news for a White House eager to generate positive press amid this week's indictments in special counsel Robert Mueller's Russia probe and New York City's worst terrorist attack since Sept. 11, 2001.

"Friday's jobs numbers represent the largest single-month gain of President Donald Trump's presidency -- the biggest jump since July 2016. But economists cautioned that the gains represented no significant growth in the economy. Rather, they are a return to the status quo after severe weather disrupted September's job creation." http://politi.co/2iXmsx2

AUDIBLE -- "Trump to stay in the Philippines extra day to attend East Asia Summit," by Louis Nelson and Andrew Restuccia: "President Donald Trump announced Friday morning that he will extend his trip to Asia, adding an extra day in the Philippines to attend the East Asia Summit. ... Trump's attendance at the East Asia Summit will add a 13th day to the trip that began Friday with his departure from the White House. While in Asia, Trump is also expected to attend an Asia-Pacific Economic Cooperation meeting in Vietnam and a meeting of the Association of Southeast Asian Nations in the Philippines." http://politi.co/2iWpAcr

BULLETIN -- AP at 1:04 p.m.: "MOGADISHU, Somalia (AP) - U.S. military carries out 1st airstrikes against Islamic State group fighters in Somalia."

THE NEXT FED CHAIR'S CHALLENGE -- "Trump's risky economic handoff: The president's pick to lead the Federal Reserve must gingerly guide the U.S. through the back end of an economic expansion," by Victoria Guida: "When Janet Yellen gives the reins of the Federal Reserve to Jerome Powell, it will be among the riskiest handoffs in history -- navigating the U.S. through a likely economic slump in the coming years. It has been a decade since the start of the last recession, and the economy is experiencing steady growth, with the stock market soaring to record highs. But with the expansion in its eighth year -- already the third-longest in U.S. history -- the Fed will have to make tough calls about how quickly to raise interest rates to head off inflation, and when to stop.

"Those decisions will fall to Powell, President Donald Trump's choice for Fed chair, if he is confirmed by the Senate. 'I'd put the odds of a recession over the next four years at better than 50 percent, which means he's likely to face a recession at some point during his tenure,' said Gus Faucher, chief economist at PNC." http://politi.co/2zam0iO

PLAYING NICE? -- "Bannon meets with House GOP campaign strategists," by Alex Isenstadt and Elena Schneider: "[NRCC] Chairman Steve Stivers (R-Ohio) and John Rogers, the organization's executive director, went to the Capitol Hill townhouse that serves as a base of operations for Bannon and his Breitbart News website. According to two people familiar with the meeting, which stretched on for nearly 40 minutes, Bannon pledged to Stivers and Rogers that his focus wasn't on toppling establishment-oriented House incumbents in the 2018 midterm elections but rather on waging an all-out war against Senate Majority Leader Mitch McConnell. Bannon has launched a national effort to target Senate GOP incumbents and other McConnell-aligned Republican candidates." http://politi.co/2j0HavJ

LOTS ON THE PRESIDENT'S MIND THIS MORNING -- @realDonaldTrump at 6:51 a.m.: "My Twitter account was taken down for 11 minutes by a rogue employee. I guess the word must finally be getting out-and having an impact." ... **at 6:57 a.m.:** "Everybody is asking why the Justice Department (and FBI) isn't looking into all of the dishonesty going on with Crooked Hillary & the Dems.." ... **at 7:03 a.m.:** "...New Donna B book says she paid for and stole the Dem Primary. What about the deleted E-mails, Uranium, Podesta, the Server, plus, plus..." ...

... **at 7:11 a.m.:** "....People are angry. At some point the Justice Department, and the FBI, must do what is right and proper. The American public deserves it!" ... **at 7:48 a.m.:** "The real story on Collusion is in Donna B's new book. Crooked Hillary bought the DNC & then stole the Democratic Primary from Crazy Bernie!" ... **at 7:55 a.m.:** "Pocahontas just stated that the Democrats, lead by the legendary Crooked Hillary Clinton, rigged the Primaries! Lets go FBI & Justice Dept." ...

... at 8:03 a.m.: "ISIS just claimed the Degenerate Animal who killed, and so badly wounded, the wonderful people on the West Side, was 'their soldier.' ....." ... **at 8:11 a.m.:** "...Based on that, the Military has hit ISIS 'much harder' over the last two days. They will pay a big price for every attack on us!" ... **at 10:28 a.m.:** "Bernie Sanders supporters have every right to be apoplectic of the complete theft of the Dem primary by Crooked Hillary!" ... **at 10:29 a.m.:** "Bernie Sanders supporters have every right to be apoplectic of the complete theft of the Dem primary by Crooked Hillary!"

... at 10:45 a.m.: "Just took off for ceremony @ Pearl Harbor. Will then be heading to Japan, SKorea, China, Vietnam & the Philippines. Will never let you down!" ... **at 12:09 p.m.:** "The rigged Dem Primary, one of the biggest political stories in years, got ZERO coverage on Fake News Network TV last night. Disgraceful!" ... **at 12:22 p.m.**, with a Fox News screenshot: "JOBS, JOBS, JOBS!" ... **at 12:54 p.m.:** "The decision on Sergeant Bergdahl is a complete and total disgrace to our Country and to our Military."

IMAGINE THAT -- @mkraju: "Trump last week: 'I have one of the great memories of all time.' Trump today on Papadopoulos meeting: 'I don't remember much about it.'" http://bit.ly/2iXZzcM

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See how this impacts your community. ******

VALLEY TALK -- "Former Twitter Employee Says Fake Russian Accounts Were Not Taken Seriously," by Bloomberg's Selina Wang: "In early 2015, a Twitter employee discovered a vast amount of Twitter accounts with IP addresses in Russia or Ukraine. The employee, Leslie Miley, said most of these accounts were inactive or fake but were not deleted at the time. Miley, who was the company's engineering manager of product safety and security at the time, said efforts to root out spam and manipulation on the platform were slowed down by the company's growth team, which focused on increasing users and revenue. 'Anything we would do that would slow down signups, delete accounts, or remove accounts had to go through the growth team,' Miley said. 'They were more concerned with growth numbers than fake and compromised accounts.'" https://bloom.bg/2zcNzZ7

-- "Jenna Abrams, Russia's Clown Troll Princess, Duped the Mainstream Media and the World," by The Daily Beast's Ben Collins and Joseph Cox: "Jenna Abrams had a lot of enemies on Twitter but she was a very good friend to viral content writers across the world. Her opinions about everything from manspreading on the subway to Rachel Dolezal to ballistic missiles still linger on news sites all over the web. ... Congressional investigators working with social media companies have since confirmed that Abrams wasn't who she said she was. Her account was the creation of employees at the Internet Research Agency, or the Russian government-funded 'troll farm,' in St. Petersburg. ...

"But Abrams got very real attention from almost any national news outlet you can think of, according to a Daily Beast analysis of her online footprint. Abrams, who at one point boasted nearly 70,000 Twitter followers, was featured in articles written by Bustle, U.S. News and World Report, USA Today, several local Fox affiliates, InfoWars, BET, Yahoo Sports, Sky News, IJR, Breitbart, The Washington Post, Mashable, New York Daily News, Quartz, Dallas News, France24, HuffPost, The Daily Caller, The Telegraph, CNN, the BBC, Gizmodo, The Independent, The Daily Dot, The Observer, Business Insider, The National Post, Refinery29, The Times of India, BuzzFeed, The Daily Mail, The New York Times, and, of course, Russia Today and Sputnik." http://thebea.st/2zclRf0

TICK TOCK -- "Inside story: How Russians hacked the Democrats' emails," by AP's Raphael Satter, Jeff Donn and Chad Day: "It was just before noon in Moscow on March 10, 2016, when the first volley of malicious messages hit the Hillary Clinton campaign. The first 29 phishing emails were almost all misfires. Addressed to people who worked for Clinton during her first presidential run, the messages bounced back untouched. Except one. Within nine days, some of the campaign's most consequential secrets would be in the hackers' hands, part of a massive operation aimed at vacuuming up millions of messages from thousands of inboxes across the world.

"An Associated Press investigation into the digital break-ins that disrupted the U.S. presidential contest has sketched out an anatomy of the hack that led to months of damaging disclosures about the Democratic Party's nominee. It wasn't just a few aides

that the hackers went after; it was an all-out blitz across the Democratic Party. They tried to compromise Clinton's inner circle and more than 130 party employees, supporters and contractors." http://bit.ly/2hBiGFW

****** **A message from BP: Our largest oil and gas pipeline network spans 4,700 miles across America - enough to stretch from Chicago to London.** *Watch this short video for more on our U.S. footprint.* ******

CIRCULAR FIRING SQUAD -- "Liberal group calls Virginia Democrat 'racist' for opposing sanctuary cities," by McClatchy's Alex Roarty: "'Let's be really clear: If Ralph Northam wins next Tuesday, it won't be because he publicly backtracked on his commitment to protecting immigrant families, but in spite of it,' said Charles Chamberlain, executive director of Democracy for America, a grassroots progressive activist based in Vermont. Chamberlain went on to say the Northam campaign was running 'the same old, broken, and racist playbook that lost Democrats over 1000 elected offices since 2008.'

"The statement, issued Thursday night, drew a swift and strong rebuke from many Democrats and liberals, including its founder, Howard Dean, who blasted the statement as 'incredibly stupid' and one that 'discredits' the group. But it highlighted the pressure now facing many Democratic candidates, who must choose between adopting a politically controversial position -- support for sanctuary cities -- or risking the wrath of the party's increasingly vocal liberal faction." http://bit.ly/2iZsyNr

AFTERNOON READ -- MICHAEL KRUSE in **POLITICO MAGAZINE: "The Mystery of Mary Trump:** Donald Trump reveres his father but almost never talks about his mother. Why not?": "The mothers of presidents often have been a kind of super-influencer. From Barbara Bush, the powerful matriarch of the two-time first family; to Virginia Kelley, who all but singlehandedly launched Bill Clinton from the Arkansas boondocks to Washington and the West Wing; to Ann Dunham, the anthropologist who steered Barack Obama from Hawaii to Indonesia to the Ivy League and the White House -- the sway these women had over their sons was incontrovertible. And their sons celebrated by them throughout their political careers. Dunham died at 52, more than a decade before her son was sworn in as the 44th president, but in books by Obama and his biographers, she has been cast as an almost elemental force. 'For all the ups and downs of our lives,' Obama once told an interviewer about his mother, 'there was never a moment where I didn't feel as if I was special.'

"Trump's mother, who died in 2000, had in some ways been fading from view for many years before her son on Inauguration Day placed his hand on the Bible he got from her. But to discount her role in the creation of the Trump persona is to disregard decades of study about family dynamics. Trump might not agree, but most psychologists agree: Your mother helps make you who you are. Who, then, was Mary Trump? ... [In 1990], according to Vanity Fair, Mary Trump asked Ivana Trump, her soon-to-be-ex-daughter-in-law, a pointed question. 'What kind of son have I created?'" http://politi.co/2iYavXS

WAR REPORT -- "Bowe Bergdahl's Sentence: No Prison Time," by NPR's Merrit Kennedy: "A military judge has ruled that Army Sgt. Bowe Bergdahl, who has pleaded guilty to charges of desertion and misbehavior before the enemy, should serve no prison time. During a sentencing hearing Friday, Bergdahl was dishonorably discharged and will lose his rank and forfeit his pay, NPR's Frank Morris reported from the court in Fort Bragg, N.C." http://n.pr/2Aj3ULQ

-- "BuzzFeed News Investigation Leads To U.S. Admission It Caused Civilian Deaths In Mosul," by BuzzFeed's Mike Giglio: "The U.S.-led coalition fighting ISIS has admitted responsibility for the deaths of 36 civilians in three military strikes in Mosul after they were detailed in a BuzzFeed News investigation. But the coalition has not issued condolence payments to the families of the victims for the loss of life and property, and, if its current policy continues, it likely never will. Despite estimates by one prominent monitoring group that coalition strikes against ISIS have killed at least 5,600 civilians in Iraq and Syria over the last three years -- and the coalition's own admissions that it has killed at least 786 -- it has offered condolence payments in just two cases, a spokesperson for the coalition said." http://bzfd.it/2iYheRy

MEDIAWATCH -- "CNN Plans to Offer Subscriptions for Digital News Next Year," by WSJ's Ben Mullin: "After investing in digital verticals focused on business and politics and acquiring an online-video startup, CNN is gearing up for another big step: It plans to launch tiered subscription offerings for its digital news business as early as the second quarter of next year. A proposed premium offering will give subscribers access to special content on topic-specific verticals such as CNN Money and CNN Politics, built around network personalities. A second option will provide additional, though less specialized, content across all of CNN's sites. Pricing hasn't been finalized." http://on.wsj.com/2zco9uC

MORE SUNDAY SHOWS -- CNN's "State of the Union": House Majority Leader Nancy Pelosi ... Panel: Jen Psaki, Michael Caputo, Reps. Barbara Lee (D-Calif.) and Charlie Dent (R-Penn.)

-- More "Fox News Sunday": House Speaker Paul Ryan

ENGAGED -- Philip de Vellis, co-founder of the Democratic media firm Beacon Media and alum of Putnam Partners, Murphy Putnam and Sherrod Brown, proposed to **Lisa Lambert,** a correspondent at Reuters, where she has covered financial regulation, the Detroit bankruptcy and the municipal bond market. The two natives of LA "met at Coffy Café in Columbia Heights and struck up a conversation. Phil proposed at Georgetown Waterfront Park with a beautiful nighttime view of the Key Bridge." ***Pic*** http://politi.co/2zaO9su

OUT AND ABOUT -- SPOTTED: Vicki Reggie Kennedy, former Rep. Patrick Kennedy (D-RI), Sens. Jeanne Shaheen (D-N.H.), Rob Portman (R-Ohio), and Sheldon Whitehouse (D-RI), and moderator Carl Hulse at an Edward M. Kennedy Institute

bipartisan symposium yesterday in Russell on mental health, addiction, and the national opioid crisis.

-- SPOTTED: Henry Kissinger, David Miliband, Meryl Streep, and Tom Brokaw last night at the International Rescue Committee's annual Rescue Dinner (which raised almost $20 million) at the New York Hilton Midtown. Michael Bloomberg received the organization's Freedom Award.

-- SPOTTED last night at the annual gala of the National Democratic Institute at the Fairmont Hotel: Sen. Chris Murphy (D-Conn.) whose keynote touched on "fake news," Madeleine Albright, Kathleen Matthews, Mickey Kantor, Maurice Tempelsman (who was the longtime companion for Jacqueline Kennedy Onassis), Jack and Susanna Quinn.

EMBASSY PARTY CIRCUIT -- U.K. Ambassador Kim Darroch hosted a reception last night to mark the 100th anniversary of the Balfour Declaration at the British Embassy. **SPOTTED:** Israeli Amb. Ron Dermer and his wife Rhoda, Supreme Court Associate Justice Stephen Breyer and Joanna Breyer, Victoria Coates, Sheldon and Miriam Adelson, Mandy Grunwald, Rep. Eliot Engel (D-N.Y.), Norm Ornstein, Norm Coleman, Cliff May, Ken Weinstein and Amy Kauffman, Shmuley Boteach, Michael Froman, William Daroff, Jeffrey Goldberg, Ann Lewis, Ruth Marcus, Bill Knapp, David Weinberg, Rob Satloff, Stuart Rothenberg, Jennifer Rubin. (h/t Jewish Insider)

TRANSITIONS -- Matt Wolking has started as Sen. Bill Cassidy's (D-Penn.) communications director today. He most recently was senior comms adviser and press secretary for Sen. Marco Rubio (R-Fla.) and also is an alum of the Benghazi committee and former Speaker John Boehner. ... **Chris Hayden** has started at Senate Majority PAC as communications director. He was previously communications director for the Center for American Progress Action Fund and Jason Kander's campaign.

... John Monsif is joining McDonald's as director of U.S. government relations in the company's D.C. office. He previously worked for First Focus and was a former chief of staff to Reps. John Delaney (D-Md.) and Louise Slaughter (D-N.Y.). ... **Amy Surber** recently started as legislative director for Rep. Jim Banks (R-Ind.). She previously was a legislative assistant for Rep. Ken Calvert (R-Calif.).

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Highlights

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Leading the News

Northeast States Hit the Brakes on Carbon Emissions From Cars

By *Gerald B. Silverman* and *Adrianne Appel*

Cars and trucks are the next target of Northeastern states, as they look beyond power plants to address climate change.

Trump's EPA Swears Off Settling Lawsuits with Environmentalists

By Jennifer A. Dlouhy

The Trump administration moved Oct. 16 to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action.

New York Objects to Energy Regulator's OK of Millennium Pipeline

By *Gerald B. Silverman*

Millennium Pipeline Co.'s proposed 7.8-mile natural gas line in New York hit another bump in the road today when the state asked the Federal Energy Regulatory Commission to stay its approval of a waiver for the project and rehear the case.

Today's News

EPA Says Higher Radiation Levels Pose 'No Harmful Health Effect'

By Ari Natter

In the event of a dirty bomb or a nuclear meltdown, emergency responders can safely tolerate radiation levels equivalent to thousands of chest X-rays, the Environmental Protection Agency said in new guidelines that ease off on established safety levels.

Energy Regulator Wants New Look at Pipeline Approval Policy

By *Rebecca Kern*

The lone Democratic member of the Federal Energy Regulatory Commission wants FERC to re-assesses how it approves new natural gas pipeline projects in the light of growing environmental concerns presented to the commission.

Louisiana Oil Platform Blast Leaves One Missing, Seven Injured

By *Meenal Vamburkar* and *Bruce Rolfsen*

One worker was missing and seven were injured after an explosion late Oct. 15 on an oil platform in Louisiana's Lake Pontchartrain.

As Puerto Rico Talks Solar, More Fossil-Fuel Power's

Starting Up

By *Naureen S. Malik*

While Puerto Rico's governor talks about using solar panels and batteries to rebuild a grid destroyed by Hurricane Maria, the island's importing more fossil fuel-powered generators to get the lights back on.

California Requires Disclosure of Cleaning Product Chemicals

By *Carolyn Whetzel*

California edged out New York in becoming the first state to require manufacturers to disclose potentially harmful chemicals in air fresheners, detergents, and other cleaning products.

Slowing Demand Growth to Push Big Oil from Cars to Chemicals

By *Javier Blas*

Global oil demand growth will slow to a crawl and gasoline use will peak within the next decade, prompting the world's biggest energy companies to accelerate the shift to natural gas and chemicals, according to consultant Wood Mackenzie Ltd.

Arctic Oil Promise Keeps Norway's Disappointed Wildcatters Going

By *Mikael Holter*

It's been a bad year for oil explorers in Norway's Arctic: a record campaign in the Barents Sea yielded little; the most exciting well in years proved to be a flop; and Norwegians grew increasingly skeptical about the industry that made them rich.

Greenpeace Fells Logger's Suit Over 'Forest Destroyer' Tag

By *Edvard Pettersson*

Greenpeace International won the first round against a Canadian logging company that blamed name-calling by the environmental group for driving away its customers.

Swedish Miner LKAB Pilots Ground Testing for Mine Stability

By *Marcus Hoy*

Swedish mining company Luossavaara-Kiirunavaara AB is reviewing the findings from a four-month trial to determine if fracking-like techniques can help prevent seismic vibrations that cause the ground to sink.

U.K. North Sea Oil Faces Quickening Decline If No Brexit Deal

By Rakteem Katakey and Angelina Rascouet

The U.K. oil and gas industry faces a faster decline if Prime Minister Theresa May

fails to agree to a trade deal with the European Union, as restrictions on the movement of workers and equipment would increase costs.

Asian Development Bank to Double Pacific Nations' Climate Loans

By Anindya Upadhyay

The Asian Development Bank plans to double financing for climate projects among Pacific developing nations to more than $500 million by 2020.

Practitioner Insights

Practitioner Insights: Courts Weigh Scope of Clean Water Act

There is a tug of war underway over the scope of the Clean Water Act: While the Trump Administration attempts to narrow the reach of the Act through regulatory action, some states and citizen suit actions continue to take an expansive view of the Act. Cynthia Taub of Steptoe & Johnson explores the issues in depth.

Friday Night Wrapup

Green Investors Seek More Data from Companies, More Frequently

By *Emily Chasan*

Annual sustainability reports just aren't cutting it as investors pump more money into ethical investment funds.

Korean Company Planning $4.5 Billion Solar Project in Chile

By *Vanessa Dezem*

The South Korean energy company *Andes Green Energy* is planning a $4.5 billion solar project in northern Chile that will combine conventional photovoltaic panels and thermal technology that will generate electricity at night.

Brazil Issues $2.3 Million in Fines for Poaching Amazon Turtles

By *Michael Kepp*

Brazil issued 18 fines totaling 7.2 million reais ($2.3 million) for poaching endangered Amazon river turtles and their eggs, according to IBAMA, the enforcement arm of the Environment Ministry.

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The Justice Department is considering making changes to its policies on subpoenaing news organizations as part of its crackdown on government leaks, Attorney General Jeff Sessions said Friday.

At a news conference, Sessions said the Justice Department is cracking down on leaks coming out of the government.

Much of that effort involves investigating and prosecuting leak suspects, he said, but another aspect is "reviewing policies affecting media subpoenas." That review, he said, came at the suggestion of FBI agents, career investigators and prosecutors who have weighed in on the leak problem.

"We respect the important role that the press plays, and we'll give them respect, but it is not unlimited," Sessions said. "They cannot place lives at risk with impunity. We must balance the press's role with protecting our national security and the lives of those who serve in the intelligence community, the armed forces and all law-abiding Americans."

Read more: http://www.politico.com/story/2017/08/04/doj-reviewing-policies-on-media-subpoenas-sessions-says-241329

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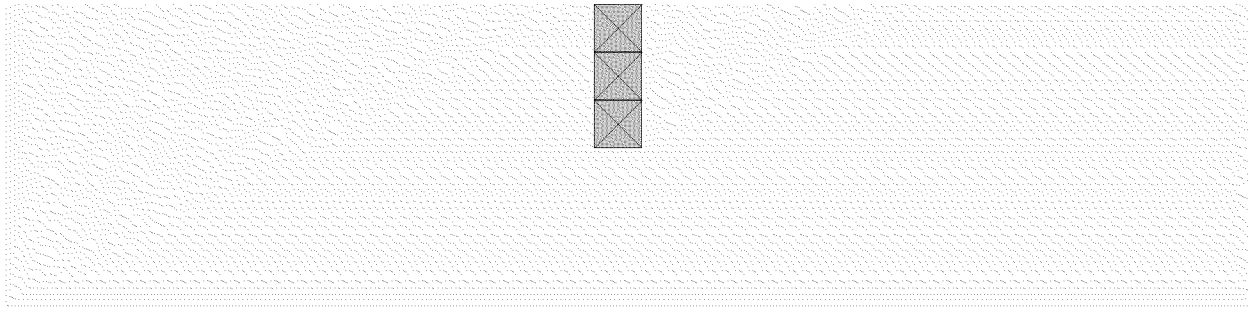
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From: Morning Score
Sent: Wed 10/18/2017 2:03:12 PM
Subject: POLITICO's Morning Score: House FEC report analysis: 37 incumbents outraised in Q3 — Bannon hits up GOP mega-donors exasperated with McConnell — A trio of new polls shows Virginia governor's race tightening

By Elena Schneider | 10/18/2017 10:00 AM EDT

With Kevin Robillard, Zach Montellaro and Daniel Strauss

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

MONEY TALK - "House FEC report analysis: 37 incumbents outraised in Q3," by Campaign Pro's Elena Schneider: "More than three dozen House incumbents - mostly Republicans - trailed opponents in third-quarter fundraising, and a handful are already behind 2018 opponents in terms of cash in the bank, heralding potentially difficult campaigns next year. That's the headline finding in POLITICO's analysis of House campaign finance reports from the third quarter, which were due with the FEC on Sunday. The House landscape also features a glut of self-funders pouring hundreds of thousands of dollars into campaigns around the country. See our full House third-quarter fundraising chart here." Here are some highlights: Incumbents outraised by challengers; Republican incumbents outraised by primary challenger, self-funders; Incumbents with less cash on hand than challengers; and Battleground incumbents who raised less than $250,000. **Full story.**

BANNON WATCH - "Bannon hits up GOP mega-donors exasperated with McConnell," by POLITICO's Alex Isenstadt: "Former White House chief strategist Steve Bannon flew to Atlanta last week to huddle with Republican mega-donor Bernie Marcus - and to hear him vent. A Home Depot co-founder who's been one of the most prolific givers to Senate Republicans, Marcus fumed to Bannon for hours about the lack of return on his investment. In the last six months alone, Marcus has funneled $2 million to a super PAC aligned with Senate Majority Leader Mitch McConnell and tens of thousands more to the National Republican Senatorial Committee - only to watch the Senate fail again and again. Over the last several weeks, Bannon has crisscrossed the country meeting with dozens of the party's biggest contributors - all in the hopes of capitalizing on their anger at McConnell. The populist bomb-thrower wants donors to bankroll primary challenges against Republican incumbents, or short of that, to close their wallets to McConnell-aligned causes." **Full story.**

- "Bannon's army includes candidates backed by the GOP establishment," by POLITICO's Annie Karni: "Matt Rosendale, the Montana state auditor running for Senate, recently received the endorsement du jour in Republican politics: Steve Bannon plucked him for the slate of candidates he is backing as part of his war on the GOP establishment. ... But Bannon's interest in Rosendale - as well as many of the other candidates on his dance card - also has some Washington GOP power brokers confused by his definition of 'anti-establishment.'" **Full story.**

NEW VIRGINIA NUMBERS - TIGHTENING RACE - A trio of new polls has Democrat Ralph Northam and Republican Ed Gillespie in a dead heat. The first, from the Wason Center at Christopher Newport University, has Northam up 48 percent to 44 percent. Libertarian Cliff Hyra is at 3 percent. The Wason Center notes that this is the first time that Northam's lead is within the margin of error. The poll was in the field from Oct. 9-13, with a margin of error of 4.2 percent. A Monmouth University poll has Gillespie up 48 percent to 47 percent, which Hyra pulling in three percent. That poll was in the field from Oct. 12-16 and has a margin of error of 4.9 percent, and the pollsters note that neither candidate has had more than a five-point lead in this poll. The final poll, from Roanoke College, gives Northam a six-point lead, 50 percent to 44 percent, with Hyra pulling in 2 percent. It was being surveyed from Oct. 8-13 with a MoE of 4 percent.

- MORE POLLING DATA - Fox News poll finds Moore, Jones tied in Alabama: "A new Fox News poll shows a tied Alabama Senate race between U.S. Attorney Doug Jones and former Alabama Supreme Court Judge Roy Moore. This is the first survey of the special election that has shown anything other than a Moore lead. The Fox News survey, released this evening, showed the Democrat Jones and the Republican Moore tied at 42 percent in the race to succeed Sen. Luther Strange and Attorney General Jeff Sessions." **Full story.**

Days until the 2017 election: 20.

Days until the 2018 election: 384.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

MONEY IN YOUR EARS - POLITICO's new Money podcast brings you to the intersection of Washington and Wall Street with the most influential minds on the economy. Every Wednesday, Ben White will help you understand the economic and financial policies that move markets. While money never sleeps, you have to - so let Ben keep you up to speed and turn dollars into sense. The first POLITICO Money podcast, premiering with our launch sponsor, Morgan Stanley, features Treasury Secretary Steven Mnuchin. Click HERE to subscribe.

TAX REFORM PRESSURE - Americans for Prosperity expands ad campaign to 11 more states: Americans for Prosperity, which had already spent $4.5 million pressuring three Democratic senators on tax reform, is expanding its ad buy to 11 additional states with digital ads running on YouTube, Facebook and other platforms. The ads are now targeting Sens. Bob Casey (D-Pa.), Bob Corker (R-Tenn.), Heidi Heitkamp (D-N.D.), Joe Manchin (D-W.Va.), John McCain (R-Ariz.), Lisa Murkowski (R-Alaska), Bill Nelson (D-Fla.), Jon Tester (D-Mont.), Susan Collins (R-Maine), Jerry Moran (R-Kan.) and Dean Heller (R-Nev.). The group isn't revealing the size of the buy.

- Club for Growth goes after McCaskill: The Club for Growth is spending $600,000 on two 15-second ads pressuring Democratic Sen. Claire McCaskill on tax reform, saying she "opposes the Trump tax cuts." Both spots began airing on Tuesday in the St. Louis media market. **Watch the ads here and here.**

- AAN launches ads during CNN debate: The American Action Network will air national TV ads during CNN's tax reform debate between Texas Republican Sen. Ted Cruz and Vermont independent Sen. Bernie Sanders, urging support for the GOP tax reform plan. **Watch the ad here.**

KICKING OFF - Wisconsin Gov. Scott Walker starts campaign with digital ads: Wisconsin GOP Gov. Scott Walker is kicking off his reelection campaign with a 60-second digital ad. "There's more to be done," Walker says in the ad. "Investing in training for our workers. Helping people create jobs. Making our schools even better. At the end of each day, after all of the miles and conversations, I can't wait for the alarm to ring to see what opportunities tomorrow will bring. Are you with me?" The ad campaign will push both the 60-second video as well as shorter 15-second and 6-second versions on Facebook and YouTube. Walker will have a formal launch event soon. **Watch the ad here.**

FEC REPORT - Conservative watchdog files complaint against Perez after POLITICO report: DNC Chairman Tom Perez may have violated campaign finance law when he transferred funds from his campaign account to pay off the debt of his former rivals for DNC chair, says a new complaint to the Federal Election Commission from the conservative watchdog group Foundation for Accountability and Civic Trust. The complaint alleges that Perez, acting as an agent of the DNC, transferred non-federal funds from his account to other accounts - a possible legal violation, FOX News reports. The transfers were first reported by POLITICO earlier this year. DNC spokesman Michael Tyler told FOX that FACT's complaint is "completely without merit."

- Stephen Spaulding, strategy chief at Common Cause, gave Campaign Pro his two cents on how the FEC might handle the complaint: "The matter is likely to turn on whether Mr. Perez was acting on behalf of the DNC, and exactly who donated what to whom. ... Given the dismal state of affairs right now at the agency, I wouldn't expect the Commissioners to take action anytime soon given how many important matters from years ago are still unresolved," Spaulding said.

LAST NIGHT IN ARIZONA - "Steve Bannon in attendance for Kelli Ward Senate fundraiser," via The Associated Press. Full story.

- How's this for a contrast: The Arizona Democratic Party notes that while Ward was rallying with talk show host Laura Ingraham, Flake was at a fundraiser hosted by Senate Majority Leader Mitch McConnell.

- Former Ward aides prebut rally: Two former Ward staffers, Dustin Stockton and Jennifer Lawrence, both of whom are also former staffers for Breitbart, issued a press release on Tuesday afternoon apologizing for "helping legitimize the candidacy of Kelli Ward." "Even Jeff Flake

was a solid conservative as a member of the House before he betrayed his base in pursuit of his ambition in the Senate," Lawrence said in a statement. "We have a responsibility to our fellow America First activists to prevent another heartbreak at the hands of a politician's blind ambition. We're going to make sure that Arizona gets Senators that will make America First activists proud. Stay tuned."

CONSULTING MERGER - Axiom Strategies merges with Revolvis: Per a press release announcing the merger: "Axiom Strategies, the largest Republican political consulting firm in the country, announced a completed merger with Revolvis, a full-service political consulting firm with a strong west coast presence. As part of the merger Revolvis Principal Duane Dichiara and Justin Matheson will join Axiom Strategies. The deal will increase Axiom's west coast presence to four offices: San Diego, San Francisco, Sacramento and Seattle. Stephen Puetz, the former Chief of Staff to San Diego Mayor Kevin Faulconer and a Revolvis alum rejoined Axiom this summer."

GETTING THE NOD - "Run for Something backs dozens of progressive candidates," via Edward-Isaac Dovere: "Run for Something, the organizing and empowerment group urging young progressives to run for local office, added 37 more endorsements today, bringing its total to 121 candidates backed for the 2017 and 2018 election cycles. While other groups have focused on getting Democratic candidates ready for statewide runs or House races, Run for Something works with candidates, many of them first-timers, for state legislatures on down. Some of the endorsed candidates in the latest round are running for county clerk and library committee seats." **Full story.**

TIMES A'CHANGIN' - Early and mail voting topped 40 percent in 2016: "More than two out of every five voters cast their ballots using a method other than a voting machine on Election Day 2016, according to the findings in a new U.S. Election Assistance Commission white paper. In total, 57.2 million Americans cast a ballot early, by mail or absentee in 2016. Of those, 24.1 million were early votes. For comparison, 24.9 million people voted using a method other than showing up on Election Day in 2004." **Full story.**

WEB WARS - Senate Leadership Fund attacks Manchin: Senate Leadership Fund is up with a digital ad attacking Manchin for renovations to the Governor's Mansion in the first year of his governorship, which included the addition of 12 flatscreens and a hot tub. **Watch the ad here.**

- American Bridge imagines Stewart-Gillespie conversation: American Bridge is launching a digital ad campaign pushing an imagined text conversation between Gillespie and Prince William County Board of Supervisors Chair Corey Stewart, who has so far declined to endorse him. **Watch the ad here.**

NAME CHANGE - Americans for Responsible Solutions rebrands as Giffords: Former Rep. Gabby Giffords and Capt. Mark Kelly announced a rebrand for their group to Giffords, per a statement from the organization. ARS PAC is now Giffords PAC.

CODA - QUOTE OF THE DAY: "I personally as a Republican in the past few weeks have wondered, is the republic safer if Democrats take over the House in 2018. I raised that issue with

the leading Republican in D.C. last week, and the remarkable thing is he had been thinking exactly the same thing. This is a president that needs a greater check on his power than Republicans in Congress have offered." - Former Rep. David Jolly said on MSNBC.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/10/18/house-fec-report-analysis-37-incumbents-outraised-in-q3-222870

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Daily Environment Report

October 26, 2017 - Number 206

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Leading the News

EPA
EPA's Pruitt Denies He's an Ally of Polluters, Vows to Get Tough
Scott Pruitt, the head of the Environmental Protection Agency, vowed that he will get tough on corporate polluters, dismissing critics who cast him as too cozy with industry.

Energy
Fossil Fuels Get Boost as Agencies Scrutinize Their Rules
Natural gas permitting is likely to be streamlined and air pollution and appliance efficiency regulations will get extra scrutiny as federal agencies seek ways to ease burdens on domestic energy production.

Regulatory Policy
Waiting Game Begins as EPA Nominees Sail Through Committee
President Donald Trump's picks to staff the EPA and the nation's nuclear regulator sailed through a Senate committee, but they face a longer road to getting a confirmation vote.

Water Infrastructure
Interior Department Says No to Aiding California Water Tunnels
California can't count on the Trump administration to advance its $17.1 billion plan to re-engineer the state's key water conveyance system.

News

Air Pollution
No Changes to Toxic Air Pollution Rule for Wastewater Treatment
Standards for the amount of hazardous air pollution allowed to come from wastewater

treatment plants will stay the same, the EPA said in a final rule.

Biodiversity
Fire Rages Across Brazil National Park; Arson Suspected
A fire has burned through about a quarter Brazil's Chapada dos Veadeiros National Park, and as of Oct. 25 had not been brought under control, the government said.

Chemicals
Home Depot Is Removing Formaldehyde as Part of Push to Go Green
Home Depot Inc. is eliminating substances like formaldehyde and lead in several categories, making it the latest retailer to accede to demands for greener products.

Chemicals
U.K. Chemical Companies Face Brexit Uncertainty, Green Watchdog Warns
U.K. chemical companies fear the government's lack of clarity about their future regulatory framework could significantly damage the country's second-biggest manufacturing industry after it leaves the European Union, according to the British Parliament's green watchdog.

Chemicals
Workplace Chemical Exposure Limits Now in EPA's Hands
Regulators at the Environmental Protection Agency can accomplish what their counterparts at the Occupational Safety and Health Administration largely have not: They can limit worker exposure to a host of hazardous chemicals.

Climate Change
Coal Producer Peabody Can Look to Future Without Paying for Past
Peabody Energy Corp. is off the hook for now for liabilities related to its role in climate change.

Climate Policy
NRG Backs Carbon Tax Amid Bid to Sell Clean-Energy Operations
Just because NRG Energy Inc., the owner of almost 9 gigawatts of coal-fired power, is working to sell its renewables businesses doesn't mean it's giving up on clean energy.

Endangered Species
Ringleader Admits Shipping Ivory, Rhino Horn, Coral to China
A basement in historic Concord, Mass., was the staging ground for a wildlife smuggling ring that shipped $700,000 of ivory, coral, and rhinoceros antiquities from the U.S. to China, the leader of the ring has admitted to a federal judge.

Energy
European Coal-Power Addicts Dwarf Those Planning Exits
Europe still has a long way to go to curb its addiction to coal power when viewed through the lens of capacity, according to Bloomberg New Energy Finance.

Energy
Forget the Grid of the Future, Puerto Ricans Just Want Power Back
A month after Hurricane Maria devastated the island, power lines still lay slack along roads, utility poles are snapped clean in half, and most Puerto Ricans remain in the dark.

Energy
Nuclear Industry Pushes IRS for Decommissioning Fund Rule Change
Nuclear energy industry advocates urged the IRS to allow power plants shutting down to use

tax-favored funds to pay for storing spent fuel whether or not the expenditures are tax deductible.

Energy

Rick Perry Discusses Power Supply with African Nations

U.S. Energy Secretary Rick Perry discussed energy issues, including liquefied natural gas supply for electricity generation, with a range of African nations from Nigeria and Ivory Coast to South Africa.

Formaldehyde

Lumber Liquidators Reaches $36M Laminate Flooring Settlement

Lumber Liquidators has reached a $36 million settlement of class action claims over its sale of Chinese-made laminate flooring (In re Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability Litigation, E.D. Va., 15-md-2627, 16-md-2743, 10/24/17).

Pesticides

Chemical Companies Concerned as EU Glyphosate Deadlock Continues

BASF Corp., Monsanto Co., and other companies marketing products containing glyphosate expressed frustration Oct. 25 at the lack of progress in the European Union over the reauthorization of the herbicide.

Regulatory Policy

House Votes to Bolster Industry Say in Environmental Settlements

The House moved Oct. 25 to abolish what Republicans see as improper collusion between the EPA and environmental groups when they negotiate settlements that force the agency to expedite or strengthen regulations, sending the bill to an uncertain future in the Senate.

Renewable Energy

Ban on New Onshore Wind Farms May Cost U.K. Up to $1.3 Billion

The U.K.'s subsidy ban for new onshore wind farms could tack 1 billion pounds ($1.3 billion) onto power bills over five years by eschewing one of the cheapest forms of clean energy.

Renewable Energy

Spain's Supreme Court Upholds 'Sun Tax' on Solar Producers

Spain's solar producers could fall out of sync with the European Union's renewable energy and climate goals after the country's Supreme Court upheld a decision on fees known as the sun tax.

Renewable Energy

Why Oil-Rich Gulf Arab Countries Are Turning to Renewables

Solar power is getting so cheap that even Gulf Arab states awash in crude oil are embracing the renewable resource. Their motive is as much to keep selling fossil fuels as it is to rein in their carbon emissions.

TCE

Ametek Exec Loses Bid to Dismiss Hazmat Death Claims

An executive for Ametek Inc. must answer claims that his inaction in cleaning up a large hazardous waste spill contributed to a woman's cancer death, the Southern District of California ruled Oct. 24 (Cox v. Ametek, Inc., 2017 BL 381749, S.D. Cal., No. 17-cv-01211, 10/24/17).

Correction

Because of en editing error, the affiliation of the press secretary in the final paragraph of the Oct. 24 story, "Energy Bid to Support Coal, Nuke Plants Called Illegal," was incorrect. The press secretary works for the Department of Energy. The online version of the story has been corrected.

Practitioner Insights

Pesticides

Practitioner Insights: Manipulated Science Attacks Vital Herbicide

Our quality of life depends on sound science. From health care to transportation to energy and food, progress and innovation will require valid and objective research.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/11/2017 11:53:11 PM
Subject: Aug. 14 -- Daily Environment Report



Daily Environment Report

August 14, 2017 - Number 155

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Leading the News

Coal Mining
West Virginia Governor's Coal-Subsidy Pitch Troubles Westerners
Coal companies from outside Appalachia, and the Republicans in Congress representing them, are taking a dim view of West Virginia Gov. Jim Justice's efforts to win a $4.5 billion subsidy for eastern coal.

Endangered Species
Sage Grouse Protection Changes May Yield Benefits, States Say
The first suggested changes to federal protections for the greater sage grouse under the Trump administration may not be as broad-ranging as some of the bird's advocates fear.

General Policy
Week Ahead: Integrating Energy, Water Use to Be Explored at Forum
A hydropower and tidal power executive will outline the importance of assessing water and energy issues in an integrated fashion at a Tuesday forum, one of several energy and environment events—including numerous webinars—the week of Aug. 14.

News

Chemicals
EPA's Toxic Substances Rules Face First Legal Tests
Two of the EPA's core regulations for implementing the nation's amended chemicals law face early legal challenges from more than a dozen environmental, labor, and health organizations.

Climate Regulation

Utilities Face More Emissions Cuts in Massachusetts

Massachusetts power generators face tighter greenhouse gas limits and new demands to purchase power from renewable sources as the state implements a law requiring deep emissions cuts.

EPA

California Sues for Answers About Pruitt's EPA Stewardship

California Attorney General Xavier Becerra (D) sued the EPA to compel it to say what steps were taken to ensure its rulemaking and procedures remain impartial despite Administrator Scott Pruitt's background as a onetime legal opponent of the agency.

Energy

Troubled Georgia Nuclear Project Is Said to Seek Aid from Trump

President Donald Trump has vowed to revive America's dying nuclear industry. Backers of a troubled Georgia nuclear project want him to prove it.

Motor Vehicles

Musk's Electric-Car Vision Doubted by Major Parts Suppliers

Some of the world's top auto-parts suppliers aren't buying all the enthusiasm about the electric vehicles hyped by Tesla Inc.'s Elon Musk and larger carmakers trying to keep up.

Motor Vehicles

Parked Electric Cars Earn $1,530 from Europe's Power Grids

Electric car owners are earning as much as $1,530 a year just by parking their vehicle and feeding excess power back into the grid.

Oil & Gas

Threat of Venezuelan Oil Ban Pits Oil Boss Against Refiners

The prospect of a U.S. blockade of crude oil imports from Venezuela has ignited fierce lobbying in Washington pitting domestic energy producers such as oil tycoon Harold Hamm, who favor a get-tough approach, against refiners that depend on those supplies.

Pesticides

Wildlife-Killing Cyanide 'Bombs' Ban Sought by Environmentalists

A coalition of environmental groups wants the EPA to ban chemicals that kill coyotes, wolves and other predators in farming and ranching communities, as part of a growing effort to ban devices that accidentally kill hundreds of wild and domestic animals annually.

Renewable Energy

London Solar Auctions Aim to Make City Greenest on Earth

London Mayor Sadiq Khan said he wanted to try city-wide auctions as part of an environment strategy proposed to more than double the capital's solar energy generation capacity by 2030.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 8/29/2017 10:33:53 AM
Subject: POLITICO Playbook, presented by the American Bankers Association: TRUMP heads to Texas as epic floods continue -- POTUS 'unusually silent' after top aides challenge him -- REMEMBERING MICHAEL CROMARTIE -- MICHAEL SCHERER to WaPo -- B'DAY: Neil Gorsuch

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Today's POLITICO Playbook presented by the American Bankers Association

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Listen to the Playbook Audio Briefing

Driving the Day

Good Tuesday morning. PRESIDENT DONALD TRUMP is headed to Texas at 8:30 a.m. to survey the devastation in the wake of Hurricane Harvey. **THE PLAN:** Trump will arrive in Corpus Christi, receive a briefing, and then head to Austin for a tour of the Emergency Operations Center and a meeting with the state's leaders.

-- UNDER THE DOME: D.C. IS BEGINNING TO TURN ITS ATTENTION to the likelihood that it will have to pass a massive emergency spending bill to help rebuild Houston. It will take a while for Texas and the federal government to fully assess its needs. But President Trump yesterday promised "rapid action from Congress," not to mention his vow that the water-logged state will be "up and running very, very quickly," something that emergency managers and Texas officials have pushed back on.

A FEW PATHS THE LEGISLATING CAN TAKE, per insiders we've spoken to: Congress can provide an initial down payment by passing the first installment of cash for Texas. That would give lawmakers the opportunity to show they're on top of the situation, while leaving open the possibility that they'd have to pass a second -- and larger -- bill. This has upsides and downsides. Upside: it shows immediate action. Downside: Congress would have to act twice. It's hard enough for the institution to do something once.

Another option is to attach a disaster relief bill to a government funding measure. Upside: As long as the bill didn't include funding for the border wall, this would help ease the passage of a bill to fund the government and could stop a September shutdown. Downside: Any time Congress lops one measure onto another something could go wrong.

-- THE REALITY, via Julie Turkewitz in Houston, Richard Perez-Pena in New York and Jack Healy in San Antonio with Dave Montgomery in Austin, Dave Philipps in San Antonio, John Schwartz in New Orleans and Henry Fountain in New York, on A1 of the the NYT: "Local, state and federal officials conceded that the scale of the crisis was so vast that they were nowhere near being able to measure it, much less fully address it. Across a region that is home to millions of people and includes Houston, the nation's fourth-largest city, no one has a clear idea how many people are missing, how many evacuated, how many hunkered down or were trapped in their waterlogged homes, or how many inundated houses and vehicles are beyond saving." http://nyti.ms/2wFm5MD

-- L.A. TIMES: "By Monday evening, the death toll had risen to nine. Officials in Harris County, which includes Houston, reported at least six 'potentially storm-related' fatalities. A 60-year-old woman died Monday in Porter, a small community north of Houston, when a large oak fell on her mobile home. Another person died in the small coastal town of Rockport, near where Harvey made landfall. A 52-year-old homeless man was found in La Marque, a small city near Galveston." http://lat.ms/2gldb0n

HOUSTON POLICE CHIEF ART ACEVEDO to the AP: "We know in these kind of events that, sadly, the death toll goes up historically. I'm really worried about how many bodies we're going to find."

PULLING BACK THE LENS -- "Bracing for Harvey's return, worry renews: Is worst to come?," by AP's Michael Graczyk and David Phillip in Houston: "The disaster is unfolding on an epic scale, with the nation's fourth-largest city mostly paralyzed by the storm that has parked itself over the Gulf Coast. With nearly 2 more feet of rain expected on top of the 30-plus inches in some places, authorities worried the worst might be yet to come. The Houston metro area covers about 10,000 square miles, an area slightly bigger than New Jersey. It's crisscrossed by about 1,700 miles of channels, creeks and bayous that drain into the Gulf of Mexico, about 50 miles to the southeast from downtown.

"The storm is generating an amount of rain that would normally be seen only once in more than 1,000 years, said Edmond Russo, a deputy district engineer for the Army Corps of Engineers, which was concerned that floodwater would spill around a pair of 70-year-old reservoir dams that protect downtown Houston." http://bit.ly/2vo9i1v

-- UNBELIEVABLE STATS in today's **HOUSTON CHRONICLE:** "Tropical Storm Harvey was producing 1 to 2 inches of rain per hour Tuesday morning, which would ultimately worsen the city's flooding problem, according to the National Weather Service." ... "The amount of water expected to hit Fort Bend County by late Tuesday could reach levels seen only about once every 800 years."

-- WHAT YOU'LL HEAR A LOT ABOUT IN THE COMING DAYS: "Storm water starts rising in neighborhoods near Addicks and Barker dams," by the Houston Chronicle's John Harden and Lindsay Ellis: "The U.S. Army Corps of Engineers began releasing water from the Addicks and Barker reservoirs early Monday morning, hours

before officials planned to release rainfall from the two dams, according to the Harris County Flood Control District.

"The flood control district reported almost an hour later that storm water has started rising in the neighborhoods adjacent to Addicks and Barker. Heavy rainfall forced reservoir officials to begin releasing water from the dams sooner than previously planned. Col. Lars N. Zetterstrom with the U.S. Army Corps of Engineers had announced late Sunday afternoon that rising levels in the two reservoirs would force authorities to release water from both dams. The rising tides within the dams are forcing the water to swell and spill upstream into neighboring communities that sit against the dams." http://bit.ly/2wFpNpJ

CLICKER -- "The Unprecedented Flooding in Houston, in Photos" - *28 pix on one page* http://theatln.tc/2vzWrW4

****** **A message from the American Bankers Association:** Bank customers deserve both safety and convenience. That's why America's banks created innovative ways-like mobile banking and remote deposit-for you to safely access your money 24/7. And we're just getting started. Learn more: http://politi.co/2w4RZRG ******

MATT NUSSBAUM: "Trumpian branding meets national tragedy": "President Donald Trump has deployed his knack for marketing as Hurricane Harvey has ravaged Texas, calling the storm 'epic,' 'historic,' and the 'biggest ever.' 'Even experts have said they've never seen one like this!' Trump declared on Twitter. But Trump's showmanship is about to collide with the devastation on the ground as he heads to Texas on Tuesday, and while natural disasters usually call for a certain presidential demeanor, Trump's response so far has been distinctly his own." http://politi.co/2vAp7hi

THIS COULD BE A PROBLEM -- "Texas Republican vows to fight for flood insurance overhaul," by Zach Warmbrodt: "As his state's largest city is pounded by extreme rain, Rep. Jeb Hensarling is digging in his heels on a conservative vision for overhauling the heavily indebted National Flood Insurance Program, which protects millions from the risk of financial calamity. The Texas Republican, who as chairman of the House Financial Services Committee is spearheading efforts to revamp the program before it expires next month, will call on his colleagues to pass his proposal as soon as they return from recess.

"His committee has drafted legislation that would renew the program for five years but also shrink its footprint, make coverage more expensive for policyholders, and ease the pathway for private companies to sell their own flood insurance policies. Opponents say the changes would make coverage less accessible for many homeowners. ... In an interview Monday, as the devastation in Houston began to bring the policy issues to the fore, Hensarling said he was 'pressing on the accelerator' - not the brake. 'It's more urgent than ever we get this bill done,' he said.

"His characteristic steadfastness puts him at odds with other lawmakers, aides and

lobbyists who suggested Congress was more likely to advance a less ambitious flood insurance package, including potentially a short-term extension bill without significant reforms. 'Hurricane Harvey makes a rapid reauthorization of the NFIP - in its current form - more likely,' a House Republican leadership aide said. 'Considering the ongoing disaster in Texas and the fact we are not even halfway through hurricane season, I think there will be immense public and political pressure to get this finished.'" http://politi.co/2wOgJzn

-- HENSARLING HAS STRUGGLED for years with changes to the flood insurance program.

NORTH KOREA, UNCOWED -- WAPO'S ANNA FIFIELD in **TOKYO:** "North Korea launched a ballistic missile Tuesday morning that flew over the northern Japanese island of Hokkaido, the most brazen provocation of Kim Jong Un's five-year-long rule and one that elicited strong condemnation from U.S. allies Japan and South Korea.

"The launch poses a further challenge , in particular, to President Trump, who has made North Korea a favorite rhetorical target. Trump said earlier this month that he would make Kim 'truly regret' harming the United States or its allies. In Japan, the prime minister was visibly agitated by North Korea's actions. 'A missile launch across Japan is an outrageous act that poses an unprecedented, grave and serious threat, and significantly undermines the peace and security of the region,' Shinzo Abe said after an emergency national security council meeting. ...

"In Seoul, President Moon Jae-in, a liberal who has promoted engagement with Pyongyang, ordered an 'overwhelming show of force' in response to the missile launch. South Korea's military aircraft dropped eight bombs on a shooting range on the southern side of the border with North Korea." http://wapo.st/2wepm4p

THE BIG PICTURE, NYT A18 -- "Two Bankers Are Selling Trump's Tax Plan. Is Congress Buying?" by Julie Hirschfeld Davis and Kate Kelly: "Gary D. Cohn and Steven Mnuchin have spent months behind closed doors with Republican congressional leaders sketching the contours of an elaborate and politically difficult tax overhaul that is President Trump's top priority. ... Already, their ambitions have drifted from the president's original mark: A 15 percent corporate tax rate proposed in April is now likely to move to the 20 to 25 percent range, say two people familiar with the officials' recent thinking. And a proposed 35 percent ceiling on the highest personal income tax rate could be shelved altogether, leaving the current 39.6 percent cap intact.

"For Mr. Cohn and Mr. Mnuchin, quiet competitors since their days as new partners at Goldman Sachs more than two decades ago, the task is a consequential test of whether real-world experience in finance has equipped them to carry out a delicate political negotiation, and whether two Jewish New Yorkers who have been lavish supporters of Democrats can succeed in Mr. Trump's Washington. 'Goldman has thrived by hiring strong individuals with very different backgrounds and putting them together on a team,' Lloyd Blankfein, the chief executive of Goldman Sachs, said in an email. 'Gary and

Steven are both steeped in that tradition from their years working side by side on the trading floor -- not a bad training ground for the pressure cooker that is Washington.' ...

"In a meeting with a group of Senate Democrats this year, according to people who were present, Mr. Cohn jokingly dismissed concerns about the wisdom and cost of repealing the estate tax, remarking, 'Only morons pay the estate tax.' A source close to Mr. Cohn denied that he had used the word, saying he had been referring to 'rich people with really bad tax planning.'" http://nyti.ms/2iEVQjO

TRUMP V. HIS CABINET -- "Trump rejected China steel offer his officials backed," by FT's Demetri Sevastopulo and Shawn Donnan: "Donald Trump last month rejected a Chinese proposal to cut steel overcapacity despite it being endorsed by some of his top advisers, as he urged them instead to find ways to impose tariffs on imports from China. One week after the July G20 summit in Hamburg -- where Mr. Trump criticised China for flooding the world market with cheap steel -- Beijing proposed cutting steel overcapacity by 150m tonnes by 2022. But Mr. Trump twice rejected the deal, according to several people familiar with the internal debate. ... Wilbur Ross, U.S. commerce secretary, endorsed the deal and brought it to Mr. Trump, but the president rejected the proposal. Mr. Ross, a long-time friend of the president, floated the deal again the following week during the two-day meetings with Chinese vice-premier Wang Yang, but Mr. Trump once again refused to accept it." http://on.ft.com/2xu5bhQ

DEPT. OF BARK NO BITE -- "Trump unusually silent after aides challenge him," by Josh Dawsey, Ben White and Eliana Johnson: "President Donald Trump is not happy with Secretary of State Rex Tillerson and Gary Cohn, director of the National Economic Council, for publicly criticizing his response to violence in Charlottesville, Virginia. But it appears there is little he is planning to do about it, according to people who have spoken to him. The unusually direct challenges from a Cabinet secretary and senior administration official seemed to make little more than a surface ripple in the swirling melodrama of the Trump White House, even as the president fumed privately about it. ... Cohn told associates that he hadn't heard a word from the president about his supposed anger - and that he didn't regret one bit having made his comments." http://politi.co/2vFswL1

-- BUT, BUT, BUT ... "Trump Punishes Longtime Aide After Angry Phoenix Speech, Sources Say," by Bloomberg's Jen Jacobs and Kevin Cirilli: "Donald Trump was in a bad mood before he emerged for a confrontational speech in Arizona last week. TV and social media coverage showed that the site of his campaign rally, the Phoenix Convention Center, was less than full. Backstage, waiting in a room with a television monitor, Trump was displeased, one person familiar with the incident said: TV optics and crowd sizes are extremely important to the president.

"As his surrogates warmed up the audience, the expanse of shiny concrete eventually filled in with cheering Trump fans. But it was too late for a longtime Trump aide, George Gigicos, the former White House director of advance who had organized the event as a contractor to the [RNC]. Trump later had his top security aide, Keith

Schiller, inform Gigicos that he'd never manage a Trump rally again, according to three people familiar with the matter." https://bloom.bg/2vo1Fb9

REVOLVING DOOR -- "Another RNC data guru heads for the exits," by Alex Isenstadt: "The [RNC] is losing its fifth staffer in just over a month. Conor Maguire, who has been working at the committee since 2011, is expected to depart in the next few weeks, according to two senior Republicans familiar with the move. Maguire, who served as director of external support, joins a wave of aides who have exited the committee's data department amid a change in leadership among its top ranks." http://politi.co/2vnVBiO

IN FOGGY BOTTOM -- "Tillerson moves to ditch special envoys," by CNN's Elise Labott, Nicole Gaouette and Jeremy Herb: "Secretary of State Rex Tillerson is moving to eliminate or downgrade special envoy positions at the State Department, including the representative for climate change, a step that is sure to ignite vociferous opposition from some members of Congress. In a letter obtained by CNN and written to Senator Bob Corker, the Tennessee Republican who heads the foreign relations committee, Tillerson said he would end or transfer as many as three dozen special envoy positions. ... Special envoys for Syria, Sudan and South Sudan, and the Arctic will be eliminated." http://cnn.it/2wdQ39q

BANNON VS. TRUMP -- "Bannon wages war against Trump-backed candidate in Alabama," by Alex Isenstadt: "Just-departed White House chief strategist Steve Bannon is breaking from President Donald Trump in the closely watched Alabama Senate special election. During a closed-door meeting with powerful conservatives in Washington last week, Bannon declared that he's supporting former state Supreme Court Justice Roy Moore over Trump-endorsed incumbent Sen. Luther Strange, according to two people who were present. ... Appearing before a meeting of the secretive Conservative Action Project, Bannon made it clear that he supported Moore, a favorite among evangelicals, but was careful not to cast it as a break with the president. Rather, he said, it was an act of opposition toward Senate Majority Leader Mitch McConnell (R-Ky.), who is supporting Strange and has made the race a top political priority." http://politi.co/2wee68i

-- THIS WILL NOT be a fight that McConnell will shy away from. He and his allies have gone up against Bannon in primaries before -- and won.

IT'S BEGINNING ... -- "The 2020 campaign just kicked off in a New Hampshire strip mall," by Isaac Dovere in Manchester, New Hampshire: "Just like that, the 2020 retail campaigning for president began right here in a strip-mall campaign headquarters Monday, when Los Angeles Mayor Eric Garcetti showed up for what he called 'the most important race in the country.' He was talking about the Manchester mayor's election. Joyce Craig, the Democratic candidate, invited him to join her for an afternoon that also included a speech to the Manchester Young Democrats and a fundraiser. Garcetti worked the crowds, introduced himself as 'Eric,' and took a bumper sticker and put it on the back of the black SUV he was driving around in. ... On Tuesday, Rep. John Delaney

(D-Md.), the only one to have already officially announced, will be here for a two-day trip, trying to get attention for his long-shot bid.

"On Labor Day, both Sen. Bernie Sanders (I-Vt.) and Jason Kander, the Democrat who narrowly lost his U.S. Senate bid in Missouri last year, will be back. And on Thursday, Sanders -- who was in Indiana and Michigan last week 00 will be in Iowa, along with Sen. Amy Klobuchar of Minnesota. Sen. Jeff Merkley of Oregon will be there in October. Former Vice President Joe Biden, who made his own teasing stop here in Manchester at the end of April, is headed to South Carolina in September." http://politi.co/2vFtqas

COMING ATTRACTIONS -- "Senate chairman eyes Sessions testimony this fall," By Seung Min Kim and Elana Schor: "Senate Judiciary Chairman Chuck Grassley is preparing for testimony by Attorney General Jeff Sessions as soon as next month - a high-stakes appearance for Sessions, who's likely to face tough questions over the ongoing investigation into President Donald Trump's ties to Russia. Grassley (R-Iowa) wrote to Sessions on Monday that 'unfortunately we still do not have a confirmed date' for the committee's usual Department of Justice oversight hearing. Staff-level discussions have zeroed in on Sept. 19, Sept. 27, or Oct. 3 as open dates for Sessions' testimony, Grassley wrote, asking Sessions to reply no later than Wednesday." http://politi.co/2wY4orF

THE JUICE ...

-- TWO FUN SPOTTEDS: IVANKA TRUMP last night at a table with five other women at Barcelona Wine Bar on 14th Street ("half price wine night") ... Huma Abedin lunching at Sunset Beach in Shelter Island on Monday with her son Jordan and other friends.

-- HOT JOB: The Des Moines Register is hiring for a new politics editor who will oversee their coverage of the 2020 caucus cycle (as well as the 2018 gubernatorial race and the 2020 general election). http://bit.ly/2wF0i7H

-- HILLARY FALL BOOK TOUR CITIES: 3 STOPS IN CANADA! D.C.; Toronto; Broward, Florida; Davis, California; Montreal, Canada; Ann Arbor, Michigan; Chicago; NYC; Milwaukee; Atlanta; Boston; Philadelphia; Seattle; Portland; and Vancouver. http://bit.ly/2iELyjH

-- MICHAEL SCHERER is joining the Washington Post as national political reporter. He has been Time's Washington bureau chief since 2013. http://wapo.st/2vF6N6b

Playbook Reads

PHOTO DU JOUR: Rescue boats fill a flooded street as flood victims are evacuated as floodwaters from Hurricane Harvey rise on Aug. 28 in Houston. | David J. Phillip/AP Photo

THE NEVER-ENDING RUSSIA STORY ...

-- WAPO'S ROS HELDERMAN, CAROL LEONNIG and **TOM HAMBURGER:** "A top executive from Donald Trump's real estate company emailed Russian President Vladimir Putin's personal spokesman during the U.S. presidential campaign last year to ask for help advancing a stalled Trump Tower development project in Moscow, according to documents submitted to Congress on Monday. The request came in a mid-January 2016 email from Michael Cohen, one of Trump's closest business advisers, who asked longtime Putin lieutenant Dmitry Peskov for assistance in reviving a deal that Cohen suggested was languishing.

"'Over the past few months I have been working with a company based in Russia regarding the development of a Trump Tower-Moscow project in Moscow City,' Cohen wrote to Peskov, according to a person familiar with the email. 'Without getting into lengthy specifics, the communication between our two sides has stalled. As this project is too important, I am hereby requesting your assistance. I respectfully request someone, preferably you, contact me so that I might discuss the specifics as well as arranging meetings with the appropriate individuals. I thank you in advance for your assistance and look forward to hearing from you soon,' Cohen wrote. Cohen's email marks the most direct outreach documented by a top Trump aide to a similarly senior member of Putin's government." http://wapo.st/2wOFETi

-- NYT'S MATT APUZZO and **MAGGIE HABERMAN: "Trump Associate Boasted That Moscow Business Deal 'Will Get Donald Elected'"** : "The associate, Felix Sater ... predicted that building a Trump Tower in Moscow would highlight Mr. Trump's savvy negotiating skills and be a political boon to his candidacy. 'Our boy can become president of the USA and we can engineer it,' Mr. Sater wrote in an email. 'I will get all of Putins team to buy in on this, I will manage this process.' ...

"Mr. Sater said he was eager to show video clips to his Russian contacts of instances of Mr. Trump speaking glowingly about Russia, and said he would arrange for Mr. Putin to praise Mr. Trump's business acumen. ... Mr. Sater said it would be 'pretty cool to get a USA President elected' and said he desired to be the ambassador to the Bahamas. 'That my friend is the home run I want out of this,' he wrote." http://nyti.ms/2iEZg68

FOR THE PRESIDENT -- "Mueller Team Asking If Trump Tried to Hide Purpose of Trump Tower Meeting," by NBC News' Julia Ainsley and Tom Winter: "Federal investigators working for Special Counsel Robert Mueller are keenly focused on President Donald Trump's role in crafting a response to a published article about a meeting between Russians and his son Donald Jr., three sources familiar with the matter told NBC News. The sources told NBC News that prosecutors want to know what Trump knew about the meeting and whether he sought to conceal its purpose." http://nbcnews.to/2vnrk3Z

ISAAC DOVERE'S "OFF MESSAGE": "How Detroit's Mayor Became Unbeatable,"

in Detroit: "Something weird is happening in Motor City: Government is working. And the guy in charge is about to get re-elected in a landslide because of it. Detroit used to look like how America ends. Abandoned skyscrapers downtown. An 18-story abandoned train station looming at the edge of the skyline like a Roman ruin. Collapsing car factories, block after block of grass growing high over lots where the houses had burned or been abandoned. Bankrupt, with the governor putting a city manager in charge, looking at selling off its art museum's collection to pay the bills-all while the glass towers of General Motors' of-course named Renaissance Center stuck up high above neighborhoods where it wasn't safe to drink the water.

"'I was appalled at so many things,' Mayor Mike Duggan told me in an interview for POLITICO's Off Message podcast, recorded in his office. 'That the buses just weren't running and people stood out on the corners in the winter for hours at a time. That every vacant building in the city was covered with graffiti and nobody cared. The lack of anybody caring was heartbreaking.'" ***BONUS: The previously unreported showdown he, Mitch Landrieu and Bill de Blasio had with John Podesta at Clinton campaign headquarters last year over what they warned was an economic message too long and complicated to work.*** http://politi.co/2wemsg1 ... ***Listen to the full podcast*** http://apple.co/2e2dLvm

JOHN BOLTON in NR, "How to Get Out of the Iran Nuclear Deal": "Although candidate Donald Trump repeatedly criticized Barack Obama's Iran nuclear agreement, his administration has twice decided to remain in the deal. ... Many outside the administration wondered how this was possible: Was Trump in control, or were his advisers? Defining a compelling rationale to exit Obama's failed nuclear deal and elaborating a game plan to do so are quite easy. In fact, Steve Bannon asked me in late July to draw up just such a game plan for the president - the option he didn't have - which I did. ... I offer the Iran nonpaper now as a public service, since staff changes at the White House have made presenting it to President Trump impossible. Although he was once kind enough to tell me 'come in and see me any time,' those days are now over." http://bit.ly/2wOLKmH

-- **Foreign Policy's Dan DeLuce** : "A source involved in the Iran policy discussions at the White House confirmed that Bolton was in and out of the Oval Office for at least several weeks. At one point, he was even offered the possibility of serving as deputy national security advisor, with the idea that he might eventually get to replace H.R. McMaster. The source said Bolton declined, preferring to wait until he was offered the top job." http://atfp.co/2wew5eZ

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of young Americans to help them become financially successful adults. Find out more at www.aba.com/AmericasBanks, #AmericasBanks ******

SPENCER ACKERMAN in **THE DAILY BEAST -- "Paul Manafort Teamed Up With Obama's Lawyer to Help Putin Ally:** As the examination of pro-Kremlin influence-peddling continues, Democrats are coming under scrutiny, too": "It wasn't just Republicans. When Paul Manafort needed a powerful D.C. law firm to bless an alarming act by his clients in Kiev's pro-Kremlin regime in Kiev, Donald Trump's future campaign chairman turned to attorneys with significant ties to Barack Obama's administration.

"In exchange, a team led by Obama's former White House counsel Greg Craig at the firm of Skadden Arps produced a report that whitewashed the pro-Putin government of Viktor Yanukovych for jailing Yanukovych's anti-Kremlin predecessor. Manafort consulted for Yanukovych's Party of Regions. And they did it all for roughly $13,000-a conspicuously small amount for top lawyers at a prestigious law firm. (Prosecutors in Ukraine have reportedly alleged a million dollars more in secret payments.)" http://thebea.st/2vzJQSx

MIKE STEEL in the **CHARLOTTE OBSERVER -- "Dean Smith statue in the U.S. Capitol? He beats who's there now":** "The furor over removing Confederate memorials offers North Carolina an opportunity to tell a new, more positive story about our state and our values. One modest proposition: We should replace North Carolina's statue of a Confederate veteran in the U.S. Capitol with a new statue of the late, legendary college basketball coach Dean Smith." http://bit.ly/2vo0YP5

BUSINESS BURST -- "At Whole Foods, Amazon Takes Rare Lead in Cutting Prices,"by WSJ's Laura Stevens and Heather Haddon: "Amazon.com on Monday put itself in the unusual position of being a first-mover on price cuts when it slashed the sticker price on more than 100 items at Whole Foods Market many by more than 30%. Amazon typically relies on algorithms that scrape competitors' prices before automatically matching or narrowly undercutting them on its website. It focuses on items that are most popular on the site and that drive traffic, according to former executives in Amazon's retail divisions. That gives the retail giant a reputation for having the lowest prices, part of its strategy of driving more shopper traffic." http://on.wsj.com/2vFM69X

VALLEY TALK -- MARK ZUCKERBERG posts on Facebook: "Priscilla and I are so happy to welcome our daughter August! We wrote her a letter about the world we hope she grows up in, and also hoping she doesn't grow up too fast." ***With the letter and a pic of the whole family*** http://bit.ly/2vzP7cL

MEDIAWATCH -- Paul Farhi (@farhip): "Pres/CEO of @Newseum, Jeff Herbst, suddenly steps down. Interim head will Jan Neuharth, chair/CEO of Freedom Forum, Newseum says."

Playbookers

REMEMBERING MICHAEL CROMARTIE - Christianity Today's Kate Shellnut: "Cromartie, a Washington networker who helped rebrand America's image of Christian political engagement, has died of cancer at age 67. The news of his death was reported Monday on Twitter and confirmed by colleagues at the Ethics and Public Policy Center, the DC-based conservative think tank where he served for more than 30 years. Cromartie brought Christian thought leaders and secular journalists under the same roof at the Faith Angle Forum, held every year since 1999. ... In a political arena often dominated by competition, power grabs, and culture war debates, Cromartie stuck out by offering a friendlier, humbler approach." ***With remembrances by Michael Gerson, Russell Moore, Michael Wear, John Stonestreet, Pete Wehner*** http://bit.ly/2qlyRti ... ***2013 profile*** http://bit.ly/2weDEIW ...***Friends' memories of Michael on his Facebook page*** http://bit.ly/2x00u19

TRANSITIONS -- Julian Castro, former HUD secretary and San Antonio mayor, is joining the faculty of the LBJ School at UT Austin as the dean's distinguished fellow and fellow of the Davila chair in international trade policy. ... **Maggie Hollander** has joined MSNBC as a media relations manager. Hollander was previously an international communications manager at Viacom. ... **George Selim** has been named SVP of programs at the ADL. He's the former DHS director of the office for community partnerships.

OBAMA ALUMNI -- MICHAEL GOTTLIEB, partner at Boies Schiller Flexner and former W.H. associate counsel, has been named to National Law Journal's D.C. Rising Stars list - what he says is his biggest win: "I am proud to have helped James Alefantis, owner of Comet Ping Pong, fight back against fake news attacks falsely claiming that Comet was running a child sex ring. We helped Comet restore its business, and obtained an apology and retraction from leading conspiracy theorist Infowars." ***For NLJ subscribers*** http://bit.ly/2xtBq0r

WELCOME TO THE WORLD - Ryan Brevard, adviser at the Institute of International Education, and girlfriend **Bri Fett** recently welcomed Magnolia Marie Brevard. ***Pic*** http://politi.co/2xGfK0v

WEEKEND WEDDINGS - Hayley Andrews, director of government affairs and policy at the Charles Group and travel blogger at Navigate Abroad (http://bit.ly/2tjP2ff), on Saturday married **Eugene Gelfgat,** a lieutenant in the Army. Their small wedding was at Meadowlark Botanical Gardens in Vienna, Va. The couple met as GW students on a Birthright Israel trip in 2010. ***Pic*** http://bit.ly/2vnE9v9

-- Scott Rausch, legislative director for Rep. Alex Mooney (R-W.Va.), on Saturday married **Patricia Simpson,** director of career programs at the Leadership Institute. "The couple met at a birthday party at the home of Brent Gardner, chief government affairs officer at AFP, the day Scott moved to D.C. to begin his job as a lobbyist at the NRA." ***Pic*** http://bit.ly/2xFhdUv

BIRTHWEEK (was Sunday): Ashley Koerber of Fox News

BIRTHDAY OF THE DAY: Robert Rubin, former U.S. treasury secretary and co-chair emeritus of the Council on Foreign Relations, celebrating at Daniel in New York. **A fun fact about Bob:** "A fun fact is how I found out who Jimmy Buffett is. When I was at Treasury, I told the Republican House majority leader that Warren Buffett was opposed to cutting capital gains taxes-as was I. (And I still am.) He responded that Warren Buffett might be opposed, but *Jimmy* Buffett is in favor. I started to say, 'Why should I care about Warren Buffett's son?' but I didn't. Later, someone told me that Jimmy Buffett is a famous singer, so I called Alan Greenspan to see if he had heard of this Jimmy Buffett character. He said it was probably Warren's son. I later told President Clinton about my exchange with the majority leader. The President laughed at me for not knowing who Jimmy Buffett is, and I told him that Greenspan also thought he was Warren's son. President Clinton said that for some reason this didn't surprise him." Read his Playbook Plus Q&A: http://politi.co/2vFATX0

BIRTHDAYS: Supreme Court Justice Neil Gorsuch ... Gary Shapiro, president and CEO of Consumer Technology Association ... former Treasury Secretary Jack Lew ... Sen. John McCain (R-Ariz.) ... Connie Milstein (hat tip: Tammy Haddad) ... Politico's Nancy Scola and Rachael Cusick ... Charlie Spies, leader of Clark Hill's national Political Law practice ... Amy Nathan ... lobbyist Tom Jolly ... NYT's Sewell Chan ... Rich Cooper ... Sacha Zimmerman, senior editor at The Atlantic ... Andrew Adair ... Guam Gov. Eddie Baza Calvo ... Rep. Dave Reichert (R-Wash.) ... Stacey Hughes, president and founding partner of The Nickles Group ... Sal Albanese, former 15-year NYC city councilman now running for mayor ... former NY Assemblyman Richard Brodsky ...

... Ed Wyatt, SVP of Sphere Consulting ... Jerr Rosenbaum, partner at HLP&R Advocacy ... Duncan Neasham, comms director at tech trade group ITI (h/t Jose Castaneda) ... Roger McShane, Cairo bureau chief for The Economist ... Anna Adams-Sarthou ... Tim Warner ... Kendra Marr Chaikind ... Sam Hudis ... Molly Phillips Fogarty, SVP of corporate affairs at Nestle ... Paul Coussan ... Catherine Hill, director for Brunswick Group in SF and San Francisco Rec League Soccer Star (h/ts Nick Massella and Suzanne Merkelson) ... Meagan Bond ... Beth Mlynarczyk ... Suzanne Henkels ... Christina Silva, news director at Newsweek ... Ryann DuRant ... former Sen. David Pryor (D-Ark.) ... Ben Martello ... Allan Lengel ... Adam Shapiro ... Sarah Smith-Clevenger of Louisiana ... Amy Storey ... Susan Markham ... David Morehouse ... Barb Worcester ... Kevin Sweeny ... Paige Ennis ... Alison Schwartz (h/ts Teresa Vilmain)

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Latest News

Environmentalists Say Texas Facility Fire Backs Need For Obama RMP Rule

Environmentalists say the fire at a Texas chemical facility caused by Hurricane Harvey backs the need for the Obama-era rule strengthening EPA's facility accident prevention program with new requirements for hazard analysis and streamlined release of facility data, though an industry source says the existing rule is adequate.

EPA May Face Bigger Hurricane Burden From Smaller, Unregulated Facilities

EPA has mobilized emergency response program personnel to coordinate with other government agencies to respond to damage from Hurricane Harvey across southeast Texas, including shoring up Superfund sites and assessing industrial facilities, but one industry source believes the larger burden for the agency will be managing toxic releases from smaller, unregulated facilities.

Harvey's Toll May Complicate Administration's Push For EPA Budget Cuts

Hurricane Harvey's environmental and human toll could complicate efforts by the Trump administration and Republican lawmakers to cut EPA's budget just as the House nears floor consideration of legislation that would trim the agency's budget and likely hundreds of senior agency staffers are poised for imminent exit under planned early departure programs, Hill aides and former EPA officials say.

SAB Faces Bias Concerns Over Biomass Panel Chair's Work For Industry

A member of EPA's Science Advisory Board (SAB) is raising concerns that EPA allowed University of Illinois professor Madhu Khanna to chair the board's panel seeking to advise the agency on how to estimate carbon emissions from biomass, despite her paid work for an industry group that promotes the fuel as a carbon-neutral energy source.

Industries Fight 'Wild West' Of Uneven EPA Adherence To Court Decisions

Groups representing major industry sectors are urging a federal appeals court to scrap an Obama-era rule that allows EPA to opt against applying one federal

appellate court's ruling on Clean Air Act (CAA) issues in another circuit, with industry warning that the rule creates a legal "wild, wild west" spurring major uncertainty for companies.

Judge Scraps Stay Of Royalty Rule, Boosting Suits Over EPA, DOI Rules

A federal judge has backed states' and environmentalists' claim that the Trump administration cannot use the Administrative Procedure Act (APA) to delay an Obama-era rule boosting royalty rates for fossil fuel extraction on federal land that has already taken effect, potentially boosting other suits targeting similar delays of methane emissions from some oil and gas sites and EPA limits on power plant effluent.

Daily Feed

Waxman favors vehicle rules over ethanol for curbing GHGs

A better mechanism to reduce GHGs than corn ethanol would be to force automakers "to meet their commitments to rapidly increase fuel efficiency" as agreed under a sweeping deal between auto companies and the Obama administration, the former Democratic lawmaker says.

Bodine's interim EPA post prompts criticism

The enforcement nominee will begin work before the Senate votes on her nomination, a common practice in past administrations but one which environmentalists say violates the "spirit" of a recent Supreme Court ruling.

Five states press ATSDR for national health study on PFCs

Five state health departments are urging the federal government to launch a national study on the health effects of exposure to perfluorinated chemicals in drinking water.

Ewire: EPA downplays possible toxic risks from Arkema fire

EPA says "there are no concentrations of concern for toxic materials reported at this time."

ExxonMobil appeals $20 million citizen suit penalty

Environmentalists say the district court ruling imposing a massive penalty for Exxon's alleged Clean Air Act violations is an important test of Clean Air Act citizen suits.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 8/9/2017 2:05:09 AM
Subject: BREAKING NEWS: Trump endorses Sen. Luther Strange

President Donald Trump endorsed Alabama Sen. Luther Strange in a tweet Tuesday night ahead of the state's Aug. 15 GOP Senate primary. Strange, already serving as a temporary Senate appointment, is competing to fill out the remainder of Jeff Sessions' 6-year term.

See http://www.politico.com/story/2017/08/08/trump-strange-alabama-senate-241421 for additional details.

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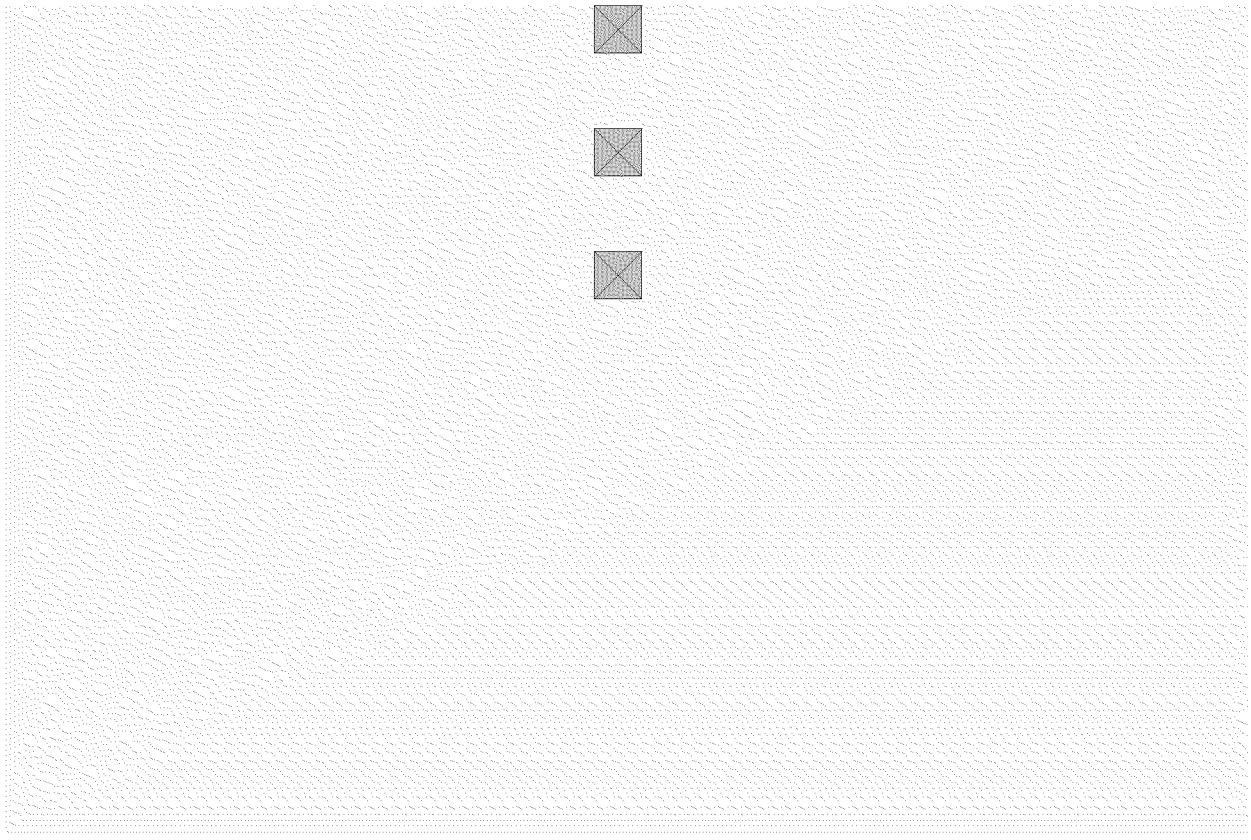
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Fri 8/11/2017 11:01:55 AM
Subject: Deranged Gunman who Shot Cop Kills Himself, Hack the Air Force, DEA Flores Kingpin Act





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Fri 7/28/2017 2:04:44 PM
Subject: POLITICO's Morning Energy, presented by Chevron: Fallout spreads from Zinke's Alaska arm-twist — Energy and Water title clears House — Inhofe shrugs at red team-blue team climate debate

By Anthony Adragna | 07/28/2017 10:00 AM EDT

With help from Esther Whieldon, Ben Lefebvre and Eric Wolff

ALASKA-SIZED FALLOUT FROM ZINKE CALL: Swift pushback continues after Interior Secretary Ryan Zinke threatened repercussions for Alaska's energy priorities in light of Sen. Lisa Murkowski's vote against taking up Obamacare earlier this week. Two House Democratic ranking members - Energy and Commerce's Frank Pallone and Natural Resources' Raul Grijalva - sent requests for investigations into Zinke's actions to GAO and Interior's inspector general. In addition, the Western Values Project filed a FOIA request for all records related to Zinke's calls with Murkowski and Alaska Sen. Dan Sullivan, promising to sue for them if they don't get the response within statutory limits.

The White House didn't deny the phone calls occurred with Press Secretary Sarah Huckabee Sanders instead declining to "speak about conversations between Cabinet members and other individuals." But as POLITICO's Elana Schor and Ben Lefebvre report , Sullivan urged his senior senator and the Trump administration return to harmony. "From my perspective, the sooner we can get back to that kind of cooperation between the administration and the chairman of the [energy] committee, the better for Alaska and the better for the country," he told reporters. "I'm not telling Sen. Murkowski anything. I work super closely with Sen. Murkowski, but that's my statement."

Murkowski responds: In an interview with the Alaska Dispatch News' Erica Martinson (who broke the story), Murkowski confirmed she had a "difficult conversation" with President Donald Trump before the vote and spoke with Zinke, who "shared with me that the president was not pleased" afterwards. But she said she didn't feel pressured at all and didn't feel like her Interior priorities were at risk. "I certainly hope that those in the administration will continue to work with all of us - all of the Alaska delegation - on priorities that are not only important to Alaska, they're important to the country," she said.

Some Republicans said Zinke's pressure wasn't unusual: Sen. Lindsey Graham said lawmakers feel pressure from the administration all the time. "It won't matter one bit," he told reporters. "I think she's going to do what she likes. If you're in the Senate you get threatened all the time by everybody." And House Natural Resources Chairman Rob Bishop agreed: "That is not unprecedented, [he] has a right to do that," he told reporters in the Capitol. As Pro's Esther Whieldon reports, Bishop said former Interior Secretary Sally Jewell would call him "complaining about some things that we were doing."

Why this could backfire: Murkowski chairs the Senate Energy and Natural Resources Committee, which controls among other things how quickly Zinke may get personnel in place, and also holds the gavel of the Appropriations subcommittee that oversees Interior's funding.

Also, she's tough as nails and unlikely to be intimidated by anyone. She proved it early this morning, when she joined Sens. Susan Collins and John McCain to help Democrats defeat the last-ditch, slimmed-down Obamacare repeal bill, killing the effort for now.

TGIF EVERYBODY! I'm your host Anthony Adragna, and I am officially off to Scotland for my honeymoon today. See you in two weeks! In the meantime, a merry band of very talented energy Pros will fill in for me! Be nice! Theodore M. Pomeroy had the shortest tenure as House speaker (at just a day), but your end-of-the-week trivia is who was our shortest president? Send your tips, energy gossip and comments to Alex Guillén, who returns to the ME captain's chair on Monday, at aguillen@politico.com. Or follow us on Twitter @alexcguillen, @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

ENERGY AND WATER TITLE CLEARS HOUSE: It will almost certainly be substantially reshaped by the Senate - if not ignored altogether - but House lawmakers passed $789 billion mini-spending package, H.R. 3219 (115), that included energy and water infrastructure funding, Pro Budget and Appropriations Brief's Sarah Ferris reports . The $37.6 billion energy and water title includes funding for Yucca Mountain and a rider protecting the Trump administration's withdrawal of the Waters of the U.S. regulation from legal challenges, while zeroing out DOE's ARPA-E program and blocking any new loan guarantees. Senate appropriators cleared their own $38.4 billion energy spending package on July 20 with large differences compared to the House version.

The House package came together as centrist Republicans told leadership they would not back a massive 12-bill spending package sought by others in the caucus, POLITICO's Rachael Bade reports. It comes as moderate GOPers are increasingly banding together to undermine leadership as they take from the Freedom Caucus' playbook.

YOUR MOVE, MR. PRESIDENT: The Senate passed a package of sanctions on Russia, Iran, and North Korea by an overwhelming 98-2 margin Thursday, sending it to Trump's desk, POLITICO's Elana Schor reports. The White House has worked hard to avoid taking a clear position on the bill, H.R. 3364 (115) , with communications director Anthony Scaramucci telling CNN on Thursday that Trump "may sign the sanctions exactly the way they are, or he may veto the sanctions and negotiate an even tougher deal against the Russians." But Congress has shown they can easily override a veto if Trump elects that path. Remember the sanctions only kick in for energy projects in which a Russian company owns 33 percent or a controlling stake.

A former member of Congress with detailed knowledge of the legislation pointed our colleague Daniel Lippman to a provision of the legislation that the ex-member thinks hasn't gotten enough attention: "A lot of the coverage is about what the bill forces the president to do with the sanctions but what a lot of people are missing is that there is a key discretionary provision [in Section 232] that basically allows the president to avoid meddling in the energy affairs in our European and NATO allies. He can decide to allow to not to punish and not meddle in the affairs of Europe's energy policy ... [and] he actually has discretion to do absolutely nothing. It is not all mandatory language but it does have some discretionary language. And that could be a key provision."

WHERE DO WE GO FROM HERE? White House, Treasury and congressional leaders issued a statement on tax reform Thursday, acknowledging that they were giving up on plans for a border adjustment tax. But the lack of additional details in their six-paragraph statement suggests the GOP's dream of achieving tax reform may be years from completion, POLITICO's Nancy Cook and Aaron Lorenzo report. But Edison Electric Institute President Tom Kuhn applauded the statement and said his organization would work "to find tax reform solutions that will benefit all customers and encourage much-needed investment in critical energy infrastructure by helping to keep the cost of capital as low as possible."

OIL AND GAS INDUSTRY WANTS FULL COURT REVIEW OF METHANE STAY: EPA's stay of the Obama-era methane rule may be headed to the full D.C. Circuit Court of Appeals. EPA had not filed any petition as of the midnight deadline to decide whether and how to appeal the early July ruling striking down Administrator Scott Pruitt's 90-day stay of the methane rule for new oil and gas wells. The court agreed not to order EPA to immediately resume enforcing the regulation, but the judges gave EPA limited time to seek an appeal. While EPA did not file anything on Thursday, a coalition of industry groups did, requesting an *en banc* review by all 11 judges at the D.C. Circuit. It typically takes the court months even to decide whether to grant *en banc* review, long past the point at which Pruitt's 90-day stay would expire, but the court may speed things up under the circumstances. It's unclear whether the rule will take effect in the meantime, but the three-judge panel indicated it wasn't comfortable letting EPA keep it on hold indefinitely after Pruitt's action was found to be unlawful. The groups argued that the stay should remain in place in the meantime.

INHOFE NOT WILD ABOUT RED-BLUE CLIMATE DEBATE: EPA Administrator Scott Pruitt didn't discuss his plans to hold a red team-blue team public debate on the scientific consensus on climate change with him, but one of his normal allies, Sen. Jim Inhofe, thinks it isn't useful. "I don't think there's anything to be accomplished," he told ME.

HE'S GOING HOME: Energy Secretary Rick Perry will be in Waller, Texas, at 11 a.m. local time today to tour Daikin Texas Technology Park, which manufactures air conditioning equipment. He'll deliver remarks to employees and then hold a brief media availability.

Another unusual tweet: After their press shop blasted out a link to Perry's odd op-ed on Obamacare reform, DOE's official Twitter account tweeted: "In the fight between @SecretaryPerry and climate scientists - He's winning."

** **A message from Chevron**: When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: http://bit.ly/2vFizh5 **

ICAHN GETS BEAT IN RFS CREDITS MARKET: Carl Icahn's CVR Refining lost $19 million in the second quarter of 2017, and it laid the blame for the loss on spending $106 million on credits needed to comply with the Renewable Fuel Standard, according to its income statement released Thursday. Reuters had reported that Icahn had been holding fewer credits than needed on the expectation that RIN prices would drop, a move that worked in the first part of the year. But prices have jumped from roughly 34 cents a credit to 80 cents a credit, and CVR

took it on the chin. "As I've said many, many times before, RINs continue to be an egregious tax on independent refiners and small retailers," CVR CEO Jack Lipinski said on the earnings call. "RINs prices have been extremely volatile this year, which only proves the fact that RINs market is manipulated...EPA continues to ignore this."

FRACKING RULE'S DAY IN COURT: The Trump administration may be having a hard time convincing appeals court judges to suspend the court case brought by the state of Wyoming over the BLM fracking rule. Lawyers for the administration said in court Thursday in Denver that suspension would help Interior as it works to rescind the rule, which went into place in 2015 but got caught up in a legal battle over BLM's jurisdiction before it took effect. Judges for the U.S. Court of Appeals for the 10th Circuit hearing the argument didn't seem too impressed, however, saying they were wary of ceding court process to another branch of government.

CORTEZ MASTO TO ZINKE: HANDS OFF: Nevada Democratic Sen. Catherine Cortez Masto released a video urging Zinke not to alter the boundaries of two national monuments - Gold Butte and Basin and Range - as he prepares to tour the sites next week. "Secretary Zinke, the people of Nevada have spoken," the first-term senator said. "They don't want their national monuments rescinded."

Zinke's still in New Mexico today where he'll go on a hike with local veterans and then host meetings with the Mescalero Apache, Fort Sill Tribe, and Friends of Organ Mountains Desert Peaks. All are closed press. Then, on Saturday, he'll go for a hike and horseback ride with Democratic Sens. (and outspoken public lands advocates) Tom Udall and Martin Heinrich.

MAIL CALL! OUR ADVICE ON ADVISORY PANELS: Three senior Senate EPW Republicans - John Barrasso, Shelley Moore Capito and Mike Rounds - sent a letter to Pruitt Thursday urging him to revamp past Clean Air Scientific Advisory Committee "practices to make them compliant with the statute." They write the scientific advisory panel has never detailed adverse social, economic, or energy effects stemming from the agency's National Ambient Air Quality Standards program because it has never requested that information. "CASAC must be constituted of experts who can provide independent counsel to you in all of the above areas," the senators wrote.

SECOND TIME'S THE CHARM? The American Fuel & Petrochemical Manufacturers is still worried about sanctions possibly being placed on Venezuela's crude oil exports. The trade association sent a second letter to the White House today asking it to consider the economic impact sanctions of Venezuela's heavy crude would have on U.S. refiners. The White House said earlier this week it would sanction more individuals in President Maduro's regime, but left sanctions on the South American country's oil on the table for the future. "AFPM supports the Administration's goal of bringing stability to Venezuela, but urges you to carefully consider the impact sectoral sanctions will have on U.S. businesses and consumers," the association wrote in its latest letter.

CONSERVATIVES BACK ANTI-SCC BILL: A group of 20 conservative organizations voiced support in a letter Thursday for Transparency and Honesty in Energy Regulations Act, which would halt the use of the social cost of carbon and similar figures in federal regulatory

proceedings. "The problems [with these figures] are too large to ignore, especially since they are being used to justify regulations that make energy more expensive for American families and businesses," the letter, signed by groups including the American Energy Alliance, Competitive Enterprise Institute and Heartland Institute, states.

MORE PRESSURE AGAINST GARRETT: Four senior House Democrats - Steny Hoyer, Gwen Moore, Maxine Waters and Denny Heck - sent a letter Thursday to Senate Banking Chairman Mike Crapo asking him to join their calls against the nomination of former Rep. Scott Garrett to lead the Export-Import Bank.

MORE THAN 2K WIND MEGAWATTS INSTALLED THIS YEAR: The American Wind Energy Association in a new report said 357 megawatts in new wind projects were brought online the second quarter of this year, bringing the annual total to 2,357 megawatts. There are now 84,405 megawatts of installed wind capacity in the US and another 25,819 megawatts under construction or in advanced development. Power purchase agreements with utilities continued to dominate the scene with more than 1,697 megawatts in new contracts in the second quarter.

SPOTTED: At a Chemistry Caucus event on non-traditional careers in chemistry in the Capitol Visitor Center yesterday, according to a PI tipster: Non-traditional chemists including Rep. John Moolenaar (R-Mich.), Tracy Caldwell Dyson of NASA, Dana Sedin of New Belgium Brewing Company and Bill Provine of Delaware Innovation Space; Tom Connelly of the American Chemical Society; and Rep. Dan Lipinski (D-Ill.) (h/t POLITICO Influence).

QUICK HITS

- Group files complaint regarding EPA Administrator Scott Pruitt's travel to Oklahoma. Fox 25 News, Oklahoma City.

- Fertilizers, a Boon to Agriculture, Pose Growing Threat to U.S. Waterways. New York Times.

- U.S. regulators approve VW plan to fix or buy back most emissions-cheating cars. Los Angeles Times.

- Environmentalists Provoke Pipeline Workers To Speak Up. NPR.

- How Climate Change Impacts Congressional Districts Over Next 80 Years. Roll Call.

- Cooper signs solar energy bill despite controversial wind project moratorium. News & Observer.

- Trade case opens door for Trump to upend solar industry. Houston Chronicle.

THAT'S ALL FOR ME!

** **A message from Chevron**: This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the

habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://bit.ly/2vFizh5 **

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/07/28/fallout-spreads-from-zinkes-alaskan-strong-arm-221576

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 12/1/2017 1:57:01 PM
Subject: Dec. 01 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

December 01, 2017 - Number 230

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

ENDANGERED SPECIES
Alaska/Marine Mammals Incidental Take
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the receipt of a request from the National Park Service for authorization to take marine mammals incidental to glaucous-winged gull and climate monitoring research activities in Glacier Bay National Park in Alaska. The authorization would allow the take of harbor seals by Level B harassment during ground and vessel surveys at four study sites up to five times per year and during weather station installation, maintenance, and operation at one of the sites up to four additional times per year. The authorization would be valid from March 1, 2018, to Feb. 28, 2019. The authorization also specifies mitigation, monitoring, and reporting requirements. Comments are due Jan. 2, 2018. Contact: Jonathan Molineaux; NMFS, Office of Protected Resources; 301-427-8401; ITP.molineaux@noaa.gov

82 FR 56953 (12/01/2017)

Regulatory Update

ENDANGERED SPECIES
Coastal California Gnatcatcher Incidental Take Permit
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the receipt of an application from Orange County Waste & Recycling for a five-year incidental take permit for the threatened coastal California gnatcatcher in connection with the construction, operation, and maintenance of the Olinda Alpha Landfill projects, in Brea, Calif. The agency has made a preliminary determination that the action qualifies as a low-effect habitat conservation plan and is categorically excluded from requirements to prepare an environmental assessment or an environmental impact statement. Comments are due Jan. 2, 2018. Contact: Karen Goebel; USFWS, Carlsbad Fish and Wildlife Office; 760-431-9440

82 FR 56990 (12/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Antimicrobial Drugs Advisory Committee Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a meeting of the Antimicrobial Drugs Advisory Committee. The agenda includes discussion of a new drug application (NDA 210693) for Ciprofloxacin dispersion for inhalation, sponsored by Aradigm Corp., of Hayward, Calif. The proposed indication is for the treatment of noncystic fibrosis bronchiectasis patients with chronic lung infections with Pseudomonas aeruginosa. The meeting is scheduled for Jan. 11, 2018, in Hyattsville, Md. Comments are due Jan. 10, 2018. Contact: Lauren Tesh; FDA, Center for Drug Evaluation; 301-796-9001; AMDAC@fda.hhs.gov

82 FR 56975 (12/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Atlantic Hurricanes/Streamlined Environmental Assessment Procedures
GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Emergency Management Agency, in consultation with the Department of Homeland Security, announces a determination that exigent circumstances exist for the use of streamlined procedures for activities in areas impacted by hurricanes Harvey, Irma, Maria, and Nate that require an environmental assessment. FEMA may provide a three-day comment period for actions involving group housing sites and certain interim and/or temporary facilities, and a 14-day comment period for all other actions. FEMA also may favor electronic media for public notifications, focus EA level analysis and documentation on the "no action" and "proposed action" alternatives, and discuss resource areas in detail only if it determines that there is a potential impact to the resources. Contact: Katherine Zeringue; FEMA; 202-212-2282; Katherine.zeringue@fema.dhs.gov. Citations: 40 CFR 1501.7, 1508.9

82 FR 56984 (12/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Determination Concerning Safety and Effectiveness/Meticorten
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination that Meticorten (prednisone) 1 milligram (mg) and 5 mg tablets, held by Schering Corp., were not withdrawn from sale for reasons of safety or effectiveness. The determination will allow the FDA to approve abbreviated new drug applications that refer to the product if relevant legal and regulatory requirements are met. Contact: Meadow Platt; FDA, Center for Drug Evaluation and Research; 301-796-1830; Meadow.Platt@fda.hhs.gov

82 FR 56974 (12/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Environmental Impact Statements
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the availability of environmental impact statements filed Nov. 20-24, 2017. Contact: Kelly Knight; EPA, Office of Federal Activities; 202-564-7146; knight.kelly@epa.gov. Citations: 40 CFR 1506.9

82 FR 56972 (12/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Hawaii/Lalamilo Wind Farm Repowering Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Fish and Wildlife Service announces the receipt of an application from Lalamilo Wind Co. and the associated draft environmental assessment and habitat conservation plan for a 20-year incidental take permit for the Hawaiian hoary bat and petrel in Kamuela, Hawaii. The applicant requests authorization for the incidental take that may occur as a result of the operation of the Lalamilo Wind Farm Repowering Project that would provide electricity to eight existing water wells in the Lalamilo-Parker well system. Comments are due Jan. 16, 2018. Contact: Michelle Bogardus; USFWS; 808-792-9400; lalamilohcp_ea@fws.gov

82 FR 56987 (12/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Withdrawal of Approval of Abbreviated New Drug Applications
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the withdrawal of approval for 68 abbreviated new drug applications (ANDAs) held by multiple applicants. The applicants have requested the withdrawals because the drug products are no longer marketed. The withdrawals are effective Jan. 2, 2018. Contact: Trang Tran; FDA, Center for Drug Evaluation and Research; 240-402-7945. Citations: 21 CFR 314.150

82 FR 56976 (12/01/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Massachusetts/Hatheway & Patterson Superfund Site
HAZARDOUS WASTE CLEANUP

Direct final rule of the EPA deletes the Hatheway & Patterson Superfund Site in Foxborough and

Mansfield counties in Massachusetts from the National Priorities List. The agency and the Massachusetts Department of Environmental Protection have determined that all appropriate response actions under CERCLA have been completed. This deletion does not preclude future actions under Superfund. The rule is effective Jan. 30, 2018, unless adverse comments are received by Jan. 2, 2018. Contact: Kimberly White; EPA Region 1, Office of Site Remediation and Restoration; 617-918-1752; white.kimberly@epa.gov. Citations 40 CFR 300, Appendix B

82 FR 56890 (12/01/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Massachusetts/Hatheway & Patterson Superfund Site
HAZARDOUS WASTE CLEANUP

Proposed rule of the EPA would delete the Hatheway & Patterson Superfund Site in Foxborough and Mansfield counties in Massachusetts from the National Priorities List. The agency and the Massachusetts Department of Environmental Protection have determined that all appropriate response actions under CERCLA have been completed. This deletion does not preclude future actions under Superfund. A concurrent direct final rule adopts the changes, effective Jan. 30, 2018. Comments are due Jan. 2, 2018. Contact: Kimberly White; EPA Region 1, Office of Site Remediation and Restoration; 617-918-1752; white.kimberly@epa.gov. Citations 40 CFR 300, Appendix B

82 FR 56939 (12/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
National Occupational Research Agenda/Transportation, Warehousing, and Utilities Sector
OCCUPATIONAL SAFETY AND HEALTH

Notice of the National Institute for Occupational Safety and Health announces the availability of the draft National Occupational Research Agenda for transportation, warehousing, and utilities (TWU). The agenda identifies the most important occupational safety and health research needed to prevent occupational injuries and illness in the TWU sector from 2016 to 2026 and provides a national strategic plan for government, higher education, and industry research and development entities. Comments are due Jan. 30, 2018. Contact: Emily Novicki; NIOSH; 404-498-2581; NORACoordinator@cdc.gov

82 FR 56973 (12/01/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Thur 8/17/2017 11:14:46 AM
Subject: The Morning Headlines from InsideEPA.com -- August 17, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 17, 2017

Latest News

EPA Elevates Role Of Industry-Sought Criteria In Vehicle GHG Rule Review

EPA is elevating the importance of industry-sought criteria, including consumer acceptance, affordability and economic impacts, in its reconsideration of greenhouse gas standards for light-duty vehicles in the years leading up to 2025, according to recently released documents from a meeting the agency hosted with automakers earlier this summer.

Public Interest Groups Defend Standing In Suit Over Trump's '2-1' Rule Order

Public interest groups are fighting the Department of Justice's (DOJ) novel claim that showing harm to the groups' ability to comment on regulatory repeals is not enough to give them standing to sue over President Donald Trump's executive order (EO) directing agencies to identify two rules to repeal for every new rule they issue, countering that DOJ's argument would limit citizens' ability to challenge a host of constitutional violations.

Methane NSPS Delay Faces Same High Bar As Vacated Effort, EPA Critics Say

EPA's proposal to delay implementation of Obama-era methane rules for new oil and gas facilities for two years faces the same legal problems as the agency's earlier 90-day pause that was vacated by an appellate court, according to formal comments from former agency officials, environmentalists and legal experts.

Firefighters Seek To Block Industry Tool Said To Ease RMP Compliance

Washington state firefighters are urging Democratic senators to halt development of a novel dispersion modeling approach for assessing risks from toxic gas releases, arguing the federal agency and industry collaboration underestimates risks to the public in filings with EPA and other agencies, though an industry group says the method is based on sound science and may still be revised.

EPA Faces Test Over West Virginia Bid To Expand Use Of Novel WQS Method

West Virginia officials are asking EPA to approve a new law that would, if approved,

allow a state for the first time to use a novel method for estimating water flow when calculating water quality standards for non-carcinogens, a plan that is already drawing strong criticism from environmentalists who say it would ease protections.

Daily Feed

Trump draws backlash for repealing strict flood standards

Some of the strongest criticisms came from the conservative R Street Institute, where officials charged that the repeal will result in increased cost to taxpayers as they are forced to subsidize construction in vulnerable areas.

CSAPR supporters oppose industry bid to delay suit

Defenders of EPA's emissions trading rule are opposing industry's proposed four-month briefing delay, saying power companies are seeking to stay the litigation even though deadlines for such motions have long passed.

Quote-unquote: speaking of NEPA deadlines, deregulation and enforcement

Today's quotes cover the administration's new two-year NEPA deadline, the 2-for-1 order, reworking CWA provisions and more.

Ebell calls for EPA to shutter regions, overhaul science policy

The former head of Trump's EPA transition team details an aggressive agenda for EPA reform that would close every regional office and shift enforcement authority to program offices.

Ewire: Universities launch major new study on PFCs

As states grapple with growing concerns over contamination from perflourinated chemicals, researchers are creating a new center to study potential exposure pathways, develop better detection tools and other efforts.

Another critique of Pruitt's 'red team' climate science review

“Debating climate science should not be a cage match," says a prominent climate scientist.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Wed 10/18/2017 2:03:05 PM
Subject: POLITICO's Morning Transportation, presented by the Embassy of the United Arab Emirates: WH officials, senators to talk infrastructure today — NTSB prods FAA on balloon safety — PreCheck service provider takes aim at Senate bill

By Brianna Gurciullo | 10/18/2017 10:00 AM EDT

With help from Stephanie Beasley and Lauren Gardner

LET'S TALK: Republicans on the Senate Commerce Committee will sit down today with a quartet of White House officials to talk infrastructure. Those are Reed Cordish, an assistant to the president in the White House Office of Innovation; Jeremy Katz, the deputy director of the National Economic Council; DJ Gribbin, the special assistant to the president for infrastructure policy; and Joe Lai, a special assistant to the president in the Office of Legislative Affairs. A White House spokeswoman said the meeting on Capitol Hill "is a follow-up from previous discussions between the administration and Republicans on the Commerce Committee."

I'll show you my ideas if you show me yours: Commerce Chairman John Thune (R-S.D.) told reporters Tuesday that he wants "to find out a little bit more about what their thinking is and to give them an opportunity to hear from our members about what their priorities are." The White House hasn't revealed much more about its infrastructure plan since May, when it published a set of "principles" with President Donald Trump's fiscal 2018 budget proposal.

The pressure is on: Republicans have said that an infrastructure package will come after an attempt to overhaul the tax code. Thune on Tuesday said he hopes Congress will turn to an infrastructure bill in time for the 2018 elections. "If we can get a result on tax reform, get a budget done, confirm some judges, hopefully set up a debate about infrastructure perhaps for next year, I think we'll be in a good place," he said.

IT'S WEDNESDAY: Thanks for tuning in to POLITICO's Morning Transportation - your daily tipsheet on all things trains, planes, automobiles and ports - where your host just wants to be outside. Hit me with tips, feedback and lyrics: bgurciullo@politico.com or @brigurciullo.

"Wish I was back on the bayou / Rollin' with some Cajun Queen / Wishin' I were a fast freight train / Just a chooglin' on down to New Orleans."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

MONEY IN YOUR EARS: POLITICO's new Money podcast brings you to the intersection of Washington and Wall Street with the most influential minds on the economy. Every Wednesday, Ben White will help you understand the economic and financial policies that move markets. While money never sleeps, you have to - so let Ben keep you up to speed and turn dollars into sense. The first POLITICO Money podcast, premiering with our launch sponsor, Morgan Stanley, features Treasury Secretary Steven Mnuchin. Click HERE to subscribe.

NTSB PRODS FAA ON BALLOONS: A hot air balloon pilot's poor decision-making, coupled with lax regulations and his medical history, led to a fatal 2016 crash in Texas that killed him and 15 passengers, the NTSB determined Tuesday. The board called on the FAA to throw out balloon operators' exemption from medical certification requirements and review how it conducts oversight of smaller balloon companies, which it found largely escape regulators' scrutiny. The combination of the pilot's medical conditions, like ADHD and depression, and the cocktail of prescription and over-the-counter drugs in his system - including diazepam, an opiate and enough of an allergy medication to produce an "impairing effect" akin to a drunk driver - "likely affected the pilot's ability to make safe decisions," NTSB found.

Fighting words: Chairman Robert Sumwalt had some harsh words for the FAA after a Friday email it sent lauding an industry-backed voluntary standards program for balloon operators. "They are abdicating their responsibility to provide oversight," he said. While Sumwalt said voluntary programs can be a good thing, he noted the pilot in question likely wouldn't have participated in the one established by the Balloon Federation of America, since he wasn't a member and didn't go to its events.

Not the first time: NTSB alerted FAA in 2014 that it considered its lax regulation of the balloon industry problematic, but Administrator Michael Huerta responded that the agency believed the risk to be low, given the tiny amount of ballooning domestically and pilots' understanding of the risks involved. "I think that the FAA has the responsibility to provide oversight. That's what the regulator does," Sumwalt said after the meeting. "And from what I've seen, it appears that they're just saying, 'Oh, the BFA is going to take care of that, so therefore we can keep doing what we're not doing.'"

For your radar: The Senate included a requirement for balloon operators to have second-class medical certificates in its long-term FAA bill (S. 1405 (115)), which is still pending. When asked whether he thinks Congress or the FAA will act first on the issue, Sumwalt said: "Well, this accident happened 14-and-a-half months ago. And what has the FAA done to this point? Have we seen any notion at all that they're going to move forward with a requirement for a medical? We've not seen that. I think that speaks for itself." (FAA has 90 days to respond to NTSB's recommendations.)

'CAUSE BABY, NOW WE'VE GOT BAD BLOOD: MorphoTrust USA is warning senators against passing a TSA reauthorization bill (S. 1872 (115)) that would expand the number of private companies the agency partners with for PreCheck marketing and vetting, citing the potential for it to lower security standards. The Senate bill encourages TSA to allow companies to vet applicants through means other than fingerprinting. As Steph reports, MorphoTrust, which has been the sole PreCheck service provider since the program's inception, is pushing lawmakers to abandon the language by arguing that no commercial technology is equivalent to the FBI's fingerprint-based database.

Let's play catch up: MT readers may recall that MorphoTrust filed a federal complaint against TSA last year when the agency opened the bidding process for PreCheck contracts. TSA eventually withdrew its request for applications because of cybersecurity concerns. However, the

agency's current contract with MorphoTrust expires next year, and the agency says it plans to begin soliciting new applications soon.

** **A message from the Embassy of the United Arab Emirates**: It was the largest commercial aviation order in history - UAE airlines bought $120 billion in US-made Boeing aircraft. That's hundreds of thousands of jobs for Americans. The UAE-US commercial aviation relationship is a win-win deal. http://politi.co/2yFCemS **

BETTER LUCK NEXT WEEK: The Senate Appropriations Committee has moved all markups of its fiscal 2018 DHS spending bill to next week. The subcommittee markup had been scheduled for Tuesday of this week and the full committee markup had been set for Thursday. As Steph reports, the change of plans "was due to uncertainty about when Senate Republicans might take up a budget resolution and will also allow more time to consider a supplemental appropriations bill, the committee press office said in a release." Plus, Senate Appropriations Chairman Thad Cochran (R-Miss.) just came back to Washington amid ongoing health problems.

Wish list: On Tuesday, Sen. Jon Tester (D-Mont.) said he was concerned that Democrats still hadn't seen the text of the bill. "I don't know what they're funding. I don't know what they're not funding. I don't know," he said. He said one of his biggest priorities will be to ensure TSA retains funding for airport security programs like VIPR, which has been targeted for cuts by the Trump administration. Sen. Tammy Baldwin (D-Wis.) also plans to offer an amendment that would provide funding for the Coast Guard to construct a second polar icebreaker that could be used to patrol the Great Lakes region.

SPEAKING OF POSTPONEMENTS: The Senate Environment and Public Works Committee postponed a meeting during which it was planning to vote on Paul Trombino's nomination to be FHWA administrator. The committee didn't give a reason for the postponement or a new date for the meeting, which was supposed to be this morning.

TRAVEL BAN 3.0 STOPPED COLD: A federal judge has halted parts of Trump's new travel ban. In granting a temporary restraining order, the judge in Hawaii found that the policy seemed to be violating immigration law, POLITICO's Josh Gerstein reports. The new restrictions would have gone into effect today.

PEKOSKE'S PRIORITIES: Freshly-minted TSA Administrator David Pekoske told an ACI-NA security conference Tuesday that his top priorities include increasing enrollment in PreCheck and Global Entry and securing public transportation areas, Steph reports. Recent incidents like the Las Vegas shooting have highlighted the risks associated with mass gatherings at places like airports, Pekoske told the audience. "In my ideal world, somewhere downstream, we won't have hundreds of people queued up to go through a security checkpoint," he said.

A look ahead: Pekoske emphasized the need for TSA to have procedures in place to help it deal with evolving threats and to start thinking more strategically. Specifically, Pekoske said he would like to increase TSA's focus on developing new technologies like automated screening lanes and maximizing use of existing technologies through partnerships with airlines and airports. His comments on TSA's need for innovation were reminiscent of former TSA head

Peter Neffenger, whom Pekoske name checked in his speech. "I'm a big fan of Peter Neffenger's," he said. "When I was I offered this position the first person I called was Peter." The Hill's Melanie Zanona spotted the two chatting at the event.

SELF-DRIVING CARS IN NYC: General Motors is looking to test self-driving Chevrolet Bolts in a 5-square-mile area of lower Manhattan beginning in 2018, POLITICO New York's Dana Rubinstein reports. "New York City is one of the most densely populated places in the world and provides new opportunities to expose our software to unusual situations, which means we can improve our software at a much faster rate," Kyle Vogt, the CEO of GM's Cruise Automation, said in a statement.

I'm walkin' here: Cornell University professor Bart Selman observed that pedestrian-heavy Manhattan could present a challenge: "pedestrians 'bullying' self-driving cars." He said: "Pedestrians don't step in front of human-operated cars because they are not sure the driver will stop - but self-driving cars will not have a choice but to stop."

FACE TIME: Kirstjen Nielsen, Trump's nominee to be DHS chief, was on the Hill on Tuesday and met up with Senate Homeland Security Chairman Ron Johnson (R-Wis.). They spoke about countering terrorism, security along U.S. borders, cybersecurity and hurricane response, according to a release from the panel.

ON THIS DAY... The Senate cleared the conference report for the first-ever DOT spending bill on Oct. 18, 1967, the Eno Center for Transportation's Jeff Davis writes.

TWEET DU JOUR: Rep. Mario Diaz-Balart (R-Fla.) tweeted Tuesday: "Welcomed @SecElaineChao this morning at @iflymia [Miami International Airport] for a working lunch with local #transportation leaders. #SFL."

SLICE OF PI: Our friends at POLITICO Influence report: "The Minnesota conglomerate 3M has added Gregory Cohen as an outside lobbyist working on 'research and deployment of innovative transportation safety technologies,' according to a disclosure filing. While 3M spent $760,000 on lobbying in the second quarter, Cohen is one of only a handful of outside lobbyists the firm employs. The others: Baker Donelson and Schumacher Partners International."

THE AUTOBAHN:

- "Smartphones are killing Americans, but nobody's counting." Bloomberg.

- "CSX chief vows to win back lost business after service woes." The Wall Street Journal.

- "NAFTA talks hit impasse as U.S. slams trading partners." POLITICO.

- "Travel industry ramps up effort to promote Caribbean tourism." The Associated Press.

- "City fires 2 aviation officers involved in dragging man off United flight." The Chicago Tribune.

- "Airline delays and cancelations rise due to hurricane." The Associated Press.

- "Trump's attack on Bombardier comes back to bite him." POLITICO Europe.

- "In London, black cabs win a battle against Uber. But is the war over?" The Washington Post.

- "Uber's top EU lobbyist to depart." POLITICO Europe.

THE COUNTDOWN: DOT appropriations run out in 52 days. The FAA reauthorization expires in 165 days. Highway and transit policy is up for renewal in 1,079 days.

**** A message from the Embassy of the United Arab Emirates**: UAE international airlines Emirates Airline and Etihad Airways are major Boeing customers. Emirates is the world's largest operator of Boeing 777s. And Etihad is responsible for nearly 20 percent of all Boeing 787-10s that are currently on order. Emirates and Etihad now serve 11 US gateway cities from Dubai and Abu Dhabi respectively with more than 260 weekly flights.

The growth of the UAE's aviation industry is the most visible sign of the UAE's overall economic success - a model of stability, growth and diversity in the Middle East. No country has benefitted more from this success than the US. Since 2009, the UAE has been the US's largest export market in the Middle East and North Africa. In 2016, the US had a $19 billion trade surplus with the UAE, America's third largest trade surplus globally. http://politi.co/2yFCemS **

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/10/18/wh-officials-senators-to-talk-infrastructure-today-222864

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Subject: POLITICO's Morning Energy, presented by Chevron: Zinke's mixing politics with business draws scrutiny — Report: Perry took charter flight last week — Federal judge reinstates parts of methane waste rule

By Anthony Adragna | 10/05/2017 10:00 AM EDT

With help from Ben Lefebvre and Darius Dixon

Morning Energy will not publish on Monday Oct. 9. Our next Morning Energy newsletter will publish on Tuesday Oct. 10. Please continue to follow PRO Energy issues here.

MIXING PUBLIC LANDS AND POLITICS: Over the course of his first months in office, Interior Secretary Ryan Zinke has met with big donors or political groups more than a half-dozen times while on official travel, raising questions about the appropriateness of those habits even if they don't cross any legal red lines, Pro's Ben Lefebvre and Esther Whieldon report . GOP donors shelled out up to $5,000 per couple for a photo with him during a nearly two-hour Virgin Islands Republican Party fundraiser during a stop on an official trip related to the Interior Department's role overseeing the U.S. territory. Tickets for the fundraiser, which was attended by local party members and elected officials, ranged from $75 per person to as much as $5,000 per couple.

Though ethics watchdogs said Zinke's appearance was legal, they said attending a fundraiser during his first month as secretary is not in line with past administrations' conduct. "It happens on occasion with other Cabinet secretaries, perhaps even a little more often as you get near the election, but it is not a very common practice for Cabinet members to be hopping around from campaign event to campaign event like we're seeing with Zinke," said Craig Holman, government affairs specialist for government watchdog Public Citizen. An Interior spokeswoman said Zinke always follows the law but declined to answer specific questions about his appearance at the Virgin Islands fundraiser, nor would say if he planned to continue raising funds.

Zinke's not alone: Obama administration officials had their own struggles mixing official business with politics. A watchdog group requested a probe of whether then-Secretary Ken Salazar had violated the Hatch Act while taking an Obama re-election campaign RV tour of Colorado. The Office of Special Counsel found HHS Secretary Kathleen Sebelius violated the Hatch Act in 2012, saying she had made "extemporaneous partisan remarks" in North Carolina. Former Interior chief Sally Jewell said she thought Zinke was within his rights, noting she once appeared at a fundraiser for Democratic Sen. Maria Cantwell that she paid her own way to. "If he had legitimate business while he's on the island, to do a political thing on the side I don't think that is that unusual," Jewell said.

But some see Zinke's activity as trying to maintain political contacts so can keep his options available for what to do after he leaves the Trump administration. "I think he's definitely got political aspirations, that that's one of the reasons why he is where he is at right now," said Land Tawney, executive director of Backcountry Hunters and Anglers. "You don't go from being a

Montana legislator to a first-term congressman to [Interior] secretary without having ambition." He's widely seen an attractive candidate for Montana's open-seat governor's race in 2020.

Quotes that keep coming back to ME: "Put another way, just because something is legal doesn't make it right," OMB director Mick Mulvaney wrote last week. "So much of what happens around here is based on appearances. If it just appears wrong, don't do it," Senate Energy Chairman Lisa Murkowski told reporters last week.

REPORT: PERRY TOOK CHARTER TOO - LAST WEEK: Energy Secretary Rick Perry took a chartered flight last week from Hazleton Regional Airport in Pennsylvania to the Greater Portsmouth Regional Airport in Ohio one day before HHS Secretary Tom Price resigned last week, Reuters reports, citing "PMH Aviation, the company that runs the Portsmouth airport." Information about the cost of the flight were not available and the agency did not respond to requests for comment. PMH declined to confirm the flight when contacted by ME Wednesday night. But FlightAware has details of a Sept. 28 trip that appears to match Perry's itinerary that day; his tour of a uranium facility started at 8:30 the following morning. After the tour, Perry tweeted that he was headed to the Cincinnati/Northern Kentucky International Airport.

SPEAKING OF TRAVEL: The Western Values Project told ME it plans to file a complaint in federal court today complaining Interior has not responded to FOIA requests it filed in June asking the extent that Zinke's wife has accompanied him on official work business. Lola Zinke has accompanied her husband on some official trips, either ceremonial events to which she had been officially invited or on trips on which she has paid her way, Interior spokeswoman Heather Swift told ME. And CNN reports Interior's inspector general expanded its existing probe on Zinke's non-commercial travel to also include a summer visit to the Vegas Golden Knights hockey team.

WELCOME TO THURSDAY EVERYBODY! I'm your host Anthony Adragna, and DOE's Diane Meck was first up to identify Rep. Sala Burton as the lawmaker Nancy Pelosi replaced in Congress. For today: How many - and which - current members of Congress replaced their spouses in their seats? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

"I DID NOT SIGN UP TO GO BLOW UP THE MARKETS": Recently minted FERC Commissioner Robert Powelson didn't hold back Wednesday making it clear that he's not going to be a rubber stamp on the Energy Department's grid pricing proposal, and warned against politicizing FERC. According to SNL , the audience gathered for a meeting of the Organization of PJM States broke into a standing ovation when the former longtime Pennsylvania regulator declared, "We will not destroy the marketplace." Powelson, a Republican, reportedly said he wouldn't support a rule that undoes the power markets FERC oversees. "When that happens, we're done. I'm done; I don't need this job," he said, according to SNL. "FERC does not do politics. We don't do energy politics," he also said. "I did not sign up to go blow up the markets."

Something to keep in mind: Organization of PJM States includes state regulators spanning Illinois to New Jersey and down to North Carolina, and its meetings include not only officials from PJM, the nation's largest power market, but consumer counsels from those states and plenty

of power companies. PJM is also the market that would be the most affected by DOE's proposed rule. This is Powelson's crowd.

We need lots of information: Late Wednesday, FERC posted 53 questions and other requests for information as it dives into DOE controversial resiliency pricing proposal, Pro's Darius Dixon reports. The six-page document splits those questions into categories looking for feedback on rates, the 90-day on-site fuel requirement envisioned by DOE, and how pricing changes would be implemented, among other issues.

METHANE RULE LIVES - FOR NOW: A federal court in California ruled Wednesday that BLM unlawfully postponed key compliance dates for a methane waste rule in June, effectively putting the rule back on the books for now. Pro's Alex Guillén reports . Magistrate Judge Elizabeth Laporte said the agency was too late to delay components of the regulation because its effective date had already passed and therefore should have gone through a round of notice-and-comment rulemaking before suspending any part of the rule. Her decision came the same day Interior proposed an 18-month delay of the methane waste rule as it works to rewrite it. BLM will accept comments on that proposal for 30 days.

** **A message from Chevron**: When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: http://politi.co/2fVfOTm **

EPA STRATEGIC PLAN DROPS CLIMATE FOCUS: EPA's priorities for the next four years would no longer make reference to climate change or rules to reduce carbon emissions under a draft strategic plan, Pro's Alex Guillén reports. The document, which went out to EPA employees Wednesday, instead defines the agency's "core mission" as ensuring clean air, water and land, calls for more "cooperative federalism" and touts the "rule of law and process." Accompanying graphic that went to employees here.

DEMOCRATS OFFERING CLIMATE METRIC BILL: Led by Sen. Michael Bennet, eight Senate Democrats today are introducing a bill - the Transparent Pollution Accounting Act - that would standardize the metric used across the federal government to quantify the cost of climate pollution. The Trump administration suspended use of the existing social cost of carbon earlier this year, prompting the need for a codified value, the Democrats argue.

WATCH THAT WRAP UP TODAY: Murkowski wants to have Kevin McIntyre, Trump's pick to chair FERC, and Rich Glick, who serves as general counsel to energy committee Democrats, onto the commission before the chamber adjourns for the Columbus Day recess, Pro's Darius Dixon reports.

Barrasso: Baran's renom needs a big offset: If Democrats want to secure a full five-year term for Nuclear Regulatory Commission member Jeff Baran, they're going to have to agree to "a fairly significant, robust [nomination] package for me to agree to allow him through," Sen. John Barrasso told ME. Democrats have insisted that Baran, a former aide to ex-Rep. Henry Waxman who has been on the commission since 2014, get a new term alongside the confirmations of GOP commission nominees Annie Caputo and David Wright, who were approved by EPW in July.

Barrasso's comments suggest that Democratic support for Caputo and Wright likely isn't enough to get him to go along with Baran, especially considering his frustration with objections to EPA enforcement nominee Susan Bodine. Still, there's not much to hang over the Democrats in the near term: It's a Republican administration with plenty of EPA nominees they don't like, and Baran's seat doesn't expire until June.

ADMINISTRATION SENDS OVER DISASTER FUNDING REQUEST: Officials formally sent over a request for nearly $30 billion in disaster relief Wednesday that included $12.8 billion for FEMA's disaster relief fund, $16 billion for the National Flood Insurance Program and $576.5 million for the forest service's firefighting fund, Pro Budget and Appropriations Brief's Sarah Ferris reports. That came as San Juan's mayor blasted Trump on Wednesday as the "miscommunicator in chief" and called his visit to the island "insulting."

Murkowski's focused on immediate relief: Murkowski expressed concern about the "slow" federal response to Hurricane Maria and said building a more resilient Puerto Rican grid was secondary to getting the lights back on. "When you think about the extent of a disaster like this, we all want to say, 'Okay, let's improve, let's improve the grid here, let's build the Puerto Rican grid of the future,' but first and foremost-we've just gotta try and clean up," she told reporters. An aide said Murkowski planned to visit the island with other lawmakers next week but that those details are still being finalized.

PHMSA, NOAA PICKS ADVANCE: The Senate Commerce Committee advanced the nominations of Howard Elliott to run PHMSA and Timothy Gallaudet to be No. 2 at NOAA by voice vote Wednesday. Add them to the ever-increasing backlog of nominees waiting for a Senate floor vote.

DEMOCRATS SEEK PROBE OF PRUITT'S SPENDING: Two senior House Transportation Democrats - Peter DeFazio and Grace Napolitano - asked EPA's inspector general in a letter to probe "wasteful" spending by Pruitt on round-the-clock security and a $25,000 soundproof phone booth. "This culture, which is reflected in travel and lifestyle choices from the president on down, seems to embolden senior, politically appointed officials of the Trump administration to undertake lavish spending of taxpayer dollars for their sole and personal benefit, and not for the benefit of the Americans paying the tab," they write.

Udall considering private plane rider: Sen. Tom Udall, top Democrat on Appropriations subcommittee responsible for EPA spending, told ME he was "exploring" some sort of rider barring officials from private plane travel. "What I end up seeing is there's some very wasteful things going on," he said.

SENIOR E&C MEMBER MURPHY TO RETIRE: Rep. Tim Murphy, who chairs the Energy and Commerce Subcommittee on Oversight, announced late Wednesday he'll retire at the end of his current term, POLITICO's Rachael Bade, Elena Schneider and John Bresnahan report. The staunchly pro-life Murphy allegedly suggested a mistress get an abortion.

MINE SAFETY PICK ACKNOWLEDGES FAULTS: David Zatezalo, Trump's mine safety

pick, told a Senate panel Wednesday he was "not proud of the fact" the coal company Rhino Resources he used to run got notices of safety violations, Pro Labor's Ian Kullgren reports. He also said he'd have no trouble working with career staff that issued the notices in 2010 and 2011.

ZINKE HEADS TO FLORIDA: Today, the Interior secretary will get a briefing on "infrastructure upgrades and Everglades restoration at Lake Okeechobee." He'll also visit National Park Service sites Friday impacted by recent hurricanes.

CONSERVATIVES FOR CLEAN ENERGY: Hundreds are expected to gather today at the Hyatt Regency for the Conservative Clean Energy Summit. Multiple lawmakers are expected to address the gathering, including Sens. Mike Rounds, Rob Portman and Lindsey Graham, as well as Rep. Scott W. Taylor. More information here .

Milestone for House climate caucus: There are now 60 members of the House Climate Solutions Caucus with the additions of Reps. Pete Aguilar and Mimi Walters.

PERRY AIDE ADDS MORE CLIENTS: Jeff Miller, a former adviser to Energy Secretary Rick Perry during his second presidential run, has signed three new clients - including Pacific Gas and Electric, the massive California utility. Miller reported lobbying DOE in the second quarter on behalf of six clients, including AECOM, Lucid Motors (as a subcontractor to Hobart Hallaway & Quayle), the Nuclear Energy Institute, Occidental Petroleum, Southern Company and Valero Energy. He's signed 15 clients since he started lobbying in Washington this year and Perry became DOE chief (h/t POLITICO Influence).

END OF A (SHORT) ERA: The Rogue EPA Twitter account is going on hiatus, it announced Wednesday. "We started this account to be sure the public knew what was happening at EPA. Now, the world sees...It may be time to take a step back and let others carry the torch for a while. Those of us at the helm, here, are tired," a couple of tweets said.

QUICK HITS

- Putin Says He'd Drive a Tesla. Bloomberg.

- Interior Department whistleblower resigns, calling Ryan Zinke's leadership a failure. Washington Post.

- Contrary To Original Plan, Atlantic Coast Pipeline May Extend Beyond North Carolina. WUNC.

- Former AG Sorrell Skips Deposition, Sparks War of Words. Seven Days.

- Here's the leaked anti-leak training email sent to DOE staff. Wired.

- Putin says oil cut deal with OPEC could last to end of 2018. CNBC.

- Climate change could nearly triple airplane turbulence in the next decades, study says. ABC

News.

THAT'S ALL FOR ME!

** **A message from Chevron**: This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2fVfOTm **

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Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

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Cities Chafe at Clean Water Rules for L.A.'s Concrete River

Posted September 25, 2017, 02:09 P.M. ET

By Amena H. Saiyid

The L.A. River may be the perfect setting for Hollywood-style car chases, but it's not your typical river and shouldn't be treated like one under the law, a group of Southern California municipalities say.

They want the federal government to exclude the concrete-lined Los Angeles River and its paved tributaries from Clean Water Act requirements under an upcoming regulation, a move they say could save them from spending billions of dollars on stormwater controls.

City officials from the San Gabriel Valley Council of Governments say the river and its tributaries shouldn't be subject to the Trump administration's upcoming rewrite of the "Waters of the U.S." rule, which defines the scope of federal protections for wetlands and certain isolated or ephemeral waters. They argue they aren't "relatively permanent" flowing waters due to the seasonality of storms, don't support fish or vegetation, and aren't freely accessible to the public.

Sheila Kuehl, member of the Los Angeles County Board of Supervisors, however, said she opposes efforts to exclude the river from Clean Water Act protections.

"While we might save some money in the short run by reducing the important protections of the Clean Water Act, we would certainly pay later in increased medical costs for Angelenos sickened by polluted waterways, as well as a loss of tourism dollars as fewer people flocked to LA's famous beaches, lakes and rivers," she told Bloomberg BNA Sept. 25 by email.

"LA County deserves clean healthy ecosystems," she wrote. "I will not support any request to exclude a portion of the LA River and its paved tributaries simply in order to avoid our obligations under the Clean Water Act. "

Environmentalists say they will sue to block such a redesignation and want to ensure the law's

requirements apply. Waterways or wetlands classified as waters of the U.S. are subject to Clean Water Act programs and permitting requirements, including those for stormwater.

$6 Billion Price Tag

That means any of the 88 municipalities in Los Angeles County that discharge stormwater to the L.A. River must get a permit. Compliance with this permit means about $6 billion in spending on infrastructure for the San Gabriel Valley Council of Governments to capture stormwater.

It also means monitoring for more than 500 pollutants, constructing recharge basins under parks and parking lots, and installing other green infrastructure methods—such as permeable pavements, rain barrels, and strategically planted vegetation and wetlands—to capture stormwater runoff.

The officials made their pitch to exclude the L.A. channel at a Sept. 19 listening session with the Environmental Protection Agency and the U.S. Army Corps of Engineers, which have started rewriting the Obama-era 2015 Clean Water Rule.

In 2010, the EPA designated the 51-mile stretch of the mostly concrete-lined Los Angeles River a traditional navigable water on par with the Potomac, Colorado, and Mississippi rivers. That designation triggered the Clean Water Act protections for the river. The river often acts as a drainage ditch for stormwater, a major source of pollution in urban waterways, especially in Los Angeles.

Los Angeles County has been defending its stormwater permit from challenges by environmental groups, including the Natural Resources Defense Council, since 2008 on grounds that the controls within the permit aren't preventing toxic pollutants, debris, and other chemicals from entering its waterways.

The currently stayed 2015 water rule (RIN:2040-AF30), which the Trump administration vowed to rescind and rewrite, excluded stormwater collection systems on dry land, but was silent on their status when flood control channels are an integral part of a waterbody like the Los Angeles River.

Scalia-Inspired Rewrite Underway

The agencies under President Donald Trump's directive are rewriting the rule, using as its basis the late U.S. Supreme Court Justice Antonin Scalia's 2006 plurality opinion in Rapanos v. United States.

That opinion said waters with relatively permanent flow should be considered jurisdictional "as opposed to ordinarily dry channels through which water occasionally or intermittently flows," such as dry arroyos in Phoenix and the Los Angeles River, according to these city officials.

The EPA and the Corps have indicated they are considering three options for defining waters with "relatively permanent" flows. These would include streams that:

- flow continuously,

- flow continuously along with those that flow at least three months a year; or

- flow continuously along with those that can be considered such, based on their flow, frequency, or connectivity to physical, biological, and chemical features.

"We would like the EPA to critically look at any and all cement sections of all rivers and tributaries in the Los Angeles area and reconsider WOTUS jurisdiction in light of some of the arguments we have made," Eric Wolf, senior management analyst for the San Gabriel Valley Council of Governments, told Bloomberg BNA in a Sept. 21 email following the public forum.

The storm drains underlying the cities, including South Pasadena, that make up the San Gabriel Valley Council empty into boxed channels that lead into the concrete-lined Los Angeles River, where the flow is controlled by the Los Angeles Flood Control District.

"It makes no sense to apply water quality objectives to an engineered channel," Diana Mahmud, South Pasadena's council member and chair of the San Gabriel Valley Council of Government's water policy committee, told the EPA and the Corps.

Wolf said the river still will be protected under California law. The Golden State also is in the process of revising its definition of what waters would be protected under state law just in case the rewritten WOTUS rule doesn't protect them.

While aware of the cities' requests, the board of supervisors for Los Angeles County—which includes the cities that fall within the San Gabriel Valley Council of Governments— hasn't taken a position, county spokesman Kerjon Lee told Bloomberg BNA.

"This comment and all other comments received during these webinars are informing the thinking of the Army and the EPA as we work to develop a proposed rule for public comment," an EPA spokeswoman told Bloomberg BNA.

Water Status Mired in Debate

The agency added that it was typical for the agency to receive requests to reconsider the jurisdictional status of waters.

However, Lowell Rothschild, a Clean Water Act attorney in the Austin offices of Bracewell LLP, told Bloomberg BNA that the jurisdictional status of the Los Angeles River and its tributaries has dogged the EPA.

"The question is what would the eventual rule look like and how would the Los Angeles River fare under it," Rothschild told Bloomberg BNA in a Sept. 21 telephone interview.

He said the Scalia opinion would restrict jurisdictional reach based on flow. To the extent the Trump administration proposes a rule based on flow, it's very possible a river like the Los Angeles River—and possibly other water bodies that flow intermittently in the arid West—could be viewed as nonjurisdictional, Rothschild said.

"Clearly, the president would prefer a rule that excludes waters like the Los Angeles River that flow intermittently," he said

WOTUS Can't Overturn Designation

Unlike Rothschild, Sean Hecht, an environmental law professor with University of California-Los Angeles, said the 2010 designation of the L.A. River cannot be overturned by the water rule for several reasons.

A redesignation, he said, would require a rulemaking other than a WOTUS rule rewrite, just as it did in 2010. More importantly, a redesignation of the L.A. River wouldn't change the fact that municipal stormwater will still be regulated under a federal permit because it is being discharged into the Pacific Ocean, which is jurisdictional because it in fact supports navigation, he said.

Hecht also dismissed the cities' claim about the river's seasonal flows, saying the EPA's own analysis showed that there are year-round flows.

The NRDC would oppose any attempt to exclude the L.A. River from Clean Water Act protections, Steve Fleischli, the council's water program director, told Bloomberg BNA.

Fleischli said the cities are trying to skirt their obligations to meet stormwater requirements.

"We will take legal action if [the cities] roll back protections for the river," Fleischli said.

—With assistance from Carolyn Whetzel in Los Angeles

Exxon Touts New Methane Efforts As EPA Pushes Rule Delay

Posted September 25, 2017, 12:48 P.M. ET

By Abby Smith

ExxonMobil Corp. announced new efforts to reduce methane emissions from its facilities, even as the EPA seeks to delay Obama-era pollution limits for new drilling operations in the oil and natural gas sector.

Some environmentalists are hailing ExxonMobil's new program as "real leadership" in a landscape where the Trump administration is working to broadly roll back federal requirements on the oil and gas industry to reduce methane emissions.

The oil and gas giant today announced an "enhanced" program for detection and repair of methane leaks at natural gas facilities operated by its subsidiary XTO Energy Inc. The program includes a commitment to phase out within three years high-emitting devices. It also includes a commitment to personnel training and research initiatives.

"At a time when others are trying to claw back basic protections and make excuses for inaction, this kind of company responsiveness to local community, investor, and advocate concerns is refreshing," Mark Brownstein, vice president in the climate and energy program of the Environmental Defense Fund, said in a statement.

Exxon's announcement comes after the Environmental Protection Agency Sept. 22 sent to the White House its final versions of rules to delay—for at least two years—key requirements of Obama-era methane limits. Many industry trade groups, including the American Petroleum Institute, which represents ExxonMobil, strongly support the delay.

Water Monitoring Workload Rises with Pesticides, Contaminants

Posted September 25, 2017, 12:06 P.M. ET

By Tiffany Stecker

A decade ago, the U.S. Geological Survey tested the nation's streams and aquifers for 83 different pesticides. Today, that number has nearly tripled: 225 pesticides and their byproducts.

Twenty years ago, the environmental research arm of the U.S. government didn't test for pharmaceuticals in water. Today it's a relatively common practice. So is testing for cyanobacteria, a blue-green algae that forms as a result of excessive nitrogen and phosphorus in the water.

These "emerging contaminants" have stressed the workload of USGS's National Water Quality Assessment Program (NAWQA), which collects trend data over decades on contaminants in the nation's streams and wells, as resources remain stagnant.

NAWQA's budget has wavered between $55 million and $65 million since 2008. USGS's overall spending has hovered above the $1 billion mark since that year, and the recently passed appropriations bill in the House would keep funding relatively level, further challenging the service's ability to track trends even as new analytical techniques sharpen monitoring efforts.

Program 'Hasn't Grown in Years'

On the ground, however, scientists said the program's growing demands—and more sophisticated, expensive technology—are putting pressure on scientists and the USGS.

"The program [budget] hasn't grown in years," Jeffrey Fischer, a supervisory hydrologist with USGS's New Jersey Water Science Center, told Bloomberg BNA about his region's work. But NAWQA's analytical needs have grown by leaps and bounds.

USGS is not a regulatory agency, but its science has guided major environmental decisions in the last decade. The agency was among the first to discover traces of methyl tert-butyl ether (MTBE)—a gasoline additive to increase octane and a weak carcinogen—in groundwater nationwide. It also sounded the alarm in 2011 over coal tar-based sealcoat, a viscous liquid used in asphalt that contributes significantly to polycyclic aromatic hydrocarbon (PAH) contamination.

Advanced tracking techniques, like methods that can differentiate the source of mercury deposits from a coal-fired power plant or metal mining, are being deployed. Optical sensors can correlate different wavelengths of light with the levels of dissolved nitrates or algal pigments. The cost is expected to come down eventually, but at this point the purchase and installation of these sensors can run close to $100,000 per site.

Today, USGS is detecting contaminants, or "constituents," at tiny concentrations. Scientists are not looking for the presence of contaminants alone, but are looking at how those contaminants travel and how long they last in groundwater.

Identifying contaminants at smaller concentrations means scientists are finding more and more compounds in the water.

"We're detecting all these compounds no one knew existed," Fischer said. "Parts per million doesn't mean anything to anyone anymore; it's parts per billion, parts per trillion."

As a result of more sensitive methods of detection, USGS is adding more contaminants to its "schedules," the list of a type of pollutants the agency tests for in streams and wells that undergo the same type of testing.

With inflation, "flat funding translates to a cut," Tim Williams, deputy executive director for the Water Environment Federation, told Bloomberg BNA. "If the program is not adequately funded, you run the risk of not having a true national monitoring program."

Wells Closed

On a drizzly September afternoon, Fischer and three other USGS scientists set up a makeshift tent and rudimentary testing equipment to collect samples of groundwater from a 40-foot well near the college town of Glassboro, N.J. When the well was drilled more than 20 years ago, the brick homes and well-manicured lawns in the surrounding areas were rapidly replacing farmers' fields.

The site is in a coastal plain geologic formation that covers the southern half of New Jersey. It's part of a network of 30 wells to help USGS track how the rural-to-suburban revolution here affects the water underneath. Today, scientists still find traces of the pesticides sprayed on the vegetables from farmland in the groundwater.

The additional demands have led to the program cutting back on its sampling of wells. In New Jersey, the scientists stopped testing a network of five wells several years ago to accommodate the resource shortfall.

"It does limit your ability somewhat" to analyze trends over time, Fischer said.

Hot-Button Pesticides Hard to Test

Lisa Nowell, a Sacramento, Calif.-based USGS research chemist who studies pesticides in streams, said her field of study is constantly evolving.

"Pesticide use changes," Nowell told Bloomberg BNA. New pesticides are registered every year, others are taken off the market, and economic and scientific advances dictate how much farmers will use.

The methods for analyzing them also are complicated. Scientists like broad-spectrum methods that can detect several different pesticides in one sample, but some of the most common and hot-button chemicals—like glyphosate, the main ingredient in Monsanto Co.'s Roundup herbicide—are not easily detected in these broad-spectrum tests.

The process to decide which contaminants should be a priority starts with a USGS working group. The group decides which emerging chemicals of products should be of interest to the scientific agency. From there, the scientists whittle down the number based on substances that were previously included in USGS studies or have been identified by other agencies or organizations as being of concern to health or present in the environment.

Limited Resources

One of the issues with NAWQA, Williams added, is it was never authorized by Congress, meaning there's never any guarantee that it will receive a set level of appropriations year after year until the authorization expires.

Williams spent years climbing the Capitol's steps to convince lawmakers that USGS's water programs needed more funding.

"Everybody in Congress…was very supportive of the program, but it was always a challenge to increase funding because of other priorities and what they would characterize as limited resources," he said.

Partnerships With States

As a result, much of USGS's work on the ground is partially funded by states and other organizations. The New Jersey Department of Environmental Protection funds a portion of the New Jersey work through USGS's cooperative program. In exchange, the state uses USGS's monitoring network for testing water and works with USGS on studies.

These cooperative agreements in state USGS offices have helped the agency survive. But as landscapes change and chemicals come and go, the scientists' are acutely aware of the need to maintain the continuity of the program.

Fischer looks around at the community near Glassboro, where crop pesticides have been replaced by household fertilizers and weedkillers.

"If you see a nice green lawn," he said. "There's probably fertilizers and pesticides around."

"That's why we're here," his colleague, hydrologist Eric Jacobsen, added.

Ameren to Add $1 Billion of Wind Farms in the Midwest by 2020

Posted September 25, 2017, 01:34 P.M. ET

By Brian Eckhouse

Ameren Corp., the St. Louis-based utility holding company, is planning to add about $1 billion of new wind-power plants by 2020 as part of a broader plan to reduce carbon emissions.

At least 700 megawatts of wind farms will be built in Missouri and neighboring states with U.S.-made turbines, Ameren said in a Sept. 25 statement.

The move comes as the company shifts away from coal-fired power plants and falling prices make wind more competitive.

"Because of significant advancement in technology, harnessing wind is less expensive than other forms of new generation," Michael Moehn, president of Ameren Missouri, said in the statement.

Wind-turbine prices in the U.S. have fallen to $830,000 a megawatt, below the global average of almost $1 million, according to Bloomberg New Energy Finance. Because the company expects to complete the projects by 2020, they will probably qualify for a federal tax credit for wind power, Alex Morgan, a New York-based analyst at BNEF, said in an email Sept. 25.

Ameren Missouri, which is targeting a 35 percent reduction in carbon emissions from 2005 levels by 2030, also plans to add 100 megawatts of solar power over the next 10 years, with 50 megawatts expected online by 2025. The company announced in May plans to build as much as 1 megawatt of solar capacity at St. Louis Lambert International Airport that's expected to be complete in 2018.

It plans to retire more than half of its coal-fired generating capacity, including the Meramec Energy Center in St. Louis County by the end of 2022.

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U.S., Mexico on Verge of New Colorado River Water Pact

Posted September 25, 2017, 7:02 A.M. ET

By Tripp Baltz

An agreement amending the longstanding treaty between the U.S. and Mexico on management of the Colorado River will continue the practice of water shortage sharing, but also fund new conservation and environmental programs, and aim to reduce the risk of ruinous drought.

The two nations are tentatively scheduled to execute the agreement—Minute 323, an amendment to a 1944 water treaty—on Sept. 26 in Mexico's Ciudad Juarez. Minute 323 will govern water flows in the Colorado River and other water management issues by extending an existing binational agreement, Minute 319, which was set to expire at the end of 2017.

The deal shows how both countries consider water important enough to set it apart from tensions that have flared during President Donald Trump's administration over immigration and building a border wall, Stephen Mumme, professor of political science at Colorado State University, told Bloomberg BNA Sept. 22.

Both sides were interested in continuing Minute 319, which describes the operation of the river system as a partnership between the two countries. The newly negotiated Minute 323 specifically defines reservoir management strategies so Mexico shares in river shortages and surpluses through 2026.

Conservation Funding

In return, Minute 323 will authorize $31.5 million in U.S. funding—slightly more than half of it from the Bureau of Reclamation—for pilot water programs in Mexico that would generate some 229,100 acre-feet of conservation. About 70,000 acre-feet of the conserved amount is designated for environmental purposes in Mexico, about 50,000 acre-feet will benefit the Colorado River system, and 27,275 acre-feet each will be assigned to four U.S. partner agencies.

The average U.S. household uses about one-half an acre foot of water per year.

The agreement also will allow Mexico to continue to store water in Lake Mead, the storage reservoir for the three Lower Colorado River Basin states of Arizona, California and Nevada, according to the Imperial Irrigation District, one of the four domestic water districts involved in the negotiations.

It also will provide for a potentially larger drought response partnership with water users through the Colorado River basin states drought contingency plan and Mexico's binational water scarcity contingency plan, the district said.

Conservation, Environmental Programs

Additional components of the deal include binational cooperative conservation projects,

environmental programs, salinity management efforts and the opportunity for additional conservation and desalination projects in Mexico, the district said.

The two national governments are expected to make the signed agreement public Sept. 27. Until then an embargo by the State Department precludes the U.S. Section of the International Boundary and Water Commission from providing additional details, Lori Kuczmanski, spokeswoman for the section, told Bloomberg BNA.

She said the commission, the agency that applies the boundary and water treaties of the U.S. and Mexico and settles disputes that arise in their application, was working to get all domestic approvals signed. "We're very, very close," she said.

U.S. Partner Agencies

In addition to the Imperial Irrigation District, the three other partnering U.S. water agencies are the Southern Nevada Water Authority, the Metropolitan Water District of Southern California, and the Central Arizona Water Conservation District. The IID Board approved its domestic agreements to Minute 323 Sept. 12.

The Colorado River Board of California adopted a resolution Sept. 13 affirming the primary elements of Minute 323 and acknowledging the need for continued board participation in its implementation.

Food Safety Activists Oppose Spraying Washington Oyster Beds

Posted September 25, 2017, 02:43 P.M. ET

By Paul Shukovsky

Shellfish growers in Washington's Willapa Bay and nearby Gray's Harbor are facing opposition from food activists and environmentalists over their proposal to spray a pesticide on tideflats to prevent losing up to 80 percent of their harvest. The growers are seeking a permit to spray imidacloprid, a neonicotinoid, on tideflats to control oyster pests called burrowing shrimp, which disrupt the muddy habitat and cause oysters to sink and suffocate. Use of the pesticide in Willapa Bay—where a mix of salt marsh, muddy tidelands, and freshwater wetlands provide habitat for over 200 bird species—stokes concerns among environmentalists that the chemical will kill a variety of insects and crustaceans that the birds and fish, such as salmon, rely upon for sustenance. The bay is the source of some 25 percent of the nation's oysters.

"This neurotoxin will kill all the invertebrates that it touches," Center for Food Safety staff attorney Amy van Saun told Bloomberg BNA Sept. 21. "We think there needs to be an option for the oyster growers that doesn't involve a neurotoxin, especially on food that we are going to be eating."

The center and other environmental and conservation organizations plan to submit comments on a draft supplemental environmental impact statement now under consideration by the Washington State Department of Ecology. Agency spokeswoman Jessica Payne said the document could lead to the issuance of a permit to spray by the end of the year.

The state so far has not proposed any action or decided whether it will issue a state waste discharge permit under the National Pollution Discharge Elimination System to allow the spraying, Payne told Bloomberg BNA Sept. 21.

Breaks Down Rapidly

The growers assert they will be using very small amounts of the pesticide, which then breaks down rapidly. "The amount of imidacloprid the growers will be using is not potent enough to kill burrowing shrimp or most non-target species," said Amalia Walton, an attorney with the Seattle office of Miller Nash Graham & Dunn, who represents some 20 growers. The treatment works by immobilizing the ghost shrimp in their burrows, which eventually collapse, smothering the shrimp, she said in a Sept. 21 email.

The "amount of imidacloprid used breaks down in as little as 24 hours, and oysters would only be planted on the beds long after the compound has dissipated," Walton said. Most individual beds would be treated only once every four or five years, she said.

This is the second time the growers have sought to use imidacloprid. An environmental analysis in 2015 led the Department of Ecology to issue a permit to spray, but the growers asked to withdraw the permit after there was widespread negative media coverage and "very notable chefs in the Seattle area said they would not serve oysters out of the Willapa Bay area," Payne said.

Head of Pesticide Trade Group to Step Down

Posted September 25, 2017, 03:52 P.M. ET

By Tiffany Stecker

The CEO of the largest trade association for pesticides is stepping down next year.

Jay Vroom, who helmed CropLife America for nearly 30 years, announced his retirement at the organization's annual meeting Sept. 25. His last day will be near the end of 2018, CLA spokeswoman Genevieve O'Sullivan told Bloomberg BNA.

"I cannot begin to express in words all the pride and gratitude I have for the many friends, co-workers and professional allies I have had the privilege to work with at CLA and in my earlier career," Vroom told attendees at the meeting in Dana Point, Calif.

CropLife's board of directors includes representatives from Monsanto Co, Dow AgroSciences LLC, BASF, and other major pesticide manufacturers.

Vroom began his career at CLA in 1988. He has represented the organization through five farm bills, the 1996 Food Quality Protection Act that required health-based standards for pesticides in food, and the more recent application of the Endangered Species Act to the pesticide registration process.

He said he plans to stay involved in agricultural issues after retirement and to spend time on his farm in Illinois.

Funding Tesla Ticks Off Automakers Needing Electric Car Credits

Posted September 25, 2017, 7:16 A.M. ET

By John Lippert and Ryan Beene

Tesla Inc. has generated nearly $1 billion in revenue the last five years from an unlikely source:

Rival automakers. Needless to say, the other companies aren't happy.

California requires that automakers sell electric and other non-polluting vehicles in proportion to their market share. If the manufacturers don't sell enough of them, they have to purchase credits from competitors to make up the difference. Tesla, which exclusively sells battery-powered models, sold $302.3 million in regulatory credits last year alone.

"It really makes them mad that Tesla got so much of a boost out of being the only purely electric car manufacturer out there," Mary Nichols, the chair of the California Air Resources Board, said in an interview Sept. 22 at Bloomberg's headquarters in New York. "In effect, they helped to finance this upstart company which now has all the glamour."

China and the European Union -- two of the world's biggest auto markets -- are considering mandates and credit systems similar to California's. For all the flack the state has taken from traditional carmakers for how its benefited Tesla, Chief Executive Officer Elon Musk has also been a critic.

Musk, 46, last year said the Air Resources Board was being "incredibly weak" and called its standards "pathetically low." Rules should be tougher and the credits should be worth more, according to the CEO.

"Nobody's happy," Nichols said. "That's my mantra."

--With assistance from Dana Hull.

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German Coal May Be Another Loser as Merkel Pushed Toward Greens

Posted September 25, 2017, 8:19 A.M. ET

By Brian Parkin and Mathew Carr

Coal's future in Europe's biggest economy may take center stage when German Chancellor Angela Merkel tries to form a new government after losing support in national elections.

Voters weary with Germany's so-called Grand Coalition between Merkel's Christian Democratic-bloc and the Social Democratic Party cast their ballots elsewhere. While Merkel still came out atop Sunday's poll, her potential partners in a new government narrowed to the Green Party and Free Democrats, both of which have different outlooks for coal.

"What's sure is that campaign pledges on climate protection and a faster phase-out of coal power are not negotiable," said Oliver Krischer, the deputy parliamentary chairman for the Green Party, in a phone interview on Sept. 22.

The Greens were the main force behind the introduction of clean power subsidies the last time they were in the national government from 1998 to 2005. On Sept. 24 they won 9 percent of the vote and could return to power by joining forces with Merkel's bloc and the FDP. Social Democrats have ruled themselves out of government after their worst result since 1949.

Still, energy and environment policy differences will make negotiations for a coalition government

"difficult," according to a Barclays research note on Sept. 22, which cited opposition among Merkel's supporters to shuttering coal plants. The FDP campaigned on economic competitiveness being paramount in energy policy.

High Hurdles

"Very high policy hurdles separate us from the Greens -- not just on energy," said Frank Schaeffler, who's seeking a return to parliament for the Free Democrats as a finance spokesman, in an interview late Sept 24. "The divisions are not insurmountable but each party has its red lines -- the challenge will be to see just how robust those lines really are."

Both the Greens and the FDP expect invitations to enter exploratory coalition talks with Merkel, in a process that could take weeks or months before a new government emerges.

The Greens want to shape climate policy in government "but not at any price," Krischer said.

Hard coal and lignite plants generated about 40 percent of all Germany's power last year and about a third of all its carbon dioxide pollution. During the election campaign, Merkel eschewed any talk on a phase-out date for coal.

The Greens campaigned to end coal power by 2030 -- a step already envisaged by city states like Berlin. They also want to shut 20 of the most polluting coal plants by 2020 to help the nation meet its carbon dioxide reduction targets.

Efforts to cut emissions have faltered in Germany, despite the highest rate of renewable energy use in Europe. Persistent coal use means Germany is set to reduce carbon dioxide as much as 31 percent by 2020 rather than the 40 percent it targeted, according to Berlin-based environmental think tank Agora Energiewende.

"We will find ways to achieve our 40 percent target by 2020 -- that I can promise you," said Merkel in a Sept. 14 campaign speech that suggested a willingness to cap coal's future in Germany.

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India's Modi Starts $2.5 Billion Plan to Grow Electricity Access

Posted September 25, 2017, 02:17 P.M. ET

By Rajesh Kumar Singh

India's Prime Minister Narendra Modi unveiled a 163.2 billion-rupees ($2.5 billion) program to ensure electricity for all households.

The program will help poor people get electricity connections at no cost, Modi said, adding that his government is making efforts to provide power to about 3,000 unelectrified villages. Power Minister R. K. Singh said the nation will aim to complete electrification of all households ahead of a March 2019 deadline.

The announcement comes amid concerns over a slowing economy, which has led the government to consider measures to boost growth. Modi came to power in 2014 with popular promises such as job creation and electricity for all and will be tested on the pledges in 2019, when he faces re-

election.

"Power for all is a very ambitious plan and the prime minister knows the political gains it can bring if he can pull it off," said Sandeep Shastri, a political analyst and a pro vice chancellor at Jain University in Bengaluru. "So, when he announces schemes to connect all households, beyond a shadow of doubt he has the 2019 elections in mind."

Nearly 304 million Indians don't have access to electricity, accounting for about a quarter of the global population living without power, according to NITI Aayog, a government think-tank. Several of these are in rural areas, where state power retailers are reluctant to supply electricity as returns fall below the investment made in infrastructure.

—With assistance from Bibhudatta Pradhan.

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Dubai Introduces Incentives to Spur Electric Vehicle Market

Posted September 25, 2017, 01:39 P.M. ET

By Matthew Kalman

Electric-car drivers in Dubai will enjoy free parking, recharging, vehicle registration, and toll exemptions until the end of 2019, the Dubai Supreme Council of Energy announced.

The incentives are designed "to encourage the public use of electric vehicles in Dubai to help protect the environment," said Mohammed Al Tayer, vice chairman of the energy council and managing director/chief executive officer of the Dubai Electricity and Water Authority.

The move is part of the Dubai Green Mobility initiative to motivate organizations to use more hybrid and electric vehicles to help reduce carbon emissions in ground transportation, which is the second-largest greenhouse gas emitter in Dubai, according to Al Tayer.

Additions to Government Fleet

At least 10 percent of the new cars that Dubai's government institutions buy between 2016 and 2020 will be electric or hybrid, helping to raise the proportion of such vehicles to 2 percent by 2020 and 10 percent by 2030.

"This supports the Dubai Clean Energy Strategy 2050 for Dubai to have the lowest carbon footprint in the world by 2050, and the Dubai Carbon Abatement Strategy to cut carbon emissions by 16 percent by 2021," Al Tayer added.

Abu Dabi currently has 100 public electric vehicle charging stations, with 100 more planned in 2018. Electric or hybrid cars are distributed by Tesla, BMW, Renault, and Toyota. The sector grew by 30 percent from 2014 to 2016, Al Tayer said. The incentives could save the average driver commuting daily to Dubai's business district, charging and parking for free and using the Salik toll gates more than 10,000 dirhams (about $2,722) each year, said Nabeel Alzaka, co-founder and CEO of Surface Mobility Consultants in Dubai.

"There is an appetite for electric vehicles, particularly now that car manufacturers are becoming a

little bit more inventive," Alzaka said by phone Sept. 24, noting that some electric models, like the BMW i8 now in service with the Dubai police, matched in looks and performance the high-end supercars popular in the Emirates.

"These cars are as fast as Lamborghinis and Ferraris. They are as glitzy and as glamorous," he said. "The car manufacturers are heading toward providing those fast supercars the Dubai market will want. Will that ever eradicate Ferraris and Lamborghinis? I don't think so. People will still want to have the gas-guzzlers and the sound of the engines but I think you'll find people will swap their petrol cars for a nice, shiny, sparkling electric vehicle."

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 10/4/2017 12:26:18 AM
Subject: Oct. 04 -- Daily Environment Report



Daily Environment Report

October 04, 2017 - Number 191

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Leading the News

Air Pollution

EPA Opts for Pollution Trading Over Emissions Controls in Texas

Eight Texas coal-fired power plants can join an air pollution trading program instead of installing expensive new sulfur dioxide controls, the EPA said as part of a rule aimed to improve visibility in the state.

Climate Regulation

Utilities Coalesce Around Plan for New Carbon Dioxide Standards

Ameren Corp. and Entergy are among the utilities urging the EPA to rewrite its carbon dioxide pollution standards for power plants rather than scrapping the rule outright as the Trump administration repeatedly has suggested.

Energy

Energy Grid Rule Moving Fast, Despite Industry Pushback

A proposal that could prop up failing coal and nuclear plants was put on fast forward by the Federal Energy Regulatory Commission, despite concerns among renewable energy, natural gas and oil trade industries that it will greatly distort the wholesale energy markets.

News

Air Pollution

Correction

A Sept. 29 story, "EPA Silent as Ozone Decision Deadline Looms, States Say," incorrectly said that states submitted their ozone control plans to the EPA along with their recommendations for ozone nonattainment areas. Those plans are due in 2020-2021. The online version has been corrected.

Air Pollution

Missed Ozone Deadline Draws Threat of Lawsuit Against EPA

Environmental groups notified the EPA Oct. 3 that they would sue over a missed deadline for the agency to decide which areas in the U.S. exceed updated ground-level ozone standards set in 2015.

Climate Policy

Fortum's Bid for Uniper Stake Seen Spurred by Carbon Reform

Fortum Oyj's bid for a stake in German utility Uniper SE is partly a bet that the European Union will finally succeed in fixing its environmental policy.

Climate Policy

New York City Climate Plan Calls for Efficient Buildings, Electric Cars

New building standards and more electric vehicle fast chargers are part of New York City's new three-year plan to meet Paris Agreement greenhouse gas reductions—even if the country as a whole does not.

Hazardous Waste

Exxon Mobil, CSX to Receive Cleanup Money for Baltimore Site

Exxon Mobil Corp., Black & Decker Inc., and CSX Transportation, Inc. are among the companies that will receive roughly $20 million to perform restoration work at a contaminated Baltimore site.

Hydraulic Fracturing

Scotland's Fracking Ban Cheers Public, Distresses Investors

Public opposition prompted Scotland to re-up its ban on hydraulic fracturing, effectively blocking energy firms from tapping the U.K.'s northernmost country's shale for oil and gas.

Mining

Backers of Good Samaritan Coal Mine Cleanup Bill Look to Senate

A group of conservationists and coal-state lawmakers is hoping for Senate passage for a bill that would let "good Samaritans" clean up old mine sites without fear of legal liability.

Mining

Peru's Dream of Usurping Copper King Chile Faces Roadblocks

The biggest obstacle to Peru's dream of some day supplanting Chile as the world's biggest copper producer may be Peru itself.

Mining

Trump's EPA Asks Drillers, Miners for Advice on Regulating Them

President Donald Trump's Environmental Protection Agency is asking miners, oil drillers and manufacturers to collaborate with the government on how to regulate their industries.

Natural Gas

These Suburbanites May Have No Fracking Choice

When Bill Young peers out the window of his $700,000 home in Broomfield, Colo., he drinks in a panoramic view of the Rocky Mountains. Starting next year, he may also glimpse one of the 99 drilling rigs that Extraction Oil & Gas Inc. wants to use to get at the oil beneath his home.

Oil & Gas

Left Behind by the Shale Boom, Oklahoma Oilmen Fight to Survive

Not every oilman is gaining from the U.S. shale boom. Just ask Joe Warren.

Pesticides

Electronic System to Boost EPA's Lagging Pesticide Import Checks

The EPA is only inspecting a fraction of a percent of pesticide shipments sent to U.S. ports, a new agency report finds.

Regulatory Policy

Deregulation Spurs GDP Growth, White House Economists Say

Deregulation will stimulate the growth of gross domestic product in the U.S., the White House Council of Economic Advisers concluded in a report released Oct. 2, though several public-interest groups are dubious.

Renewable Energy

Trump Isn't Acting on Verbal Attacks Against Wind, Dong Says

President Donald Trump's threats against wind energy have so far proven empty, according to an industry giant that expects to grow in the U.S.

Toxic Substances

EPA Chemical Analysis Reforms on Target, Advisers, Utility, Say

The EPA's initial plans to examine chemicals used as fertilizers will appropriately examine a range of health problems the nutrients may cause, says Bill Stowe, the head of an Iowa water utility.

Toxic Substances

Global Summit Warns Against Mercury Use in Small-Scale Mining

The first global meeting of countries devoted to stamping out mercury in the environment ended with incremental progress, but left unanswered questions about how to tackle one of the largest contributors to global mercury poisoning—artisanal and small-scale gold mining.

Trade Policy

Reconsider Waste Import Ban, U.S. Urges China

China's move to ban certain kinds of solid waste by the end of 2017 could increase uncertainty for the multibillion dollar U.S. waste industry, Trump administration officials said during an Oct. 3 World Trade Organization meeting.

Trade Policy

Suniva Seeks 'Buy American' Mandate for Federal Solar Purchases

The U.S. government should purchase power from only American-made solar panels at military bases or in other projects, solar manufacturer Suniva Inc. told a trade panel, adding a new wrinkle to its bid for protection from imports.

Water Infrastructure

Improved Desalination Technology Seeks to Quench World's Thirst

Desalination, long rebuffed as a costly energy guzzler with a heavy carbon footprint, could become a cheaper, cleaner, more energy-efficient solution to the global water crisis—provided initial cost barriers can be overcome.

Water Pollution

Costly Coal Ash Cleanup Order at Gallatin Spurs TVA Appeal

The estimated $2 billion it could cost the Tennessee Valley Authority to dig up and move coal ash from its Gallatin, Tenn., site, as required by a federal court, has prompted the power authority to challenge a court order.

Practitioner Insights

Energy

Practitioner Insights: Leading by Example—Energy Reporting in Italy

The European Commission's 2012 Energy Efficiency Directive failed to deliver on its bold vision. This is evident even as its 2020 due date remains more than two years away.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Wed 10/25/2017 9:19:24 PM
Subject: Today on Climate Beat

October 25, 2017

Today on Climate Beat . . .

. . . we went to court, where three California municipalities are urging a federal district judge to send their climate change nuisance cases filed against a host of fossil fuel producers back to state court where they were originally filed, arguing that the companies have mischaracterized the suit as seeking broad limits on greenhouse gases and fossil fuel use.

Staying with that same case, coal mining firm Peabody Energy has successfully persuaded a federal bankruptcy judge to block the climate change nuisance claims, due to its recent bankruptcy agreement that the judge found discharges such claims.

And our daily news roundup looked at a claim by one energy professor that EPA chief Scott Pruitt's call to end wind and solar tax credits is "out of bounds" given that the topic is outside the purview of EPA and other energy sectors receive preferential tax and regulatory treatment.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/11/2017 10:43:56 PM
Subject: Aug. 11 -- Energy and Climate Report

Energy and Climate Report

August 11, 2017 - Number 155

News

Climate Regulation

Utilities Face More Emissions Cuts in Massachusetts

Massachusetts power generators face tighter greenhouse gas limits and new demands to purchase power from renewable sources as the state implements a law requiring deep emissions cuts.

Coal Mining

West Virginia Governor's Coal-Subsidy Pitch Troubles Westerners

Coal companies from outside Appalachia, and the Republicans in Congress representing them, are taking a dim view of West Virginia Gov. Jim Justice's efforts to win a $4.5 billion subsidy for eastern coal.

EPA

California Sues for Answers About Pruitt's EPA Stewardship

California Attorney General Xavier Becerra (D) sued the EPA to compel it to say what steps were taken to ensure its rulemaking and procedures remain impartial despite Administrator Scott Pruitt's background as a onetime legal opponent of the agency.

Endangered Species

Sage Grouse Protection Changes May Yield Benefits, States Say

The first suggested changes to federal protections for the greater sage grouse under the Trump administration may not be as broad-ranging as some of the bird's advocates fear.

Energy

Troubled Georgia Nuclear Project Is Said to Seek Aid from Trump

President Donald Trump has vowed to revive America's dying nuclear industry. Backers of a troubled Georgia nuclear project want him to prove it.

General Policy

Week Ahead: Integrating Energy, Water Use to Be Explored at Forum

A hydropower and tidal power executive will outline the importance of assessing water and energy issues in an integrated fashion at a Tuesday forum, one of several energy and environment events—including numerous webinars—the week of Aug. 14.

Motor Vehicles

Musk's Electric-Car Vision Doubted by Major Parts Suppliers

Some of the world's top auto-parts suppliers aren't buying all the enthusiasm about the electric vehicles hyped by Tesla Inc.'s Elon Musk and larger carmakers trying to keep up.

Motor Vehicles

Parked Electric Cars Earn $1,530 from Europe's Power Grids

Electric car owners are earning as much as $1,530 a year just by parking their vehicle and feeding excess power back into the grid.

Oil & Gas

Threat of Venezuelan Oil Ban Pits Oil Boss Against Refiners

The prospect of a U.S. blockade of crude oil imports from Venezuela has ignited fierce lobbying in Washington pitting domestic energy producers such as oil tycoon Harold Hamm, who favor a get-tough approach, against refiners that depend on those supplies.

Renewable Energy

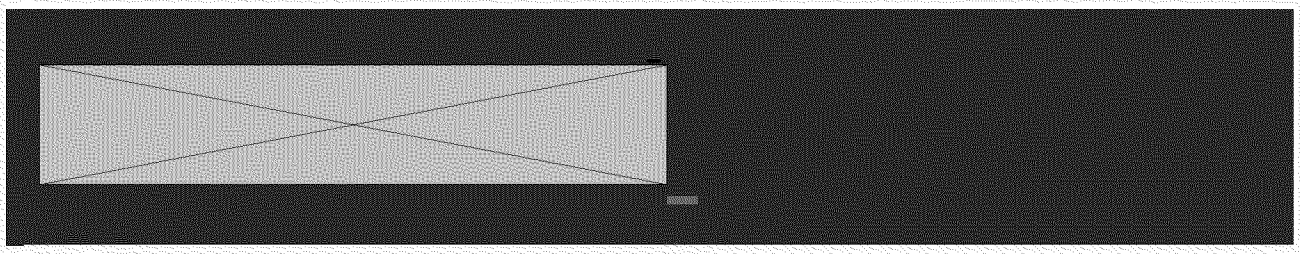
London Solar Auctions Aim to Make City Greenest on Earth

London Mayor Sadiq Khan said he wanted to try city-wide auctions as part of an environment strategy proposed to more than double the capital's solar energy generation capacity by 2030.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Fri 11/3/2017 4:12:38 PM
Subject: Federal Insider: Survey says veterans strongly back legalizing medical marijuana



Survey says veterans strongly back legalizing medical marijuana

By Joe Davidson

A worker tends to cannabis plants at a medical marijuana plantation in Israel in 2012. (Baz Ratner/Reuters)

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Veterans tend to be an older, more conservative group, but that doesn't stop them from advocating for a radical change in direction from the nation's outdated policies on marijuana.

The American Legion, represents many conservative veterans, but that doesn't stop it from taking progressive positions on certain key issues.

A survey released Thursday by the American Legion, the nation's largest wartime veterans' service organization, indicates near-unanimous support among veterans for research on medical marijuana, with an overwhelming majority supporting legalization of the drug for medical purposes.

[Finally, a degree in marijuana: But it's not for stoners or slackers.]

The Legion adopted a resolution last year calling on the Drug Enforcement Administration to reclassify marijuana from its current illicit status to a

By the way, the Legion allowed women members from its beginning in 1919, not a common practice then, according to Joseph M. Ambrose, the organization's spokesman. They could vote for the organization's national commander before they could vote for the president of the nation.

"People ask 'aren't you a law and order group'. Why yes we are," said Verna Jones, the Legion's seventh director, addressing conference with members of Congress. "But we're also a group that takes care of veterans. And when it comes to medical marijuana, the key finding from the survey of 802 people, 51% veterans and 28% their caregivers, is that a majority favor medical research on it and four-fifths support legalizing medical marijuana.

The Legion made it clear, however, that its support of marijuana ends where support for medical cannabis, and research on medical cannabis is high across veterans and caregivers, all age ranges, gender, political leanings and geography," said the memo that The American Legion's VOTE advocacy created based on the survey results, its statement said.

But some of the responses were surprising. This is one of the few times a major veterans organization has released findings from a survey it conducted. Typically, such groups only release information that supports their policy positions. The most important limitations are that the sample was limited to a list of landline phones, and thus excluded veterans who rely only on cellphones. Also, the survey was not impervious to human bias in those asking survey questions. But even with those limitations, the Legion's survey is the most comprehensive look at veterans' views on medical marijuana to date.

The Legion has long opposed the legalization of marijuana, arguing that it has the potential to be addictive and that it is a gateway drug to harder substances. But when Trump proposed drug testing for people in the military, the Legion rebuffed him, saying: "Any requirement that disqualifies an able-bodied person from serving in the American military solely based upon a positive test for marijuana, and not any other illegal substance, is unfair," said Rep. Mark Takano (D-Calif.), the ranking Democrat on the House Veterans' Affairs Committee. The American Legion's resolution on the reclassification of marijuana is directed at the military and not, notably, the president or congressional action.

- After the August white supremacist violence in Charlottesville, the Legion said it could support those who display the Confederate flag "by very according to the Survey.
  - There is a broad support for medical cannabis across categories, including those who identify as conservative, moderate or liberal.
  - Geography: "The support for research and legalization is spread across the country, in states where medical cannabis is currently legal and in states where it is not."
  - Political orientation: Among veterans and caregivers federally legalized medical marijuana is supported by about 9 in 10 self-identified liberals, almost as many conservatives and 7 in 10 independents.

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- Age: While support for medical cannabis research and legalization drops the older veterans and their caregivers become, it remains strong even among senior citizens. Among those 60 and older, more than three-quarters favored medical marijuana. All in the 18 to 30 age group agreed.

It's worth noting that 60 percent of those surveyed were 60 or older. That's one reason for the finding that "the majority of veterans surveyed that are using cannabis are over the age of 60," according to the memo.

"It is also clear from the survey that veterans are accessing cannabis to assist them in states with and without medical marijuana programs," Five Corners added.

Veterans and their caregivers are not alone in favoring a more sensible approach to medical marijuana. A Yahoo News/Marist poll found 84 percent supported it in March, including majorities of Americans of all ages. The lowest level was 65 percent among those ages 69 and older.

The Legion is making progress in its quest to change Uncle Sam's old ways. Last week, all 10 Democrats on the House Committee on Veterans' Affairs urged VA to research the impact of medical marijuana on chronic pain and post-traumatic stress disorder among veterans.

So far, however, the Department of Veterans Affairs has not changed its policy. VA Secretary David Shulkin, however, has indicated a willingness to examine medical marijuana when federal law allows.

"There may be some evidence that this (medical marijuana) is beginning to be helpful," Shulkin said when asked about it in May, the last time he commented on it. "And we're interested in looking at that and learning from that. But until the time that federal law changes, we are not able to be able to prescribe medical marijuana for conditions that may be helpful."

Read more:

Will VA chief be voice of reason on climate change and medical marijuana in Trump administration?

Veterans treatment gap creates ‘greater risk’ for opioid abuse

New law targets managers who retaliate against federal whistleblowers

The legislation — approved unanimously by both chambers of Congress — is designed to stem management retribution by making supervisors face disciplinary measures for their actions.

By Joe Davidson | Columnist • Read more »

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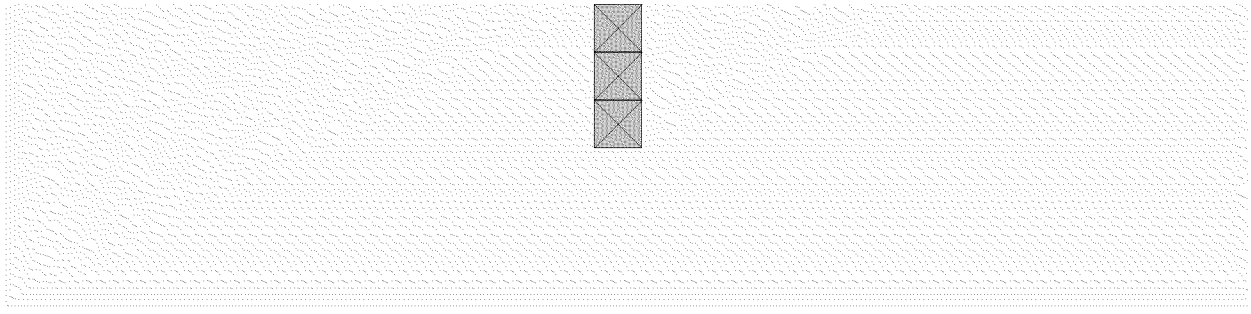
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Fri 9/1/2017 11:02:29 AM
Subject: Chem Fires Follow Floods, Charity Frauds, Would-Be Jihadist, MS-13 Murder, Chinese Espionage





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 8/18/2017 4:56:10 PM
Subject: BREAKING NEWS: Bannon out as White House chief strategist

Steve Bannon is out as White House chief strategist, according to a senior administration official, amid growing displeasure in the West Wing with his tactics and behavior.

His departure marks the latest high-level staff shake-up that has rocked Trump's administration.

Read more: http://www.politico.com/story/2017/08/18/bannon-out-as-white-house-chief-strategist-241786

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Fri 8/11/2017 10:34:20 AM
Subject: POLITICO Playbook, presented by the Coalition for Affordable Prescription Drugs (CAPD): SCOOP: Freedom Caucus to file petition TODAY to bring up clean Obamacare repeal -- RUCKER on Trump, DAWSEY and HULSE on Trump/McConnell -- PLAYBOOK ON THE ROAD winners

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/11/2017 06:30 AM EDT

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Happy Friday! FIRST IN PLAYBOOK -- SOMETHING PRESIDENT TRUMP WILL LIKE. The conservative House Freedom Caucus will file a petition today to try to force Speaker Paul Ryan to bring up a so-called "clean Obamacare repeal" bill. The legislation passed the House and Senate in the past -- it repeals Obamacare after a two-year transition period. (It failed the Senate this year.) If the discharge petition -- which will get filed during today's pro-forma session -- gets 218 signatures, it will force a floor vote. The Freedom Caucus and conservative outside groups will try to ramp up lots of pressure to force people to sign on. Expect Trump -- itchy for victory, and frustrated with Republican leaders on health care -- to weigh in. He's close with some members of the Freedom Caucus.

US WEEKLY: SPICER WANTS ON SNL -- "An insider reveals in the new issue of Us Weekly that the New York-born political aide 'is angling' to appear on Saturday Night Live. 'He is asking people about getting on - it was his idea!' ... But now he's ready to get in on the joke. 'He asked someone he knows that is close to a cast member to help him,' explains the insider. 'Yes, he criticized SNL before, but he's changed his tune. He wants to make a cameo!'" http://usm.ag/2uMOMCl

WHAT PRESIDENT TRUMP SAID YESTERDAY ...

-- HERE'S WHEN WE MAY ASK HIM IF MCCONNELL SHOULD STEP DOWN: "If he doesn't get repeal and replace done, if he doesn't get taxes done -- meaning cuts and reform -- and if he doesn't get a very easy one to get done, infrastructure -- if he doesn't get them done, then you can ask me that question." ***Note from us: None of this is easy. Especially not with the artificial deadlines the administration has put on***

him.

-- OPIOID CRISIS IS A NATIONAL EMERGENCY: "It is a serious problem, the likes of which we have never had. You know, when I was growing up they had the LSD and they had certain generations of drugs. There's never been anything like what's happened to this country over the last four or five years."

-- HE'S CLOSE TO A DECISION ON TROOP LEVELS IN AFGHANISTAN: "It's a very big decision for me. I took over a mess, and we're going to make it a lot less messy. But that has been a place -- 17 years -- our longest war, I read in one of your columns. And, frankly, it's going to be a decision that's going to be made very soon."

-- BANNING TRANSGENDER SOLDIERS WAS A "FAVOR" TO THE PENTAGON: "As you know, it's been a very complicated issue for the military. It's been a very confusing issue for the military. And I think I'm doing the military a great favor."

-- THANK YOU TO PUTIN FOR EXPELLING U.S. DIPLOMATS: "I want to thank him because we're trying to cut down on payroll. And as far as I'm concerned, I'm very thankful that he let go of a large number of people because now we have a smaller payroll. There's no real reason for them to go back." ***Note: Putin didn't fire them from the State Department. He just expelled them from Russia. We imagine the payroll hasn't really changed.***

JOHN HEFFERN, principal deputy assistant secretary of State for European and Eurasian Affairs **(@AmbHeffern)**: "The State and inter-agency community is thinking about our colleagues in Moscow and Consulates as they prepare for difficult weeks ahead."

NAHAL TOOSI and **MADELINE CONWAY:** "A senior U.S. diplomat serving overseas called Trump's remarks 'outrageous' and said it could lead more State Department staffers to head for the exits. 'This is so incredibly demoralizing and disrespectful to people serving their country in harm's way,' the diplomat said. ... 'THANK Putin?' another bewildered State Department official responded. 'I don't have words that are printable to describe my reaction.'" http://politi.co/2vVnVbI

-- TRUMP'S THINKING ON INFRASTRUCTURE: "I'm not sure that we will bring [Democrats] in. I mean, maybe we'll bring them in, maybe not. I think the infrastructure bill will be bipartisan. In fact, frankly, it may have more support from the Democrats. I want a very strong infrastructure bill."

FASCINATING -- NOT ONE QUESTION on two major issues Trump will have to confront in the next two months: the looming government shutdown and lifting the nation's borrowing cap.

-- NYT rundown of Trump's back-and-forth with the press http://nyti.ms/2vsAAQV ... ***Video of his whole 20-minute presser with the pool*** http://bit.ly/2vLcymI ... ***His other***

7-min. press availability yesterday http://bit.ly/2uw3n5R

PHIL RUCKER in Bedminster: "'When you put this guy in a cage and think you're controlling him, things like this happen'": "Midway through President Trump's second media availability in a single afternoon here Thursday, his press secretary, Sarah Huckabee Sanders, held up a sign signaling to the boss that it was time to drop the curtain on the show. 'One more question,' it read. The president either did not see her plea or opted to disregard it, because he kept answering questions - for 20 minutes straight, after having already fielded them for seven minutes in the earlier session. This was Trump in his element: At his luxurious private golf club here in Bedminster, the cameras trained on him, his vice president and national security advisers looking on admiringly, he parried queries - at times even gleefully - like a tennis player.

"Engaging with people -- journalists, advisers, friends and even foes -- is Trump's lifeblood. His Oval Office has felt like a busy train station, with people breezing in and out to share a juicy tidbit or to solicit the president's opinion on a pressing issue or to chew over something in the news. He likes to watch cable television news shows with other people, sometimes only through the phone. ... 'This is what General Kelly will learn very quickly, which is when you put this guy in a cage and think you're controlling him, things like this happen,' said one Trump confidant, who requested anonymity to speak candidly. ... Kellyanne Conway, counselor to the president, said Trump in recent days has been restless to share his thoughts on what she termed 'one of the juiciest, newsiest periods of his presidency.'" http://wapo.st/2vp6mzM

ATTN. TRUMP: Mattis gets a tour of Amazon HQ with Jeff Bezos. http://dailym.ai/2uLVkkP

CARL HULSE on the **TRUMP/MCCONNELL** feud: "Mr. McConnell's original point was that the president was still learning how things work in Washington. By publicly berating the man who should be his most indispensable ally on Capitol Hill, Mr. Trump may have affirmed Mr. McConnell's point." http://nyti.ms/2wOr0au

JOSH DAWSEY, "Behind the Trump-McConnell feud: The president ratcheted up his feud with the Senate majority leader, signaling again that he's willing to sacrifice the appearance of unity to get what he wants": "Increasingly, these people say, the president is prepared to cast himself as an outsider - and Congress as an 'insider' Washington institution. He has reminded advisers his poll numbers are higher than Congress' and that he ran against Washington -- and wants bills to sign -- and will blast his own party if he doesn't get them. ... McConnell's advisers have been amazed at the president's unwillingness to sell the health care bill publicly, his lack of policy knowledge, his seemingly unending appetite for chaos and his inability to control warring factions of aides, who complicate delicate negotiations by saying different things to different people.

"The two men have talked from time to time on the phone, but the conversations have often been brief, and Trump often disregards McConnell's advice. McConnell has

told people after meeting with Trump in the White House that it is difficult to keep the president on topic and that he wanders around verbally in a way that McConnell -- a man who does not see the purpose in unnecessary words -- doesn't understand." http://politi.co/2vsrHqM

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

PACIFIC DAILY NEWS (Guam newspaper) -- **"'Don't look at the flash or fireball' -- Guam Homeland Security releases fact sheet in light of North Korea threats":** "The advice includes tips such as: 'Do not look at the flash or fireball -- It can blind you' and 'Take cover behind anything that might offer protection.'

"'Lie flat on the ground and cover your head. If the explosion is some distance away, it could take 30 seconds or more for the blast wave to hit,' the sheet states. Homeland Security says residents should prepare an emergency supply kit and a family emergency plan. During an imminent missile threat, authorities recommend taking cover as quickly as possible under a concrete structure or below ground after an attack warning is issued. People should also avoid going outside for at least 24 hours to avoid any possible radioactive material, unless otherwise told by authorities." http://bit.ly/2hQCqrS ... ***The fact sheet*** http://bit.ly/2vVm1Zb

HILL PROBES -- "Trump's longtime secretary scrutinized by Russia investigators," by ABC's Benjamin Siegel: "Congressional investigators want to question President Donald Trump's longtime personal secretary as part of their ongoing probe into a controversial meeting between Trump campaign officials and a Russian lawyer promising dirt on Hillary Clinton, ABC News has learned.

"Rhona Graff, a senior vice president at the Trump Organization who has worked at Trump Tower for nearly 30 years, has acted as a gatekeeper to Trump. She remains a point of contact for the sprawling universe of Trump associates, politicians, reporters and others seeking Trump's time and attention, even now that he's in the White House." http://abcn.ws/2vpKtAB

SCOOP -- "Manafort switching legal team as feds crank up heat on him," by Josh Dawsey: "Former Trump campaign chairman Paul Manafort is changing his attorneys as a federal investigation heats up into his financial transactions, according to people familiar with the matter. Manafort's case will now be handled by Miller and Chevalier, a boutique firm in Washington that specializes in complicated financial crimes among other issues, these people said. A spokesman confirmed the change. ... Kevin Downing, a former senior Department of Justice official known for his work representing clients and firms facing complex financial investigations, will be working on the case. ... Manafort is cutting ties with WilmerHale, the firm that has represented him in the matter

so far. His former lawyer there, Reg Brown, led the congressional investigations practice." http://politi.co/2uMhlQA

BOOMERANG -- "Breitbart's war on McMaster bites Bannon," by Tara Palmeri: "The attacks on McMaster have put Bannon in an especially awkward position with his new boss, retired Marine general John Kelly, who has been increasingly defensive of McMaster, a longtime friend and fellow general, according to interviews with 10 administration officials and people close to the White House. McMaster, who pushed Bannon off the National Security Council principals' committee, hasn't spoken to Bannon in weeks, one senior administration official said." http://politi.co/2uuRb9q

DEPARTURE LOUNGE -- "Four Top Cybersecurity Officials Are Leaving U.S. Government," by Kevin Collier in his BuzzFeed debut: "Four senior cybersecurity officials are stepping down from their U.S. government positions, raising concerns that an exodus of top leaders may make the federal government more vulnerable to hacking. Two of those resigning - Sean Kelley, the chief information security officer for the Environmental Protection Agency, and Richard Staropoli, the chief information officer for the Department of Homeland Security - had been in their jobs for just a few months. The other two, Rob Foster, the Navy's chief information officer, and Dave DeVries, the director of information security and privacy at the Office of Personnel Management, are departing agencies for which computer security is a top priority." http://bzfd.it/2voYHBu

LATE-NIGHT BEST - "Weekend Update: Anthony Scaramucci FaceTimes the Show (Bill Hader)" -- *3-min. video* http://bit.ly/2uMqfgL

TRUMP'S FRIDAY -- THE PRESIDENT is participating in a workforce and apprenticeship discussion at his country club in New Jersey and he will meet with U.N. Ambassador Nikki Haley.

Playbook Reads

PHOTO DU JOUR: President Donald Trump and Vice President Mike Pence speak with reporters before a security briefing at Trump National Golf Club in Bedminster, N.J., on Aug. 10. | Evan Vucci/AP Photo

HOT DOC -- "Here's the Memo That Blew Up the NSC: Fired White House staffer argued 'deep state' attacked Trump administration because the president represents a threat to cultural Marxist memes, globalists, and bankers," by Foreign Policy's Jana Winter and Elias Groll: "The author of the memo, Rich Higgins, who was in the strategic planning office at the NSC, was among those recently pushed out. ... In the meantime, however, the memo had been working its way through the Trump White House. Among those who received the memo, according to two sources, was Donald Trump Jr. ... [who] gave the memo to his father, who gushed over it, according to sources. In a

comedy of errors, Trump later learned from Sean Hannity, the Fox News host and close friend of the president, that the memo's author had been fired. Trump was 'furious,' the senior administration official said. 'He is still furious.'" http://atfp.co/2uuM6xO

A BREAK IN PRECEDENT -- SEUNG MIN KIM: "White House vs. Democrats in tense standoff over judge picks": "Trump's judicial nominees are ignoring key Senate Democrats as they vie for lifetime appointments to the bench -- a break from longstanding practice that diminishes the minority's power to provide a check against ideologically extreme judges. The brewing tension between the White House and the Senate over filling an unusually high number of judicial vacancies is impeding the pace at which Trump installs lifetime appointees to the federal bench -- so far one of the president's few major victories, with his legislative agenda largely stymied in Congress." http://politi.co/2vL6Hhe

ANOTHER VIEW -- "Rep. Rohrabacher wades into Google's firing of controversial memo's author," by L.A. Times' Sarah D. Wire: "Rep. Dana Rohrabacher (R-Costa Mesa) took Google to task Thursday for firing a male employee, James Demore, who circulated a memo within the company arguing women are biologically incapable of doing a man's job in Silicon Valley.

"The 3,000-word memo that's caused a hubbub among one of California's more prominent industries and across the country contends men fundamentally have a higher drive for status than women and says the company has a bias toward liberal thought over conservative thought. It states that the company's diversity initiatives should be replaced with 'ideological diversity' policies. Rohrabacher joined the conversation, saying on Twitter he's troubled by the firing. He tweeted: 'You shouldn't lose your job for telling the truth!' and 'The mistreatment of conservatives and libertarians by tech monopolies is a civil rights issue.'" http://lat.ms/2wOtpSN

IVANKA INC. -- "Ivanka Trump Brand to Open NY Store in Second Stab at Retail," by Bloomberg's Lindsey Rupp and Taylor Cromwell: "The first daughter's brand will open a store in Trump Tower on Manhattan's Fifth Avenue, according to signage in the building. The location is slated to debut later this year, giving the tourists who throng to the site a chance to buy Ivanka Trump merchandise. It's unclear what products will be sold at the store or when exactly it will open: A sign promised a fall 2017 debut, but representatives for the brand declined to give specifics. The shop would represent Ivanka Trump's second foray into branded stores. She previously opened a fine jewelry boutique on the Upper East Side of Manhattan in 2007, before moving to the SoHo neighborhood in 2011. That location shut down in 2015." https://bloom.bg/2uMdAu9

--"Kushner fined for late financial report," by McClatchy's Anita Kumar and Ben Wieder: "Jared Kushner, who has spent months divesting pieces of his vast business empire to serve in the White House, was slapped with a fine by the Office of Government Ethics for late reporting of a financial transaction, according to a newly released document. Another 17 White House staffers ... filed their required personal financial disclosure statements late, according to data compiled by American Bridge

21st Century ... Reince Priebus ... was four days late. Press Secretary Sarah Huckabee Sanders was 23 days late. And Omarosa Manigault ... received a 32-day extension but still missed her deadline by eight days. ... Under federal law, when those who are required to file financial disclosure statements are more than 30 days late doing so they must pay a fine of $200, payable to the U.S. Treasury." http://bit.ly/2vsrvYA

MARK PRESTON talks to **GEORGE SHULTZ -- "The wise man Trump should listen to"** http://cnn.it/2uvZhL1

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

MEDIAWATCH -- "CNN severs ties with Jeffrey Lord," by CNN's Brian Stelter: "CNN severed ties with Jeffrey Lord on Thursday, hours after he ignited controversy by tweeting the words 'Sieg Heil!' at a prominent liberal activist. 'Nazi salutes are indefensible,' a CNN spokesperson said in a statement. 'Jeffrey Lord is no longer with the network.' Lord said his tweet was misunderstood. He said he was mocking fascists, not acting like one. 'I love CNN, but I feel they are caving to bullies here,' he said in a telephone interview shortly after the network's decision was announced." http://cnnmon.ie/2voGtQB

FUTURE OF NEWS -- FOR BEN SMITH -- "BuzzFeed News' Twitter Live Daily Morning Show to Debut in September," by Variety's Todd Spangler: "Here comes a social-media-spiked version of 'Good Morning America' for millennials: BuzzFeed News will bow its morning show -- live-streamed daily on Twitter -- on Sept. 25. The weekday show, 'AM to DM,' will run 8-9 a.m. ET on the Twitter account of @BuzzFeedNews. The program will be hosted by Saeed Jones, BuzzFeed News' executive editor of culture and BuzzFeed Books editor Isaac Fitzgerald. The show will be produced by Cindy Vanegas-Gesuale, a veteran of Fox Business Network, CNN and Huffington Post.

"'AM to DM' will follow a traditional morning-show format , delivering the day's top stories from staff reporters providing news and commentary on politics, social issues, technology, business and entertainment. But it will have some unique twists, given the nature of the medium: The show will feature 'everyday Twitter heroes' who have captured the spotlight and focus on what people are saying on Twitter live, as it happens during the broadcast. Also planned are regular segments with guest 'newsmakers and notables' discussing current trends, personalities -- and the best jokes from the twittersphere." http://bit.ly/2wOqTMm

Playbookers

PLAYBOOK ON THE ROAD -- Thanks to everyone who sent us photos of themselves reading Playbook during your travels this month! **Robb Watters:** "Reading it in Simi Greece!" ***Pic*** http://politi.co/2vLby1X ... **Steve Clemons** of The Atlantic: "Reading Politico Playbook on the aboriginal art floor of the Alice Springs, Australia airport! Alice Springs, of course, is the destination city made famous by the acclaimed film, 'Priscilla: Queen of the Desert'" http://politi.co/2uwl05y ... **Robert Allbritton:** "From your Publisher - 6 time zones west of you ... on The Big Island. Nice and relaxing" http://politi.co/2vV8Ck1 ... **Ben Chang:** "Greetings from Montana! Was able to pull up Playbook at this spot in Glacier National Park..." http://politi.co/2uuAxXJ ... **Shannon Gacke and Ben Mordechai:** "Habari from Zanzibar, Tanzania! We've made sure to read Playbook every time we've had wifi for our past two months in Tanzania!" http://politi.co/2vsRS0r

-- ***See the whole slideshow with the rest of the entries, including Brian O. Walsh in Venice and other readers in Germany, Vietnam, Ballycastle, Northern Ireland, Paradise Valley, Ariz., on the Chesapeake Bay Bridge, Island Lake near Duluth, Minn., and Pinconning, Michigan*** http://politi.co/2vLby1X

--REMINDER: THE GRAND PRIZE: Participating Playbookers will automatically be entered into a drawing to win a signed cartoon by POLITICO's Pulitzer winning cartoonist Matt Wuerker. Email photos to Daniel at daniel@politico.com. Or, Tweet them to **@playbookplus** with the hashtag #PlaybookLoyal. We'll feature the best five pictures every Friday in August.

SPOTTED : Andy Surabian, a deputy to Steve Bannon; Steven Cheung, a former UFC executive and current White House communications aide; and Jack Hunter, editor of Rare.us at the DC Improv yesterday with legendary WWE announcer Jim Ross.

SUNDAY SO FAR -- ABC's "This Week": Martha Raddatz reports live from the frontlines of the nuclear threat in Seoul ... Anthony Scaramucci. Panel: Alex Castellanos, Matthew Dowd, and Cokie Roberts.

-- CNN's "State of the Union": James Clapper. Panel: Nina Turner ... Michael Caputo ... Rep. Debbie Dingell (D-Mich.) ... Bill Kristol

-- NBC's "Meet the Press": Kara Swisher. Panel: Helene Cooper, Rich Lowry, Joy Reid, Amy Walter

-- CBS' "Face the Nation": Leon Panetta ... San Diego Mayor Kevin Faulconer, Gary, Indiana Mayor Karen Freeman-Wilson, Fort Worth Mayor Betsy Price, and Mayor of New Orleans, Mitch Landrieu. Political panel: Molly Ball, Mike Duffy, Ed O'Keefe and Ramesh Ponnuru ... Discussion on North Korea: David Ignatius and Michael Morell

-- "Fox News Sunday": Sen. Lindsey Graham (R-S.C.). Panel: Newt Gingrich, Donna

Edwards, Tom Rogan, Marie Harf

--CNN's "Inside Politics" with John King: Michael Shear, Margaret Talev, Karoun Demirjian, Manu Raju

TRANSITIONS -- Arkansas Attorney General **Leslie Rutledge** has been named chairman of the Republican Attorneys General Association. ... The Network Branded Prepaid Card Association has named **Ben Jackson** as their new COO. He most recently spent eight years at Mercator Advisory Group. ... **Anna McEntee** has left Fox News to join Rep. Virginia Foxx's (R-N.C.) office as her communications director. ... **Tom Strong-Grinsell**, formerly of the Clinton campaign, will now be assistant to Fred Hochberg, formerly the chairman and president of the Export-Import Bank.

BIRTHWEEK (was yesterday): Wood Foster, onetime chair of the Minnesota State Bar Association (hat tip: stepdaughter Maggie Severns, who was on time) ... Politico's Farnaz Mansouri ... Politico Europe's Jan Cienski ... **(was Tuesday):** George Paul Tzamaras, senior director of comms for the American Immigration Lawyers Association, turned 57

BIRTHDAY OF THE DAY: NYT opinion columnist **Charles Blow** is 47. He's celebrating "in New Orleans, in my home state of Louisiana, at the National Association of Black Journalists' annual convention." **A fun fact about Charles:** "My tiny hometown, Gibsland, La., is the place where Bonnie and Clyde were killed. Fewer than 1,000 people live there, but they have two Bonnie and Clyde 'museums' (I use that there very loosely), and each year on the anniversary of killings, there is a 'festival' in the center of town, complete with a mock shootout." Read his Playbook Plus Q&A: http://politi.co/2wA4fYM

BIRTHDAYS: David Brooks is 56 ... David Rubenstein is 68 ... Rob O'Donnell, founder of 38 Paces and Obama WH alum ... Politico's Toby Eckert and Michael Roberts ... Bush 43 admin alum Jim Wilkinson, now chairman and CEO of TrailRunner International ... Pamela Lynne Sorensen ... Chris Berry, SVP at iHeartMedia ... CNN WH producer Liz Landers... Rep. Dan Kildee (D-Mich.) is 59 ... Rep. Billy Long (R-Mo.) is 62 (h/t Matt Brooks) ... Fred Smith, CEO and founder of FedEx, is 73 ... DCCC's Brian Krebs ... Mollyann Brodie ... Mark Chou ... Greg Michaelidis, founder and director of the Security Awareness Lab and a DHS alum (h/t Todd Breasseale) ... Ilana Drimmer, booker for "Meet the Press" (h/ts Betsy Fischer Martin and Olivia Petersen) ... Marissa Secreto, COS to Steve Case at Revolution ... Alex Siciliano, comms director for Sen. Gardner ... Meghan Dubyak, Georgetown spox and AVP for comms .... WaPo's Lyndsey Layton ... Alli Adams ...

... CNN's Rachel Smolkin and Waffa Munayyer ... Chad VonLuehrte, co-founder and partner at Harbinger, is 38 ... Kedrin Simms Brachman is 4-0 ... Jackie Norris ... Chris Lisi, strategic comms consultant, adjunct at GWU, former Hill staffer, celebrating with Vince and the kids (h/ts Jon Haber) ... Emily Akhtarzandi, The Atlantic's DC head of media and managing director of AtlanticLIVE, celebrating by relaxing on the north coast

beaches of Egypt (h/t Patrick Garrigan) ... Jamie Bennett is 24 ... Philip Scranage ... Yelena Shuster ... Kimberly Scott ... Kimberly Burns ... former Sen. Tim Hutchinson (R-Ark.) is 68 ... Pete Larkin is 54 ... Jillian Gates ... Drew Trojanowski ... Drew Davidsen ... Pamitha Weerasinghe ... John Kohler ... Chris Berry ... Shelley Epstein ... Thad Huguley ... John Files ... Sam Myers Jr., senior director for partnerships and development at Huge ... Tom Miller ... Melissa Silverstein ... Albert Morales ... Connie Hutchison (h/ts Teresa Vilmain) ... Sara Ginzberg ... Kimberly Scott ... Hulk Hogan is 64 ... Apple co-founder Steve Wozniak is 67 ... actress Viola Davis is 52 (h/ts AP)

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Fri 8/4/2017 2:13:07 PM
Subject: Sources: EPA aims to announce RFS decision today

By Eric Wolff

08/04/2017 10:09 AM EDT

EPA is aiming to announce as soon as today its decision to leave the Renewable Fuel Standard unchanged, two sources tell POLITICO.

The agency plans to leave refiners with the responsibility for complying with the RFS, as POLITICO reported Thursday, dealing a blow to billionaire Carl Icahn — who owns refiner CVR Energy — Valero, and other merchant refiners. EPA is not expected to have the formal decision ready to publish in the Federal Register until next week, but is planning to make the decision ahead of then, the sources said.

The announcement is still being reviewed by senior staff, and it could be delayed to early next week, though the hope is to get it out today, the sources said.

EPA began work on the denial after the D.C. Circuit Court of Appeals rejected challenges on the obligation issue in a decision last Friday.

The question of which companies must carry the program's compliance cost created an unlikely alliance of oil majors, represented by the American Petroleum Institute, and ethanol producers, who opposed the change for separate reasons. Merchant refiners were seeking the change, arguing that compliance costs were squeezing their bottom lines.

WHAT'S NEXT: EPA is expected to make the announcement as soon as today and publish its formal decision within the next two weeks.

To view online:
https://www.politicopro.com/agriculture/whiteboard/2017/08/epa-aims-to-announce-point-of-obligation-decision-today-091526

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 12/1/2017 1:56:47 PM
Subject: Dec. 01 -- EHS State Regulatory Alert

EHS State Regulatory Alert

December 01, 2017 - Number 230

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Alaska

WATER
Intended Use Plans
Alaska WATER

Notice of the Department of Environmental Conservation announces the availability of the draft clean water and drinking water amended intended use plans for fiscal year 2018. The plans describe the department's strategy to loan funds made available under the Clean Water Act and the Safe Drinking Water Act for the purpose of planning, designing, and constructing sanitation and drinking water facilities. The amended drafts update the draft plans issued May 5, 2017, to address public comments. Comments are due Dec. 10, 2017. Contact: Peggy Ulman; DEC, Division of Water; 907-334-2681; peggy.ulman@alaska.gov

—State Publication Date: 11/29/2017.

Regulatory Update

California Regions

AIR
Boilers, Water Heaters, Steam Generators, and Process Heaters
California Regions AIR

Notice of the Santa Barbara County Air Pollution Control District announces revisions to and an additional meeting on a proposed rule that would amend regulations under Rule 360 regarding control of nitrogen oxide (NOx) emissions from boilers, water heaters, steam generators, and process heaters with a rated heat capacity of between 75,000 and 2 million British thermal units per hour. The rule would reduce the NOx emission limit to 20 parts per million by volume for all units supplied, sold, installed, or modified, effective Jan. 1, 2019. The rule also would add an exemption for recreational vehicles, manufactured homes, hot water pressure washers, and

portable water heaters used for underwater diving activities. In addition, the rule would clarify the standard source test methods and compliance demonstration requirements for all applicable fuel types. The revisions would clarify that the district will accept South Coast Air Quality Management District certified units that are fired on field gas and add a definition of "heat input." The meeting is scheduled for Dec. 13, 2017, in Buellton. A hearing is scheduled for March 15, 2018, in Santa Maria. Comments are requested, but a due date is not specified. Contact: Timothy Mitro; Santa Barbara County APCD; 805-961-8883; MitroT@sbcapcd.org

—State Publication Date: 11/29/2017.

Regulatory Update

AIR
Major Stationary Source Operating Permits/Electronic Notice
California Regions AIR

Proposed rule of the Santa Barbara County Air Pollution Control District would amend regulations under Rule 1304 regarding Part 70 major stationary source operating permits. The rule would revise public notice requirements by allowing for electronic notice of permit actions. A meeting is scheduled for Dec. 13, 2017, in Buellton. A hearing is scheduled for March 15, 2018, in Santa Maria. Comments are requested, but a due date is not specified. Contact: Timothy Mitro; Santa Barbara County APCD; 805-961-8883; MitroT@sbcapcd.org

—State Publication Date: 11/29/2017.

Regulatory Update

Colorado

WATER
Gunnison and Dolores River Basins
Colorado WATER

Notice of the Department of Public Health and Environment, Water Quality Control Commission, announces corrections to a Sept. 10, 2017, final rule that amended regulations under 5 CCR 1002-35 to revise water quality classifications, standards, and designations for multiple segments in the Gunnison and Dolores river basins. The rule revised water body segmentation and aquatic life, recreation, water supply, and agricultural use classifications. The rule also revised molybdenum, cadmium, nickel, and lead standards; updated antidegradation designations and ambient quality-based standards; and revised temporary modifications. In addition, the rule addressed temperature standards, added nutrient standards for chlorophyll and total phosphorus, added a direct use water supply subclassification, addressed site-specific revisions, and corrected the duration of the nitrate standard from chronic to acute on all segments. The corrections update the tables by revising the format of parameter names and listings for water segments with multiple standards for one parameter. The rule, with corrections, is effective Dec. 31, 2017. Contact: Blake Beyea; DPHE; 303-692-3656; blake.beyea@state.co.us

—State Publication Date: 11/16/2017. Citations: 5 CCR 1002-35 (amended)

Regulatory Update

WATER
Management and Control of Designated Groundwater
Colorado WATER

Proposed rule of the Department of Natural Resources, Ground Water Commission, would amend regulations under 2 CCR 410-1 regarding the management and control of designated groundwater. The rule would combine provisions for approval of plans that allow for artificial recharge, storage, and recovery of water with provisions for replacement plans. The rule also would add standards for the presumption of water quality and clarify the applicability of the anti-speculation doctrine to replacement plans. In addition, the rule would require that designated sources of replacement water be physically available and supplied to the aquifer, limit certain diversions, and address identification and inclusion of sources of replacement water not currently legally available for replacement use. In addition, the rule would address applicant utilization of the storage space in aquifers, restrictions on location and use of remote recovery wells, and limitations on the amounts of water that may be recovered annually. Finally, the rule would add and update requirements for applications for all plans and plans allowing new appropriations. A hearing is scheduled for June 18, 2018, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are requested, but a due date is not specified. Contact: Keith Vander Horst; DNR, Ground Water Commission; 303-866-3581; keith.vanderhorst@state.co.us

—State Publication Date: 11/28/2017. Citations: 2 CCR 410-1

Regulatory Update

WATER
San Juan and Dolores River Basins
Colorado WATER

Notice of the Department of Public Health and Environment, Water Quality Control Commission, announces corrections to a Sept. 10, 2017, final rule that amended regulations under 5 CCR 1002-34 to revise the water quality classifications, standards, and designations for multiple segments in the San Juan and Dolores river basins. The rule revised water body segmentation and aquatic life, recreation, water supply, and agricultural use classifications. The rule also revised cadmium, lead, molybdenum, and nickel standards; updated antidegradation designations; and revised temporary modifications. In addition, the rule addressed temperature standards, added nutrient standards for chlorophyll and total phosphorus, and added a direct use water supply subclassification. The corrections update the tables by revising the format of parameter names and listings for water segments with multiple standards for one parameter. The rule, with corrections, is effective Dec. 31, 2017. Contact: Blake Beyea; DPHE; 303-692-3656; blake.beyea@state.co.us

—State Publication Date: 11/16/2017. Citations: 5 CCR 1002-34 (amended)

Regulatory Update

Florida

WATER
Southwest Florida WMD/Guidance and Minimum Levels for Lake Damon
Florida WATER

Notice of the Southwest Florida Water Management District announces a workshop on proposed amendments to regulations under FAC 40D-8 regarding guidance and minimum levels for Lake Damon in Highlands County. The workshop is scheduled for Dec. 19, 2017, in Avon Park. Contact: Donna Campbell; SWFWMD; 352-796-7211; ADACoordinator@swfwmd.state.fl.us

—State Publication Date: 11/29/2017. Citations: FAC 40D-8.624 (amended)

Regulatory Update

Illinois

WATER
Water Supply Operator Certification
Illinois WATER

Final rule of the Illinois EPA amends regulations under 35 IAC 681 regarding drinking water supply operator certification. The rule updates examination procedures, revises the calculation of experience necessary for certification, and specifies that certain fees are not refundable. The rule also updates facility classifications and the duties of the contract operator and revises procedures to grant reciprocal certification, including reciprocity for members of the U.S. armed forces. The rule is effective Nov. 13, 2017. Contact: Stephanie Flowers; IEPA, Division of Legal Counsel; 217-782-5544; stephanie.flowers@illinois.gov

—State Publication Date: 11/27/2017. Citations: 35 IAC 681.105 (amended); 35 IAC 681.110 (amended); 35 IAC 681.200 (amended); 35 IAC 681.205 (amended); 35 IAC 681.300 (amended); 35 IAC 681.305 (amended); 35 IAC 681.325 (amended); 35 IAC 681.500 (amended); 35 IAC 681.505 (amended); 35 IAC 681.510 (amended); 35 IAC 681.600 (amended); 35 IAC 681.605 (amended); 35 IAC 681.715 (amended); 35 IAC 681.720 (amended); 35 IAC 681.725 (amended); 35 IAC 681.740 (new); 35 IAC 681.745 (new); 35 IAC 681.805 (amended); 35 IAC 681.810 (amended); 35 IAC 681.820 (amended); 35 IAC 681.825 (amended); 35 IAC 681.835 (amended); 35 IAC 681.1000 (amended)

Regulatory Update

New Mexico

AIR
Construction Permits
New Mexico AIR

Final rule of the Albuquerque-Bernalillo County Air Quality Control Board amends regulations under 20.11 NMAC regarding construction permits. The rule addresses a petition from the

Albuquerque Environmental Health Department (EHD). The rule eliminates allowable emission increases and associated notice requirements for technical permit revisions and allows the EHD to provide notice of construction permit applications by web publication. The rule also increases the notice for information hearings to 30 days and eliminates air dispersion modeling for technical permit revisions. The rule will be submitted to the EPA as a revision to the state implementation plan. The rule is effective Dec. 13, 2017. Contact: Andrew Daffern; Environmental Health Department, Air Quality Control Board; 505-768-2601; adaffern@cabq.gov

—State Publication Date: 11/28/2017. Citations: NMAC 20.11.41 (amended)

Regulatory Update

MINING
Mining Commission/Rulemaking Guidelines
New Mexico MINING

Proposed rule of the Energy, Minerals, and Natural Resources Department, Mining Commission, would adopt regulations under 19.10 NMAC to incorporate updated rulemaking guidelines for the commission to reflect recent statutory changes. A hearing is scheduled for Feb. 23, 2018, in Santa Fe. Comments are due Feb. 13, 2018. Contact: Jane Tabor; EMNRD, Mining Commission; 505-476-3400

—State Publication Date: 11/28/2017. Citations: NMAC 19.10.15 (adopted)

Regulatory Update

New York

WATER
Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses
New York WATER

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water in October 2017. The notice addresses 16 project approvals by rule for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—State Publication Date: 11/29/2017.

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Approved for Minor Modifications
New York WATER

Notice of Susquehanna River Basin Commission announces the availability of a list of minor modifications for previously approved projects in October 2017. The notice addresses a project in Snyder County, Pa., approved by rule to add stormwater as an additional source of water for

consumption use and change the design of the intake structure. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—State Publication Date: 11/29/2017.

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water
New York WATER

Notice of the Susquehanna River Basin Commission announces two projects rescinded for the consumptive use of water in October 2017. The projects are located in Susquehanna County, Pa. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net.

—State Publication Date: 11/29/2017.

Regulatory Update

Oregon

WATER
Focused Investment Partnership Grant Program
Oregon WATER

Proposed rule of the Watershed Enhancement Board would adopt regulations under OAR 695-047 to establish provisions of the Focused Investment Partnership Grant Program. The rule would address procedures for board approval of ecological priorities, eligibility and proposal requirements, elements of a partnership agreement, and reporting procedures. The rule also would establish the project-level grant process for implementation initiatives. A hearing is scheduled for Dec. 19, 2017, in Salem. Comments are due Dec. 31, 2017. Contact: Eric Hartstein; WEB; 503-986-0029; eric.hartstein@oregon.gov

—State Publication Date: 11/29/2017. Citations: OAR 695-047-0010 (new); OAR 695-047-0020 (new); OAR 695-047-0030 (new); OAR 695-047-0040 (new); OAR 695-047-0050 (new); OAR 695-047-0060 (new); OAR 695-047-0070 (new); OAR 695-047-0080 (new); OAR 695-047-0090 (new); OAR 695-047-0100 (new); OAR 695-047-0110 (new); OAR 695-047-0120 (new); OAR 695-047-0130 (new); OAR 695-047-0140 (new)

Regulatory Update

WATER
Groundwater Quality Protection
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-040 to correct a note referring to tables related to general policies for groundwater quality protection. The rule is effective Nov. 28, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478;

goldstein.meyer@deq.state.or.us

—State Publication Date: 11/28/2017. Citations: OAR 340-040-0020 (amended)

Regulatory Update

WATER
Groundwater Quality Protection/Numerical Reference and Guidance Levels
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-040 to correct a note referring to tables related to numerical groundwater quality reference levels and guidance levels. The rule is effective Nov. 28, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/28/2017. Citations: OAR 340-040-0080 (amended)

Regulatory Update

WATER
Groundwater Quality Protection/Permitted Operations
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-040 to correct a note referring to tables related to permitted operations for groundwater quality protection. The rule is effective Nov. 28, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/28/2017. Citations: OAR 340-040-0030 (amended)

Regulatory Update

Wyoming

WATER
Water Development Commission
Wyoming WATER

Final rule of the Water Development Commission amends regulations under Chapters 1 through 6 and adopts regulations under Chapter 7 to update administrative provisions concerning meetings, public hearings, and public records requests. The rule allows meetings via electronic means, allows the commission to authorize the Water Development Office to sign contracts, requires the commission to review and take action on groundwater exploration grant applications, and incorporates by reference rules for public records requests. The rule also adds procedures for accepting, reviewing, and evaluating funding applications for the Water Development Program. The rule is effective Nov. 27, 2017. Contact: Harry LaBonde; WDC; 307-777-7626; harry.labonde@wyo.gov

—State Publication Date: 11/28/2017. Citations: Chapter 1-7

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Wed 10/18/2017 2:03:23 PM
Subject: POLITICO's Morning Energy, presented by the National Biodiesel Board: Pruitt's Midwest charm offensive short on policy promises — EPW axes votes on various nominations — Pence suggests some energy tax incentives will remain

By Anthony Adragna | 10/18/2017 10:00 AM EDT

With help from Darius Dixon

PRUITT'S CHARM OFFENSIVE HAS FEW ACTUAL PROMISES: Seven corn-state Republican senators emerged smiling from what they deemed a "good" meeting with EPA Administrator Scott Pruitt on Tuesday but they got no concrete policy promises on the Renewable Fuel Standard from him, Pro's Eric Wolff and your ME host report. Iowa Sen. Chuck Grassley said following the meeting he was "watching this issue closely" and plans "to hold the administration accountable," while his Iowa colleague Joni Ernst said: "Administrator Pruitt again claimed today that he will not do anything to undermine the program. However, we have heard this before. We now need to see it."

Ernst's statement is key because, unlike Sen. Deb Fischer, the Environment and Public Works Committee member pointedly declined to back Bill Wehrum to run the agency's air office following the meeting. That's likely why the committee announced a few hours after the meeting that it would postpone "until further notice" a vote slated for today on various EPA, NRC and federal highway picks. With just an 11-10 majority on the panel, Republicans can afford no defections. The committee provided no explanation for the last-minute move and declined to comment.

So what did they talk about with Pruitt? Senators said they reminded the administrator of President Donald Trump's repeated support for biofuels. They also discussed the possibility of allowing year-round sales of 15 percent ethanol and got positive signals on that front: "I'm also encouraged there about the fact that there's a lot of dialogue inside the EPA," Sen. Ben Sasse told reporters. And Pruitt - who showed up with a flock of senior staff and fled without taking questions - brought up the cost of biofuel credits, called Renewable Identification Numbers, one of the primary complaints of some independent refiners. "He also talked a lot about the volatility of RINS and the fact we need to address that," Sen. Mike Rounds told ME. "And we all agreed with him."

Attendees: Ernst, Grassley, Fischer, Rounds, Sasse, John Thune and Pat Roberts.

Watch this: Biofuels defy normal partisan politics and this bloc of corn-state Republicans could wreak havoc on their party's agenda if they throw their weight around on RFS issues. "We have a big enough group that is passionate about these issues that I think we can get their attention when we need to," Thune told ME of the dynamic.

Some greens agree with Pruitt, albeit for different reasons. A group of five environmental groups, including the Clean Air Task Force and Sierra Club, are backing Pruitt's call to reduce

biodiesel requirements. "We support EPA's current effort to determine whether reductions to these RFS mandates are warranted," they write in a letter.

For your radar: Iowa Gov. Kim Reynolds is holding a press conference today at 2:30 p.m. to discuss the "growing threat" to the RFS posed by EPA's signals. Watch here. Trump's slated to speak with Reynolds by phone at 11 a.m.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and Entergy's Rob Hall was first to identify Sen. John Thune as the senator who defeated a sitting party leader (Tom Daschle) for his seat. For today: Which senator lost their original 2002 bid but won a 2008 rematch? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

MONEY IN YOUR EARS: POLITICO's new Money podcast brings you to the intersection of Washington and Wall Street with the most influential minds on the economy. Every Wednesday, Ben White will help you understand the economic and financial policies that move markets. While money never sleeps, you have to - so let Ben keep you up to speed and turn dollars into sense. The first POLITICO Money podcast, premiering with our launch sponsor, Morgan Stanley, features Treasury Secretary Steven Mnuchin. Click HERE to subscribe.

CONCERNS RAISED OVER PUERTO RICO FRAUD: A group of House Natural Resources lawmakers, led by Chairman Rob Bishop, sent letters Tuesday to FEMA and the FBI seeking information about alleged mishandling by local officials of emergency relief supplies in Puerto Rico. "Allegations that local elected officials are distributing life-sustaining FEMA emergency supplies based on political loyalty is deeply disturbing," they wrote. "Any persons misappropriating FEMA emergency supplies should be prosecuted to the fullest extent of the law." The lawmakers want briefings from both agencies by Oct. 23.

Hearing announced: Bishop announced the committee would hold an oversight hearing on the Puerto Rico response efforts Oct. 24. Energy and Commerce subcommittees are expected to announce similar sessions this week.

McCaskill seeks her own investigation: Sen. Claire McCaskill, the top-ranking Democrat on the Homeland Security Committee, called for a bipartisan investigation into the federal government's response to the string of recent hurricanes. Letter here.

INTERIOR-EPA MARK SHELVED: Citing "uncertain timing of votes on the budget resolution," the Senate Appropriations Committee announced late Tuesday it would postpone a scheduled markup of the fiscal 2018 EPA-Interior spending package until next week. The move comes as the panel's chairman, Thad Cochran, returned to Washington after being away several weeks due to health problems. Separately, 115 scientists and health professionals sent a letter to committee members Tuesday urging them to maintain current funding levels for EPA.

TRUMP CLAIMS WEST VIRGINIA 180: During a Tuesday interview on "Fox News Radio," Trump personally took credit for boosting the fortunes of West Virginia thanks to his efforts to boost coal. "I've turned West Virginia around, because what I've done environmentally with

coal," he said. "And everyone's saying 'I can't believe it,' because they were having such problems." West Virginia's senators have repeatedly acknowledged coal will never return to where it once was so it's unclear what exactly Trump's taking credit for here.

Clips from Pruitt's own "Fox Business" interviews on Tuesday are available here and here.

PENCE: SOME ENERGY BREAKS WILL STAY: During an appearance in Buffalo, N.Y., Vice President Mike Pence suggested some current tax incentives for energy efficiency would likely stick around as Republicans advance tax reform. "Those incentives that are in the tax code today, tax credits that are in today will remain in effect unless we've addressed them in the plan that we've outlined," Pence said. "Some of those historic energy incentives, I expect to remain in place unless Congress decides otherwise."

WHITEHOUSE SLAMS EPA NOMINEE RESPONSES: Prior to the nomination hearing being shelved without explanation, Rhode Island Democratic Sen. Sheldon Whitehouse released responses from Wehrum and EPA chemical office pick Michael Dourson where they dodged questions on a host of matters related to their new posts. "The President's pick to run the air pollution office hasn't read the most pivotal Supreme Court ruling on greenhouse gas regulation ever?" Whitehouse said of Wehrum. "He's 'not familiar' with the science on the health effects of ozone, an all-too-common pollutant that affects vulnerable groups across the country? Really?" Read them here.

ME FIRST - CLEAN ENERGY GROUP BACKS GILLESPIE: Citizens for Responsible Energy Solutions today endorsed Republican Ed Gillespie's gubernatorial bid in Virginia and Jill Vogel's bid to become lieutenant governor. "I agree with Citizens for Responsible Energy Solutions that we need to find commonsense solutions that balance the Commonwealth's economic, energy and environmental needs," Gillespie said in a statement.

**** Presented by the National Biodiesel Board:** EPA wants to reduce volumes in the Renewable Fuel Standard (RFS), which would kill jobs, thwart economic growth and potentially bankrupt farmers. We must support U.S. workers and grow the economy with more biodiesel in a growing RFS. Make your voice heard with the EPA: http://bit.ly/2ghDLo3 ******

FERC CHIEF CALLS FOR ENFORCEMENT REVIEW: After a string of court rulings that rejected FERC's penalties, Chairman Neil Chatterjee said Tuesday it's time for the commission to take a hard look at its enforcement policies, Pro's Darius Dixon reports. "The courts have rejected FERC's interpretation of de novo review five times under the Federal Power Act," he told energy lawyers. "The courts have spoken, and I, for one, am listening." Chatterjee said his goal is to "chart a new course that is fair and legally defensible."

Don't hold your breath: Senate Energy Chairman Lisa Murkowski doesn't expect any package of energy nominees to advance this week given everything that's going on. "I don't think it's going to happen this week," she told ME. "Do I want it to happen? Yes." Two additional FERC picks are among the nominees awaiting floor action.

SENATORS TO FERC: IGNORE PERRY'S PUSH: Eleven members of the Senate

Democratic caucus, led by Energy and Natural Resources Ranking Member Maria Cantwell, are urging FERC in a letter to reject Energy Secretary Rick Perry's proposed grid resiliency plan that would benefit coal and nuclear sectors. "We urge the Commission to reject this ill-conceived proposed rule and return, in a deliberative manner and with the benefit of a full Commission, to reviewing and building upon the record developed in existing proceedings related to the organized markets in a way that truly benefits consumers," they wrote.

EARLY GRID STUDY WRITER CHIPS AT DOE PROPOSAL: Alison Silverstein, an early author of the Energy Department's grid study, gave a presentation Tuesday in Nevada that seemed to undermine the agency's controversial resiliency pricing proposal for coal and nuclear power. Speaking at the joint meeting of the fairly obscure Committee on Regional Electric Power Cooperation and Western Interconnection Regional Advisory Body, Silverstein's talk included a slide titled "Coal needed for resilience? Not so much..." which explained how "Coal plants that retired recently did not operate as baseload" - countering the crux of Energy Secretary Rick Perry's pricing plan to FERC - and pointed out that "[a]verage coal on-site inventories today only 45-70 days, not 90 days." Silverstein left DOE well before the final grid study was released in August.

SPARED? In private conversations with GOP leaders, Trump has pledged to spare Sens. John Barrasso and Deb Fischer from primary challenges launched by Steve Bannon, National Journal reports, citing conversations with two GOP sources familiar with the discussions. The president hinted at such a move during a Monday press conference.

LAWSUIT FILED OVER ROYALTY RULE: California and New Mexico filed a lawsuit Tuesday in the U.S. District Court for Northern California challenging the Trump administration's plan to repeal the 2017 valuation rule for coal, oil and natural gas extracted from federal lands, Pro's Alex Guillén reports . In their filing, the states argue Interior's explanations for repealing the rule "are nothing more than trumped-up technicalities that do not justify throwing out the Rule in its entirety." They call for the rule to be reinstated.

EXAMINING FOSSIL FUEL IMPACTS IN OKLAHOMA: The Coalition for Oklahoma's Renewable Energy released a report looking at the public health impacts of oil and gas development in Pruitt's home state. They note it comes as Pruitt's EPA and Interior have moved to suspend methane standards.

MAIL CALL! BUT REALLY, SHOW ME THE MONEY: House Natural Resources ranking member Raul Grijalva asked Interior Secretary Ryan Zinke in a Tuesday letter to explain what he's done with $400,000 in appropriated funds toward a study on the health impacts of mountaintop removal mining. Zinke's agency ordered the National Academy of Sciences to cease all work on the study back in August.

NEW CHALLENGE TO ENDANGERMENT FINDING: A group of 60 skeptics of mainstream climate change science sent Pruitt a letter Tuesday seeking "an honest, unbiased reconsideration" of the agency's 2009 endangerment that compelled it to take action on climate change. The Competitive Enterprise Institute led the effort.

FOR YOUR RADAR: The Bipartisan Policy Center hosts former Energy Secretary Ernest Moniz today at 9 a.m. for a discussion on the "role U.S. nuclear energy plays in achieving national security objectives." Watch here.

SENDING HELP: The offices of seven attorneys general fighting Trump administration environmental regulatory rollbacks - Illinois, Maryland, Massachusetts, New Mexico, New York, Washington and Washington, D.C. - will receive legal fellows from State Energy & Environmental Impact Center at NYU School of Law, the organization announced Tuesday.

QUICK HITS

- GE to make payments to U.S. government over delayed Baker Hughes divestiture. Reuters.

- Puerto Rico Turns to Unproven Montana Company for Massive Power Restoration Job, But No One Knows Why. Weather Channel.

- Idaho wary of Obama 'leftovers' working on sage grouse plan. AP.

- Iraqi Forces Retake All Oil Fields in Disputed Areas as Kurds Retreat. New York Times.

- Minnesota judge allows 'necessity defense' in pipeline case. AP.

- Alaskan Chris Hladick to head EPA Region 10 office in Seattle. Alaska Dispatch News.

THAT'S ALL FOR ME!

** **Presented by the National Biodiesel Board:** Made from an increasingly diverse mix of resources such as recycled cooking oil, soybean oil and animal fats, biodiesel is a renewable, clean-burning diesel replacement that can be used in existing diesel engines without modification. EPA wants to reduce biodiesel volumes in the Renewable Fuel Standard (RFS), which would kill jobs, thwart economic growth and potentially bankrupt farmers. We must support U.S. workers and grow the economy with more biodiesel in a growing RFS. Tomorrow is the last day to make your voice heard with the EPA: http://bit.ly/2ghDLo3 **

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/10/18/pruitts-midwest-charm-offensive-short-on-policy-promises-222868

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Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Cleanup Plan for Toxic Texas Site Less Protective, Companies Say

Posted October 12, 2017, 02:51 P.M. ET

By Sylvia Carignan

International Paper and McGinnes Industrial Maintenance Corp. are objecting to EPA Administrator Scott Pruitt's plan for the first of nine Superfund 'mega-sites' he's targeted for cleanup.

Both companies are the potentially responsible parties the Environmental Protection Agency has identified for the Channelview, Texas, San Jacinto River Waste Pits Superfund site and say Pruitt's Oct. 12 plan is less protective for downstream communities.

The final plan involves excavating more than 160,000 cubic yards of contaminated waste, including dioxins, generated in the bleaching of wood pulp to make paper. The EPA considers this family of compounds to be carcinogenic and to have the potential to affect hormone levels and human growth and development. The cost of cleanup is expected to be $115 million.

The companies previously installed a protective cap at the San Jacinto River site to keep contaminants in the waste pits—which are partially underwater—from flowing into a nearby river.

"We cannot support a plan for the site that provides less protection to all affected communities than the existing cap already has provided," a spokesperson for McGinnes said in a statement.

To excavate the material, the EPA's plan is to remove part of the protective cap.

"We disagree with EPA's claim that the local or downstream areas can be protected during removal," the McGinnes statement said.

The companies repaired the cap in September after Hurricane Harvey hit the site, which is located near Houston, but community representatives say little is known about the storm's impacts on contaminants moving off the site. Jackie Young, founder of the Texas Health and Environment Alliance, said community members have gotten little information about storm damage there.

"I'm not sure if the extent of damage is well understood at this point," she told Bloomberg BNA.

A spokesperson for International Paper said in a statement that the cap "successfully withstood Hurricane Harvey," but that removing it "could result in significant damage to public health and the local environment."

The San Jacinto River Waste Pits were added to the National Priorities List—EPA's list of the country's most contaminated sites—in 2008.

As a result of changes Pruitt made to the Superfund program earlier this year, his office—instead of EPA regional offices—is making major decisions at nine Superfund mega-sites. These are sites whose cleanup costs can top $50 million and often involve the contamination of former mines, bodies of water, or landfills.

EPA Veteran to Head Agency's Midwest Region

Posted October 12, 2017, 02:51 P.M. ET

By Tiffany Stecker

An EPA veteran with support from both sides of the political aisle will oversee the agency's work in the Midwest.

Jim Gulliford will return to serve as Region 7 administrator, a position he held from 2001 to 2006, the EPA announced Oct. 12. He comes to the role after eight years as executive director of the Soil and Water Conservation Society, an Iowa-based nonprofit that advocates for agricultural conservation programs and science.

In the role, Gulliford will be a key liaison between the EPA and U.S. agriculture. The agency oversees a number of regulatory areas that directly affect farmers, including national biofuel policy, water quality regulations, and pesticide registrations. The region covers Iowa, Kansas, Missouri, Nebraska, and nine tribal nations.

'Quintessential Iowa'

Gulliford worked closely with the EPA in his position with the Soil and Water Conservation Society, at times hosting agency officials from Washington, D.C., at events in Iowa, Karl Brooks, the Region 7 administrator under President Barack Obama, told Bloomberg BNA.

"Gulliford is a solid guy," Brooks, now a professor at the University of Texas-Austin, said. His appointment "is good news for the region."

Gulliford's personality embodies the approachable, down-to-earth characteristics that typify Midwesterners, said Brooks. "[He's] quintessential Iowa."

Gulliford will join the agency as the EPA takes steps to roll back the Obama administration's Waters of the U.S. regulation to clarify which streams and wetlands fall under the Clean Water Act's protection. Agricultural organizations strongly oppose the regulation.

Mending State-Federal Relations

Region 7 also is home to the West Lake Landfill outside of St. Louis, a Superfund site that contains nuclear waste from the Manhattan Project.

Another top priority for the region is implementing settlements with St. Louis and Kansas City that require upgraded sewer infrastructure to comply with the law.

In a statement provided by the EPA, Nebraska Department of Environmental Quality Jim Macy said Gulliford would bring a "voice of reason" to the role and cooperate with states.

A top goal for the EPA under Pruitt is to strengthen the bond between states and the federal government.

"Nebraska DEQ is ready to work with Jim Gulliford to further improve federal and state relationships in the true spirit of cooperative federalism," Macy said.

Gulliford's name was floated earlier this year as a potential nominee to lead the Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention. He also served as assistant administrator of the Office of Prevention, Pesticides and Toxic Substances for three years during the George W. Bush administration.

Feds Must Support Nuclear Power for National Security, Perry Says

Posted October 12, 2017, 02:43 P.M. ET

By Rebecca Kern

The commercial nuclear power industry needs a federal boost for national security reasons to prevent the U.S. from falling behind global competitors such as Russia and China, Energy Secretary Rick Perry told lawmakers today.

"If we're going to continue to be a leader in nuclear energy in the world, we're going to have to support this industry in this country," Perry said during testimony at an Oct. 12 House Energy and Commerce Committee hearing.

"The question is do we have a national security interest in the nuclear industry, and I think the answer is yes," he said.

"If we lose our supply chain, if we lose our intellectual chain of supply of bright scientists," Perry testified, "then we're going to lose our role as a leader when it comes to nuclear energy in the world, and that in turn is going to affect our ability to address the weapons side of it."

Perry was on the defensive during the hearing, which focused heavily on the Energy Department's recent proposal directing the Federal Energy Regulatory Commission to take action to prop up certain coal and nuclear plants that are having difficulty competing in wholesale energy markets.

An unusual set of energy industry bedfellows, including renewable, gas and oil industry groups, as well as large industrial manufacturers and free-market think tanks, oppose the plan. FERC has set an expedited three-week public comment deadline of Oct. 23.

Members from both sides of the aisle questioned Perry about the intention behind the proposal,

which he called"a way to kick-start a national discussion about resiliency and about reliability of the grid."

The proposal would allow generators with a 90-day supply of fuel on-site—which would include coal and nuclear facilities—to recover their operating costs at "a fair rate of return." Coal and nuclear plants now get paid a wholesale energy market rate set by historically low prices of natural gas. This is making it difficult for nuclear and coal plants to cover their operating costs and leading some utilities to close plants due to difficulty competing economically.

FERC, as an independent agency, has the authority to choose how to address the market challenges identified in the proposal. It can do so by a rule or other action, regulators and legal experts told Bloomberg BNA.

New York Poised to Require Ingredient Disclosure for Cleaners

Posted October 12, 2017, 11:31 A.M. ET

By Gerald Silverman

SC Johnson, Procter & Gamble, Unilever, and other household cleaning product manufacturers will have to disclose the chemical ingredients in their goods under a New York program expected to be announced shortly.

New York and California are quickly moving to be among the first states to require chemical disclosure of ingredients in cleaning products, according to cleaning industry trade groups.

California Gov. Jerry Brown (D) has until Oct. 15 to act on the Cleaning Product Right to Know Act of 2017 (S.B. 258), but he has not indicated whether he will sign the measure. The requirements would be phased in between 2020 and 2021 if the law goes into effect.

Given the size of the California and New York markets, both bills would change the labels consumers will see across the U.S. and information they can access anywhere, Peter Vujovich, state government relations and public policy director for the Consumer Specialty Products Association told Bloomberg BNA. He said New York is expected to release its final guidance on the program within days.

Federal laws do not require the disclosure of most ingredients in cleaning products.

Philip Morris Joins Growing Group of Carbon-Pricing Corporations

Posted October 12, 2017, 10:53 A.M. ET

By Christopher Martin and Emily Chasan

Philip Morris International Inc., the maker of Marlboro cigarettes, now uses an internal cost of carbon emissions in its business decisions, joining a group of almost 1,400 companies that agreed to consider how greenhouse gas emissions will affect their industries, according to a statement Oct. 12 from environment group CDP.

That's up from 150 companies in 2014.

Carbon markets from California to China and Europe are placing a price on the greenhouse gas as governments confront the growing threat of climate change. Businesses are responding by setting their own price and using it to determine the best course of action should their industry have to pay a carbon tax of some kind.

"Companies have accepted that there will be a carbon price one way or the other—carbon is no longer going to be a free ride," said Paula DiPerna, an adviser to CDP. "It's certainly become more of an investor focus. It's part of investors' lexicon of questions when they interrogate companies about environmental, social and governance issues."

The four-year effort by CDP to get global corporate leaders to measure the impact of carbon prices has been led by U.S. companies, which grew to 238 this year from 210 last year, including agriculture giant Cargill Inc. and cereal maker Kellogg Co. The biggest growth came from companies in Mexico, up 69 percent this year to 44, and China, which rose 40 percent to 102 now using an internal carbon price.

Philip Morris, which began using an internal carbon price in its decisions last year, adopted emission reduction goals of the Paris Climate Agreement and is using a mix of renewable energy and efficiency upgrades to meet it targets, Corey Henry, a spokesman, said in an emailed response to questions. The company set a price of $17 a ton.

It's used "to help us prioritize our GHG emission-reduction projects according to those most effective at reducing CO2," Henry said.

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Dakota Access Boosts Drillers but Won't Be a Bakken Game-Changer

Posted October 12, 2017, 9:17 A.M. ET

By Meenal Vamburkar

Once hailed as the spur for a North American "energy renaissance," the $3.8 billion Dakota Access pipeline has limited driller costs in its first four months in operation.

Just don't expect it to live up to its pre-approval hype.

That's the conclusion of analysts who say North Dakota's Bakken shale play will continue to lag the drilling surge in Texas and Oklahoma, pipeline or no pipeline. The conduit's use has dropped the break-even cost of drilling in the Bakken to around $52 a barrel from $55, as drillers abandon costlier rail shipments, said Erika Coombs, an analyst at BTU Analytics LLC. But that compares with about $46 on average in Texas's Permian play and $41 in Colorado's DJ basin, she said.

Is the Dakota Access "a game-changer?" Coombs said in a telephone interview. "The short answer: For the basin as a whole, not really." It helps, she said, "but it's not enough to attract capital away from the Permian or Scoop/Stack."

First proposed in 2014, the 1,172-mile (1,886-kilometer) pipeline is designed to ship as much as 570,000 barrels of crude. However, its construction has faced major opposition from Native American tribes and environmental activists over the last year, including a legal suit that's ongoing in federal court.

A judge ruled Oct. 11 that use of the conduit, in operation since June 1, could continue while its environmental impact is reviewed as a result of that suit.

Lawyers for Energy Transfer Partners LP, which operates the line, had argued it would be expensive to purge or plug the conduit while the U.S. Army Corps of Engineers conducted a supplemental review into aspects of the project, including its impact on the hunting and fishing rights of Native American tribes.

There's a "serious possibility" that the corps will be able to back its prior conclusions for approving the pipeline's route, U.S. District Judge James E. Boasberg ruled Oct. 11. But he urged the Corps not to treat his decision "as an exercise in filing out the proper paperwork" but to give serious considerations to errors that were made and identified. A follow-up court conference has been set by Boasberg for Oct. 18.

U.S. Justice Department spokesman Mark Abueg declined to comment on the court's decision. Vicki Granado, a spokeswoman for Energy Transfer, didn't immediately respond to request for comment.

The ruling is a win "for all major interstate infrastructure projects currently under construction or consideration," said Craig Stevens, a spokesman for the GAIN Coalition, a group that promotes more infrastructure development.

When newly inaugurated President Donald Trump advocated green-lighting the Dakota Access in January, it was hailed as "a new beginning" for North America's "energy renaissance," in a statement by Ron Ness, president of the North Dakota Petroleum Council. "As Bakken crude is finally compensated for its true value, state tax coffers, mineral owners and workers will reap the rewards," he said at the time.

And it has helped. In July, just a month after the conduit began operating, rail transported just 10 percent of Williston Basin output, down from 32 percent a year ago, according to the North Dakota Pipeline Authority. The pipeline runs from North Dakota to Illinois, where flows can be diverted to the Midwest and, eventually, make their way to the heart of the U.S. energy market, the U.S. Gulf Coast.

But even with cheaper transport, and smoother access to major markets, the Bakken remains disadvantaged, both in terms of location and overall cost.

Named for Henry Bakken, a North Dakota farmer whose land hosted the first well in the region in the early 1950s, the Bakken is expected to produce an average of 1.1 million barrels a day of oil this year and next, a figure lower than the 1.2 million barrels produced in 2015, according to the Energy Information Administration. At the same time, Permian production is expected to reach 2.9 million barrels a day by the end of next year, the EIA said in July.

The Bakken's lack of growth "really is from the competition with the Permian basin and the Oklahoma Anadarko basin," said Lynn Helms, director of the North Dakota's Department of Mineral Resources, in a September webcast. One big problem, according to Helms, is that skilled, experienced workers left for other plays when the oil rout hit.

"It's been difficult if not impossible to get them to move back to North Dakota," he said.

The pipeline has opened new markets for Bakken drillers, which offers new promise for their

product, said Ryan Saxton, manager of oil transportation in North America at Genscape Inc., an energy data provider. But, he added,"that's not going to get you back to the hey-day of the Bakken."

—With assistance from Andrew Harris.

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China Mulls Storage Salve for $4 Billion Renewables Headache

Posted October 12, 2017, 9:33 A.M. ET

By Feifei Shen

China is considering a prescription for nearly $4 billion worth of wasted electricity production looming over its push into clean energy.

The world's biggest investor in renewables plans an aggressive expansion into energy storage with an eye to making the technology widespread by 2025, according to a statement posted on the website of the National Development and Reform Commission Oct. 11.

In recent years, China's booming renewables sector has helped drive down the cost of solar panels and wind turbines globally. A push by the nation into storage may accelerate an expected drop in battery costs caused by increased global investment in their use for electric vehicles and grid use.

China will kick start the storage business with several pilot projects including lithium-ion battery storage systems of about 100 megawatts in size, along with other technologies such as supercritical compressed air and flywheel energy storage systems, according to the NDRC.

Storage is seen as critical to overcoming curtailment, a situation that arises when grid access is constrained, particularly for wind- and solar-generated electricity. China's renewable plants suffer from the world's most severe curtailment, according to a Bloomberg New Energy Finance report published in September.

Curtailment Cost

The phenomenon carries a heavy cost. Renewable energy generators in China experienced losses of 25.5 billion yuan ($3.87 billion) in 2016 because of the curtailment of wind and solar energy, representing 49.7 terawatt-hours of wasted wind and 3.28 terawatt-hours of squandered solar, BNEF estimated.

"The curtailment issue is tough and won't see significant improvement by 2020," said Tian Miao, a Beijing-based senior analyst at Sun Hung Kai Financial Ltd. "Storage will help make a better use of renewables but it needs long-term progress."

Along with the pilot projects, China is also encouraging companies to create innovative financing models and to participate in overseas projects to improve domestic manufacturing technology, the nation's top economic planning agency said. Overseas storage projects would involve vanadium redox battery storage plants and lead carbon capacitors.

China's total installed renewable power capacity surpassed 600 gigawatts as of the end of June, according to data from the National Energy Administration. The rate of curtailment, or idle rate,

stood at 13.6 percent for wind turbines in the first half and 6.7 percent for photovoltaics, NEA data showed.

Along with supporting storage technology aimed at helping to absorb more renewable energy, China will also study the setting of prices for electricity coming from storage systems, the NDRC said.

Storage Needs

China's move is "the first step in the right direction," said I-Chun Hsiao, a BNEF analyst based in Tokyo, who added that the nation is keen to develop all kinds of technology.

Excluding capacity from pumped hydro power, China had 243 megawatts of storage at the end of 2016, up 72 percent from a year earlier, the China Energy Storage Alliance said in May. Lithium-ion batteries hold the biggest share, followed by lead-acid batteries and redox-flow batteries, the alliance said.

Global electricity storage capacity should triple by 2030 if countries were to double their share of clean energy such as solar and wind, according to the International Renewable Energy Agency.

With growing demand for storage from stationary and mobile applications, the total stock of storage in energy terms will need to grow to as much as 15.72 terawatt-hours by 2030 from an estimated 4.67 terawatt-hours this year, the Abu Dhabi-based agency said in a report last week.

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China's Top Coal Region to Cut Pollution by 40 Percent

Posted October 12, 2017, 9:07 A.M. ET

By Feifei Shen

China's second-largest coal producing region is planning to cut pollution by two fifths over the autumn and winter seasons, Xinhua News Agency reported.

The reduction in China's northern province of Shanxi seeks to reduce the concentration of PM2.5 particles and sulfur dioxide from October to March 2018, Xinhua reported Oct. 11, citing the provincial environmental protection bureau.

In order to meet the target, authorities will take measures involving the closure of small highly-polluting firms, production cuts in heavy industry, and a ban on burning low-quality coal. One million households will also be pushed to shift toward electric or gas heating systems from traditional coal. Coal burning has also been prohibited completely in parts of six major cities, Xinhua said.

Shanxi is joining other regions in northern China to make greater efforts to curb smog during the winter, when pollution usually accumulates from home heating and weather conditions. Recurrent air pollution has been a persistent problem despite several years of government campaign to control it to avoid social unrest.

Harsher measures to reduce pollution could challenge the province as it seeks to maintain economic growth at the same time. Shanxi's economy grew by 4.5 percent last year from the previous year, lagging behind the nation's 6.7 percent as a whole.

China also plans to plans to cut average PM2.5 concentrations in Beijing and surrounding areas by more than 15 percent, the environmental ministry said in August. Authorities will require emission licenses in the region for power, steel, cement, copper, zinc, lead and aluminum producers by the end of the year.

The Shandong provincial government has offered 600 million yuan ($91 million) in subsidies for people switching to electric and gas heating systems in six cities that affect the Beijing-Tianjin-Hebei region, Xinhua said.

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Merkel Signals Deeper Green Ambitions as Pollution Overshoots

Posted October 12, 2017, 9:18 A.M. ET

By Brian Parkin

Chancellor Angela Merkel's government signaled it will step up its green programs after acknowledging Germany's emissions are on track to overshoot a target a little more than two years away.

The leader of Europe's biggest economy is caught between negotiations to forge a new government and preparations to host a key United Nations climate meeting next month. Her desire to lead the fight against global warming is butting against the hard reality of an industry that still relies on coal for the brunt of its power.

"It's clear that Merkel dare not say 'we've failed and that's that,'" Environment Minister Barbara Hendricks told reporters in Berlin late Oct. 11. "There'd be a knock-on effect, hurting the chances of meeting 2030 climate goals and therefore jeopardizing our commitments to the Paris Climate Accord—efforts to cut CO2 must be a priority."

Even as Germany's installed the most renewable power in Europe, it also continues emitting the most carbon dioxide in the bloc, thanks to heavy reliance on coal. A report published this week by Merkel's government showed it is on track to cut emissions by a third by 2020, short of the target for a 40 percent reduction from 1990s levels. Coal unions are mobilizing hundreds of thousands of members to guard their interests against greater efforts to green the economy.

Rising carbon dioxide emissions in Germany open Merkel to accusations of double standards in climate protection. U.S. Energy Secretary Rick Perry in April chided Germany and other European nations for "cheerleading" the Paris deal while allowing their own pollution to increase, particularly from coal plants, which accounted for about 40 percent of power generation last year and a third of carbon dioxide emissions.

Germany pledged in 2012 to exceed the EU's target to cut emissions by 30 percent by 2020, instead opting for a more ambitious 40 percent goal. This week's report said Germany will achieve at best a 32.5 percent cut by next decade.

Merkel vowed Sept. 14 to redouble efforts to fulfill the pledge. However, she hasn't outlined any proposals while she tries forming a new government with the business-friendly Free Democratic party and the Green Party, which wants to accelerate a coal phaseout.

"Hard talks are ahead for Merkel in these coming weeks -- it's crucial she makes the right decisions," said Claudia Kemfert, who chairs the department of Energy Economics and Sustainability at the Hertie School of Governance in Berlin and is an independent adviser to Merkel in climate policy.

A failure to navigate a new strategy could open Merkel up for criticism by countries including China, India and the U.S. when they meet in Bonn in November. The COP23 meeting in West Germany's old capital will assess the concrete plans countries are taking to keep global temperature rises well below 2 degrees Celsius (3.6 degrees Fahrenheit) this century.

For a story on how Merkel's green policies actually pushed up coal demand, click here.

Merkel "has no other option at hand" but to cap emissions from Germany's 140 coal power plants, Kemfert said Oct. 12 by phone. "Nothing else will work in time by 2020 and Merkel's under enormous pressure to signal to the world in Bonn that she means business."

Germany's emissions assessment held better-than-expected economic growth, coal plants, transportation emissions and a growing population responsible for making the country miss its target.

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Brazil Experiments With Floating Solar Panels Above Dams

Posted October 12, 2017, 6:57 A.M. ET

By Michael Kepp

Floating solar panels on the reservoirs above two state-owned dams will showcase technology that could eventually help Brazil diversify its energy sector as the country grapples with severe droughts.

Brazil's nationwide drought is now in its fifth year and has hampered hydropower generation, which accounts for 70 percent of the country's electricity.

Subsidiaries of Eletrobras, the federal electricity holding company, recently contracted for floating solar systems on the reservoirs above two dams in drought–stricken areas. The grid of modular solar panels mounted on a floating array will allow dam operators to generate electricity even while reducing the flow of water through dam turbines when reservoir levels are low.

"Although France, England, and Japan were the first countries to install such systems, Brazil is the first country to build them on dam reservoirs," Orestes Goncalves Jr., managing partner of floating solar company Ciel & Terre's Brazilian office, told Bloomberg BNA. "And when Chesf and Eletronorte [the Eletrobras subsidiaries] confirm the viability of these floating systems here, they will encourage private Brazilian companies to install them."

Chesf expects its 1 megawatt, 12.5-million-real ($4-million) floating solar system to start operation by the end of the year at the 1,050-megawatt Sobradinho dam in northeast Bahia state.

Eletronorte is building a 57-million-real ($18-million), 5-megawatt floating solar project on the reservoir of the 250-megawatt Balbina dam in the western Amazon state of Amazonas, with

operations expected to begin by next July. A smaller-scale pilot solar project had already been tested at the Balbina dam.

Because of drought, the Sobradinho dam is generating electricity at 16 percent of its installed capacity, Jose Bione, the manager in charge of the floating solar system at Chesf, told Bloomberg BNA.

The Balbino dam is functioning at 80 percent of its capacity, but that was at 40 percent from the end of 2015 until this May, Davidson Pereira Campos, manager of Eletronorte's innovation, technology and energy department, told Bloomberg BNA.

Eyes on Private Dams

"The private sector, which has 16 dams in the northeast ... will probably wait to see if floating systems at Sobradinho and Balbina are viable before waging capital on similar investments," Bione said.

Brazil's Votorantim Group, one of Latin America's largest industrial conglomerates, is studying using floating solar projects on the reservoirs of some of its 33 dams nationwide, which mainly supply electricity to steel mills, aluminum smelters, and pulp and paper plants, the company told Bloomberg BNA.

Braskem, Latin America's largest petrochemical producer, is also evaluating installing floating solar systems on small, natural lagoons on its Brazilian properties, mainly to provide electricity for its administrative offices, Robson Casali, who is in charge of Braskem's energy-related business, told Bloomberg BNA.

In addition to the dam-based projects, in August, a consortium led by France's Ciel & Terre installed a 304-kilowatt floating solar system on a rainwater accumulation pond in the north-central state of Goais.

The consortium includes Canadian Solar, the biggest solar panel maker in Brazil, and WEG Energy S.A., which manufacturers devices to transform the direct current from the floating solar panels to alternating current.

Future Energy Auctions

While floating systems are more expensive than land-based solar power, the water cools the panels, which can make them more efficient.

If the government confirms the viability and efficiency of these floating solar systems, it could allow developers to sell their future power at energy auctions, analysts and industry advocates said.

At these auctions, energy developers offer future power to electricity distributors at the lowest prices below a government-set ceiling, and they sign 20- to 30-year contracts with the first distributors that agree to buy the electricity.

"If the government finds that floating solar systems are structurally operative and maintainable during the 20- to 30-year duration of a supply contract, it will allow developers to sell future solar power from such systems at energy auctions," Helena Chung, a Bloomberg New Energy Finance analyst in Brazil, told Bloomberg BNA.

Russia-backed Pipeline May Need to Comply With EU Energy Law

Posted October 12, 2017, 12:18 P.M. ET

By Ewa Krukowska

The European Commission plans to propose in November an update of its natural-gas security regulation that would make new pipelines—including the controversial Nord Stream 2 link from Russia to Germany—subject to the European Union energy law.

The expansion of the Nord Stream pipeline has divided EU governments concerned about the bloc's dependence on Russian gas and President Vladimir Putin's meddling in Ukraine. It also has highlighted a split between lawyers on the appropriate legal regime for the project.

The commission's proposal would put an end to the legal wrangling by making the bloc's energy-market liberalization package applicable to all new pipelines, according to two EU officials.

Under the planned update of the gas regulation, the definition of a gas inter-connector would be broadened to include third countries, such as Russia, according to the officials, who spoke on condition of unanimity. That would mean the so-called third liberalization package applies to the offshore section of Nord Stream 2 that falls under the territorial jurisdiction of Finland, Sweden, Denmark, and Germany.

The Brussels-based commission has a policy of not commenting on draft laws. Its president, Jean-Claude Juncker, signaled in September that the bloc's regulator will put forward "a proposal on common rules for gas pipelines entering the European internal gas market."

Legal Framework

Following the revision of the law, the commission would no longer need a mandate it is currently seeking from member states to negotiate a legal framework for the gas link with Russia. National governments have been split on the EU executive's request and a recent EU legal opinion said in September there was no legal void on the issue of Nord Stream 2.

At a meeting of officials from EU states on Oct. 12 in Brussels, Poland presented its own analysis, which argued the third package should apply to Nord Stream 2 even under current legislation, according to a document obtained by Bloomberg News. The project endangers the energy security of the union, specifically in central and eastern European member states, Poland said.

"The project also has an adverse effect on competition, making the dominant position of Gazprom on the natural gas supply market in the EU even stronger," the document showed. "In view of this, the EU institutions' passivity as far as the application of the rules of the third energy package to Nord Stream 2 is concerned would be an obvious violation of the fundamental principles of the Energy Union."

Third-Party Access

At the heart of the EU energy-market liberalization package is a provision preventing a gas provider from controlling the transmission business, known as ownership unbundling. It also requires third-party access to the pipeline, reducing the amount of gas that the Nord Stream 2 consortium can

ship and potentially lowering its profitability.

Russian export monopoly Gazprom PJSC has argued that Nord Stream 2 is not subject to the EU third package and would only need approvals from the governments of those member states whose waters the pipe would cross. Gazprom is pursuing the project with western European companies ranging from Germany's Uniper to Paris-based Engie.

In 2014, a conflict over the third energy package led to the scrapping by Russia of the South Stream project that would have piped gas under the Black Sea to Europe. Putin declared the pipeline canceled following calls by the EU regulatory arm on national governments not to continue the project until it is compatible with rules on public procurement and unbundling.

European Partners

Uniper, Engie, Royal Dutch Shell Plc, OMV AG, and BASF SE's Wintershall are European partners of Gazprom in the project to expand Nord Stream by 55 billion cubic meters a year, which would double its capacity to almost 30 percent of current EU demand. The new pipeline would circumvent Ukraine and would deprive it of transit fees.

While Nord Stream 2 argues a new pipeline is needed to ensure safe supplies in the coming decades amid the projected rise in gas demand, opponents of the project say it hurts EU cohesion and weakens the bloc's Energy Union strategy aimed at integrating the region's gas and power markets and improving security.

The revised regulation would need support from EU governments and the European Parliament to enter into force.

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U.K. Eyes Cap on 'Rip-Off' Power, Gas Prices

Posted October 12, 2017, 11:47 A.M. ET

By Alex Morales

The U.K. government published its plans to cap domestic power and gas prices to protect millions of households from what it calls "rip-off" charges at the hands of the biggest utilities.

The new law will empower the energy regulator, Ofgem, to introduce the cap for those on Standard Variable Tariffs, the default rate consumers revert to once fixed-term contracts expire. The Department for Business, Energy and Industrial Strategy estimates there are 18 million such accounts.

"Our broken energy market has to change—it has to offer fairer prices for millions of loyal customers who have been paying hundreds of pounds too much," Prime Minister Theresa May said in a statement. The draft legislation "is a vital step towards fixing that."

May is delivering on a Conservative Party election pledge that was shared by the Labour opposition, meaning the legislation is unlikely to be obstructed in Parliament. Legislators from both parties want to fast-track the bill and the business department is seeking to build cross-party consensus on how the cap operates.

The draft bill requires Ofgem to consult on and impose the cap "as soon as practicable" after the legislation is passed, BEIS said Oct. 12, without being specific about the timing. The cap will be a temporary measure effective until end-2020, after which Ofgem will decide whether it should be extended on an annual basis until its expiry in 2023.

"It's likely to take at least a year before a full consultation process on a market-wide cap can be concluded and implemented," Ryan Thomson, a partner at energy consultants Baringa Partners, said by email. "Any potential benefits to consumers may not be felt until 2019."

Fast-track implementation is opposed by the utilities, which say they need to make a fair margin on the prices they charge in order to invest for the future. They also point to the mounting cost of meeting government targets for renewables, energy efficiency, installing smart meters and subsidizing poorer households.

"It is disappointing that the government has chosen to proceed with this crude and counter-productive legislation," said Sam Hall, a senior research fellow at the think tank Bright Blue. "A price cap risks harming investment in new power generation and reducing competition in the market."

Centrica's Tumble

May's announcement to Conservative supporters last week that she'd legislate for the cap sent shares of Centrica Plc, the owner of British Gas, tumbling to a 14-year low. The U.K.'s "Big Six" utilities also include Electricite de France SA, SSE Plc, Innogy SE's Npower unit, Iberdrola SA's ScottishPower business and EON SE.

The government move follows a probe by the Competition and Markets Association that found customers overpay on their energy bills by 1.4 billion pounds ($1.8 billion) a year.

The energy market "does not operate in the interests of the majority of consumers," the business department said. "While we are in favor of free markets, we will always take action to fix them when they're broken."

Ofgem said on Oct. 11 it is extending a safeguard tariff to 1 million more vulnerable households, with a further 2 million set to benefit by "winter next year." The price cap already applies to 4 million customers.

—With assistance from Jessica Shankleman and Mathew Carr.

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Aussie Green Energy Bank Warns Funds at Risk If Targets Scrapped

Posted October 12, 2017, 03:43 P.M. ET

By Perry Williams

Australia's government-owned green bank said investments in renewable energy generation will drop if the nation doesn't extend into the next decade clean energy targets and the financial incentives to meet them.

Clean Energy Finance Corp., which invested nearly A$2.1 billion ($1.6 billion) in the year to June in renewable and power storage projects, will be forced to cut funding if the country's existing subsidies program that expires in 2020 isn't replaced, according to Ian Learnmonth, the lender's chief executive officer. Outside investments from developers will fall as well if the government of Prime Minister Malcolm Turnbull fails to set clear targets, he said.

"You are going to need a greater price signal than just the wholesale power price," Learnmonth said in an interview. "Developers would be cautious. You would see a downturn in investment if there is no guidance over the coming 12-18 months."

Extending clean energy targets beyond 2020 has become a lightning rod within the divided coalition government as it tries to balance competing energy sources amid spiraling power prices. A decline in renewables costs has boosted speculation Turnbull may refrain from setting new clean energy targets as he seeks to avoid further political infighting that has plagued his government.

CEFC, which has access to a A$10 billion fund, more than doubled investments in the year ending in June across 35 developments in solar, wind, energy storage and efficiency projects. It spent A$837 million in 2015-16 and A$484 million in the year before.

The government body has commissioned consultant Jacobs to calculate the impact of different policy outcomes on pricing forecasts for clean energy and a report is due in November. The results of that modeling will help the CEFC determine how much it might invest in a project, Learmonth said.

While cost declines have put the price of solar and wind power in line with thermal generation, according to Learmonth, prices fail to reflect the storage capacity needed to ensure the power grid can call on renewables when required. The cost of solar in Australia has dropped by more than half since the start of the decade and batteries will fall 60 percent by 2020, Energy Minister Josh Frydenberg said Oct. 9 at a conference in Sydney.

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Australia to Fund Companies to Scale Back Energy Use This Summer

Posted October 12, 2017, 03:20 P.M. ET

By Murray Griffin

Australia will pay 10 large industrial energy users and small businesses to reduce energy use at times of extreme peak demand under a pilot program that has received A$35.7 million ($27.9 million) in government grants.

The Demand Response pilot project includes a diverse range of energy users that adds up to a commitment to cut energy demand by 200 megawatts by 2020 when requested. Federal funding for the program will total A$28.6 million ($22.4 million), with the remaining grant money provided by the New South Wales government as extra support for projects in that state, the two governments announced Oct. 11.

The new project aims to help the expansion of country's relatively small demand management industry.

"Demand response will not only ease the strain on the electricity grid and prevent blackouts. These projects will also put money back into the pockets of Australian businesses and households, helping to reduce their energy costs and emissions," said Ivor Frischknecht, chief executive officer of federal authority Australian Renewable Energy Agency.

Years of policy reversals on energy and climate policy have raised fears of blackouts on extremely hot days in the impending Australian summer, as the grid struggles to supply sufficient electricity to millions of air-conditioned homes and nonresidential buildings.

Consequently, the government wants at least 143 megawatts of the total demand reduction capacity to be on-call ahead of this summer.

Ready to Participate

With one exception, the 10 project grants will go to intermediaries such electricity companies that will in turn invite their customers to participate. Energy company AGL Energy Ltd., for example, will provide 20 megawatts of demand response in New South Wales under the program, with 17 megawatts coming from commercial and industrial customers and 3 megawatts from residential customers.

"We expect the residential component of this program will grow to over 10,000 customers during the three-year project, and we will be providing a number of innovative energy solutions to our residential NSW customers who sign up to this project," an AGL spokesperson told Bloomberg BNA by email Oct. 12.

Meanwhile, EnergyAustralia said it will provide 50 megawatts of demand reduction capacity, with 40 megawatts to be secured in time for the summer, which starts Dec. 1.

Intercast & Forge, Australia's largest foundry, will receive A$323,654 ($253,300) to participate directly.

Energy users that sign up to the program will be paid a participation fee, irrespective of whether they're called on to reduce demand during an extreme peak period.

They will receive an additional payment if they are actually requested to scale back demand.

Danish Company Dong Turns Trash into Energy

Posted October 12, 2017, 8:02 A.M. ET

By Jess Shankleman

The U.K. might soon be powering its lights with energy that comes from the trash. A Danish energy company is working on new machines that sort household trash from recycling, while rapidly breaking down organic materials like food to create power from biogas produced by the process.

Dong Energy A/S, which runs hundreds of wind turbines in the North Sea, says its plant 30 kilometers (19 miles) outside of Manchester is one of the first to use enzymes on an entire waste stream and then combine it with recycling sorting technology. That would be particularly helpful in cities where space is at a premium and small apartments often have room for only one trash bin.

The process "is a useful option for local authorities and waste companies that have not yet rolled out separate food waste collections," said Charlotte Morton, chief executive of the Anaerobic Digestion & Bioresources Association.

Dong, which is changing its name to Oersted, says its "Renescience" plant in Northwich will be finished at the end of this year at a cost of 600 million krone ($95 million). It will help deal with Britain's mountains of waste, about a quarter of which goes to landfill dumps, where it releases the potent greenhouse gas methane as it rots.

"If everything goes well, this is going to be a big showcase that people will come to from all over the world to see," Thomas Dalsgaard, executive vice president of thermal power and bioenergy at Dong, said in an interview at the plant.

The Renescience process starts with a giant claw that crunches into a mountain of trash and it ends with seven different types of material—from plastics to metals and biogas, that can be used to create electricity, recycled or sold on to a scrap yard. Nothing goes to landfill.

Renescience enzymes, like those found in washing powder, clean trash for 12-hours in tanks 50 meters (164 feet) long, speeding up the decomposition process and taking organic materials to an anaerobic digestion plant where it's used to create electricity.

Anything that's left is sorted through a series of ballistic separators, conveyor belts, magnets and shredders to give the finished clean and reusable products. While some leftovers from the process are currently incinerated, Dalsgaard said that will stop by 2020.

"You can be lazy and have a good conscience with Renescience, and you can also solve an issue about space and we can solve whatever residuals would be from household sourcing," he said.

In fact, he reckons Renescience is better than home sorting because any waste food, like ketchup at the bottom of a plastic bottle is turned into electricity rather than washed away.

If the technology proves a success, Dong has plans to develop a series of plants across the U.K., Europe and the world, including Malaysia. Britain was the ideal place to start because filling landfills with mountains trash are getting more expensive.

Crucially, the biogas that drives the engines can create a steady flow of power to back up intermittent electricity generated by wind and solar. That could provide an alternative to plans for costly new nuclear power stations like the once being built at Hinkley Point.

"We would argue that offshore wind in a country like this is very close to being baseload, so combined with decentralized generation in multiple sites and storage, it could be a cost effective alternative to nuclear," he said.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 9/25/2017 8:24:09 PM
Subject: Sep. 25 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Exxon Touts New Methane Efforts As EPA Pushes Rule Delay

Posted September 25, 2017, 12:48 P.M. ET

By Abby Smith

ExxonMobil Corp. announced new efforts to reduce methane emissions from its facilities, even as the EPA seeks to delay Obama-era pollution limits for new drilling operations in the oil and natural gas sector.

Some environmentalists are hailing ExxonMobil's new program as "real leadership" in a landscape where the Trump administration is working to broadly roll back federal requirements on the oil and gas industry to reduce methane emissions.

The oil and gas giant today announced an "enhanced" program for detection and repair of methane leaks at natural gas facilities operated by its subsidiary XTO Energy Inc. The program includes a commitment to phase out within three years high-emitting devices. It also includes a commitment to personnel training and research initiatives.

"At a time when others are trying to claw back basic protections and make excuses for inaction, this kind of company responsiveness to local community, investor, and advocate concerns is refreshing," Mark Brownstein, vice president in the climate and energy program of the Environmental Defense Fund, said in a statement.

Exxon's announcement comes after the Environmental Protection Agency Sept. 22 sent to the White House its final versions of rules to delay—for at least two years—key requirements of Obama-era methane limits. Many industry trade groups, including the American Petroleum Institute, which represents ExxonMobil, strongly support the delay.

Ameren to Add $1 Billion of Wind Farms in the Midwest by 2020

Posted September 25, 2017, 01:34 P.M. ET

By Brian Eckhouse

Ameren Corp., the St. Louis-based utility holding company, is planning to add about $1 billion of new wind-power plants by 2020 as part of a broader plan to reduce carbon emissions.

At least 700 megawatts of wind farms will be built in Missouri and neighboring states with U.S.-made turbines, Ameren said in a Sept. 25 statement.

The move comes as the company shifts away from coal-fired power plants and falling prices make wind more competitive.

“Because of significant advancement in technology, harnessing wind is less expensive than other forms of new generation,” Michael Moehn, president of Ameren Missouri, said in the statement.

Wind-turbine prices in the U.S. have fallen to $830,000 a megawatt, below the global average of almost $1 million, according to Bloomberg New Energy Finance. Because the company expects to complete the projects by 2020, they will probably qualify for a federal tax credit for wind power, Alex Morgan, a New York-based analyst at BNEF, said in an email Sept. 25.

Ameren Missouri, which is targeting a 35 percent reduction in carbon emissions from 2005 levels by 2030, also plans to add 100 megawatts of solar power over the next 10 years, with 50 megawatts expected online by 2025. The company announced in May plans to build as much as 1 megawatt of solar capacity at St. Louis Lambert International Airport that’s expected to be complete in 2018.

It plans to retire more than half of its coal-fired generating capacity, including the Meramec Energy Center in St. Louis County by the end of 2022.

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Funding Tesla Ticks Off Automakers Needing Electric Car Credits

Posted September 25, 2017, 7:16 A.M. ET

By John Lippert and Ryan Beene

Tesla Inc. has generated nearly $1 billion in revenue the last five years from an unlikely source: Rival automakers. Needless to say, the other companies aren’t happy.

California requires that automakers sell electric and other non-polluting vehicles in proportion to their market share. If the manufacturers don’t sell enough of them, they have to purchase credits from competitors to make up the difference. Tesla, which exclusively sells battery-powered models, sold $302.3 million in regulatory credits last year alone.

“It really makes them mad that Tesla got so much of a boost out of being the only purely electric car manufacturer out there,” Mary Nichols, the chair of the California Air Resources Board, said in an interview Sept. 22 at Bloomberg’s headquarters in New York. “In effect, they helped to finance this upstart company which now has all the glamour.”

China and the European Union -- two of the world’s biggest auto markets -- are considering mandates and credit systems similar to California’s. For all the flack the state has taken from traditional carmakers for how its benefited Tesla, Chief Executive Officer Elon Musk has also been a critic.

Musk, 46, last year said the Air Resources Board was being “incredibly weak” and called its standards “pathetically low.” Rules should be tougher and the credits should be worth more,

according to the CEO.

"Nobody's happy," Nichols said. "That's my mantra."

--With assistance from Dana Hull.

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German Coal May Be Another Loser as Merkel Pushed Toward Greens

Posted September 25, 2017, 8:19 A.M. ET

By Brian Parkin and Mathew Carr

Coal's future in Europe's biggest economy may take center stage when German Chancellor Angela Merkel tries to form a new government after losing support in national elections.

Voters weary with Germany's so-called Grand Coalition between Merkel's Christian Democratic-bloc and the Social Democratic Party cast their ballots elsewhere. While Merkel still came out atop Sunday's poll, her potential partners in a new government narrowed to the Green Party and Free Democrats, both of which have different outlooks for coal.

"What's sure is that campaign pledges on climate protection and a faster phase-out of coal power are not negotiable," said Oliver Krischer, the deputy parliamentary chairman for the Green Party, in a phone interview on Sept. 22.

The Greens were the main force behind the introduction of clean power subsidies the last time they were in the national government from 1998 to 2005. On Sept. 24 they won 9 percent of the vote and could return to power by joining forces with Merkel's bloc and the FDP. Social Democrats have ruled themselves out of government after their worst result since 1949.

Still, energy and environment policy differences will make negotiations for a coalition government "difficult," according to a Barclays research note on Sept. 22, which cited opposition among Merkel's supporters to shuttering coal plants. The FDP campaigned on economic competitiveness being paramount in energy policy.

High Hurdles

"Very high policy hurdles separate us from the Greens -- not just on energy," said Frank Schaeffler, who's seeking a return to parliament for the Free Democrats as a finance spokesman, in an interview late Sept 24. "The divisions are not insurmountable but each party has its red lines -- the challenge will be to see just how robust those lines really are."

Both the Greens and the FDP expect invitations to enter exploratory coalition talks with Merkel, in a process that could take weeks or months before a new government emerges.

The Greens want to shape climate policy in government "but not at any price," Krischer said.

Hard coal and lignite plants generated about 40 percent of all Germany's power last year and about a third of all its carbon dioxide pollution. During the election campaign, Merkel eschewed any talk on a phase-out date for coal.

The Greens campaigned to end coal power by 2030 -- a step already envisaged by city states like Berlin. They also want to shut 20 of the most polluting coal plants by 2020 to help the nation meet its carbon dioxide reduction targets.

Efforts to cut emissions have faltered in Germany, despite the highest rate of renewable energy use in Europe. Persistent coal use means Germany is set to reduce carbon dioxide as much as 31 percent by 2020 rather than the 40 percent it targeted, according to Berlin-based environmental think tank Agora Energiewende.

"We will find ways to achieve our 40 percent target by 2020 -- that I can promise you," said Merkel in a Sept. 14 campaign speech that suggested a willingness to cap coal's future in Germany.

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India's Modi Starts $2.5 Billion Plan to Grow Electricity Access

Posted September 25, 2017, 02:17 P.M. ET

By Rajesh Kumar Singh

India's Prime Minister Narendra Modi unveiled a 163.2 billion-rupees ($2.5 billion) program to ensure electricity for all households.

The program will help poor people get electricity connections at no cost, Modi said, adding that his government is making efforts to provide power to about 3,000 unelectrified villages. Power Minister R. K. Singh said the nation will aim to complete electrification of all households ahead of a March 2019 deadline.

The announcement comes amid concerns over a slowing economy, which has led the government to consider measures to boost growth. Modi came to power in 2014 with popular promises such as job creation and electricity for all and will be tested on the pledges in 2019, when he faces re-election.

"Power for all is a very ambitious plan and the prime minister knows the political gains it can bring if he can pull it off," said Sandeep Shastri, a political analyst and a pro vice chancellor at Jain University in Bengaluru. "So, when he announces schemes to connect all households, beyond a shadow of doubt he has the 2019 elections in mind."

Nearly 304 million Indians don't have access to electricity, accounting for about a quarter of the global population living without power, according to NITI Aayog, a government think-tank. Several of these are in rural areas, where state power retailers are reluctant to supply electricity as returns fall below the investment made in infrastructure.

—With assistance from Bibhudatta Pradhan.

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Dubai Introduces Incentives to Spur Electric Vehicle Market

Posted September 25, 2017, 01:39 P.M. ET

By Matthew Kalman

Electric-car drivers in Dubai will enjoy free parking, recharging, vehicle registration, and toll exemptions until the end of 2019, the Dubai Supreme Council of Energy announced.

The incentives are designed "to encourage the public use of electric vehicles in Dubai to help protect the environment," said Mohammed Al Tayer, vice chairman of the energy council and managing director/chief executive officer of the Dubai Electricity and Water Authority.

The move is part of the Dubai Green Mobility initiative to motivate organizations to use more hybrid and electric vehicles to help reduce carbon emissions in ground transportation, which is the second-largest greenhouse gas emitter in Dubai, according to Al Tayer.

Additions to Government Fleet

At least 10 percent of the new cars that Dubai's government institutions buy between 2016 and 2020 will be electric or hybrid, helping to raise the proportion of such vehicles to 2 percent by 2020 and 10 percent by 2030.

"This supports the Dubai Clean Energy Strategy 2050 for Dubai to have the lowest carbon footprint in the world by 2050, and the Dubai Carbon Abatement Strategy to cut carbon emissions by 16 percent by 2021," Al Tayer added.

Abu Dabi currently has 100 public electric vehicle charging stations, with 100 more planned in 2018. Electric or hybrid cars are distributed by Tesla, BMW, Renault, and Toyota. The sector grew by 30 percent from 2014 to 2016, Al Tayer said. The incentives could save the average driver commuting daily to Dubai's business district, charging and parking for free and using the Salik toll gates more than 10,000 dirhams (about $2,722) each year, said Nabeel Alzaka, co-founder and CEO of Surface Mobility Consultants in Dubai.

"There is an appetite for electric vehicles, particularly now that car manufacturers are becoming a little bit more inventive," Alzaka said by phone Sept. 24, noting that some electric models, like the BMW i8 now in service with the Dubai police, matched in looks and performance the high-end supercars popular in the Emirates.

"These cars are as fast as Lamborghinis and Ferraris. They are as glitzy and as glamorous," he said. "The car manufacturers are heading toward providing those fast supercars the Dubai market will want. Will that ever eradicate Ferraris and Lamborghinis? I don't think so. People will still want to have the gas-guzzlers and the sound of the engines but I think you'll find people will swap their petrol cars for a nice, shiny, sparkling electric vehicle."

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: CBS News
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August 11, 2017

Today on Climate Beat . . .

. . . we took a trip to the Bay State, where environment regulators finalized a comprehensive suite of rules to reduce greenhouse gas emissions from multiple sectors -- as required by an executive order that Gov. Charlie Baker (R) signed last September.

Out West, California Attorney General Xavier Becerra (D) is taking EPA to court for allegedly missing deadlines under the Freedom of Information Act to respond to a request the state filed in April seeking documents related to whether EPA Administrator Scott Pruitt has complied with federal ethics laws.

Speaking of Pruitt, in a recent interview with an Iowa radio station, he tamped down calls from producers of low-carbon advanced and cellulosic biofuels that EPA might increase proposed blending mandates for the fuels under the Renewable Fuel Standard in 2018.

In our daily news roundup, we brought you news of a recently released National Oceanic and Atmospheric Administration (NOAA) report finding 2016 was a record-breaking year in terms of global warming trends.

And don't miss some of our must-read stories from the week, including news from the courts on the Clean Power Plan, the related new source power plant rule and more.

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From: EPA Press Office
Sent: Fri 11/3/2017 3:45:02 PM
Subject: EPA Announces Intention To Nominate Members To Three Important Federal Advisory Committees

EPA Announces Intention To Nominate Members To Three Important Federal Advisory Committees

WASHINGTON (November 3, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt announced his intention to appoint members who will serve on the Board of Scientific Counselors (BOSC), the Clean Air Science Advisory Committee (CASAC) and the Science Advisory Board (SAB).

"To ensure that EPA is receiving the best independent scientific advice, I am appointing highly-qualified experts and scientists to these important committees," **said EPA Administrator Scott Pruitt**.

In a fair, open, and transparent fashion, EPA reviewed hundreds of qualified applicants nominated for these committees. Members who will be appointed include experts throughout the environmental stakeholder community, including from NGOs, academia, industry, and state, tribal and local officials. The makeup of the membership speaks to EPA's commitment to science and openness to expertise from a diverse array of perspectives. Those nominees willing to serve have committed to remaining financially independent from EPA grants during their tenures.

Federal Advisory Committees (FAC) members that will serve on the BOSC can be found here.

Federal Advisory Committees (FAC) members that will serve on the CASAC can be found here.

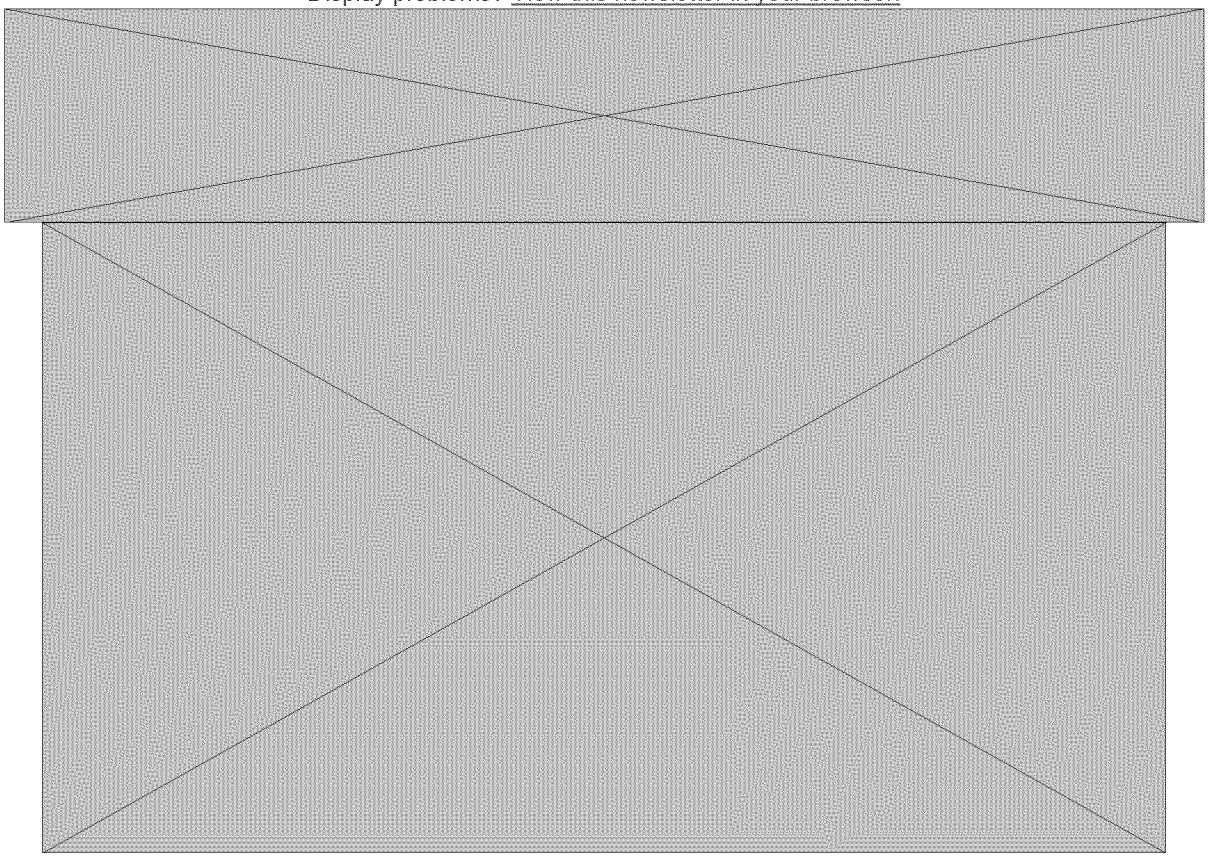
Federal Advisory Committees (FAC) members that will serve on the SAB can be found here.

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Subject: Automated License Plate Readers on the Border | Measuring Cyber Effectiveness | HIPAA's Threat to Health IT Security

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License Plate Readers on the U.S. Border

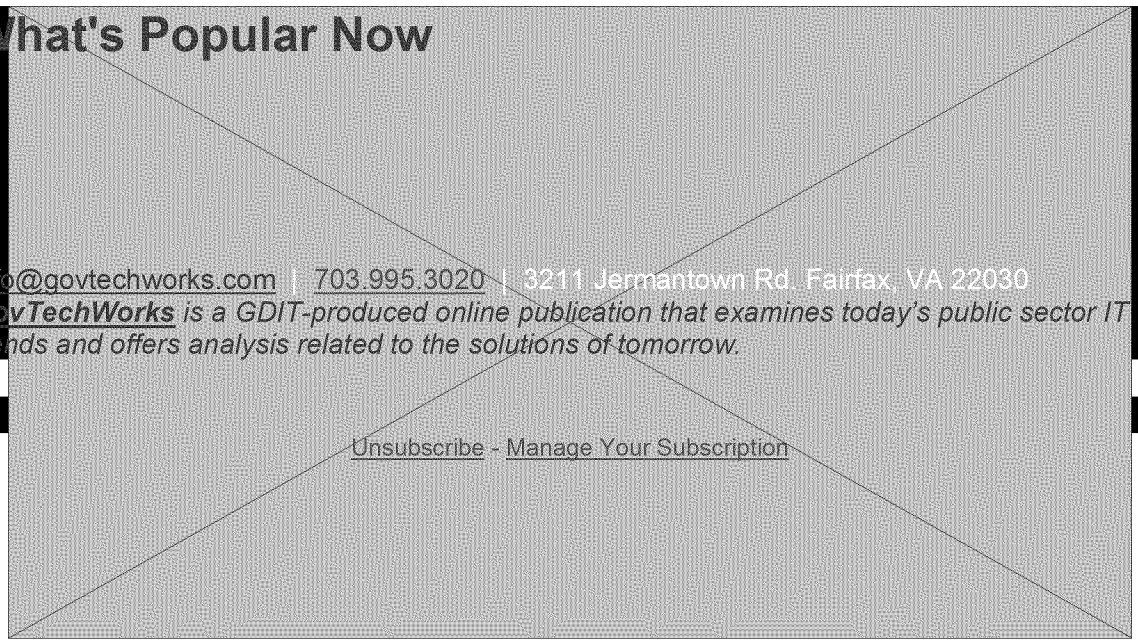
U.S. Customs and Border Protection are planning to upgrade automated license plate readers to help monitor traffic on both the northern and southern borders. As it turns out, the recognition technology is reaping rewards and helping reduce cross-border crimes. Read More

Metrics for Measuring Cyber Effectiveness

Intense worries about cybersecurity mean system owners are stacking up cyber tools to help protect their organizations, often duplicating features and capabilities in the process. The problem: There's no sure way to measure the effectiveness of one tool over another. Read

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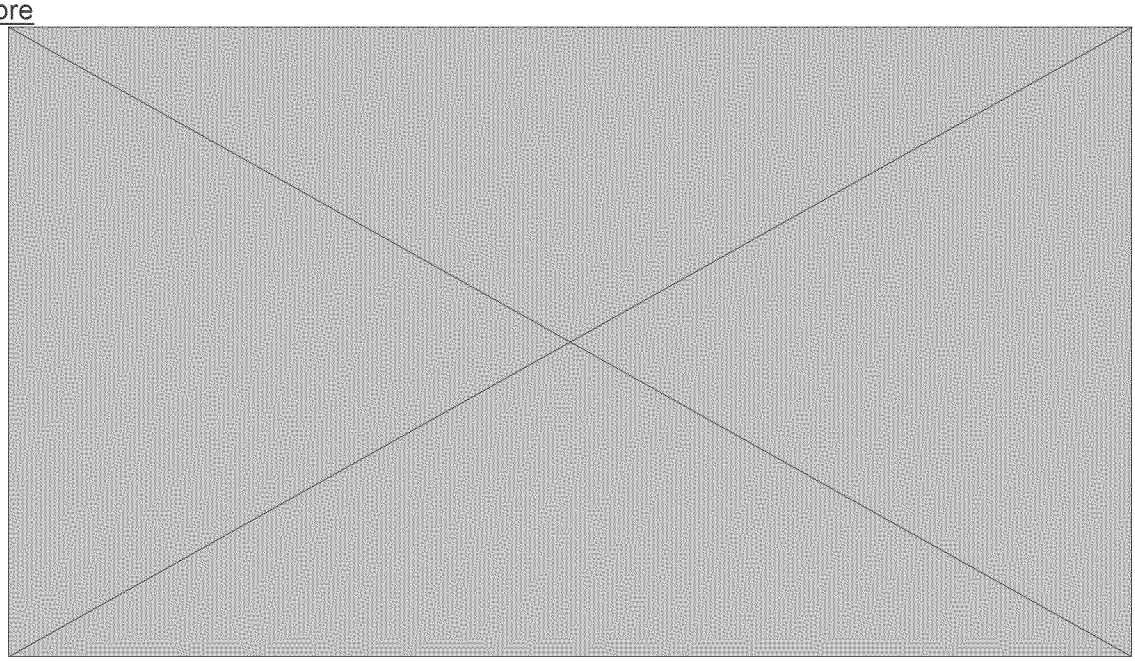


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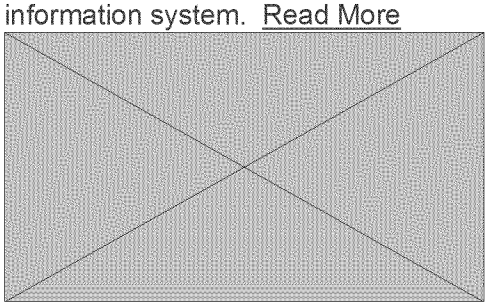
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Health information systems often focus on complying with data privacy concerns and fail to pay attention to data integrity and security. Protecting highly sensitive information – whether patient records, financial data or sensitive government information – should be baked into every information system. Read More



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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Mon 9/11/2017 2:08:56 PM
Subject: POLITICO's Morning Energy: Irma batters Florida with massive flooding, electric outages — EPA's climate adaptation work continues — Elliott tapped for PHMSA chief

By Anthony Adragna | 09/11/2017 10:00 AM EDT

IRMA WALLOPS FLORIDA: It may take days to fully understand the scale of the damage, but the catastrophic Hurricane Irma hammered Florida throughout Sunday just days after Texas bore the brunt of Hurricane Harvey. Millions of people were without power (latest estimates had around 3.5 million customers without electricity) and Acting Homeland Security Secretary Elaine Duke told the Miami Herald many could be without power for weeks in the storm's aftermath. Florida Power & Light CEO Eric Silagy said in a statement late Sunday that an "extensive rebuild" of Florida's west coast electric grid would leave customers without power for extended periods.

EPA said ahead of landfall it had completed rapid assessments of 90 Superfund sites in Florida and would ensure any impacted site would be inspected as soon as it's safe to do so. Sen. Marco Rubio told the Associated Press on Sunday agency officials were "generally positive" about the security of Superfund sites during the hurricane, but "they can't guarantee it 100 percent," he added. EPA Administrator Scott Pruitt also allowed three Tampa Electric Company facilities and several Monroe County units to operate without meeting all air pollution controls in an attempt to ensure a steady stream of electricity.

TIME TO DISCUSS CLIMATE CHANGE? Bucking prominent Trump administration officials like Energy Secretary Rick Perry and Pruitt, Miami's Republican mayor said Saturday it's "the time" to discuss climate change and what can be done about the problem, The Miami Herald reports. "This is the time to talk about climate change," Mayor Tomás Regalado said. "If this isn't climate change, I don't know what is. This is a truly, truly poster child for what is to come."

McCain agrees: Speaking on CNN's "State of the Union" on Sunday, Sen. John McCain said it was time to sit down and discuss potential solutions. "There [are] things happening with the climate in the world that is unprecedented," he said. "We have to understand that the climate may be changing and we can take common sense measures which will not harm the American people."

Quotable: In response to Pruitt's comments that discussing climate change during hurricanes is "insensitive," climate hawk Sen. Brian Schatz tweeted: "Every Senate R except for one voted for Pruitt. The Republican Party is refusing moral and political responsibility for the planet itself."

IT'S MONDAY EVERYONE! I'm your host Anthony Adragna, and 39 states (more than ME would've thought) have had a lawmaker serve as president pro tempore in the Senate. For today: Who is the longest-serving Speaker of the House in U.S. history? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

CLIMATE ADAPTATION WORK TRUDGES ON: Staffers working on climate adaptation at EPA continue those efforts even though the four people working on that matter were moved to different offices a few months ago, Pro's Emily Holden reports . "Unequivocally, the Office of Policy continues to support work on climate adaptation," said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. "The bottom line is that climate adaptation work continues." Even though Pruitt has put many climate change initiatives on ice, Scheraga said EPA is still available to work with state and local leaders who want to prepare for the effects of climate change, including heavy rains, more intense hurricanes and sea-level rise.

An agency spokesman, Jahan Wilcox, said the reorganization "occurred in the spring and allowed these four employees to continue their work on climate change adaptation within the Office of Policy," which is run by Samantha Dravis, a top aide to Pruitt. The four work within the Office of Regulatory Planning and Management and the National Center of Environmental Economics.

MORE EPA AMENDMENTS COMING: Hurricane Irma prompted House Majority Leader Kevin McCarthy to scrap votes scheduled for today, but lawmakers will vote on lingering EPA and Interior amendments to an eight-title spending package H.R. 3354 (115) this week. Before breaking last week, votes were ordered on amendments barring EPA from enforcing its methane rule, prohibiting the use of the social cost of carbon in regulations, blocking the closure of any EPA regional offices and slashing agency appropriation by $1.87 billion.

INVESTIGATIONS GALORE! Confirmation came late Friday that a bunch of Trump administration actions were under review by watchdogs. Among them:

1. **Zinke's call to Alaskans:** GAO said it would issue a legal opinion about Interior Secretary Ryan Zinke's calls to Alaska Sens. Lisa Murkowski and Dan Sullivan over their Obamacare repeal votes, Pro's Alex Guillén reports, citing letters released Friday. Zinke allegedly told both lawmakers that Murkowski's vote against moving ahead on healthcare repeal efforts could negatively impact Alaskan energy goals in the Trump administration.

2. **Interior's staff reshuffle:** Interior's inspector general confirmed it would look into Zinke's June reassignment of a number of senior executive staff, Pro's Esther Whieldon reports. Among of the dozens of staff moves under review is Zinke's decision to transfer Joel Clement from a managerial position involving climate change issues to a job collecting royalties from oil and gas companies.

3. **Hiring practices for political appointees:** GAO has also agreed to look into the hiring practices of various political appointees at EPA and the White House Council on Environmental Quality, as well as whether those officials are complying with ethics requirements, two senior Environment and Public Works Committee Democrats said Friday. "When an agency can just ignore those rules-and congressional oversight-the result often leads to corruption and scandal," Sens. Tom Carper and Sheldon Whitehouse , who requested the probe, said in a statement. "We're grateful that GAO will let us know what EPA hasn't."

AT LONG LAST, PHMSA CHIEF PICKED: Late Friday night, the White House announced its selection of Howard "Skip" Elliott to run the Pipeline and Hazardous Materials Safety Administration, Pro Transportation's Tanya Snyder reports . He's a 40-year veteran of the U.S. freight rail industry and currently vice president of public safety, health, environment and security for CSX Transportation in Jacksonville, Fla. Elliott's portfolio includes hazardous materials transportation safety, crisis management, and environmental compliance. He received a lifetime achievement award from the Association of American Railroads for his work on hazardous materials transportation safety.

ICYMI: Fears are growing among the solar industry that a forthcoming trade commission ruling - and Trump's increasing frustration with advisers recommending a cautious approach to trade - could result in steep tariffs being set on shipments of solar equipment into the country that could stunt the industry's rapid growth, Pro's Esther Whieldon, Eric Wolff and Andrew Restuccia report. The U.S. International Trade Commission rules later this month on the complaint from solar manufacturers Suniva and SolarWorld USA and, if it finds damage, would send the matter over to the White House for a final decision.

Key takeaway: A senior administration official said Trump is very likely to support tariffs against the solar imports if the ITC sends the complaint over to 1600 Pennsylvania.

Meanwhile, the sector boasted its largest second quarter ever with 2,387 megawatts of solar photovoltaic systems installed, according to the Solar Energy Industries Association's latest report. That's more than quarter one of 2017 and represents a eight percent year-over-year increase.

MAIL CALL! REVERSE COURSE ON CLIMATE PREPAREDNESS: Carper, top EPW Democrat, sent a letter to Trump Friday urging him to reinstate several previously canceled Obama-era initiatives on climate preparedness. "While our country debates how to address climate change, rising sea levels and extreme weather events are no longer a matter of debate, becoming the new norm and placing extreme burdens on the American people and economy," Carper wrote. Among his requests: Reinstate the requirements that federally funded projects be required to take flood risks under consideration and hold a "red team-blue team" exercise on preparedness rather than climate science.

EYEING AN EXIT? Tucked away in a New York Times report on how Trump's rattling Republicans ahead of the midterms comes the tidbit that Rep. Fred Upton, chairman of the House Energy and Commerce Energy Subcommittee, "may retire or run for the Senate." Upton has been one of the most visible faces on energy policy in the House. He later emailed Jonathan Martin, the Times reporter, to say he was eyeing the Senate seat now held by Sen. Debbie Stabenow. ME can't wait for the Upton v. Kid Rock primary.

WATCH THIS SPACE: Wednesday marks the deadline for EPA and environmental challengers to suggest expedited briefing schedules in the lawsuit over Pruitt's delay of the chemical safety rule, Pro's Alex Guillén reports in Energy Regulation Watch. That comes even as the U.S. Court of Appeals for the D.C. Circuit declined to immediately reinstate the rule in the aftermath of Hurricane Harvey. And, ICYMI, Trump picked Gregory Katsas, currently a deputy

counsel at the White House, for the open slot of the D.C. Circuit left open recent retirement of Judge Janice Rogers Brown.

THIS SEEMS TIMELY: The National League of Cities and the Environmental and Energy Study Institute are holding a briefing today at 3 p.m. in Cannon 122 to hear what various cities around the U.S. are doing to invest in resiliency. Speakers include Pittsburgh Mayor Bill Peduto.

IT'S TIME TO RECTIFY: Germany's automobile industry must "rectify the mistakes" exposed in its Dieselgate emissions scandal but there's still a robust future for the sector, Chancellor Angela Merkel said in a podcast Saturday, POLITICO Europe's Kalina Oroschakoff reports . "We've experienced a major loss of trust in the car industry," Merkel said. "But at the same time, we also know that the car industry is an important pillar of our economic success, as well as of our reputation as an export nation, and the quality label 'Made in Germany.'" With just two weeks to go until the German elections, Merkel is trying to walk the fine line of chastising the industry for its failure in the emissions cheating scandal without alienating the hundreds of the thousands of workers in the sector.

THIS SEEMS LIKE A BIG DEAL: China has begun the preliminary research into eventually banning the sale of all fossil fuel powered vehicles, the BBC reports. "Those measures will certainly bring profound changes for our car industry's development," Xin Guobin, the country's vice minister of industry, said. China has not said when the ban might go into effect.

QUICK HITS

- Receding floodwaters expose long-term health risks after Harvey. Bloomberg.

- Troubled Water: EPA, DEP don't require Florida schools to test for lead in drinking water. Treasure Coast News.

- Doddridge case called a boost for surface owners in Marcellus gas region. Charleston Gazette-Mail.

- Residents washed away by Harvey wait for answers about waste pit pollution. Houston Chronicle.

- West Virginia Withdraws Approval of Mountain Valley Pipeline. AP.

- Japan Backs U.S. Proposal to Target North Korea's Oil Supplies. Bloomberg.

HAPPENING THIS WEEK

MONDAY

3:00 p.m. - The Environmental and Energy Study Institute holds a discussion on "How Can Cities Become More Resilient to Extreme Weather?" Cannon 122

TUESDAY

9:00 a.m. - "The New Geopolitics of Natural Gas," Atlantic Council, 1030 15th Street NW, 12th Floor

10:00 a.m. - "Powering America: Defining Reliability in a Transforming Electricity Industry," House Energy and Commerce Energy Subcommittee, Rayburn 2123

10:00 a.m. - "Resiliency: The Electric Grid's Only Hope," House Science, Space and Technology Committee, 2318 Rayburn

10:00 a.m. - The Center for Climate and Energy Solutions releases a new brief and hosts a webinar featuring business leaders on how and why companies are putting an internal price on carbon emissions, contact: press@c2es.org

2:30 p.m. - "Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act: Oversight of Fisheries Management Successes and Challenges," Senate Commerce Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee, Russell 253

2:30 p.m. - "Fostering Innovation: Contributions of the Department of Energy's National Laboratories," Senate Energy and Natural Resources Energy Subcommittee, Dirksen 366

4:00 p.m. - Full committee marks up various bills, House Natural Resources Committee, 1334 Longworth

WEDNESDAY

8:30 a.m. - API holds an event on the natural gas and oil industry's impact in all 50 states, G11 Dirksen

10:00 a.m. - "Big Relief for Small Business: Legislation Reducing Regulatory Burdens on Small Manufacturers and Other Job Creators," House Energy and Commerce Environment Subcommittee, Rayburn 2123

10:00 a.m. - The full House Natural Resources Committee holds a markup of pending calendar business, Longworth 1334

10:00 a.m. - "Expanding and Accelerating the Deployment and Use of Carbon Capture, Utilization, and Sequestration," Senate Environment and Public Works Committee, Dirksen 406

11:00 a.m. - National Biodiesel Board holds its BioFry event for congressional staff, 406 1st St. SE

12:00 p.m. - Save the U.S. EPA holds a press conference and march to the EPA, National Press Club, Zenger Room, 529 14th Street N.W., 13th floor

2:30 p.m. - "The Venezuela Crisis: The Malicious Influence of State and Criminal Actors," The House Foreign Affairs Committee Western Hemisphere Subcommittee, 2200 Rayburn

THURSDAY

8:30 a.m. - "State of the Art: Innovations in CO2 Capture and Use," Center for Climate and Energy Solutions, Hart 902

8:30 a.m. - POLITICO Pro policy summit, Omni Shoreham Hotel, 2500 Calvert Street, NW

10:00 a.m. - "EIA's International Energy Outlook 2017," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

FRIDAY

12:00 p.m. - "Battery Storage and the Power Sector," National Capital Area Chapter of the United States Association for Energy Economics , Carmine's, 425 7th St NW,

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Daily Environment Report

August 09, 2017 - Number 152

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Leading the News

Climate Regulation
Judges Give EPA Alternatives to Revive Chemical Coolants Ban
The same judges who struck down the EPA's ban on refrigerants that are also potent greenhouse gases may have outlined a path forward for the agency should it want to try again.

Climate Science
Trump's UN Diplomat: White House Won't Hinder Climate Study
The Trump administration is unlikely to interfere in a broad climate study focusing on how rising sea level, increasing temperatures, and other factors are already affecting the U.S., the president's United Nations ambassador said.

Enforcement
China Waging 'Unprecedented' Pollution Crackdown
Large state-owned businesses, local governments and thousands of small private enterprises have been implicated in an unusually public pollution crackdown in China in recent months.

News

Air Pollution
VW Offers Incentives In Germany for Trade In of Dirty Diesels
Volkswagen AG's namesake brand and its upscale sister marque Audi are offering as much as 10,000 euros ($11,800) per car in incentives in Germany to trade in older diesel models for new ones that spew out fewer emissions as political pressure to fight pollution intensifies ahead of general elections.

China

China Importing Less Coal Amid New Import Rules

China's coal imports in July declined to the lowest in more than a year as a new import rule may have delayed some shipments.

China

China Nails Down New Environmental Guidelines for Construction

China's State Council has amended regulations on construction projects' requirements for the first time since 1998, a move it hopes will spur more environmental protection.

China

Gas Sellers Sidestep China State Giants to Ride Demand Surge

China's independent energy firms are seeking to circumvent its state-backed giants as they cash in on swelling natural gas use, buoyed by President Xi Jinping's drive for cleaner fuels and nimbler companies.

Climate Change

Commonwealth Bank of Australia Shareholders Sue Over Climate Risk

An Aug. 8 lawsuit in Australia against one of the country's largest banks alleging it failed to adequately disclose climate change risks is being seen as a wake-up call for other global financial institutions.

Coal Mining

Trump's Push to Clear Hurdle for Coal Won't Spur More Mining

A Trump administration effort to clear a hurdle thought to impede coal production on federal land almost certainly won't mean companies will mine more coal, analysts said.

Energy

Egypt Moves to End State Monopoly of Natural Gas Market

Egypt is opening the door to private participation in its natural gas sector, moving to end the state's monopoly as it pushes ahead with reforms meant to encourage investment and revive the economy.

Energy

Keystone XL's Path Up for Grabs as Nebraska Commission Weighs In

The future of TransCanada Corp.'s Keystone XL pipeline could hinge on whether a Nebraska commission believes the project is in the public's interest or is a private land grab as property owners claim.

Energy

Tax Breaks Powered Wind Energy Growth in 2016

Wind energy installations in the U.S. continued to grow in 2016 thanks in part to a tax credit for new projects, the Energy Department said in a trio of Aug. 8 reports.

Enforcement

Sessions Raises Possibility of Reopening Pollution Settlements

Attorney General Jeff Sessions is calling for a list of all criminal and civil settlements reached by the EPA and other agencies during the past 10 years that include payments to third parties in lawsuits after he banned the practice in June.

Groundwater

Groundwater Cleanup Could Overwhelm Pentagon Budget

The $2 billion the Pentagon may need to clean up contaminated groundwater near military bases could blow a hole in the Defense Department's remediation budget, an official said.

Motor Vehicles

European Oil Producer Considers Bet on Electric Car Boom

The boss of Europe's second-largest oil and gas producer is considering whether to double down on its $1.1 billion purchase of battery maker Saft by betting on an electric-car boom.

Pesticides

House Oversight Committee Advances Cancer Institute Probe

House Oversight and Government Reform Chairman Trey Gowdy (R-S.C.) is pushing further an investigation into U.S. funding of an international institution criticized for labeling a widely used herbicide as carcinogenic.

Radioactive Waste

Nuclear Regulator Moves to Restart Yucca Mountain Review

The Nuclear Regulatory Commission ordered staff to gather information tied to a review of the Energy Department's proposal to build a high-level radioactive waste repository at Nevada's Yucca Mountain.

Renewable Energy

Warren Buffett Likes Solar, But Not the Price Tag

Warren Buffett has called global warming a "major problem" and put his company's money where his mouth is, spending billions to develop solar and wind power, yet he's no hero to some renewable energy proponents.

Vehicle Fuels

Oklahoma's $100 Electric Car Fee Draws Challenge by Sierra Club

Oklahoma's bid to help close a budget shortfall with a new $100 fee on electric vehicles drew a court challenge from the Sierra Club, which argues the state didn't follow the correct procedures for enacting a tax or properly measure the benefits of having those cars on the road.

Water Infrastructure

San Diego to Tap Wastewater for New Water Supply

San Diego's proposed $3 billion water recycling project could provide a third of the city's water supply and help it avoid costly improvements to a coastal wastewater treatment plant.

Water Pollution

Water Rule Analysis Broader Than Critics Contend, EPA Says

The EPA's economic analysis of the Obama-era Clean Water Rule relied on permitting data from years after the economic recession ended, the agency said countering accusations its analysis was limited to when the downturn occurred.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 8/18/2017 4:21:14 PM
Subject: BREAKING NEWS: Pelosi endorses censure of Trump over Charlottesville response

House Democratic Leader Nancy Pelosi on Friday endorsed a call to censure President Donald Trump for his response to last weekend's violent white supremacist march in Charlottesville, Va.

"The President's repulsive defense of white supremacists demands that Congress act to defend our American values," she said in endorsing a censure resolution introduced by several House Democrats.

"Every day, the President gives us further evidence of why such a censure is necessary," she said.

Read more: http://www.politico.com/story/2017/08/18/pelosi-endorses-censure-of-trump-over-charlottesville-response-241784

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From: Hadas Gold - POLITICO Media
Sent: Fri 8/11/2017 10:07:59 AM
Subject: Morning Media: Trump's newsy briefings with the press pool -- CNN fires Jeffrey Lord -- James Benet to testify in Sarah Palin lawsuit

By Hadas Gold | 08/11/2017 06:04 AM EDT

With Cristiano Lima and Alex Weprin

PRESIDENT DONALD TRUMP SPOKE TWICE WITH THE PRESS YESTERDAY, his most extensive back and forth with the media since his February press conference. Granted, it was with the press pool so it was a limited group that was with the president at his Bedminster golf club. But aside from the interviews he's had with select outlets, it's progress. Maybe a full White House press conference will be coming soon.

It was a newsy few minutes in both instances, where Trump stepped up his rhetoric about North Korea, further slammed House Majority Leader Mitch McConnell, declared an opioid national emergency and perhaps jokingly, thanked Vladimir Putin for kicking out American diplomats. Kellyanne Conway told the Washington Post that "Trump in recent days has been restless to share his thoughts on what she termed 'one of the juiciest, newsiest periods of his presidency."

"Folks, for a president who hasn't done a full press conference since Feb, today's 2 avails were very lengthy, many many questions answered," The Post's Phil Rucker tweeted shortly after the second pool spray.

Good morning, happy Friday and welcome to Morning Media! Until Aug. 16 you can reach me at hgold@politico.com / and forever more at @Hadas_Gold. Morning Media is edited by **Alex Weprin** (@alexweprin / alexweprin@gmail.com) and produced with writing/reporting help from **Cristiano Lima**. (clima@politico.com / @ludacristiano). **Archives**. Subscribe.

BREITBART'S CONTINUED ATTACKS ON H.R. MCMASTER ARE STARTING TO BACKFIRE ON STEVE BANNON , via my colleague Tara Palmeri: "The attacks on McMaster have put Bannon in an especially awkward position with his new boss, retired Marine general John Kelly, who has been increasingly defensive of McMaster, a longtime friend and fellow general, according to interviews with 10 administration officials and people close to the White House. McMaster, who pushed Bannon off the National Security Council principals' committee, hasn't spoken to Bannon in weeks, one senior administration official said .... In June, Trump started telling aides that he suspected that Bannon was a source of negative stories, according to aides. After a slew of stories about Bannon "winning" policy wars in the White House-like Trump's decision to pull out of the Paris climate accord-the president told Bannon to "knock it off," according to the senior administration official." Read the full piece here.

CNN FIRES JEFFREY LORD AFTER NAZI SALUTE CONTROVERSY via Cristiano Lima: The channel announced Thursday it was parting ways with one of its original pro-Trump pundits after he tweeted "Sieg Heil!," an oldtime Nazi salute, at Media Matters president Angelo

Carusone, whom Lord had denounced as a "fascist." Lord, whose heated exchanges with other CNN commentators and anchors have repeatedly gone viral, said the tweet was a misunderstanding in a phone call prior to the dismissal. "I love CNN, but I feel they are caving to bullies here," he told the TV news outlet. CNN, however, was swift to respond: "Nazi salutes are indefensible," a CNN spokesperson wrote in a statement. "Jeffrey Lord is no longer with the network." Lord's departure marks the second prominent pro-Trump personality to leave the channel this week, with analyst Kayleigh McEnany announcing she's taking a role at the RNC. McEnany also recently hosted a "Trump TV" video on one of Trump's Facebook pages.

-- Right-wing pundits are standing by Lord, with other avid Trump supporters like Mike Cernovich and Sean Hannity leading the charge. "Media smears Jeffrey Lord for making 'Nazi gesture' when he was clearly satirizing the left," Cernovich tweeted Thursday. Hannity later seemed to chime in as well: "How sad in America that only conservatives get investigated, fired, boycotted and attacked." But don't expect to see Lord joining Hannity over at Fox News. A spokesperson tells POLITICO they "have no plans to hire him." Read more here.

BILL O'REILLY TO MAKE CNN DEBUT, by Alex Weprin: Former Fox News host Bill O'Reilly is joining CNN... well, at least for one interview. O'Reilly will appear on Michael Smerconish's CNN program sometime in September. The appearance will be part of a promotional campaign for O'Reilly's next book in the "Killing" series, "Killing England," which will hit bookshelves next month. O'Reilly has often appeared on other channels while promoting his books, though he has never appeared on CNN before.

N.Y. TIMES EDITORIAL PAGE EDITOR JAMES BENNET TO TESTIFY IN SARAH PALIN DEFAMATION SUIT: Big development in the lawsuit the former Alaska governor brought against the Times. If you don't recall the details: Palin brought the suit following an editorial which mistakenly tied an ad from Palin's PAC to the attack on former Arizona Rep. Gabrielle Giffords in 2011, an attack that saw six others killed. The paper later issued a correction to the editorial. According to The Hollywood Reporter, which calls the move "unusual," the judge in the case said he needs to hear from the paper's editorial writer(s) to decide whether the lawsuit should move forward. At issue is whether the editorial writer(s) were aware of previous reports in the New York Times that contradicted the allegedly false statements made in the editorial -- that would help prove "actual malice." A Times spokesperson said "We've seen the order and will be providing the testimony that the judge has ordered," later adding that they have designated editorial page editor James Bennet as the witness who will testify.

THE STORY BEHIND THE SETH RICH STORY, by Alex Weprin: In a detailed story, CNN's Oliver Darcy tries to figure out what happened leading up to the now-retracted story about Seth Rich that ran on Foxnews.com earlier this year. Darcy reports that the reporter who wrote the story for Fox News was blindsided by a report on the case from the D.C. Fox affiliate. Ultimately, her story was not vetted in the process it normally would have been if it had not been rushed to publication. You can read the whole thing here.

-- NPR's David Folkenflik adds some context, arguing that the CNN story "has some significant blind spots." "For one thing, Fox News has no conventional 'standards and practices'

office. Doesn't exist," Folkenflik tweeted. You can read his tweetstorm here.

DRUDGE CHANGES HIS LOOK: For those of us obsessives who follow Matt Drudge's every move (I once climbed over chairs at one of the presidential debates to talk to him, only to have him firmly push my recorder out of the way) the last few days of the Drudge Report's black and white-only look have been... sort of ominous, especially because it started with a photo of Kim Jong Un and a missile. But Drudge himself told Mike Allen "We have clearly entered a historic era. It's feeling like The Roaring 20's this autumn with tech valuations at such hysterical heights. The socials, like Instagram Live, are alive with the spirit of Warhol. The sound of the atom splitting is looming over Korea. What's old is new. So, black and white and read all over!"

LIVE FROM NEW YORK, IT'S SPICEY! By Alex Weprin: According to US Weekly, former White House press secretary Sean Spicer "is angling" to secure a cameo on NBC's "Saturday Night Live" when it returns from its summer hiatus. Spicer, of course, was immortalized on the program by actress Melissa McCarthy, whose uncanny impression of him earned herself an Emmy nomination.

MORE ON BUZZFEED AND TWITTER'S LIVE MORNING SHOW: A day after Facebook announced their relaunched video content platform, Twitter and BuzzFeed unveiled "AM to DM," their social media spin on the traditional early morning TV show. "BuzzFeed News reporters, editors, and special guests will take viewers through the day's top stories, bringing headlines from BuzzFeed News reporters all over the world," the outlet said in a release . The hosting team will feature books editor Isaac Fitzgerald and executive editor of culture Saeed Jones and be produced by Cindy Vanegas-Gesuale, a CNN, Fox News and HuffPost vet. The show, the concept of which was released in May, will premiere Sept. 25. Read on here.

REVOLVING DOOR:

-- Adam Ostrow, previously chief strategy officer at Mashable, is joining TEGNA as chief digital officer. [Variety]

-- Alison Smale, a veteran New York Times editor and correspondent, is joining the United Nations as under secretary general for global communications [New York Times]

-- Morris Publishing Group has been purchased by New York-based New Media Investment Group. The Savannah Morning News, Juneau Empire, the Topeka Capitol-Journal and others will soon be added to subsidiary GateHouse Media's portfolio of daily newspapers. [AdWeek]

SOUNDBITE: "I want to thank him because we're trying to cut down on payroll, and as far as I'm concerned, I'm very thankful that he let go of a large number of people, because now we have a smaller payroll," [President Trump, speaking about Vladimir Putin kicking out American diplomats]

TIL: You can be arrested in Turkey just for what your T-shirt says. [POLITICO Magazine]

EXTRAS:

-- The nonstop focus on Trump by the cable networks has meant stories around the country are getting less airtime. [Washington Post]

-- Facebook and the James W. Foley Legacy Foundation are partnering to teach journalists and students how to keep themselves safe online and in the field. [James Foley Legacy Foundation]

-- Mexican journalists, facing threats of violence and forced to flee their homes and jobs, confront their biggest fear: Uncertainty. [Nieman Lab]

-- An executive at HBO allegedly offered the hackers that broke into its systems $250,000 as a "bug bounty payment." [THR]

-- Megyn Kelly threw out the first pitch at a minor league baseball game in Durham, NC. [The News & Observer]

-- Talk about timing! The next episode of CBSN On Assignment will see correspondent Vladimir Duthiers traveling to Guam, South Korea and Hawaii to talk to troops about responding to North Korea. [CBS News]

-- Another look at the women of the alt-right. [Harper's]

-- MSNBC host Joy Reid gave a shoutout to MSNBC exec Yvette Miley for receiving the 2017 Chuck Stone Lifetime Achievement Award at the NABJ Salute To Excellence Awards Gala. [MSNBC]

-- Education Secretary Betsy DeVos reached a milestone of sorts: She was finally interviewed by reporters. [Poynter]

Correction: A previous version of Morning Media said, citing a tweet from Esquire's former executive features editor, that Esquire is ending its digital features program. But a Hearst spokesperson told me that "Esquire, nor any of Hearst Magazines Digital Media's properties, have stopped commissioning and publishing feature stories."

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/08/11/trumps-newsy-briefings-with-the-press-pool-cnn-fires-jeffrey-lord-james-benet-to-testify-in-sarah-palin-lawsuit-001330

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Fri 8/4/2017 2:06:33 PM
Subject: POLITICO's Morning Score: West Virginia Gov. Justice switches from Democrat to Republican — Club for Growth jumps into primary to replace Chaffetz — Senate Conservatives Fund endorses Brooks

By Daniel Strauss | 08/04/2017 10:00 AM EDT

With Zach Montellaro, Elena Schneider, Scott Bland and Maggie Severns

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

MOUNTAINERS ARE ALWAYS FREE - "West Virginia Democratic governor switches to GOP," by POLITICO's Matthew Nussbaum, Gabriel Debenedetti, and Daniel Strauss: "West Virginia Gov. Jim Justice is expected to announce a party switch in a surprise appearance with President Donald Trump in Huntington, W.Va., on Thursday, according to two sources ... Justice, who seldom worked with other Democrats, recently spent a well-publicized day hunting with Donald Trump Jr. - a familiar political optic in a largely rural state with a strong hunting tradition. But his move still blindsided his old party, which is now left with control of just only 15 governors mansions. Rumors that Justice was going to make the switch circulated throughout the day but West Virginia Democrats and multiple national Democrats who have worked for Justice in the past said he gave them no advance notice on the party switch."We are sitting here in our office, everyone of us that is capable standing on two feet, looking at each other saying, 'oh my goodness, did anybody see this coming?" said Steve Roberts, president of the West Virginia Chamber of Commerce." **Full story.**

- MANCHIN STATEMENT: "I have been and always will be a proud West Virginia Democrat. I am disappointed by Governor Justice's decision to switch parties. While I do not agree with his decision, I have always said that I will work with anyone, no matter their political affiliation, to do what is best for the people of West Virginia."

MORE WEST VIRGINIA - "Senate Leadership Fund launches digital campaign vs. Manchin," by Campaign Pro's Kevin Robillard: "Senate Leadership Fund, the deep-pocketed GOP super PAC, is launching a digital campaign attacking Democratic Sen. Joe Manchin ahead of President Donald Trump's visit to West Virginia tonight. The campaign will direct voters to a website labeling Manchin "The Joe You Don't Know," which notes Manchin voted against repealing Obamacare and has voted against 60 percent of Trump's judicial nominees. It's the first of what will be a slew of attacks aimed at pitting the former governor and second-term senator against Trump, who is ultra-popular in the state." **Full story.**

NEW THIS MORNING - EMILY's List endorses Andrea Ramsey: EMILY's List is backing Andrea Ramsey in KS-03, one of several Democrats jockeying to take on GOP Rep. Kevin Yoder, per a statement from the group. Hillary Clinton won the district in 2016, putting it atop

the list of Democratic targets.

I LIKE MIKE - Pence to keynote Koch summit: Vice President Mike Pence will address Americans for Prosperity's annual summit, which is set for Aug.19 in Richmond, Va. The summit offers AFP volunteers a chance to network, attend trainings and hear from a battery of speakers. This year's summit will have a focus on tax reform, the Koch network's main focus heading into fall.

CASH FLOW - Super PACs prep for Aug. 15 special primaries: Senate Leadership Fund raised over $1.5 million in 26 days in July, mostly via a $1 million check from Steven A. Cohen and $250,000 from Phil Ruffin, as it spends heavily to back Sen. Luther Strange in the fast-approaching Alabama Senate special GOP primary. In Utah, where three Republicans are competing in a primary for former Rep. Jason Chaffetz's old 3rd District, Tanner Ainge's mother Michelle gave $250,000 to the super PAC backing him, Conservative Utah . And the Club for Growth transferred $130,000 to National Horizon, which has been backing Republican Chris Herrod.

- AIR WAR - The Club for Growth reserved TV airtime in UT-03, a race the conservative group hasn't formally endorsed in yet. A TV tracking source said the ad buy, worth $90,000, will start Monday. "It's not surprising to learn John Curtis is nervous about voters discovering his long record of supporting tax hikes, but we have no formal announcement today," Rachael Slobodien, a spokeswoman for the Club said in a statement.

Days until the 2017 election: 95.

Days until the 2018 election: 459.

Thanks for joining us. You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

DAILY WAR EAGLE - "One of Mo Brooks' endorsers is also his chief of staff" by AL.com's Howard Koplowitz: "Among the endorsements U.S. Senate candidate Mo Brooks received on Wednesday was the backing of Mark Pettitt, who identified himself at the event at Hoover Tactical Firearms as an Alabama Strike Force member "who has been a beneficiary of Mo's help." But Pettitt is also Brooks' chief of staff -- and defended omitting his title at the event in an interview with AL.com on Thursday. "We don't like to mix official office with campaigns," Prewitt said. "What I do on my day job is supposed to be independent of what I do on my campaign time." **Full story.**

- MORE ALABAMA - The National Rifle Association of America Political Victory Fund is spending $43,117 in radio ads in support of Sen. Luther Strange according to independent expenditure filings on Aug. 2.

- EVEN MORE ALABAMA - "Senate Conservatives Fund endorses Brooks," by Campaign Pro's Daniel Strauss: "The anti-incumbent conservative outside group Senate Conservatives Fund has endorsed Rep. Mo Brooks, less than two weeks before Alabama's special Senate primaries. Brooks is one of almost a dozen challengers to incumbent Sen. Luther Strange, who was appointed earlier this year to fill Attorney General Jeff Sessions' old seat ... "We're also proud to help defend Mo Brooks against the false attacks being made by Senator Mitch McConnell and his political machine," SCF President Ken Cuccinelli said in an email to supporters announcing the endorsement." **Full story**.

CROWDED HOUSE PRIMARY, GOP EDITION - NV-03: Tons of Democratic candidates are piling into House primaries around the country, but Nevada Republicans clearly see an opportunity in Democratic Rep. Jacky Rosen's seat, which she's leaving open to run for Senate. Via the Nevada Independent's Riley Snyder: "[F]ormer Assemblywoman Victoria Seaman. Seaman, who lost a key state Senate bid by a little more than 1,000 votes in 2016, said on Wednesday that she's jumping in the race ... Seaman repeatedly expressed her desire to help carry out President Donald Trump's agenda on everything from immigration policy to repealing the Affordable Care Act, noting that the state's 3rd Congressional District narrowly swung to Trump." **Full story.**

STAFFING UP - Republican Ohio Senate candidate Mike Gibbons added Matt Wills as a political adviser and Chris Schrimpf as senior communications adviser. Wills previously worked for Lt. Gov. Mary Taylor and was executive director of the Missouri Republican Party, while Schrimpf was a top staffer on Gov. John Kasich's 2016 presidential campaign and worked for Missouri Gov. Eric Greitens last year as well.

RECESS ADS - American Bridge attacks 15 House Republicans in digital ads: "American Bridge is launching digital ads that will air throughout the August recess attacking 15 House Republicans on their health care votes. The ads, which will target swing voters through Labor Day, will go after incumbents, including: Reps. Jack Bergman, Tim Walberg, Fred Upton, Mike Bishop and Dave Trott in Michigan; Reps. Mario Diaz-Balart and Brian Mast in Florida; Reps. Mike Gallagher and Paul Ryan in Wisconsin; Rep. Barbara Comstock in Virginia; Rep. Martha McSally in Arizona; Rep. Darrell Issa in California; Rep. Bruce Poliquin in Maine; Rep. Will Hurd in Texas; and Rep. Rod Blum in Iowa." **Watch the ad here. Full story.**

ALL ABOUT 218 - "Democrats begin to see Pelosi as a 2018 problem," by McClatchy's Alex Roarty: "Nancy Pelosi might actually be in trouble. In a survey of 20 Democratic House candidates, only one - a former Senate staffer from Orange County, California - would state support for the congresswoman staying on as leader of the House Democratic Caucus. Of the rest, 18 declined to say if Pelosi should keep her job, while one, a political newcomer from a culturally conservative Ohio district, said he would vote for someone other than Pelosi." **Full story.**

CODA - QUOTE OF THE DAY: "I can't help you anymore being a Democrat governor ... So tomorrow, I will be changing my registration to Republican." - West Virginia Gov. Jim Justice, who said in May that the health care bill Trump backed would "cripple" his state, explaining his

party switch alongside Trump before a crowd in Huntington.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/08/04/west-virginia-gov-justice-switches-from-democrat-to-republican-221701

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 8/15/2017 5:02:54 PM
Subject: Playbook Power Briefing, presented by the Coalition for Affordable Prescription Drugs (CAPD): TRUMP retweets cartoon of train running over personification of CNN, someone calling him a fascist -- DoJ wants 1.3 million IP addresses from anti-Trump site

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Today's Playbook Power Briefing presented by the Coalition for Affordable Prescription Drugs (CAPD)

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Tuesday afternoon. THE STORY EVERYONE IS TALKING ABOUT -- MCKAY COPPINS on **A.J. DELGADO -- "From Trump Aide to Single Mom:** Last November, A.J. Delgado played a vital role on a winning campaign. Then everything fell apart:" http://theatln.tc/2uFPSVs

FROM TRUMP TOWER -- @realDonaldTrump at 11:21 a.m.: "For every CEO that drops out of the Manufacturing Council, I have many to take their place. Grandstanders should not have gone on. JOBS!"

-- @ScottPaulAAM, president of the Alliance for American Manufacturing, at 11:37 a.m.: "I'm resigning from the Manufacturing Jobs Initiative because it's the right thing for me to do."

-- BY THE WAY, the irony is this council doesn't really do much.

THE PRESIDENT'S TWITTER ACCOUNT continues to be a source of controversy. This morning he retweeted a cartoon of a reporter adorned with the CNN logo being hit by a Trump Train. It was quickly removed from his Twitter feed. It is not the first time a tweet from the president's account has shown violence against the personification of CNN. He tweeted a video of himself tackling pro-wrestling icon Vince McMahon with a CNN logo superimposed over his head in July. ***The cartoon*** http://bit.ly/2uFKilT

-- Trump also retweeted Pizzagate conspiracy theorist Jack Posobiec (who also once tried to spread a hoax that anti-Trump protesters were shouting "Rape Melania") and retweeted (and deleted) a tweet from a Twitter user calling him a fascist, presumably by accident.

VALLEY TALK -- "DreamHost is fighting DoJ request for 1.3M IP addresses of visitors to anti-Trump protest site," by TechCrunch's Natasha Lomas: "Web hosting service DreamHost is fighting a Department of Justice demand to scoop up all the IP

addresses of visitors to an anti-Trump website. The website in question, disruptj20.org, organized participants of political protests against the current U.S. administration. Blogging about its objections to the warrant yesterday, DreamHost's general counsel describes it as 'a highly untargeted demand that chills free association and the right of free speech afforded by the Constitution'. ... In the warrant the DoJ demands that DreamHost hand over 1.3 million visitor IP addresses to the disruptj20.org website, along with contact information, email content, and photos of thousands of people." http://tcrn.ch/2uY7ZkA

VICE PRESIDENT MIKE PENCE is in Argentina, meeting with President Mauricio Macri. During joint remarks, Pence dodged a question on White House infighting, per pooler Phil Rucker of the Washington Post: "Pence was asked about the infighting back home at the White House and specifically the campaign to undermine National Security Adviser H.R. McMaster. Pence did not specifically answer the question, instead highlighting what he sees as progress and 'strong leadership' of Trump in his seven months as president. 'Our administration, now some seven months old, has seem America restore more than a million new jobs at home, but also what the world has seen under President Donald Trump is an American president who's once again embracing our historic role as leader of the free world without apology,' Pence said."

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

NOT JUST NUKES -- "North Korea's Trump card -- chemical weapons targeting American troops," by McClatchy's Stuart Leavenworth: "[T]here's at least one significant reason why U.S. military leaders would be reluctant to carry out such a strike: North Korea would surely retaliate, and this retaliation could include use of chemical weapons. 'Nuclear weapons are not the only threat,' said Kelsey Davenport, director of non-proliferation policy for the Arms Control Association. 'North Korea could respond to a U.S. attack using chemical weapons. That would be devastating.' North Korea is known to have compiled large stockpiles of nerve agents such as sarin and VX. It could fire these from hidden artillery and missile sites, targeting U.S. military bases in the region and cities such as Seoul and Tokyo." http://bit.ly/2uYkrAR

MUST WATCH REPORT -- Vice News' Elle Reeve has a great report from Charlottesville that aired last night on "Vice News Tonight." She has exclusive interviews with white nationalist leaders including Chris Cantwell and David Duke and Charlottesville residents who were protesting the white nationalists and neo-Nazis. http://bit.ly/2uFETeG

MARK YOUR CALENDARS -- "Paul Ryan to hold televised town hall next week," by the Wisconsin State Journal's Mark Sommerhauser: "House Speaker Paul Ryan will hold a televised town hall meeting with constituents live from Racine next week on CNN,

his office has announced. The town hall will be at 8 p.m. Monday, Aug. 21, according to a release from Ryan's office. It will be hosted by CNN's Jake Tapper and held at the Racine Theater Guild." http://bit.ly/2uFJWLY

TODAY'S BEYOND THE BELTWAY -- Illinois' first lady has increased behind-the-scenes role -- California braces for far-right rallies http://politi.co/2uXQQaX

ANOTHER MOVIE TRAILER AD -- Democrat Boyd Melson, a retired boxer and West Point graduate, announced he was running for Congress in New York's 11th district with a splashy new ad. The district is currently represented by Rep. Dan Donovan (R-N.Y.), who won his election in 2016 by over 25 points. The ad comes from Hilltop Public Solutions, the same firm that produced the viral ad for Randy Bryce, the Democratic iron worker challenging Speaker Paul Ryan. ***Melson's ad*** http://bit.ly/2uYOOXT

GOOD USE OF FOIA -- "Did the mayor of New York assassinate a groundhog, and other shocking revelations from the #Groundhoghazi emails," by Matthew Guariglia in Muckrock http://bit.ly/2uY8lYB

HOLLYWOODLAND -- "Greg Berlanti, Martin Gero Team for Political Drama at NBC," by Hollywood Reporter's Lesley Goldberg: "Greg Berlanti and Martin Gero are getting political. The 'Blindspot' duo have scored a hefty put-pilot commitment from NBC for drama 'Republic.' The project is described as a hopeful political drama that follows the newly minted female chief of staff to a moderate Republican president. With their administration in dire crisis, they find themselves under fire from extremists on both sides, defending their well-intentioned actions both politically and legally." http://bit.ly/2i35OLD

MEDIAWATCH -- PLAYBOOK SCOOPLET: AMIE PARNES is now a political analyst for CNN. She will also remain at The Hill.

TRANSITIONS -- Brandon Shaw has started as director of corporate comms at ICM Partners after a few years at Fifteen Minutes PR. He also previously worked for the Obama White House. ... **Wendy Helgemo** has joined GWU as the inaugural director of its AT&T Center for Indigenous Politics and Policy. She was most recently senior adviser on Indian affairs to former Sen. Harry Reid (D-Nev.).

SPOTTED at the 50th birthday party last night at Old Ebbitt of Sean Miles, senior adviser to Florida Gov. Rick Scott: Loretta Solon Greene, George Gigicos, Brennan Hart, Nick Owens, Elizabeth Pinkerton, Geoff Smith, Lenwood Brooks, Elizabeth Rojas, Emily Murphy, Sarah Habansky, Ryan O'Dwyer, Ryan Eaton

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list

prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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From: Morning Transportation
Sent: Thur 10/5/2017 2:04:38 PM
Subject: POLITICO's Morning Transportation: Self-driving car bill zooms through committee — TSA issues warning after Las Vegas shooting — Shuster gets a business aviation ally

By Brianna Gurciullo | 10/05/2017 10:00 AM EDT

With help from Tanya Snyder, Stephanie Beasley and Lauren Gardner

Morning Transportation will not publish on Monday, Oct. 9. Our next Morning Transportation newsletter will publish on Tuesday, Oct. 10.

THE AYES HAVE IT: The Senate Commerce Committee approved Wednesday its self-driving car bill (S. 1885 (115)). And, yes, the bill is just about cars - Sen. Jim Inhofe (R-Okla.) withdrew his amendment to include trucks . More than two dozen other amendments were adopted en bloc dealing with everything from data to child safety. Check out the full list here.

What's next? Chairman John Thune (R-S.D.) said the bill "could go standalone" to the floor, but could also hitch a ride on "some fast-moving vehicle at the end of the year that has broad shoulders," if differences with the House bill (H.R. 3388 (115)) can be worked out in advance. "We'll look for any opening and any legislative vehicle that might be out there that would give us an opportunity to advance it," he told reporters after the hearing. "I wouldn't rule any of those things out." Once it hits the floor, expect to see amendments to change everything from the balance of state and federal power to a potential mandate for a manual override in case of a technological malfunction.

Quote(s) du jour: "He said he's gonna shave his beard," Sen. Bill Nelson (D-Fla.) said about bill co-author Gary Peters (D-Mich.) when the committee approved the legislation. "It turned gray during the discussions here," Peters said. Here's a pic of said beard, courtesy of Reuters' David Shepardson.

IT'S THURSDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Send tips, feedback and lyrics to bgurciullo@politico.com or @brigurciullo.

"Sat back with the window down / Eighty an hour and the radio loud / The same songs with the same old rhymes / Tell me to shake it off and swing from the lights."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

MORE DOGS: The Senate Commerce Committee also on Wednesday approved a TSA reauthorization bill by voice vote, setting a five-year term for the administrator and increasing the use of canine units for passenger screening. In addition, the bill (S. 1872 (115)) encourages more adoption of new technologies and expands the law enforcement reimbursement program, which the Trump administration had proposed eliminating.

And more guns? Some Democrats, including Sen. Richard Blumenthal, objected to a Thune amendment to increase pilot access to firearms training, though the Connecticut senator said he did so "reluctantly" because it was "a lot more reasonable than other proposals that are out there." He said he was worried that the provision would give the administration more discretion to grow the number of pilots who carry guns and lower training requirements. "It could mean more guns on planes," he said.

ICYMI: The committee also approved by voice vote Howard "Skip" Elliott's nomination to be the head of PHMSA. The former CSX Transportation vice president of public safety, health and environment had his hearing on Sept. 27. Check out his questionnaire here and his responses to questions for the record from senators following the hearing here.

Cheat sheet: MT just bookmarked this Eno Center for Transportation page with the statuses of all outstanding DOT noms.

TSA ISSUES WARNING AFTER LAS VEGAS: TSA advised transportation hub operators to begin developing plans with their staff and security personnel at neighboring buildings to protect large crowds from incidents like the Las Vegas shooting, according to a memo obtained by POLITICO. The agency warned transportation industry officials that subway, rail, bus, cruise and ferry stations might be particularly vulnerable to similar attacks, given their tendency to attract mass gatherings.

SHUSTER GETS A BIZ AV ALLY: Rep. Bill Shuster (R-Pa.) is touting private airplane company NetJets' backing of his FAA reauthorization as many general aviation groups have urged lawmakers to reject his air traffic control proposal. "Current ATC personnel, while highly professional, face challenges outside their own control, including budget uncertainties and outmoded equipment and systems," NetJets executive Alan Bobo wrote in a letter to Shuster. "Such systemic challenges ultimately touch all aviation operations within U.S. airspace and impact not only efficiency, but safety as well." Bobo praised Shuster for reworking the board of the nonprofit corporation he has proposed and exempting GA from paying user fees under the bill (H.R. 2997 (115)).

FOR YOUR RADAR: Open Skies will be the focus of an address today by Yousef Al Otaiba, the United Arab Emirates' ambassador to the United States, at a Boeing facility in Charleston, S.C. UAE carriers, including Etihad Airways and Emirates Airline, have put in orders for over 500 planes made by Boeing. Some major U.S. airlines have accused the UAE of flouting its Open Skies agreement with the United States by copiously subsidizing Etihad and Emirates. MT is bracing for press releases from both sides of the dispute today.

WELL, HERE'S WHAT WE THINK: The Trump administration hasn't unveiled an updated list of "principles" for investing in infrastructure, but the New Democrat Coalition is out with their preferences this week, calling for more funding for the Highway Trust Fund and putting money from "deemed repatriation" toward infrastructure. The group of House Dems also back using public-private partnerships "where appropriate" and setting up an infrastructure bank. Their document says policymakers should zero in on maintenance projects before new

undertakings - and those new ones should "modernize our infrastructure through innovative design and technologies." It also points out that some regulatory streamlining provisions in the FAST Act and MAP-21 haven't gone into effect.

In other ideas: Remember when MT mentioned that the Congressional Progressive Caucus is proposing $2 trillion in federal funding for infrastructure as a part of its dream budget? Here's how the caucus suggests paying for it, at least in part: by implementing "a $10.25 per barrel fee on oil paid by oil companies, phased in over five years."

LOWEY CALLS FOR EMERGENCY INFRASTRUCTURE FUNDING: The White House is asking Congress for almost $30 billion for disaster recovery, including $12.8 billion for FEMA. But New York Rep. Nita Lowey, the top Democrat on the House Appropriations Committee, thinks lawmakers "should add to this request by appropriating funding for flexible Community Development Block Grants; rebuilding coastlines, roads, transit systems, airports, ports, and other infrastructure; small business loans; and repairs to military installations and other federal facilities damaged in the storms." Sarah Ferris has more.

SWIFT MOVES ON MITNICK NOD: The Senate Homeland Security Committee approved John Mitnick's nomination to be DHS general counsel on Wednesday, just one day after holding his hearing. Also approved were measures that would establish new pay standards at TSA and Customs and Border Protection. Specifically, one of the bills (S. 1305 (115)) aims to help CBP maintain a steady workforce by giving the agency the authority to offer retention bonuses. Steph has more details for Pros.

WELCOME TO THE SPACE JAM: The National Space Council, led by Vice President Mike Pence, is having its first meeting today. Jacqueline Klimas reports for Pro Defense that the meeting "will shine the spotlight ... on some of the leading private space companies that are funded by billionaire investors," like SpaceX and Blue Origin. "The agenda suggests that the administration's desire to craft a bold strategy to revitalize the space program will rely significantly on the ideas of the newest and most innovative players in the space sector - and is already wrestling with ways to bridge the divide with traditional government contractors to fuel what [President Donald] Trump has called 'the next great American frontier,'" Jacqueline writes.

BOONIES EXPRESS: The American Public Transportation Association is touting a new report showing that transit ridership rose 8 percent in small towns and rural areas between 2007 and 2015, even as the rural population declined. APTA says seniors, veterans and people with disabilities, who disproportionately reside in rural areas, are a good match for affordable public transportation.

SHIFTING GEARS: Heidi King is now deputy administrator at NHTSA and serving as acting administrator. Her past experience includes stints at GE Capital, the House Energy and Commerce Committee and the Office of Management and Budget. ... Joel Kelsey was promoted from legislative director to chief of staff for Blumenthal. Kelsey was previously a senior policy adviser to Blumenthal, responsible for the Connecticut Democrat's Commerce Committee portfolio. Laurie Rubiner, Blumenthal's last COS, left to be president and CEO of the Alliance for Children's Rights. ... Steve Cernak started Wednesday as chairman of the American

Association of Port Authorities' board. Cernak is the chief executive and port director of Port Everglades in Broward County, Fla.

THE AUTOBAHN:

- "U.K. works backchannels to resolve Bombardier blowup." POLITICO Europe.

- "A weird buyer's market is brewing for hurricane cars." Bloomberg.

- "Poll: Gas tax repeal unpopular" in California. POLITICO California Playbook.

- "Where driverless cars brake for golf carts." The New York Times.

- "Thousands of tales of torment from the nation's worst transit system." Bloomberg.

- "Groups sue FAA to seek air tour plans for national parks." The Associated Press.

- "AFP pressures Trump-state Democrats on tax reform." POLITICO Pro Campaigns.

- "Afghan refugee becomes youngest woman to fly solo around the world." National Geographic.

- "Does Uber lead to less drunk driving? It's complicated." The Verge.

THE COUNTDOWN: DOT appropriations run out in 65 days. The FAA reauthorization expires in 178 days. Highway and transit policy is up for renewal in 1,092 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/10/05/self-driving-car-bill-zooms-through-committee-222657

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 8/7/2017 5:38:29 PM
Subject: Aug. 07 -- Environment & Safety Resource Center Update

Environment & Safety Resource Center Update

August 07, 2017 - Number 32

Analysis : Air Pollution Control Guide | Water Pollution Control Guide
Federal Statutes, Regulations and Agency Documents : Federal Hazardous Materials Transport Updates | Federal Register Final Rules | Federal Register Notices | Federal Register Proposed Rules | Military Documents
States—Environment : Arkansas | California | Iowa | North Carolina | Oklahoma | Pennsylvania | Rhode Island | Washington

Analysis

Air Pollution Control Guide

State

Texas (Open Burning). Updated to reflect a final rulemaking by the Texas Commission on Environmental Quality amending regulations regarding outdoor burning. The regulations require regulated entities to notify the Texas Forest Service that burning will take place. The regulations also establish weather conditions under which open burning is permissible. The regulations prohibit the open burning of several categories of materials. The rule took effect Aug. 3.

Wisconsin (Other Industry Categories). Updated to reflect a final rulemaking by the Wisconsin Department of Natural Resources exempting hazardous waste treatment, storage, and disposal facilities from air emission standards for seven compounds. Such facilities otherwise would've been subjected to standards established to limit emissions from surface coating operations for automobiles and light-duty trucks. The rule took effect Aug. 1.

Water Pollution Control Guide

State

California (Ocean Plan). Updated to reflect amendments to the California State Water Resources Control Board's (SWRCB's) plan to maintain ocean water quality that address the impact of commercial vessel discharges, trash, and desalination facilities.

California (Inland Surface Waters and Enclosed Bays and Estuaries). Updated to reflect an SWRCB amendment to the water quality plan for inland surface waters and enclosed bays and estuaries, effective June 28, 2017, that set mercury limits to protect beneficial uses associated with consumption of fish and established three new beneficial use definitions associated with

tribal activities. The board also has adopted an amendment to protect beneficial uses from the impact of trash.

California (Inorganic Chemicals). Updated to reflect a May 5, 2017, state court decision that overturned the maximum contaminant level (MCL) of 10 parts per billion for hexavalent chromium in drinking water. The court said the state failed to determine if the limit was economically and technically feasible, as required by state law.

Connecticut (Nonpoint Discharges to Surface Waters). Updated to reflect the latest nonpoint source management plan approved by the federal Environmental Protection Agency. The plan directs the state Department of Energy and Environmental Protection (DEEP) to take actions such as identifying major nonpoint sources of water pollution and determining the ones most requiring action, improving transportation design to reduce runoff from roadways and airports, and controlling nitrogen and pathogens as part of the coastal nonpoint source control program.

Connecticut (Watershed Management Program). Updated to reflect new information on the program. The program is focused on developing a comprehensive management plan for improving watersheds, acting as a liaison between various municipal and state agencies, improving public outreach and education, and managing nonpoint source-related projects.

Connecticut (Wetlands Protection).

More...

Federal Statutes, Regulations and Agency Documents

Federal Hazardous Materials Transport Updates

Clarification of the HMR Applicable to Various Scenarios Involving Accepting and Inspecting Hazardous Materials Shipments for Transport by Aircraft (7/20/17)

Clarification of the HMR Applicable to the Requirements for the Use of Portable Tanks (7/18/17)

Clarification of the HMR Applicable to Wet Batteries (7/18/17)

Clarification of the HMR Applicable to Shipping Papers (7/11/17)

Clarification of the HMR Applicable to a Small Lithium Metal Battery Contained in Equipment (7/3/17)

Clarification of the HMR Applicable to Exceptions for Non-Spillable Batteries (6/29/17)

Clarification of the HMR Applicable to Limited Quantities of Compressed Gases (6/29/17)

Clarification of the HMR Applicable to Reclassifying Flammable Liquids and Placarding (6/29/17)

Clarification of the HMR Applicable to "UN1324, Films, Nitrocellulose Base" (6/26/17)

Clarification of the HMR Applicable to the Formatting of Organic Peroxide Technical Names **(6/20/17)**

Clarification of the HMR Applicable to Marking and Placarding of Multi-Compartment Cargo Tanks **(6/20/17)**

Clarification of the HMR for Lab Packs Applicable to the Segregation Requirements Exception in § 173.12(e) and the Stowage Requirements in § 176.83(b) **(6/20/17)**

More...

Federal Register Final Rules

18 CFR 806

82 FR 35442, 7/31/17: Review and Approval of Projects; Hearings and Enforcement Actions

18 CFR 808

82 FR 35442, 7/31/17: Review and Approval of Projects; Hearings and Enforcement Actions

33 CFR 117

82 FR 35443, 7/31/17: Drawbridge Operation Regulation; Carquinez Strait, Martinez, CA

82 FR 35655, 8/1/17: Drawbridge Operation Regulation; Thames River, New London, CT

82 FR 36332, 8/4/17: Drawbridge Operation Regulation; Isthmus Slough at Coos Bay, OR

82 FR 36332, 8/4/17: Drawbridge Operation Regulation; Willamette River, Portland, OR

33 CFR 165

82 FR 35443, 7/31/17: Safety Zones; Point to LaPointe Swim; LaPointe, WI

82 FR 35655, 8/1/17: Safety Zone; Pleasure Beach Piers, Bridgeport, CT

82 FR 35900, 8/2/17: Safety Zone, Brandon Road Lock and Dam to Lake Michigan Including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet–Saganashkee Channel, Chicago, IL

82 FR 35900, 8/2/17: Safety Zone; South Branch of the Chicago River, Chicago, IL

82 FR 36333, 8/4/17: Safety Zone; Mississippi River; New Orleans, LA

More...

Federal Register Notices

82 FR 35507, 7/31/17: Submission for OMB Review; Comment Request

82 FR 35507, 7/31/17: Certain Cut–to–Length Carbon–Quality Steel Plate Products From the Republic of Korea: Rescission of Antidumping Duty Administrative Review in Part; 2016–2017

82 FR 35508, 7/31/17: Export Trade Certificate of Review

82 FR 35509, 7/31/17: Review of National Marine Sanctuaries and Marine National Monuments Designated or Expanded Since April 28, 2007; Notice of Opportunity for Public Comment

82 FR 35509, 7/31/17: Pacific Fishery Management Council; Public Meeting

82 FR 35510, 7/31/17: Taking of Marine Mammals Incidental to Specified Activities; Dismantling of the Original East Span of the San Francisco–Oakland Bay Bridge

82 FR 35522, 7/31/17: Notice of Public Hearing and Business Meeting August 16 and September 14, 2017

82 FR 35523, 7/31/17: Proposed CERCLA Cost Recovery Settlement for the Computer Circuits Superfund Site, Hauppauge, Suffolk County, New York

82 FR 35530, 7/31/17: Agency Information Collection Activities: Proposed Collection; Comment Request

82 FR 35530, 7/31/17: Health Insurance MarketplaceSM, Medicare, Medicaid, and Children's Health Insurance Programs; Announcement of the Renewal of the Charter for the Advisory Panel on Outreach and Education (APOE)

82 FR 35532, 7/31/17: Cardiac Troponin Assays; Public Workshop; Request for Comments

82 FR 35534, 7/31/17: Developing a Framework for Regulatory Use of Real–World Evidence; Public Workshop

More...

Federal Register Proposed Rules

10 CFR 430

82 FR 36349, 8/4/17: Energy Conservation Program: Test Procedure for Room Air Conditioners

10 CFR 431

82 FR 35468, 7/31/17: Energy Conservation Program: Test Procedure for Small Electric Motors and Electric Motors

40 CFR 52

82 FR 35734, 8/1/17: Approval and Promulgation of Implementation Plans; New Jersey; Regional Haze Five–Year Progress Report State Implementation Plan

82 FR 35738, 8/1/17: Approval and Promulgation of Implementation Plans; New York; Regional Haze

Five–Year Progress Report State Implementation Plan

82 FR 35922, 8/2/17: Approval and Promulgation of Implementation Plans; Enhanced Monitoring; California

40 CFR 192

82 FR 35924, 8/2/17: Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings

40 CFR 300

82 FR 36106, 8/3/17: National Priorities List

Military Documents

4705.1E: Management of Land-Based Water Resources in Support of Contingency Operations (Revised) (7/26/17)

States—Environment

Arkansas

State Register Summaries

ARR\rgOGC - Arkansas Register 08/01/2017 - Oil and Gas Commission/Requirements for Well Completion Utilizing Fracture Stimulation

ARR\rgOGC - Arkansas Register 08/01/2017 - Oil and Gas Commission/Salt Water

ARR\rgOGC - Arkansas Register 08/01/2017 - Oil and Gas Commission/Production Practice

ARR\rgOGC - Arkansas Register 08/01/2017 - Oil and Gas Commission/Monthly Reports Costs

ARR\rgOGC - Arkansas Register 08/01/2017 - Oil and Gas Commission/Gas-Oil Ratio

ARR\rgOGC - Arkansas Register 08/01/2017 - Oil and Gas Commission/Pipeline Maps

ARR\rgOGC - Arkansas Register 08/01/2017 - Oil and Gas Commission/Use of Gas for Other than Light or Fuel

California

State Register Summaries

CAR\ti17\di3\ch1\sh10 - California Regulatory Notice Register 07/28/2017 - Air Resources Board/Climate Change

CAR\ti14\di5.5\ch5 - California Regulatory Notice Register 07/28/2017 - Coastal Development Permits

Issued by Coastal Commissions

CAR\ti13\di2\ch6.5 - California Regulatory Notice Register 08/01/2017 - Motor Carrier Safety/Modified Limousines

Iowa

State Register Summaries

IAR\ag21\ch45 - Iowa Administrative Bulletin 08/02/2017 - Pesticides/Dealer Licensure

IAR\ag641\ch42 - Iowa Administrative Bulletin 08/02/2017 - Permit to Operate Ionizing Radiation-Producing Machines or Administer Radioactive Materials

IAR\ag27\ch22, IAR\ag27\ch21, IAR\ag27\ch40, IAR\ag27\ch50 - Iowa Administrative Bulletin 08/02/2017 - Soil Conservation and Water Quality

North Carolina

State Register Summaries

NCR\ti15A\ch7 - North Carolina Register 08/01/2017 - Coastal Management

NCR\ti15A\ch2 - North Carolina Register 08/01/2017 - Environmental Management/Surface Water and Wetlands Standards

Oklahoma

State Register Summaries

OKR\ti165\ch5 - Oklahoma Register 07/27/2017 - Corporation Commission Rules of Practice/Spacing Units

OKR\ti165\ch5 - Oklahoma Register 07/27/2017 - Oil and Gas Conservation/Horizontal Drilling

Pennsylvania

State Register Summaries

PAR\ti25\ch252 - Pennsylvania Bulletin 07/29/2017 - Environmental Laboratory Accreditation

Rhode Island

State Register Summaries

RIR\rgEBFPPL - Rhode Island Regulations 08/01/2017 - Efficient Buildings Fund Project Priority List

Washington

State Register Summaries

WAR\ch480-62, WAR\ch480-70, WAR\ch480-75, WAR\ch480-93 - Washington State Register 08/02/2017 - Utilities and Transportation Commission

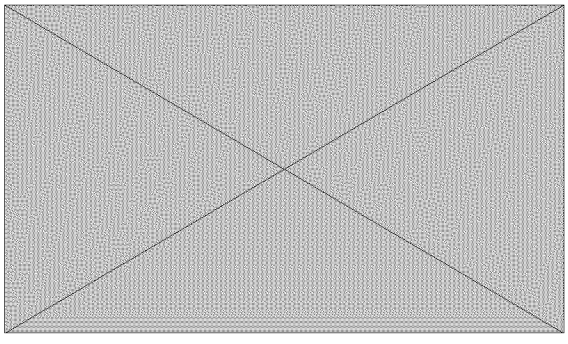
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Environment & Safety Resource Center Update

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Tue 8/22/2017 10:02:27 AM
Subject: AEI Today: What might have been

The outlook for an ambitious Republican reform agenda is bleak at this point, to put it mildly.

AEI's daily publication of independent research, insightful analysis, and scholarly debate

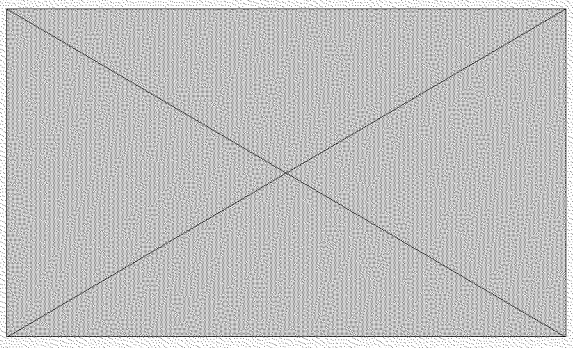


Reuters

What might have been

James C. Capretta | National Review Online

At this point, there probably isn't much that can be done to salvage the Republican legislative agenda. This presidency's controversies have made bipartisan cooperation all but impossible, and there isn't nearly enough unity in the GOP to pass charged legislation on partisan votes. Still, Republicans don't have much to lose by trying something different. They should abandon the idea of massive, sequential, partisan bills and start over with an approach straight from the Bill Clinton playbook: going all in on one omnibus package.

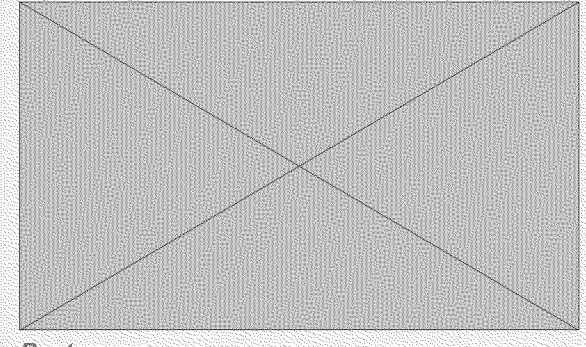


Reuters

Charlottesville's irony

Gerard Robinson | Richmond Times-Dispatch

It's telling that Charlottesville, a small central Virginia city where Thomas Jefferson built the University of Virginia, will become the site that forces America to deal with who we are as a republic: divided and scared. But then Jefferson warned his victorious generation in 1787 that dissent and rebellion are always smoldering. Jefferson's words don't reverse the three deaths or dozens injured last weekend. They instead remind us that the road to freedom is painted in nasty and brutish brushstrokes.



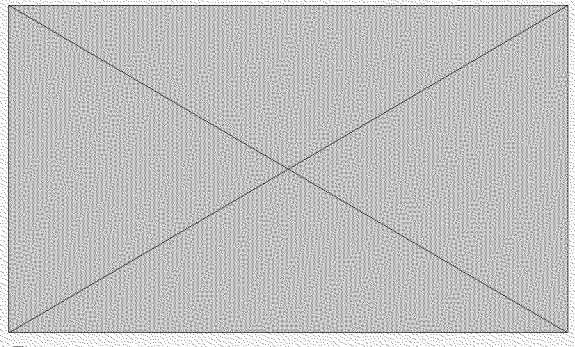
Reuters

Testimony: The Afghanistan

conundrum (2015)

Frederick W. Kagan | House Testimony

Last night, President Trump addressed the nation about his plans for the future of US engagement in Afghanistan. Two years ago, AEI's Fred Kagan addressed the House Subcommittee on the Middle East and North Africa, laying out the challenge before America's leaders. "Enemy groups are both multiplying and gaining strength," he said. "Supporting the Afghan government requires more US troops and expanded authorities for those that are there."



Reuters

An ominous how-to for a terrorist attack on American soil

Marc A. Thiessen | The Washington Post

The terrorist attack in Barcelona follows a pattern that has left more than 100 people dead and hundreds more injured in Nice, Berlin, London, Stockholm, and Ohio State University — a terrorist takes a van or truck and plows through innocent pedestrians, turning the vehicle into "a mowing machine." Those words come from an article in a glossy online al Qaeda magazine, which provides detailed instructions for how to carry out these vehicular attacks.

MORE FROM AEI

How Attorney General Jeff Sessions is stopping the EPA's slush fund
Benjamin Zycher | The Hill

Taming North Korea — without firing a shot
John Yoo and Jeremy A. Rabkin | New York Post

Net neutrality advocates say common carriage will save the internet as we know it. In reality, it could hasten its demise.
Bronwyn Howell | AEIdeas

Are universities driving racism?
Michael Rubin | Washington Examiner

The childish war of videos between China and India could get out of hand
Sadanand Dhume | AEIdeas

For Westerners used to multiculturalism, Japan offers an almost shocking alternate reality
Michael Auslin | American Affairs

A new poll suggests support for charter schools has dropped, but don't overreact
Frederick M. Hess and Amy Cummings | US News & World Report

Using AEI's Cost of Capital Calculator, new research shows that full expensing is crucial for pro-growth tax reform
Adam Michel and Salim Furth | The Heritage Foundation

Steve Bannon hasn't violated his security clearance yet — but John Kerry has
Michael Rubin | Washington Examiner

President Trump must stop North Korea from striking American soil
John R. Bolton | The Hill

From the archives: As it deals with Afghanistan, America is fast running out of patience for Pakistan

Sadanand Dhume | The Wall Street Journal

Fossil fuel protesters are mostly clueless about the thing they're fighting

Mark J. Perry | AEIdeas

Around the web: The dangerous rise of unproductive, crony-capitalist entrepreneurship

Matt Winesett | AEIdeas

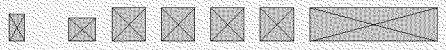
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 9/19/2017 2:23:37 PM
Subject: Senate energy committee approves FERC, DOE and DOI nominees

By Darius Dixon

09/19/2017 10:19 AM EDT

A slate of President Donald Trump's nominees for FERC and the departments of Energy and Interior sailed through the Senate Energy and Natural Resources Committee this morning.

FERC chairman nominee Kevin McIntyre, Democratic FERC commissioner pick Rich Glick, Interior Department solicitor-to-be Ryan Nelson and assistant DOI secretary for Land and Minerals Management nominee Joseph Balash were all approved on a voice vote.

Democratic Sen. Al Franken asked to be recorded as voting against Balash.

Sen. Maria Cantwell, the top Democrat on the energy committee, said she was "favorably impressed" by McIntyre who, when confirmed by the full Senate with Glick, will bring FERC's leadership board back to full strength for the first time since 2015.

But Cantwell requested a roll call vote on DOE general counsel nominee David Jonas, who faced pointed questions from lawmakers about his past opposition to women and gay people serving in the military. He was approved today on a 14-9 vote. Sens. Joe Manchin and Angus King voted alongside every Republican on the committee in Jonas' support.

WHAT'S NEXT: The nominees now await confirmation by the full Senate. The timing of those votes has not yet been announced.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/senate-energy-committee-approves-ferc-doe-and-doi-nominees-092880

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 12/5/2017 6:07:36 PM
Subject: Playbook Power Briefing, presented by PhRMA: JOHN CONYERS RESIGNS -- The latest on funding the government -- The COST of the MUELLER probe -- TRUMP tells Middle Eastern leaders U.S. will recognize Jerusalem as Israel's capital

View online version | Add politicoplaybook@politico.com to your address book.

Today's Playbook Power Briefing presented by PhRMA

Good Tuesday afternoon. SPOTTED LAST NIGHT: JARED KUSHNER having dinner with **MICK MULVANEY** at the Tabard Inn. Jared ordered chicken. He was "very enthusiastic" about the dish, according to our tipster.

WATCH ANNA at this afternoon's Women Rule sessions, where she will moderate a panel with women entrepreneurs including Audrey Gelman of The Wing, Camille Hearst of Kit and Laurie Fabiano of the Tory Burch Foundation and hold a one-on-one conversation with Kellyanne Conway. ***Livestream*** http://politi.co/2nuAbNE

JOHN CONYERS HAS RESIGNED -- "John Conyers retires after 53 years in office amid sexual harassment claims," by the Detroit Free Press's Kathleen Gray and Todd Spangler: "Facing a rising chorus of voices demanding he step down because of sexual harassment claims, U.S. Rep. John Conyers Jr., D-Detroit, on Tuesday retired from the seat he has held for more than five decades, a swift and crushing fall from grace for a civil rights icon and the longest-serving active member of Congress.

"Saying he was finalizing his plans for retirement, Conyers added he would endorse his son, John Conyers III, to replace him Congress, potentially setting up a fight between him and his cousin, state Sen. Ian Conyers, in a special election to be called by the governor." http://on.freep.com/2BLuaPN

-- ALASKA REPUBLICAN REP. DON YOUNG is now the dean of the House. He assumed office in 1973, after Nick Begich died in a plane crash with then-House Majority Leader Hale Boggs.

GREAT SCOOP -- "Kihuen aides seek new jobs after sexual harassment accusation," by Heather Caygle: "Rep. Ruben Kihuen's chief of staff is trying to find jobs for several staff members amid calls from top Democrats that Kihuen step down after an accusation he sexually harassed a campaign staffer last year. Peter Koltak, Kihuen's chief of staff, circulated an email to other Democratic offices Tuesday morning with the resumes for what appears to be most, if not all, of the D.C. office staff. 'I'm hoping to place them all here pretty quickly in other offices,' Koltak wrote in the email, obtained by POLITICO." http://politi.co/2km0EM9

THE COST OF ROBERT MUELLER'S PROBE: $3,213,695 through Sept. 30. ***The***

DOJ's report on the cost http://bit.ly/2BHTaaB

GOVERNMENT FUNDING DELAYED -- VOTE DELAYED FROM WEDNESDAY TO THURSDAY -- JENNIFER SCHOLTES and **SARAH FERRIS:** "House GOP leaders Tuesday decided to hold tight for now on their plan to fund the government until Dec. 22, to the chagrin of fiscal hardliners pushing for a Dec. 30 deadline.

"In a closed-door Republican Conference meeting, House Speaker Paul Ryan made the case for the pre-Christmas vote, according to lawmakers in the room. Later Tuesday, though, Republicans said the bill would not be taken up by the Rules Committee until Wednesday, instead of Tuesday afternoon as previously planned. A floor vote now is not expected until Thursday, as whipping continues.

"Government funding expires on Friday. House Republicans plan on a stopgap spending bill, though it's still unclear if there will be the Democratic support needed in the Senate and a Thursday House vote will make the timeline for Senate action even tighter." http://politi.co/2BLODni

-- FISSURES REMAIN: Rep. Mark Meadows (R-N.C.) and many members of the House Freedom Caucus want a stop-gap funding bill to run until Dec. 30. They think they will lose leverage if they set the funding deadline to Dec. 22.

PAGING NANCY PELOSI -- @cspan: ".@RepAlGreen: 'Tomorrow we will be Articles of Impeachment to the floor of the Congress of the United States of America for a vote.'"

WATCH THIS CASE -- "Supreme Court seems divided in case of baker who refused to create a wedding cake for a same-sex couple," by Robert Barnes and Ann Marimow: "The Supreme Court seemed closely divided Tuesday over whether the First Amendment protects a Colorado baker from creating a wedding cake for a same-sex couple, with Justice Anthony M. Kennedy likely to cast the deciding vote. During a nearly 90-minute oral argument, Kennedy gave both sides reason for hope and concern. He worried that ruling for the baker would allow shops to put up window signs saying they refused to provide wedding services for same-sex couples. But he also said that Colorado had been 'neither tolerant nor respectful' of the baker's religious convictions." http://wapo.st/2kmIxWz

ON THE WORLD STAGE -- "U.S. to Recognize Jerusalem as Israel's Capital, Trump Says, Alarming Middle East Leaders," by NYT's Mark Landler and David Halbfinger: "President Trump told Israeli and Arab leaders on Tuesday that he plans to recognize Jerusalem as the capital of Israel, a symbolically fraught move that would upend decades of American policy and upset efforts to broker peace between Israel and the Palestinians. ... Palestinian officials said Mr. Trump told the president of the Palestinian Authority, Mahmoud Abbas, that the United States would move the embassy to Jerusalem. Jordan said the president gave a similar message to King Abdullah II.

"American officials, however, said such a move could not occur immediately for

logistical reasons, given the lack of facilities to house the embassy staff. As a result, Mr. Trump is expected to sign a national security waiver that would authorize the administration to keep it in Tel Aviv for an additional six months." http://nyti.ms/2krPDcp

-- "Russia labels Voice of America and 8 other U.S. media 'foreign agents'," by CNN's Jethro Mullen: "Russia is labeling nine U.S. government-backed news outlets -- including Voice of America -- as foreign agents. ... Russia's Justice Ministry designated the nine outlets, which also include Radio Free Europe/Radio Liberty, as foreign agents, the country's state-run news agency Tass reported Tuesday. The announcement comes less than a month after the production company behind the American version of the Russian state-funded network RT was forced to register as a foreign agent with the U.S. Department of Justice." http://cnnmon.ie/2knunnW

SMOOTH SAILING FOR POWELL -- "Banking Committee approves Powell as Fed chair, with only Warren opposed," by Victoria Guida: "The Senate Banking Committee voted 22-1 on Tuesday to approve the nomination of Jerome Powell as chairman of the Federal Reserve board. ... Sen. John Kennedy (R-La.) said his vote shouldn't be taken as an 'automatic yes' on the Senate floor. During Powell's confirmation hearing, Kennedy raised worries that the nominee hadn't done enough to ease rules on community banks during his time on the Fed board. Powell's nomination will now move to the full Senate." http://politi.co/2BKt3je

****** **A message from PhRMA**: A medicine's path from the biopharmaceutical company to the patient involves many entities across the supply chain. A new report examines how money flows through this system - which includes wholesalers, pharmacy benefit managers, pharmacies and insurers - and how that impacts what patients pay at the pharmacy. Read more. http://onphr.ma/2kgd6Nu ******

TRUTH BOMB -- Conservative economist **STEPHEN MOORE** to Bloomberg's **SAHIL KAPUR** on the tax bill: "It's death to Democrats ... They go after state and local taxes, which weakens public employee unions. They go after university endowments, and universities have become play pens of the left. And getting rid of the mandate is to eventually dismantle Obamacare." https://bloom.bg/2BK1SF8

YEAR-END NUMBERS FROM TWITTER -- Top tweeted U.S. elected officials: 1. @RealDonaldTrump ... 2. @VP ... 3. @SpeakerRyan ... 4. @BarackObama ... 5. @TedLieu ... 6. @SenJohnMcCain ... 7. @SenWarren ... 8. @SenateMajLdr 9. ... @SenSanders ... 10. @SenSchumer ... **Top tweeted news outlets and the top tweeted journalist/commentator at each:** 1. @FoxNews -- @SeanHannity ... 2. @CNN -- @JakeTapper ... 3. @NYTimes -- @MaggieNYT ... 4. @MSNBC -- @JoyAnnReid ... 5. @WashingtonPost -- @Fahrenthold ... 6. @TheHill -- @JoeConchaTV ... 7. @NBCNews -- @BraddJaffy ... 8. @ABC -- @GStephanopoulos ... 9. @POLITICO -- @ddiamond ... 10. @AP -- @ZekeJMiller ...

... Most tweeted activism hashtags in the U.S.: 1. #Resist ... 2. #MAGA ... 3. #ImpeachTrump ... 4. #TrumpTrain ... 5. #WomensMarch ... 6. #NotMyPresident ... 7.

#BlackLivesMatter ... 8. #NoDAPL ... 9. #TakeAKnee ... 10. #BoycottNFL

HMM... -- "Trump science job nominees missing advanced science degrees," by the AP's Seth Borenstein: "Of 43 Trump administration nominees in science-related positions - including two for Health and Human Services secretary -- almost 60 percent did not have a master's degree or a doctorate in a science or health field, according to an Associated Press analysis. For their immediate predecessors in the Obama administration, it was almost the opposite: more than 60 percent had advanced science degrees.The AP analyzed 65 Senate-confirmable positions that deal with science and environment, many of which haven't been filled yet after 10 months. The analysis focused on earned degrees, not life experience." http://bit.ly/2nwtSJu

TODAY'S BEYOND THE BELTWAY -- California lawmaker accused of sexual misconduct -- New York prepares to fight tax bill http://politi.co/2klpCv1

PLAY BALL? -- "Barton Wants to Keep Managing GOP Baseball Team," by Roll Call's Griffin Connolly http://bit.ly/2BGnkLb

HOLLYWOODLAND -- "Disney and Fox are closing in on deal, could be announced next week - Sources," by CNBC's David Faber: "Disney and Twenty-First Century Fox are closing in on a deal, and it could come as soon as next week, according to sources familiar with the matter. CNBC has been reporting that Disney has held talks with the Rupert Murdoch-controlled media company to acquire its studio and television production assets, leaving Fox with its news and sports assets. Fox is also talking with CNBC parent company Comcast, but the talks with Disney have progressed more significantly." http://cnb.cx/2koqGOP

MEDIAWATCH -- STEVE BANNON is returning as a regular host, along with Alex Marlow, of the morning radio show "Breitbart News Daily" on SiriusXM's Patriot channel, the network announced today.

--"How brands secretly buy their way into Forbes, Fast Company, and HuffPost stories," by Jon Christian in The Outline: "In late October, TechCrunch editor-at-large John Biggs noticed a Facebook Messenger request from someone he didn't know, a man named Varun Satyam. When Biggs accepted the request, Satyam introduced himself as a marketer for technology startups. He was looking for coverage of some clients, he said, and he was willing to pay Biggs to write about them. It was a bold opening move, and an unethical proposition for any journalist who wants to retain their credibility. But Biggs wasn't surprised. He estimates that he receives two or three similar offers each month, and he doesn't take them seriously.

"'They're stupid,' said Biggs. 'Organic press is far more effective and anyone with a brain can see through them.' But solicitations like Satyam's may be more successful than Biggs is aware. Interviews with more than two dozen marketers, journalists, and others familiar with similar pay-for-play offers revealed a dubious corner of online publishing in which publicists, ranging from individuals like Satyam to medium-sized

"digital marketing firms" that blur traditional lines between advertising and public relations, quietly pay off journalists to promote their clients in articles that make no mention of the financial arrangement." http://bit.ly/2BKzumf

-- From Michael Calderone in this morning's Morning Media: "Trump has often suggested that members of the media be sued for their work -- now, if anyone ever follows through against Fox News Radio White House correspondent Jon Decker, he'll at least be able to save some money on representation. Decker was sworn in Monday to the D.C. bar, making him, so far as Morning Media knows, the only lawyer in the White House press corps."

-- MONICA DRAKE has been elevated to assistant managing editor at The New York Times. She previously ran the paper's travel section.

SPOTTED: Tom Perez on an American Airlines flight this morning from DCA to Pittsburgh

TRANSITIONS -- Risa Lavizzo-Mourey and **Michael Steele** have joined the border of directors of the Bipartisan Policy Center. ... **Grace Stuntz** will serve as health policy director, **Bob Moran** will serve as education policy director, and **Andy Banducci** will serve as labor and pensions policy director for the majority staff on the Senate HELP committee.

WEEKEND WEDDING -- Craig Brownstein, an Edelman alum now at the World Resources Institute, on Sunday married **Doug Johnson,** a broadcaster at Voice of America. They met in 1996 while both were working at C-SPAN. "It was at our favorite pizza spot on 14th Street, Vetri, and one of our very best friends, David Greer, was the officiant. It caught the restaurant staff completely by surprise and they treated us to champagne, desserts and plenty of hugs." ***Pic*** http://politi.co/2ip5hke ... ***The rings*** http://politi.co/2BMs2aw

BONUS BIRTHDAY: Paige Handley, research associate at Senate Majority PAC (hat tip: Justine Turner, who was on time)

****** **A message from PhRMA**: In the competitive marketplace for medicines, negotiations between pharmacy benefit managers (PBMs) and biopharmaceutical companies result in substantial rebates and fees. According to a new report, in many cases, this system often creates incentives for PBMs to prefer medicines with higher list prices and higher rebates. Read more about how money flows through the supply chain here: http://onphr.ma/2kgd6Nu ******

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Energy and Climate Report

October 03, 2017 - Number 191

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News

Air Pollution

EPA Opts for Pollution Trading Over Emissions Controls in Texas

Eight Texas coal-fired power plants can join an air pollution trading program instead of installing expensive new sulfur dioxide controls, the EPA said as part of a rule aimed to improve visibility in the state.

Climate Policy

Fortum's Bid for Uniper Stake Seen Spurred by Carbon Reform

Fortum Oyj's bid for a stake in German utility Uniper SE is partly a bet that the European Union will finally succeed in fixing its environmental policy.

Climate Policy

New York City Climate Plan Calls for Efficient Buildings, Electric Cars

New building standards and more electric vehicle fast chargers are part of New York City's new three-year plan to meet Paris Agreement greenhouse gas reductions—even if the country as a whole does not.

Climate Regulation

Utilities Coalesce Around Plan for New Carbon Dioxide Standards

Ameren Corp. and Entergy are among the utilities urging the EPA to rewrite its carbon dioxide pollution standards for power plants rather than scrapping the rule outright as the Trump administration repeatedly has suggested.

Energy

Energy Grid Rule Moving Fast, Despite Industry Pushback

A proposal that could prop up failing coal and nuclear plants was put on fast forward by the Federal Energy Regulatory Commission, despite concerns among renewable energy, natural gas and oil trade industries that it will greatly distort the wholesale energy markets.

Hydraulic Fracturing

Scotland's Fracking Ban Cheers Public, Distresses Investors

Public opposition prompted Scotland to re-up its ban on hydraulic fracturing, effectively

blocking energy firms from tapping the U.K.'s northernmost country's shale for oil and gas.

Mining
Backers of Good Samaritan Coal Mine Cleanup Bill Look to Senate
A group of conservationists and coal-state lawmakers is hoping for Senate passage for a bill that would let "good Samaritans" clean up old mine sites without fear of legal liability.

Mining
Peru's Dream of Usurping Copper King Chile Faces Roadblocks
The biggest obstacle to Peru's dream of some day supplanting Chile as the world's biggest copper producer may be Peru itself.

Mining
Trump's EPA Asks Drillers, Miners for Advice on Regulating Them
President Donald Trump's Environmental Protection Agency is asking miners, oil drillers and manufacturers to collaborate with the government on how to regulate their industries.

Natural Gas
These Suburbanites May Have No Fracking Choice
When Bill Young peers out the window of his $700,000 home in Broomfield, Colo., he drinks in a panoramic view of the Rocky Mountains. Starting next year, he may also glimpse one of the 99 drilling rigs that Extraction Oil & Gas Inc. wants to use to get at the oil beneath his home.

Renewable Energy
Trump Isn't Acting on Verbal Attacks Against Wind, Dong Says
President Donald Trump's threats against wind energy have so far proven empty, according to an industry giant that expects to grow in the U.S.

Trade Policy
Suniva Seeks 'Buy American' Mandate for Federal Solar Purchases
The U.S. government should purchase power from only American-made solar panels at military bases or in other projects, solar manufacturer Suniva Inc. told a trade panel, adding a new wrinkle to its bid for protection from imports.

Water Infrastructure
Improved Desalination Technology Seeks to Quench World's Thirst
Desalination, long rebuffed as a costly energy guzzler with a heavy carbon footprint, could become a cheaper, cleaner, more energy-efficient solution to the global water crisis—provided initial cost barriers can be overcome.

Water Pollution
Costly Coal Ash Cleanup Order at Gallatin Spurs TVA Appeal
The estimated $2 billion it could cost the Tennessee Valley Authority to dig up and move coal ash from its Gallatin, Tenn., site, as required by a federal court, has prompted the power authority to challenge a court order.

Practitioner Insights

Energy

Practitioner Insights: Leading by Example—Energy Reporting in Italy

The European Commission's 2012 Energy Efficiency Directive failed to deliver on its bold vision. This is evident even as its 2020 due date remains more than two years away.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 8/28/2017 8:16:32 PM
Subject: Aug. 28 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Grid Study Resurrects Debate Over Utility Air Pollution Permits

Posted August 28, 2017, 7:31 A.M. ET

By Abby Smith and Dean Scott

The Energy Department's electric grid study is reviving debate over possible changes to Clean Air Act permitting requirements, underscoring industry arguments that the regulations limit coal-fired power plants' ability to improve efficiency.

The grid study commissioned by Energy Secretary Rick Perry, released Aug. 23, makes a number of suggestions to boost baseload power, including changes to wholesale energy markets to better value the reliability and resiliency that supporters argue coal and nuclear provide. But the study also suggested that environmental regulations are a hurdle for utilities that want to modify their coal-fired plants to boost efficiency, identifying the EPA's New Source Review (NSR) program as an "important concern."

That program requires manufacturing facilities, power plants, and other industrial facilities to obtain a permit before beginning construction on new facilities, as well as for "major modifications" to existing plants. The grid study suggests uncertainty over those permitting requirements "discourages" utilities from retrofitting plants with carbon capture equipment or investing in efficiency improvements.

"Ironically, the uncertainty surrounding NSR requirements has led to a significant lack of investment in plant and efficiency upgrades, which would otherwise lead to more efficient power generation, benefits to grid management, and reduced environmental impacts," Energy Department staff wrote in the study.

Any effort to ease Clean Air Act permitting requirements would be strongly opposed by environmental advocates. But the Trump administration wouldn't be the first to tackle New Source Review requirements over those objections: the Environmental Protection Agency under President George W. Bush tried to overhaul the permitting regulations, but their changes were ultimately set aside by a federal appeals court.

Several companies, such as Missouri-based utility Ameren Corp. and a coalition that includes BP America and Koch Industries, encouraged the Trump administration to alter New Source Review requirements as a part of a strategy to boost domestic manufacturing.

Ameren Missouri, in an email statement provided to Bloomberg BNA, said the Energy Department's report "correctly highlights problems" with the permitting program.

"Rather than encourage efficiency projects, which reduce emissions including greenhouse gases, past administrations have targeted boiler and turbine projects that improve efficiency, thereby deterring those beneficial projects," Ameren said. "The EPA should reaffirm how and when a project triggers NSR review and that emission calculations must account for efficiency improvement."

Legitimate Hurdles to Efficiency?

There are some obvious reasons why the EPA's interpretation of its permitting authority raises costs for power plants and delays investments that would improve plant efficiency, according to John Graham, who worked as administrator of the Office of Management and Budget's Office of Information and Regulatory Affairs under Bush.

"You start with the basic economic theory, that NSR raises the anticipated cost of making energy efficiency investments because, one, delays in the approval processes, and two, the possibility of additional expenditures triggered by NSR," Graham told Bloomberg BNA in a statement.

A 2005 National Research Council report found that using economic incentives to improve emissions control, rather than a "command and control" regulatory approach, "would cut the costs of compliance by about a third without any compromise in emissions controls," Graham said.

Jeff Holmstead, who served as the EPA's assistant administrator for air and radiation from 2001 through 2005, said environmental groups that oppose changes to the permitting program are ignoring the real-world experience of power plants that have tried and failed to negotiate the regulatory hurdles.

"There is no doubt that the threat of NSR discourages plants from making energy efficiency improvements," Holmstead, who now heads Bracewell LLP's environmental strategies group, told Bloomberg BNA. "If you look at all the NSR enforcement cases brought against coal-fired power plants, it's in large part because efficiency was being sought" through improvements by utilities, which were deemed a significant plant modification, he said.

Holmstead and Graham were among the authors of a recent paper suggesting changes that they say would address industry concerns with the permitting program while maintaining the environmental benefits.

Climate Rule Rewrite

One of industry's solutions is to have the EPA revise its new source requirements in conjunction with what many expect to be a scaled back "replacement rule" for the Obama administration's Clean Power Plan, Holmstead said.

The EPA under Bush tried a similar fix—opting to exclude pollution control projects from new source requirements—but its revision was struck down in a 2006 ruling by the U.S. Court of Appeals for the District of Columbia, New York v. EPA.

Several labor groups, including the United Mine Workers of America and the AFL-CIO, suggested the EPA couple New Source Review changes with a narrow replacement rule for the Obama-era

Clean Power Plan, which sought to curb carbon dioxide emissions from existing power plants.

According to a handout from a June 26 meeting with White House officials on Clean Power Plan repeal, labor groups pitched a replacement rule that would require only heat rate improvements from power plants. The groups argued that EPA also must "streamline" permitting requirements, which they indicated would open the door to "substantial efficiency improvements" and carbon emission reductions.

Allison Watkins Mallick, an environmental attorney with Baker Botts LLP in Washington, D.C., told Bloomberg BNA that revamping New Source Review is "certainly something [EPA] could address simultaneously" with revisions to the Clean Power Plan, though she did not speak to specific proposals.

In terms of New Source Review fixes, Mallick pointed to a shift in how EPA determines whether emissions increase. Generally, a source triggers permitting requirements if it undertakes modifications that result in increased air pollution.

Regulatory Changes Needed

Mallick said the way the EPA currently measures an increase in emissions is by focusing on overall emissions.

"One thing they might consider changing as part of NSR reform is instead of looking at increases in overall tonnage," the agency could instead look at "emissions rates, similar to how it does in" new source performance standards.

This shift wouldn't require a change to the Clean Air Act, she said. The Bush EPA proposed to make such a change, but didn't follow through on that.

"That hasn't been reviewed by the courts," Mallick said, adding there is "no case law specifically limiting" that change.

But Mallick also noted a challenge to any reform effort would be the EPA's bandwidth to undertake such a significant rulemaking effort. She cautioned that while the EPA could link Clean Power Plan revisions and New Source Review changes, that could require more time because of split resources.

The EPA will have to weigh "how this fits in with other competing regulatory priorities," Mallick said.

Carbon Capture Barriers

Holmstead said there may be comparatively less support for the grid study's portrayal of permitting requirements as a major hurdle for carbon capture and storage projects.

That issue is "all about cost," he said, noting that current incentives to capture and store haven't been enough to spur widespread deployment.

New source requirements are "not one of the top reasons for not moving forward" on carbon capture, Holmstead said, although they could be more of an issue if more projects are built. Because capturing carbon eats into the efficiency of a power plant, utilities could opt to produce more power, and thus emit more pollution, to offset the "parasitic" drain on power from carbon

capture, he said.

On whether NSR permitting is an obstacle to deploying carbon capture and storage technologies, Graham said a carbon tax would be the most efficient way to support such efforts.

Mallick noted that any installation of carbon capture equipment constitutes a "physical change" that could potentially put the plant "into the land of NSR applicability."

Nonetheless, "technological barriers are significant, if not more significant," than the regulatory hurdle New Source Review poses, she said.

Skepticism of Actual Burdens

Environmental advocates who were involved in the legal fight over the Bush administration's push to revamp the permitting program are skeptical of the grid study's arguments.

"It seems as though the Department of Energy has skipped that part of history," Ann Weeks, legal director for the Clean Air Task Force, told Bloomberg BNA.

The grid study cites several sources that pre-date that court decision, including a 2002 EPA report which proposed New Source Review changes and a 2003 report from the American Enterprise Institute, an industry-funded think tank.

None of the grid study's arguments over New Source Review are new, Weeks said. But, she suggested the Trump administration felt the need to bring them up again in order to advance the president's pro-coal agenda.

"What it all boils down to is [industry arguing], 'We don't want to clean up our dirty coal plants,'" Weeks said. If the Trump administration tries "to do the same kinds of [reforms to New Source Review] with the same lack of basis that the Bush administration did, I would imagine we will meet them in the same place and have the same conversations."

Weeks said power plant efficiency improvements generally shouldn't trigger New Source Review requirements and said the "only thing" easing New Source Review requirements would do is "tell the people who live near these facilities and breathe the pollution that they don't matter."

In addition, reducing regulatory requirements wouldn't "guarantee" an improved outlook for coal, Weeks said.

"The main reason coal has fallen in the last number of years is because natural gas prices are so low," she said. "Blaming [New Source Review] for all those problems is a little silly."

Trump Taps Democrat for New Term as Nuclear Regulator

Posted August 28, 2017, 10:46 A.M. ET

By Alan Kovski

President Donald Trump announced his intent to nominate Jeffery Baran to a new term on the Nuclear Regulatory Commission.

Baran, a Democrat, has been a member of the commission since 2014. If confirmed, he would start a new five-year term July 1, 2018.

Baran worked for the House Energy and Commerce Committee during 2009-2014 as a staff counsel and then Democratic staff director for energy and environment. He was a counsel to the House Oversight and Government Reform Committee from 2003 to 2008.

His priorities since joining the commission have included, among other things, implementation of safety lessons learned from the 2011 failures of the Fukushima Daiichi nuclear power plant in Japan. The White House announced Trump's intent to nominate him late Aug. 25.

Baran is one of three current members of the NRC, along with Chairman Kristine Svinicki, a Republican, and Stephen Burns, an independent.

Two more Republicans, Annie Caputo and David Wright,have been nominated to the five-member commission. The Senate Environment and Public Works Committee approved their nominations, and they await votes by the full Senate. Caputo is an energy policy adviser to the Environment and Public Works Committee, and Wright is a former chairman of the South Carolina Public Service Commission.

Corporate America May be Best Hope to Re-Engage Trump on Climate

Posted August 28, 2017, 8:03 A.M. ET

By Dean Scott

You'd think U.S. companies would be ready to throw in the towel after they failed to sway President Donald Trump to stay in the landmark Paris climate pact.

But companies that favor U.S. engagement on climate are exploring ways to push the White House to re-think its approach to climate change and clean energy. They include bolstering formal business alliances; working with California and other states whose governors seek to engage business on the issue; and trying to reframe the climate discussion by using terms such as "more resilient infrastructure" in place of "adaptation."

Corporate voices are considered the last, and perhaps only, hope of getting Trump to focus on climate impacts at home and get him back to negotiations in climate talks abroad after his announcement June 1 that he is pulling the U.S. out of the Paris Agreement.

Dozens of Fortune 500 companies want to ensure they aren't left outside the room in future talks that could impact whether their renewable energy and low-carbon technologies are able to compete with the more than 195 nations still in the pact.

Nothing in the work toward addressing climate "is as impressive as our business leaders saying we need America back at the table," said Sen. Ben Cardin (D-Md.), the top Democrat on the Senate Foreign Relations Committee.

'Lead By Example'

Microsoft, which urged the Trump administration not to abandon the Paris agreement, seeks in the wake of Trump's decision "to lead by example," Rob Bernard, Microsoft's chief environmental

strategist, said in a statement to Bloomberg BNA.

The technology giant wants to invest in more renewable energy to power its global data center operations and expand its use of an internal carbon fee, which it began in 2012 to make its data centers, offices, manufacturing, and other business units accountable for their contributions to the company's overall carbon footprint.

BP, which along with others in the energy sector such as Exxon Mobil, Chevron, and Shell backed the Paris climate pact, sees climate change as "an important long-term challenge justifying global action" in the wake of Trump's decision to pull out of the Paris deal, and it continues to back an economywide price on carbon, BP America said in a statement to Bloomberg BNA.

The company said it will continue to back increased production of natural gas, which is less carbon-intensive than oil or coal, and support more innovation in carbon-mitigation technologies.

Other large companies are part of the Center for Climate and Energy Solutions' Business Environmental Leadership Council, a group of mostly Fortune 500 companies launched in 1998 to back mandatory climate policies. Earlier this month, the group's members—which include Bank of America, Duke Energy, and Berkshire Hathaway Energy—were joined by Amazon, which the council said was the leading U.S. corporate purchaser of renewable energy last year.

"It has never been more important to bring business leaders together with policymakers to explore pragmatic steps toward a clean energy future," Bob Perciasepe, the center's president, said in a statement.

Beyond those corporate efforts, a total of 14 states including California, New York, Rhode Island, Virginia, and Washington also have launched the U.S. Climate Alliance, pledging to fill the gap from the federal retreat on climate.

California Gov. Jerry Brown (D) has announced plans to host a September 2018 international climate summit in San Francisco in which he envisions entrepreneurs, world leaders and others exploring solutions. And the nonprofit Climate Group will host Climate Week NYC in New York Sept. 18 to 24 featuring business leaders and others to advocate for climate action to coincide with the annual UN General Assembly.

Reframing the Discussion

Some say reframing the discussion could help in pushing policies that ensure roads, bridges, and other projects are better able to weather sea level rise, more flooding and higher temperatures.

"The data shows that as we get temperature increases, we get more cracking potholes, increased flooding, and you end up with more infrastructure loss," Lisa Grice, global director of sustainability services at the Ramboll Environ, an environmental consulting firm, told Bloomberg BNA.

The Trump administration is more likely over time to be receptive to ideas that benefit the clean energy industry or bolster reliability of the power grid if framed not so much as climate-friendly projects but rather "wins for driving jobs or providing other economic value," according to Grice, who worked during the Bush administration to launch the Environmental Protection Agency's Climate Leaders program, which recognized voluntary corporate action on climate.

"You need to think of these as climate change tactics," she said, such as completing infrastructure projects that the administration can tout as simply making good on Trump's pledge for improved

roads and bridges. They may include what Grice calls improved "asphalt road resiliency" that—without directly mentioning climate change—will shore up defenses against climate impacts.

Some of that change in terminology may appear subtle at first but is likely necessary, according to Grice, who said a preference for the more neutral-sounding term of "resiliency" over climate adaptation is already underway.

"We have a challenge not just from extreme storm events but also a combination of typical storm events with modest sea level rise, which also creates all kinds of property loss and impacts and elevates the cost of climate adaptation," Grice said. "Finding a way to frame the federal government as a hero or savior would really appeal to this administration" if it could point to progress in shoring up communities from those threats, even as it will likely do so without even mentioning climate, she said.

"Now, the more individual companies can help frame anything that the federal government is doing around, say, energy efficiency, renewable energy, or climate resilience as a win for driving jobs or other economic value will incentivize this administration to do more," she said.

No Letting Up

The Trump administration so far has shown no signs of letting up on its campaign against climate policies, from ending overseas climate aid to rolling back Obama administration rules cutting vehicle and power plant greenhouse gas emissions.

A coordinated business campaign to keep the U.S. in the Paris deal also didn't sway Trump. About 1,000 companies and investors urged the president to stay, including U.S. industry leaders in technology, energy, health, and manufacturing such as Apple, Google, Facebook, HP, Intel Corp., Blue Cross Blue Shield of Massachusetts, Johnson Controls and Mars Inc.

More recently, climate-friendly corporate voices may also have to overcome what appears to be a growing schism between some corporate leaders and Trump over his response to a white supremacist rally in Charlottesville, Va., earlier this month. Trump disbanded two advisory groups made up of CEOs—the Strategy & Policy Forum and the Manufacturing Council—but only after corporate chiefs began resigning.

Also scrapped: an Advisory Council on Infrastructure, which Trump only created in mid-July to advise him on his $1 trillion infrastructure plan. Among the projects the infrastructure panel was to make recommendations on were two that could impact the U.S. carbon footprint: renewable energy generation and electricity transmission.

The Trump administration argues that it isn't losing a seat at the table in international climate talks even as it walks away from the Paris deal because it can continue in negotiations under the parent treaty to the Paris deal, the UN Framework Convention on Climate Change. Even with Trump's announcement, the U.S. cannot technically withdraw from the Paris pact for four years, a span that gives U.S. companies and other supporters years to push Trump to reconsider his withdrawal.

Still Prodding Trump to Tweak Pledge

Some continue to argue that Trump can address much of his concern by taking advantage of flexibility in the Paris accord that allows nations to adjust their pledges to curb greenhouse gas emissions. That would allow Trump to pare back the U.S. pledge Obama made to the Paris deal, which is to cut emissions up to 28 percent by 2025 from 2005 levels.

"Rather than withdrawing from the agreement, a process that will take several years to accomplish, the U.S. is free to adjust its commitment if the [Trump] Administration feels the original commitment is inappropriate," Stephen Harper, Intel Corp.'s global director of environment and energy policy, said in a statement to Bloomberg BNA.

"The Paris process will also provide a forum for countries to strike additional bi- and multilateral deals on technology transfer, particularly in the area of renewables and alternative energy," Harper said.

"U.S. companies will lose business if we are not part of such deals," he said, and the specter of a U.S. withdrawal from a deal signed by more than 190 parties could isolate it from world efforts to confront global warming and develop the renewable energy technologies those nations will need for such a global effort, he said.

Staying outside what is now a "virtually global effort to address climate change could make it vulnerable to border taxes and other trade retaliation by countries who are part of that effort," Harper said, and such policies "would punish U.S. exports and our economy."

'Open to Re-Engaging'

Trump "is open to re-engaging in the Paris Agreement if the United States can identify terms that are more favorable to it, its businesses, its workers, its people, and its taxpayers," according to a State Department statement issued Aug. 4 as the U.S. notified the UN of its plans to withdraw. One theme the Trump administration intends to bring to future climate change negotiations, according to the statement, is finding ways to help other countries "access and use fossil fuels more cleanly and efficiently."

Myron Ebell, energy and environment director at the Competitive Enterprise Institute, who favored withdrawal from the Paris accord, said he reads any hint of a renegotiation as little more than a token acknowledgment to those in the Trump camp who favor international engagement.

"The president has clearly said that the only deal the U.S. would be interested in doing would be one that would serve America's interests," Ebell said. "As he has defined it, America's interest is to be the world's largest energy producer and to become one of the major coal, oil, and liquefied natural gas exporters in the world."

Too Much Wind? Harvey Could Overpower Texas Wind Generation

Posted August 28, 2017, 7:44 A.M. ET

By Brian Eckhouse, Christopher Martin and Ryan Collins

One of the worst things that can happen to a wind farm is too much wind.

Hurricane Harvey was packing top winds of 115 miles an hour Aug. 26, according to a National Hurricane Center advisory. That's more than twice the 55 miles-an-hour speed that prompts many turbines to shut off. The result: The storm could knock out between 2.1 and 3.6 gigawatts of power near the Texas coast, according to Bloomberg New Energy Finance.

Wind-farm operators have been bracing for days. Avangrid Inc., the New Haven, Connecticut-based

power company, evacuated all personnel from its wind farm complex on the South Texas coast, a spokesman said in an email.

"The problem with this hurricane is they don't see it trailing off in any direction so it's just going to hover," said Jeff Ferguson, the Magnolia, Texas-based senior vice president of project development at Apex Clean Energy Inc. "So it could be next week for the winds to diminish adequately so we can resume normal operations."

Production was set to peak in the late Aug. 25 and taper off as turbines automatically begin to shut down, according to Simon Mahan, a director at Southern Wind Energy Association. Turbines generally aren't designed for hurricane risk, said Alex Morgan, a New York-based analyst at BNEF.

"They'll pitch down and yaw into the wind, which allows them to safely pinwheel," said John Martinez, director of operation at Pattern Energy Group Inc., which owns the 283-megawatt Gulf Wind farm in Kenedy County. "This way the blades don't flex, which can be damaging. The turbines are designed to automatically do that."

Least Worrisome

Wind power may be the least of the region's power-market worries. If hundreds of thousands of people lose power as is expected, it doesn't matter whether the wind farms are running or not, because they'd have nowhere to send the electricity generated. It's the very reason why power and gas are trading down.

"With gas plentiful and load down, I suspect the lack of wind won't matter at all," Cody Moore, the Houston-based president of BioUrja Group's power trading division. "I'd be more concerned with the safety of the turbines than any need for load."

Texas easily boasts the most wind capacity among U.S. states, about 21 gigawatts, or one-quarter of national capacity, according to the American Wind Energy Association. A majority of the wind is located in western Texas, which Genscape Inc. expects won't be greatly affected by Harvey.

The 3.6 gigawatts of capacity installed in the south power zone of the Electric Reliability Council of Texas is a different matter. About 2.1 gigawatts is directly along the coast.

"As that storm starts coming onshore, there's a good chance winds will exceed 55 miles per hour," Michaella Farese, a Boston-based meteorologist and demand forecaster at Genscape, said in an interview Aug. 25.

—With assistance from Naureen S. Malik and Bob Brennan.

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Energy Regulator Makes First Move in Months, OKs Nexus Pipeline

Posted August 28, 2017, 11:15 A.M. ET

By Catherine Traywick and Mark Chediak

DTE Energy Co. and Enbridge Inc. won U.S. approval to build the $2 billion Nexus natural gas pipeline in the Midwest, ending a review that lasted almost two years and forced delays to the

project.

The 257-mile (413-kilometer) pipeline will transport 1.5 billion cubic feet a day of Appalachian gas to Ohio, Michigan, Illinois and Ontario. The Federal Energy Regulatory Commission approved the project Aug. 25. It's the first major pipeline the agency has authorized since the February resignation of then-Chairman Norman Bay, whose departure left the commission without the quorum needed to make major decisions.

The approval spares Nexus developers further delays, after being forced to push the project's in-service date into 2018. DTE Chief Executive Officer Gerard Anderson said in July that two-thirds of the pipeline's capacity had been contracted, with more commitments expected once construction begins. He said the delay wouldn't affect its earnings projections.

DTE and Enbridge can begin preparations to start construction in order to get the pipeline into service in 2018, the companies said in a joint email statement. A more precise in-service date will be provided after the companies review the U.S. order, they said.

The developers expected the pipeline to be approved in February, prior to Bay's departure. FERC approved three other major natural gas lines during Bay's final days: Williams' $3 billion Atlantic Sunrise pipeline, National Fuel Gas Supply Corp.'s $455 million Northern Access project and Energy Transfer Partners' $4.2 billion Rover line.

The pipeline will take 7 to 10 months to build, Chief Operating Officer Jerry Norcia said during a July earnings call.

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China Power Behemoth Born as Shenhua, Guodian Merger Approved

Posted August 28, 2017, 02:51 P.M. ET

By Bloomberg News

China is creating the world's largest power company.

The government of President Xi Jinping approved the merger of Shenhua Group Corp., the country's top coal miner, with China Guodian Corp., among its largest power generators, the State-owned Assets Supervision and Administration Commission said Aug. 28. With assets of 1.8 trillion yuan ($271 billion), the new entity will be the world's second-biggest company by revenue and largest by installed capacity, according to Bloomberg New Energy Finance.

The Shenhua-Guodian tie-up could be the first of a handful of mergers in China's power industry as top policy makers try to cut industrial overcapacity and the number of state-owned enterprises. The announcement concludes months of speculation about the combination, first reported by Bloomberg in June.

"People have been waiting for the other shoe to drop," said Tian Miao, a Beijing-based senior analyst at Sun Hung Kai Financial Ltd. "This confirms the direction of state-owned enterprise reform, with companies in the same industry merging to reduce redundant investment and improve

efficiency."

Neither Shenhua nor Guodian's Beijing-based spokesmen answered calls to their offices seeking comment or replied to emailed questions. About three hours before Sasac's one-sentence statement was released Aug. 28, Ling Wen, Shenhua's acting chairman, told reporters in Hong Kong that the company still hadn't received merger approval.

The new company, expected to be called National Energy Investment Corp., will have installed capacity of more than 225 gigawatts, topping Electricite de France SA and Enel SpA, according to Frank Yu, an analyst at Wood Mackenzie Ltd. EDF, as the French generator is known, had net installed capacity of 137.5 gigawatts last year, according to a company presentation. Italy's Enel had total installed capacity of 83 gigawatts as of June 30, it said.

Mutual Benefits

Shenhua will be able to lower its reliance on coal-fired capacity, currently about 90 percent, by gaining some of Guodian's clean energy assets, Yu wrote in a research note earlier this month. Guodian, meanwhile, will be able to benefit from Shenhua's coal supply and price risk management, as well as its integrated infrastructure of railways, harbors, and ships.

As part of the merger, China Shenhua Energy may acquire Guodian's Shanghai-listed GD Power Development Co., Bloomberg news reported in late June. GD Power trading has been suspended since June 5, as have China Shenhua Energy's Shanghai shares.

Shenhua had 1.014 trillion yuan in assets, it said in a report in June, and its listed unit produced about 290 million tons of coal last year. Guodian had total assets of 803 billion yuan, according to a statement from the company posted by state-backed industry group China Electricity Council. Shenhua had 82 gigawatts of generating capacity, while Guodian had 145 gigawatts, according to BNEF.

Coal & Renewables

Xi's government also is seeking to lower the country's reliance on coal power and increase the use natural gas, as well as wind, solar, hydropower, and nuclear. The generation capacity of the merged company will be 23 percent renewables, according to BNEF.

"This is crucial for Shenhua since due to new changes, wind, solar, nuclear and hydro generation hours are still guaranteed by regulators, while coal generators must increasingly compete in liberalized wholesale markets," BNEF analyst Sophie Lu wrote in an Aug. 9 report. "This is only one in a series of megamergers China plans for power sector consolidation."

The government also may seek a way to bundle nuclear power generators into the megamerger mix, according to Wood Mackenzie's Yu.

"The ultimate goal is to form bigger energy companies that can hedge against market risks between coal and power," Yu said. "Or they can sell their nuclear technology or their coal-power technology to emerging markets in Asia. That's what the government wants to promote."

China Huaneng Group, the country's biggest coal-fired power producer, may merge with State Power Investment Corp., a coal-fired generator that also owns State Nuclear Power Technology Corp., Bloomberg reported in May. SPIC Chairman Wang Binghua said in July that the company is in contact with Huaneng Group about a restructuring and "something big may happen later."

China Huadian Corp. and China Datang Corp. are the remaining two of China's big-five state-power generators.

—With assistance from Francois de Beaupuy and Chiara Albanese

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Virtual Currency May Boost Australia's Grassroots Solar Trade

Posted August 28, 2017, 7:55 A.M. ET

By Jason Scott

An Australian company is introducing its own version of bitcoin that will let homeowners and businesses sell excess energy generated from their rooftop solar panels to neighbors, without a middleman taking a cut.

As of Aug. 28, Perth-based Power Ledger had sold about 57 percent of the 100 million so-called "power tokens" offered at 8.8 U.S. cents a piece since Aug. 27. A $25,000 cap has been installed to discourage large entities from controlling the market.

"This will make solar panels more viable financially and improve efficiency in the energy market," Jemma Green, the company's co-founder and chair, said in an interview. "It will also allow mum-and-dad investors who want to support renewable energy to buy small stakes in large-scale, community-owned solar projects."

According to a RenewEconomy report in April, Australia's solar power capacity "is expected to double over the next few years as households continue to invest in rooftop panels to reduce electricity bills and the large-scale solar sector takes off after years of promise."

About 5.6 gigawatts of the nation's total solar capacity of 6 gigawatts comes from rooftop panels, with the balance derived from large-scale projects, according to RenewEconomy. While at this stage they only meet about 3.3 percent of the nation's total energy demand, the panels are on 21 percent of suitable Australian rooftops, the highest penetration of rooftop solar in the world, it said.

The tokens being issued by Power Ledger, started in May 2016, will also let solar farms sell electricity to individual customers, and apartment buildings and offices trade energy from their rooftop solar panels, Green said.

Blockchain Technology

To facilitate the trades, the company developed its own blockchain technology, which uses a distributed ledger to facilitate settlements without an intermediary. Blockchains are now being used for everything from concert ticket sales to distributing medical records confidentially and issuing catastrophe bonds.

"The internet revolution has given us lots of ways of sharing information, but distributing it in a controlled way has previously been elusive," Green said. "Blockchains are a way to ensure there's only one true copy that can't be altered and can be passed around among peers."

Power Ledger is also selling another tranche of tokens at a price yet to be disclosed. About 90 million of the 250 million tokens in that tranche have been sold.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 9/1/2017 1:12:09 AM
Subject: Aug. 31 -- Energy and Climate Report



Energy and Climate Report

August 31, 2017 - Number 169

News

Climate Policy
New England, Canada Strive for Deeper Greenhouse Gas Cuts
New England and eastern Canadian provinces will lean more heavily on renewable energy, electricity conservation, and zero-emissions vehicles as they aim for deeper greenhouse gas reductions.

Energy
Auto Industry to Absorb Costs for Clean-Car-Production Federal Loans
The Trump administration's Energy Department wants automakers to shoulder the costs associated with loans that help the industry produce high-efficiency and electric vehicles.

Energy
Harvey's Roar Rumbles Half a World Away as Propane in Asia Jumps
Asian buyers of liquefied petroleum gas are already paying for disruptions half a world away in Texas as record rainfall halted shipments of propane and butane from ports that handle more than 90 percent of U.S. exports to the region.

Enforcement
Engineer Gets Prison Term For Conspiring with China on Nuclear Materials
A nuclear engineer charged with illegally conspiring to develop and produce nuclear materials in China was sentenced to two years in prison, the FBI announced.

Hydraulic Fracturing
Harvey's Floods Could Delay 10 Percent of U.S. Fracking: Analyst
As much as 10 percent of U.S. fracking work could be delayed after Hurricane Harvey ripped through southeast Texas, home to one of the nation's busiest oilfields, according to Raymond James & Associates financial advisory.

Oil & Gas
Bankrupt Black Elk Energy Convicted for Offshore Explosion
Black Elk Energy Offshore Operations LLC, a bankrupt company, has been convicted of eight felony violations and a misdemeanor in connection with a 2012 explosion that killed three workers and injured several others on an offshore oil production platform in the Gulf of Mexico.

Oil & Gas
Energy Transfer's Delayed Rover Pipeline Cleared to Start
Energy Transfer Partners LP got cleared Aug. 31 to start the first part of its controversial

Rover pipeline, a $4.2 billion system that will deliver natural gas from the shale formations of the eastern U.S. to market.

Oil & Gas

Millennium Pipeline Needs Greenhouse Gas Analysis, New York Says

A proposal for a short natural gas pipeline in New York has been denied water quality permits partly because the Federal Energy Regulatory Commission (FERC) did not account for downstream greenhouse gas emissions when approving the project.

Oil & Gas

U.S. East Coast Drivers to Feel Harvey Fury at Gasoline Pump

Motorists from Maine to Florida will soon feel the wrath of Hurricane Harvey without seeing a single raindrop.

Renewable Energy

Australia's Digital Currency Opens Avenues for Renewables Trading

An Australian company developed a digital currency designed for peer-to-peer trading among businesses and homeowners looking to sell surplus renewable energy.

Renewable Energy

Brazil Plans to Offer Up to 9 Gigawatts in Energy Auctions

Brazil is planning to award contracts for as much as 9 gigawatts of new generating capacity in a pair of power auctions scheduled for December, according to a person with knowledge of the process. The bulk is expected to go to wind farms.

Renewable Energy

China's Ex-Im Bank Backs Azerbaijan Wind With $460 Million Loan

The Export-Import Bank of China will finance a 500 million-euro ($460 million) wind farm in the Caspian Sea off the coast of Azerbaijan as the third-biggest crude oil producer in the former Soviet Union taps clean energy to supply its domestic energy needs.

Renewable Energy

Germany to Cut 2018 Onshore Wind Aid After Additions Exceed Cap

Germany will cut subsidies paid to onshore wind farm owners from January after additions surpassed an industry cap, the Bnetza power regulator said.

Renewable Energy

Harvey Pushed This Texas Wind Farm All the Way to the Max

For a wind farm in the path of a hurricane, location matters.

Renewable Energy

Japan Environment Ministry Asks for $2.9B to Boost Clean Energy

Japan's Ministry of Economy, Trade and Industry is seeking to allocate 323 billion yen ($2.9 billion) to expand the use of low-carbon energy sources for the year starting April 1, an increase of nearly 7 percent from the previous year.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 10/11/2017 12:41:10 AM
Subject: Oct. 11 -- Daily Environment Report



Daily Environment Report

October 11, 2017 - Number 195

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Leading the News

Air Pollution

Axing Power Plan Health Benefits May Signal EPA's New Tack

The Trump administration downplayed the health benefits of reducing power plant emissions in its proposal to rescind the Obama EPA's signature climate change regulation, a policy shift that could have implications for various air pollution control programs.

Climate Regulation

Clean Power Plan Only First Target for Foes of Climate Rules

Scrapping an Obama-era plan to cut carbon emissions from power plants doesn't prevent the EPA from revisiting its authority even to regulate greenhouse gases, conservative opponents of climate regulation said.

Climate Regulation

Coal Gets Nod Over Renewables in Repeal of Clean Power Plan

The Trump administration began the process Oct. 10 of repealing former President Barack Obama's plan to cut greenhouse gas emissions from power plants, opening a small window for a revival of coal while prolonging uncertainty over the U.S. electricity mix.

International Climate

Timing of Power Plan Repeal a Message to Global Climate Talks

Scrapping carbon dioxide limits from U.S. power plants should be viewed as "a provocation" to more than 190 countries just weeks before they meet in Bonn, Germany, to advance an international climate change pact, a defender of the EPA's actions told Bloomberg BNA.

News

Air Pollution

No Tighter Limits for Pulp Mill Air Pollution, EPA Says

Pulp mills will see no changes to how much hazardous air pollutants and particulate matter they can emit, but will face new testing and monitoring requirements, the EPA said.

Climate Regulation

Trump Plays Down Health Hazard in Justifying Climate Rule Repeal

When President Barack Obama unveiled his plan to pare emissions from U.S. power plants two years ago, he stressed the long-term health benefits: 3,600 fewer premature deaths, 90,000 fewer asthma attacks in children and a decline in hospital visits.

Energy

British Columbia Shuns Oil Tankers in Favor of Gas Exporters

British Columbia's opposition to Kinder Morgan Inc.'s $5.8 billion oil pipeline expansion won't stop Canada's westernmost province from welcoming natural gas exporters.

Environment

Atlanta's Water Use Spawns SCOTUS Dispute

The U.S. Supreme Court will have to choose between green-lighting an economic disaster in Florida or crippling the city of Atlanta, after it agreed Oct. 10 to hear oral argument in a case pitting Florida and Georgia against one another (Florida v. Georgia, U.S., No. 142, Orig., argument granted 10/10/17).

Oil & Gas

Oil and Gas Companies Rebuild Their Financial Houses

Oil and gas companies are coming out of a phase of bankruptcy turnarounds with the help of asset sales, new capital infusions, new ownership, and strengthened cost controls.

Renewable Energy

Green Power a Victim of Own Success Down Under as Costs Plunge

Plummeting costs for renewable energy in Australia may tilt the government toward scrapping subsidies designed to encourage use of the technology.

Renewable Energy

Pruitt Seeks End to Wind Tax Credits to Help Coal Survive

Tax incentives for the wind industry should be eliminated, Environmental Protection Agency administrator Scott Pruitt said Oct. 9.

Shareholder Proposals

Investors Eye Climate Risk, Diversity for Coming Proxy Season

Board diversity and climate change will be prominent themes in shareholder proposals for the 2018 proxy season, corporate attorneys and proponents told Bloomberg BNA.

Sustainability

Australia Allows Buildings, Precincts to Be Certified Carbon-Neutral

Office-block tenants, real estate trusts and local governments are likely to be among the first to take advantage of changes to Australia's federal carbon-neutral certification program that now extend to buildings and precincts.

Sustainability

BlackRock Names Former Obama Aide to Run Sustainable Investing

BlackRock Inc., is bringing in a former senior Obama administration official to run fast-growing sustainable investment strategies at the world's biggest asset manager.

Water Pollution

High Court to Weigh Right Venue for Water Rule Lawsuits

The Case: The U.S. Supreme Court Oct. 11 will hear arguments in Nat'l Ass'n. of Mfrs. V. Dept. of Def. The case focuses on which federal court—district or appeals—is best suited to hear arguments over a regulation clarifying which waters are covered by the Clean Water Act.

Water Pollution

Scientists Find $1.8 Million Worth of Gold in Swiss Wastewater

Switzerland's gold refineries may want to consider starting a recycling program.

Water Pollution

Veteran Attorney Wades Back into Scrap Over Water Law's Reach

The veteran environmental attorney who first got the U.S. Supreme Court to question the reach of the nation's water quality law is returning to the court to pick up where he left off.

Correction

An Oct. 5 article, "Rhode Island Joins States to Ban Flame Retardants in Furniture," misstated the bill number of Rhode Island's flame retardant ban. The correct bill number is S. 166.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/30/2017 12:39:02 PM
Subject: Aug. 30 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

August 30, 2017 - Number 167

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Automobile and Light Truck Corporate Average Fuel Economy Standards
AIR

Notice of the National Highway Traffic Safety Administration announces the extension of the comment period for a July 26, 2017, notice of intent (82 FR 34740) to prepare an environmental impact statement for proposed corporate average fuel economy standards for model years 2022-2025 passenger automobiles and light trucks. NHTSA intends to issue a proposed rule that would specify attribute-based standards for passenger cars and light trucks for each model year with vehicle footprint as the attribute. It also would establish specific fuel economy targets based on vehicle footprint. A draft EIS will be made available concurrently with the proposed rule. Comments now are due Sept. 25, 2017. Contact: Ken Katz; NHTSA, Office of International Vehicle, Fuel Economy, and Consumer Standards; 202-366-4936; Ken.Katz@dot.gov. Citations: 49 CFR 531, 533

82 FR 41306 (08/30/2017)

Regulatory Update

AIR
Electric Motors and Small Electric Motors Test Procedures
AIR

Notice of the Energy Department announces the extension of the comment period for a July 31, 2017, notice (82 FR 35468) regarding a request for information for assessing potential revisions to the test procedures and exemptions for small electric motors last updated in July 2009. The DOE seeks comments on opportunities to minimize regulatory burdens under the existing procedures in conformance with Executive Order 13771 (82 FR 9339; 02/03/2017). The previous notice discussed potential test procedures for certain types of motors beyond those subject to existing requirements. The agency seeks information to assess whether such new test procedures should be established and requests comments on the benefits and burdens of adopting any industry/voluntary consensus-based or other appropriate test procedures without

modification. Comments now are due Sept. 13, 2017. Contact: Jeremy Dommu; DOE, Office of Energy Efficiency and Renewable Energy; 202-586-9870; ApplianceStandardsQuestions@ee.doe.gov. Citations: 10 CFR 431, Subpart X

82 FR 41179 (08/30/2017)

Regulatory Update

AIR

Rhode Island SIP/Interstate Transport Good Neighbor Provision
AIR

Proposed rule of the EPA would approve revisions to the Rhode Island SIP regarding the good neighbor provisions of the 2010 primary sulfur dioxide (SO2) and 2010 primary nitrogen dioxide (NO2) NAAQS. The agency proposes to approve the state's demonstration that it is meeting its obligations concerning the transport of SO2 and NO2 emissions into other states. Comments are due Sept. 29, 2017. Contact: Donald Dahl; EPA Region 1; 617-918-1657; dahl.donald@epa.gov. Citations: 40 CFR 52

82 FR 41197 (08/30/2017)

Regulatory Update

COASTAL ZONE

Florida/Gulf Coast Ecosystem Restoration Council Initial Funded Priorities List
COASTAL ZONE

Notice of the Gulf Coast Ecosystem Restoration Council announces a proposed amendment to the initial funded priorities list, required by the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) Act. The list specifies the initial activities that the council proposes to prioritize for funding and further consideration in watersheds across the gulf. The amendment would approve approximately $1.32 million in implementation funding for the Robinson Preserve Wetlands Restoration Project in Bradenton, Fla. The amendment also would reallocate $470,910 from planning to implementation for the project. The funds would support the restoration of 118.2 acres of coastal habitat and related activities in Tampa Bay. NOAA has confirmed that the project is exempt from the National Environmental Policy Act. Comments are due Sept. 29, 2017. Contact: John Ettinger; Gulf Coast Ecosystem Restoration Council; 504-444-3522; john.ettinger@restorethegulf.gov

82 FR 41262 (08/30/2017)

Regulatory Update

ENDANGERED SPECIES

Alaska/Biorka Island Dock Replacement Project
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the receipt of a request from the Federal Aviation Administration for authorization to take marine mammals incidental to pile driving and removal and down-the-hole drilling associated with the Biorka Island Dock Replacement Project in Symonds Bay, Alaska. The authorization allows take of five species in the

form of Level A and Level B harassment from May 1, 2018, to April 30, 2019. Comments are due Sept. 29, 2017. Contact: Laura McCue; NMFS, Office of Protected Resources; 301-427-8401; ITP.McCue@noaa.gov

82 FR 41229 (08/30/2017)

Regulatory Update

ENDANGERED SPECIES
California/Central Bay Operations and Maintenance Facility Project
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the issuance of an incidental harassment authorization to the San Francisco Water Emergency Transportation Authority to take marine mammals incidental to pile driving and removal associated with the Central Bay Operations and Maintenance Facility Project in Alameda, Calif. The authorization allows the take of seven species by level A and level B harassment during in-water construction activities from Aug. 1, 2017, through Nov. 30, 2017. The authorization is valid until July 31, 2018. Contact: Laura McCue; NMFS, Office of Protected Resources; 301-427-8401

82 FR 41215 (08/30/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Determination Concerning Safety and Effectiveness/Cenestin
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination that Cenestin (estrogens, conjugated synthetic A) tablets, 0.3 milligrams (mg), 0.45 mg, 0.625 mg, 0.9 mg, and 1.25 mg, were not withdrawn from sale for reasons of safety or effectiveness. The determination allows the FDA to approve abbreviated new drug applications for these products if all other legal and regulatory requirements are met. Contact: Bronwen Blass; FDA, Center for Drug Evaluation and Research; 301-796-5092

82 FR 41273 (08/30/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Digoxin Product-Specific Guidance
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a draft revised guidance for industry concerning generic digoxin tablets. The product-specific guidance addresses the design of bioequivalence studies to support abbreviated new drug applications for digoxin tablets. Comments are due Oct. 30, 2017. Contact: Xiaoqiu Tang; FDA, Center for Drug Evaluation and Research; 301-796-5850

82 FR 41270 (08/30/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
National Data Buoy Center
GENERAL ENVIRONMENT AND SAFETY

Notice of the National Weather Service announces the availability of a draft programmatic environmental assessment for the continued operation of the NOAA National Data Buoy Center's network of moored buoys and coastal stations. The network consists of 200 buoys and 46 coastal-marine automated network stations that transmit oceanographic and meteorological observations and data to users in U.S. economic sectors, such as maritime transportation and energy, to facilitate safe commercial and marine recreation activities. Comments are due Sept. 21, 2017. Contact: Joe Swaykos; NOAA, National Data Buoy Center; 228-688-4766; joe.swaykos@noaa.gov

82 FR 41214 (08/30/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Regulatory Review Period/Kengreal
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination of the regulatory review period for the human drug product Kengreal (cangrelor tetrasodium) in response to an application submitted by AstraZeneca UK Ltd., of London. The product is indicated as an adjunct to percutaneous coronary intervention for reducing the risk of periprocedural myocardial infarction, repeat coronary revascularization, and stent thrombosis in patients who have not been treated with a P2Y12 platelet inhibitor and are not being given a glycoprotein IIb/IIIa inhibitor. Comments are due Oct. 30, 2017. Petitions for a determination of whether the applicant for extension acted with due diligence during the regulatory review period are due Feb. 26, 2018. Contact: Beverly Friedman; FDA, Office of Regulatory Policy; 301-796-3600

82 FR 41274 (08/30/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Regulatory Review Period/Xtoro
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination of the regulatory review period for the human drug product Xtoro (finafloxacin) in response to an application submitted by Alcon Pharmaceuticals Ltd., of Fribourg, Switzerland, for Bayer Intellectual Property GmbH, of Leverkusen, Germany. The product is indicated for treatment of acute otitis externa caused by susceptible strains of Pseudomonas aeruginosa and Staphylococcus aureus. Comments are due Oct. 30, 2017. Petitions for a determination of whether the applicant for extension acted with due diligence during the regulatory review period are due Feb. 26, 2018. Contact: Beverly Friedman; FDA, Office of Regulatory Policy; 301-796-3600

82 FR 41271 (08/30/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Withdrawal of Approval of Abbreviated New Drug Application/Propranolol Hydrochloride

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the withdrawal of approval of an abbreviated new drug application for propranolol hydrochloride extended-release capsules held by Upsher-Smith Laboratories Inc., of Maple Grove, Minn. The applicant requested the withdrawal because the bioequivalence data it submitted to the FDA did not demonstrate therapeutic equivalence of the product with Inderal LA. The withdrawal is effective Aug. 30, 2017. Contact: Stefanie Kraus; FDA, Center for Drug Evaluation and Research; 301-796-9585. Citations: 21 CFR 314.150

82 FR 41273 (08/30/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Wyoming/Tallgrass Interstate Gas Transmission Pipeline Abandonment

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of an application requesting authorization to abandon a 47-mile pipe segment from the discharge side of the existing Labonte Compressor Station in Converse County, Wyo., to the inlet side of the existing Guernsey Compressor Station in Platte County. The applicant, Tallgrasss Interstate Gas Transmission LLC, of Lakewood, Colo., specifies that the segment will be abandoned in place and sold to Tallgrass Midstream LLC (TMID). TMID will purchase, convert, own, and operate the pipeline segment as a crude oil pipeline to meet demand for pipeline transportation of crude oil. The agency will complete an environmental analysis or issue a notice of schedule of environmental review by Nov. 22, 2017. Comments are due Sept. 14, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 41256 (08/30/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Chemical Transportation Advisory Committee Meetings

HAZARDOUS MATERIALS TRANSPORTATION

Notice of the U.S. Coast Guard announces meetings of the Chemical Transportation Advisory Committee and its subcommittees to discuss issues related to the marine transportation of hazardous materials. The meetings will address safety standards for the design of vessels carrying natural gas or using natural gas as fuel, marine vapor control system regulations implementation and guidance, hazardous substance response plans for tank vessels and facilities, and international maritime organization activities. The meetings also will address regulatory reform of Coast Guard regulations per executive orders 13771 (82 FR 9339; 02/03/2017) and 13783 (82 FR 16093; 03/31/2017). The subcommittee meetings are scheduled for Oct. 3 and 4, 2017, in Washington, D.C. The full committee meeting is scheduled for Oct. 5, 2017, at the same location. Comments are due Sept. 26, 2017. Contact: Jake Lobb; USCG; 202-372-1428; jake.r.lobb@uscg.mil

82 FR 41279 (08/30/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Cranes and Derricks in Construction/Operator Certification
OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of OSHA extends for one year, until Nov. 10, 2018, the enforcement date for crane operator certification and the existing employer assessment duty to ensure crane operator competency for construction work. The provisions were originally adopted in an Aug. 9, 2010, final rule (75 FR 47906), and the deadline for operator certification and existing employers duties was extended for an additional three years, until Nov. 10, 2017, in a Sept. 26, 2014, final rule (79 FR 57785). The proposed rule would extend the existing employer duty and enforcement date for an additional year to provide that covered operators are competent to operate the equipment safely. Comments are due Sept. 29, 2017. Contact: Frank Meilinger; OSHA, Office of Communications; 202-693-1999; meilinger.francis2@dol.gov; Citations: CFR 1926.1427

82 FR 41184 (08/30/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Nationally Recognized Testing Laboratories/Intertek
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces the receipt of and the preliminary finding to grant an application from Intertek Testing Services NA, of Cortland, N.Y., for expansion of its scope of recognition as a nationally recognized testing laboratory. The expansion involves the addition of seven test standards to its scope of recognition. Comments are due Sept. 14, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov. Citations: 29 CFR 1910.7

82 FR 41292 (08/30/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Underground Metal and Nonmetal Mines/Escape and Evacuation Plans
OCCUPATIONAL SAFETY AND HEALTH

Notice of the Mine Safety and Health Administration announces the submission of a continuing information collection request to the OMB regarding the development of escape and evacuation plans to address the conditions of underground metal and nonmetal mines. The collection addresses requirements for each plan submission to include mine maps or diagrams showing principal air flow; location of escape routes; and locations of existing telephones, primary fans, primary fan controls, fire doors, ventilation doors, and refuge chambers. The collection also addresses requirements for each plan submission to include procedures to show how the miners will be notified of an emergency, an escape plan for each working area in the mine, a firefighting plan, and surface procedures to be followed in an emergency. In addition, the collection

addresses requirements for each plan submission to include a statement of the availability of emergency communication and transportation facilities, emergency power, and ventilation and the location of rescue personnel and equipment. Comments are due Sept. 29, 2017. Contact: Michel Smyth; Labor Department; 202-693-4129; DOL_PRA_PUBLIC@dol.gov. Citations: 30 CFR 57.11053

82 FR 41291 (08/30/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Underground Metal and Nonmetal Mines/Rock Burst Control Plans
OCCUPATIONAL SAFETY AND HEALTH

Notice of the Mine Safety and Health Administration announces the submission of a continuing information collection request to the OMB regarding rock burst control plans at underground metal and nonmetal mines. The collection addresses requirements for operators to implement rock burst control plans within 90 days after a rock burst has occurred, monitoring procedures where detection methods are used, and other measures to minimize exposure of persons to areas prone to rock bursts. The collection also addresses requirements for operators to update plans as conditions warrant and to provide the plans to inspectors and miners or their representatives. Comments are due Sept. 29, 2017. Contact: Michel Smyth; Labor Department; 202-693-4129; DOL_PRA_PUBLIC@dol.gov. Citations: 30 CFR 57.3461

82 FR 41290 (08/30/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Voluntary Protection Programs
OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request regarding the Voluntary Protection Programs (VPPs), under which the agency, participating employers, and labor cooperate to address employee safety and health issues and expand employee protection. The collection gathers compliance information from employer applicants and participants, including information concerning injury and illness rates and workplace safety and health management programs. The collection also gathers application information for employees of VPP participants who wish to participate in the Special Government Employee Program for on-site evaluations, including an eligibility information sheet, current resume, financial disclosure form (OGE Form 450), and optional application for federal employment (OF 612). In addition, the collection addresses application requirements for OSHA Challenge administrators. Comments are due Oct. 30, 2017. Contact: David Hamel; OSHA, Directorate of Cooperative and State Programs; 202-693-2213

82 FR 41294 (08/30/2017)

Regulatory Update

RADIATION
NRC Regulatory Guidance/Petitions for Rulemaking and Submission of Proposals

RADIATION

Notice of the NRC announces the withdrawal of regulatory guide (RG) 10.12 regarding the preparation of petitions for rulemaking and the preparation and submission of proposals for regulatory guidance documents. Updated guidance is available in the revised regulations concerning petitions for rulemaking and in other communication tools, including the NRC's public website, and therefore RG 10.12 is no longer needed. The withdrawal does not alter any prior or existing licensing commitments based on its use. The withdrawal is effective Aug. 30, 2017. Contact: Harriet Karagiannis; NRC, Office of Nuclear Regulatory Research; 301-251-7477; Harriet.Karagiannis@nrc.gov. Citations: 10 CFR 2.802

82 FR 41297 (08/30/2017)

Regulatory Update

TOXIC SUBSTANCES
Assessment of Chemical Exposure Investigations
TOXIC SUBSTANCES

Notice announces the intention of the Agency for Toxic Substances and Disease Registry to seek OMB approval of a revised information collection request regarding assessment of chemical exposure investigations. The investigations address performing epidemiological assessments to assist state, regional, local, or tribal health departments to respond to or prepare for acute chemical releases. The revisions rename the rapid response registry form to the ACE short form, delete two insurance questions from the form, and specify that the short form will be used in time-limited investigations where longer surveys are not possible. Comments are due Oct. 30, 2017. Contact: Leroy Richardson; CDC, Information Collection Review Office; 404-639-7570; omb@cdc.gov

82 FR 41263 (08/30/2017)

Regulatory Update

TOXIC SUBSTANCES
Methylene Chloride/Paint and Coating Removal Prohibition
TOXIC SUBSTANCES

Notice of the EPA announces a workshop on a Jan. 19, 2017, proposed rule (82 FR 7464) to prohibit the manufacture, processing, and distribution of methylene chloride for consumer and most types of commercial paint and coating removal. The workshop is intended to inform the agency's understanding of methylene chloride use in furniture refinishing and the agenda includes discussion of potential alternatives, economic impacts, and other issues. The agenda also includes presentations by subject matter experts on current use practices, the availability of safer alternatives, and worker protection measures. The workshop is scheduled for Sept. 12, 2017, in Boston. Comments are due Nov. 12, 2017. Contact: Ingrid Feustel; EPA, Office of Pollution Prevention and Toxics; 202-564-3199; Feustel.ingrid@epa.gov. Citations: 40 CFR 751.101 through 751.111 (Subpart B) and 751.201 through 751.211 (Subpart C)

82 FR 41256 (08/30/2017)

Regulatory Update

TOXIC SUBSTANCES

Phthalates/Children's Toys and Child Care Articles

TOXIC SUBSTANCES

Final rule of the Consumer Product Safety Commission codifies the agency's determination that four plastics with specified additives do not contain phthalates prohibited in children's toys and child care articles and therefore do not require third-party testing. The agency determined that polypropylene, polyethylene, high-impact polystyrene, and acrylonitrile butadiene styrene, with specified additives, do not contain the prohibited phthalates (DEHP, DBP, BBP, DINP, DIDP, DnOP) in concentrations above 0.1 percent with a high degree of assurance. As a result, these plastics with specified additives do not require third-party testing for compliance with the phthalates prohibitions on children's toys and child care articles under Section 108 of the Consumer Product Safety Improvement Act. The rule is effective Sept. 29, 2017. Contact: John Boja; CPSC, Office of Compliance and Field Operations; 301-504-7300; jboja@cpsc.gov. Citations: 16 CFR 1308.1, 1308.2

82 FR 41163 (08/30/2017)

Regulatory Update

WATER

California/Central Valley Project Improvement Act Water Management Plans

WATER

Notice of the Bureau of Reclamation announces the availability of eight water management plans under the Central Valley Project Improvement Act. The plans include a description of the district, an inventory of water resources, best management practices (BMPs) for agricultural contractors, BMPs for urban contractors, plan implementation information, exemption procedures, regional criteria, and five-year revisions. Comments are due Sept. 29, 2017. Contact: Charlene Stemen; Bureau of Reclamation; 916-978-5218; cstemen@usbr.gov

82 FR 41286 (08/30/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/8/2017 11:54:10 PM
Subject: Aug. 08 -- Energy and Climate Report



Energy and Climate Report

August 08, 2017 - Number 152

News

China
China Importing Less Coal Amid New Import Rules
China's coal imports in July declined to the lowest in more than a year as a new import rule may have delayed some shipments.

China
Gas Sellers Sidestep China State Giants to Ride Demand Surge
China's independent energy firms are seeking to circumvent its state-backed giants as they cash in on swelling natural gas use, buoyed by President Xi Jinping's drive for cleaner fuels and nimbler companies.

Climate Change
Commonwealth Bank of Australia Shareholders Sue Over Climate Risk
An Aug. 8 lawsuit in Australia against one of the country's largest banks alleging it failed to adequately disclose climate change risks is being seen as a wake-up call for other global financial institutions.

Climate Regulation
Judges Give EPA Alternatives to Revive Chemical Coolants Ban
The same judges who struck down the EPA's ban on refrigerants that are also potent greenhouse gases may have outlined a path forward for the agency should it want to try again.

Climate Science
Trump's UN Diplomat: White House Won't Hinder Climate Study
The Trump administration is unlikely to interfere in a broad climate study focusing on how rising sea level, increasing temperatures, and other factors are already affecting the U.S., the president's United Nations ambassador said.

Coal Mining
Trump's Push to Clear Hurdle for Coal Won't Spur More Mining
A Trump administration effort to clear a hurdle thought to impede coal production on federal land almost certainly won't mean companies will mine more coal, analysts said.

Energy
Egypt Moves to End State Monopoly of Natural Gas Market
Egypt is opening the door to private participation in its natural gas sector, moving to end the state's monopoly as it pushes ahead with reforms meant to encourage investment and revive

the economy.

Energy
Keystone XL's Path Up for Grabs as Nebraska Commission Weighs In
The future of TransCanada Corp.'s Keystone XL pipeline could hinge on whether a Nebraska commission believes the project is in the public's interest or is a private land grab as property owners claim.

Energy
Tax Breaks Powered Wind Energy Growth in 2016
Wind energy installations in the U.S. continued to grow in 2016 thanks in part to a tax credit for new projects, the Energy Department said in a trio of Aug. 8 reports.

Motor Vehicles
European Oil Producer Considers Bet on Electric Car Boom
The boss of Europe's second-largest oil and gas producer is considering whether to double down on its $1.1 billion purchase of battery maker Saft by betting on an electric-car boom.

Radioactive Waste
Nuclear Regulator Moves to Restart Yucca Mountain Review
The Nuclear Regulatory Commission ordered staff to gather information tied to a review of the Energy Department's proposal to build a high-level radioactive waste repository at Nevada's Yucca Mountain.

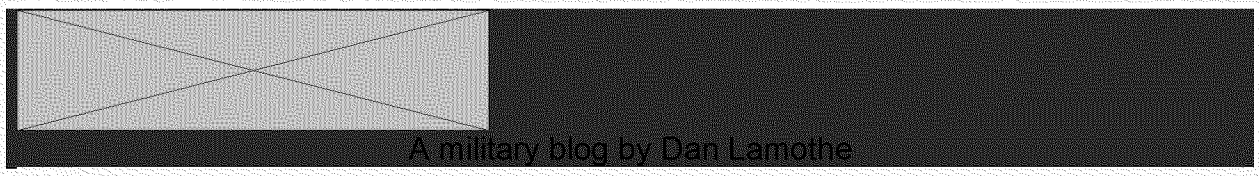
Renewable Energy
Warren Buffett Likes Solar, But Not the Price Tag
Warren Buffett has called global warming a "major problem" and put his company's money where his mouth is, spending billions to develop solar and wind power, yet he's no hero to some renewable energy proponents.

Vehicle Fuels
Oklahoma's $100 Electric Car Fee Draws Challenge by Sierra Club
Oklahoma's bid to help close a budget shortfall with a new $100 fee on electric vehicles drew a court challenge from the Sierra Club, which argues the state didn't follow the correct procedures for enacting a tax or properly measure the benefits of having those cars on the road.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Fri 8/18/2017 4:03:38 PM
Subject: Checkpoint: President Trump announces move to elevate Cyber Command



President Trump announces move to elevate Cyber Command

Trump's move means that Cyber Command will become the tenth unified command in the U.S. military, putting it on par with the main combatant commands such as Central Command.

By Thomas Gibbons-Neff • Read more »

Pentagon identifies Special Forces soldier killed battling Islamic State in Afghanistan

Staff Sgt. Aaron R. Butler, 27, of Monticello, Utah was killed by an improvised explosive device in Nangahar Province

By Thomas Gibbons-Neff • Read more »

After Charlottesville, the U.S. military grapples with its history of racism and extremism

The U.S. government has long been concerned about service members and veterans joining right-wing extremist groups.

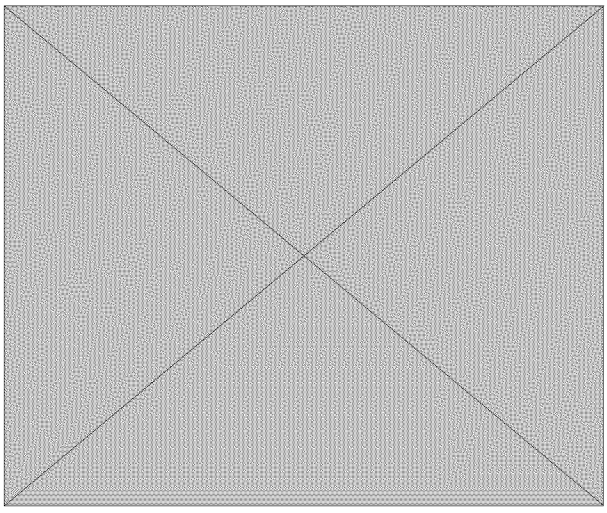
By Dan Lamothe • Read more »

Top two officers and other sailors aboard the USS Fitzgerald to be disciplined following deadly collision at sea

The early-morning collision off Japan on June 17 that killed seven crew members.

By Dan Lamothe • Read more »

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No sign of missing Army helicopter crew as search stretches into second day

Army and Coast Guard rescue crews are searching for survivors after officials lost contact with the helicopter off Oahu Tuesday night.

By Andrew deGrandpre • Read more »

A U.S. service member is killed, others wounded, fighting ISIS in Afghanistan

It's the 11th fatality this year suffered by U.S. forces in Afghanistan, surpassing last year's total of 10.

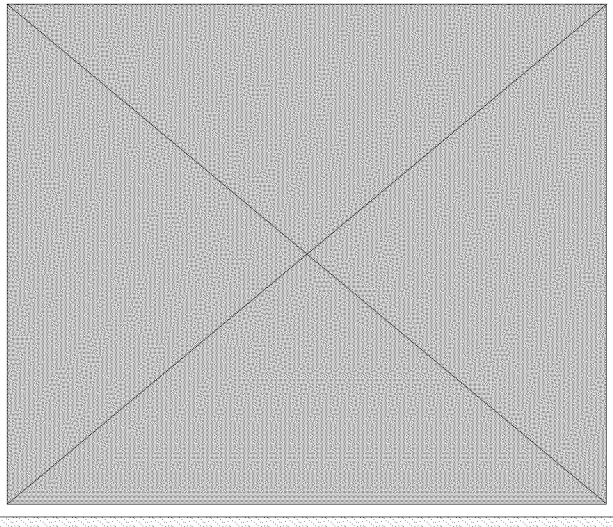
By Andrew deGrandpre • Read more »

Veterans Affairs secretary says he's 'outraged' by what he's seen from Nazis and white supremacists

Shulkin called the actions of Nazis in America now a 'dishonor' to past veterans.

By Dan Lamothe • Read more »

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Trump's generals condemn Charlottesville racism — while trying not to offend the president

In contrast to the commander in chief, military leaders have bluntly repudiated the racist ideologies that plunged Charlottesville into deadly violence.

By Andrew deGrandpre • Read more »

He put on an 82nd Airborne cap and gave a KKK salute in Charlottesville. Vets had words.

In its 100-year history, the Army's 82nd Airborne Division has fought Nazis and liberated concentration camps.

By Cleve R. Wootson Jr. • Read more »

Pentagon's top general signs a new deal with China as Trump signals an easing of tension with North Korea

"To be honest, we have many difficult issues where we will not necessarily have the same perspectives," said Marine Gen. Joseph F. Dunford Jr., the chairman of the Joint Chiefs of Staff.

By Dan Lamothe • Read more »

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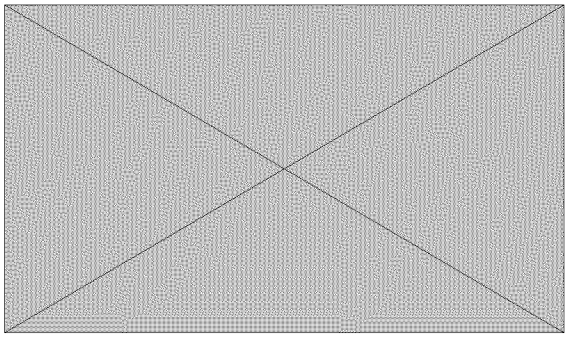
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Fri 8/11/2017 10:02:34 AM
Subject: AEI Today: President Trump's immigration vision isn't the Reagan way

AEI's daily publication of independent research, insightful analysis, and scholarly debate

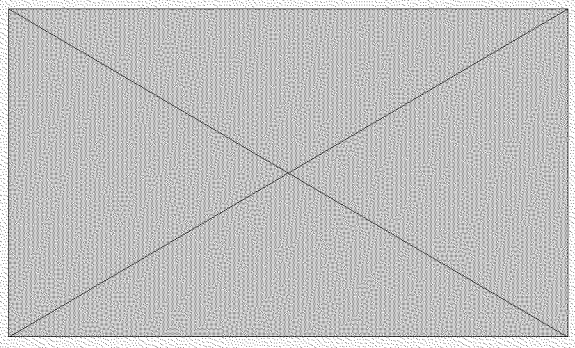


Ronald Reagan Presidential Library

President Trump's immigration vision isn't the Reagan way

Marc A. Thiessen | The Washington Post

It was not that long ago that a Republican presidential candidate vowed that "we will make America great again." His name was Ronald Reagan, and he made that promise to restore American greatness at the most appropriate place he could imagine: in the shadow of the Statue of Liberty. It's worth recalling Reagan's words that day as we debate the Trump administration's proposal to cut legal immigration in half.

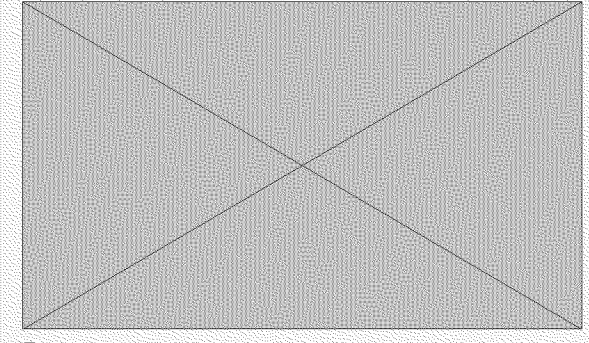


Reuters

Is 'illiberalism' on the rise? First, let's figure out what that even is.

Ramesh Ponnuru | Bloomberg View

America is becoming an "illiberal democracy," Fareed Zakaria warns us. William Galston and William Kristol, who often oppose each other in political debates, wrote a joint statement expressing dismay that the "basic institutions and principles of liberal democracy are under assault." It may come as a relief, then, to read Yoram Hazony's argument that illiberalism is not on the rise and, indeed, does not exist.



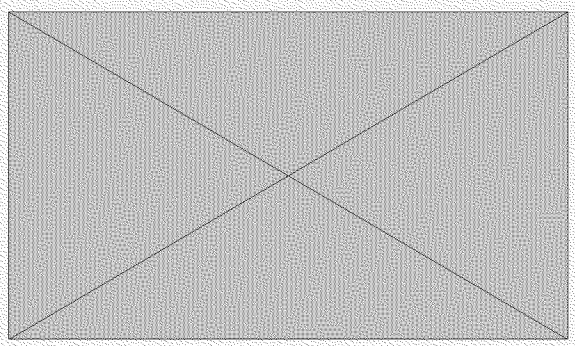
Reuters

The 9 components of

a bipartisan deal on health care

Joseph Antos and James C. Capretta | Health Affairs

In the wake of Senate Republicans' failure to roll back key features of the Affordable Care Act, there is renewed interest in exploring a bipartisan approach. For this process to be successful, both parties must agree on the core principles of health reform, including universal access to insurance paired with ample room for market competition. But for any compromise to be reached, Congress must get itself beyond the immediate crisis.



Reuters

How the US can disable the North Korean threat

Michael Mazza | Forbes

Over the past few weeks, North Korea twice tested intercontinental ballistic missiles capable of reaching the US, and the Korean People's Army announced preparations for "an enveloping fire at the areas around Guam," an American island territory home to 6,000 military personnel. Two decades of allied efforts to rein in Pyongyang's weapons program have come to naught. Today, the way forward for America is neither negotiation nor nuclear strike.

MORE FROM AEI

Columbia University uses President Trump to sell $100,000 journalism degrees
Preston Cooper | Forbes

Some advice for Erdogan and his critics: Investigate all theories of last year's coup, not just the most convenient one
Michael Rubin | AEIdeas

For Google, 'tolerance' requires repression
Michael Barone | Washington Examiner

The FCC is trying to figure out how fast is fast enough for broadband
Daniel Lyons | AEIdeas

No, this is not President Trump's economy
James Pethokoukis | The Week

Did Secretary Mattis go too far on North Korea?
Michael Mazza | AEIdeas

Report: Cities with 'home rule' do not abuse their power — their bond ratings are more likely to be strong
Daniel Shoag, Cody Tuttle, and Stan Veuger | AEI Economics Working Paper Series

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Desmond Lachman | Official Monetary and Financial Institutions Forum

New data show opinion on global warming is highly correlated with partisan loyalty. But few feel strongly about it.
Michael Barone | Washington Examiner

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James Pethokoukis | AEIdeas

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Fri 8/4/2017 2:06:54 PM
Subject: POLITICO's Morning Energy: FERC back to work — Trump and Justice, a coal country bromance — Interior IG to probe Zinke's Obamacare call

By Annie Snider | 08/04/2017 10:00 AM EDT

With help from Alex Guillén, Esther Whieldon, Eric Wolff and Emily Holden.

FERC IS BAAAAACK: Just before slipping out for August recess Thursday night, the Senate confirmed Republican FERC nominees Neil Chatterjee and Rob Powelson, effectively restoring a quorum at the agency after nearly six fallow months, during which billions of dollars in shovel-ready energy infrastructure projects have stalled.

Even as President Donald Trump has touted plans for a major infrastructure overhaul and cleared hurdles for high-profile pipeline projects like the Keystone XL, his biggest and most tangible impact on infrastructure so far may well be the $13 billion in projects, expected to generate more than 23,000 construction jobs, that went on hold during the bureaucratic morass that was partly of his making, Eric Wolff and Darius Dixon report this morning. For many of these projects, the loss of the quorum in February, shortly after Trump demoted FERC's former chairman, may have cost them a year of work, thanks to the limited construction season in much of the country.

No small matter: "I would not begin to minimize even the passage of another month," former FERC Commissioner Colette Honorable told Eric and Darius, "because there are high stakes in the matters that come before FERC each and every day - vast amounts of capital at issue, vast amounts of consumer cost or savings at stake."

Once Chatterjee and Powelson are sworn in - expected to happen in the next few days - the agency can begin working through the backlog. That's a win for project backers but a setback for anti-pipeline advocates, who accuse FERC of ignoring the climate and environmental implications of its decisions. Lena Moffitt of the Sierra Club blasted the confirmations Thursday night, arguing that the two soon-to-be commissioners are too aligned with the fossil fuel industry. "As the gas industry is threatening a massive expansion of fracked gas projects, it is more important than ever that our FERC Commissioners put the health and safety of the public and our climate first, not rubber stamp any project the industry puts in front of them," she said in a statement.

It's not just infrastructure: We previously laid out a lot of the policy work also piling up for FERC - and that was three months ago!

More hands coming: The Senate Energy and Natural Resources Committee has scheduled a September hearing for Trump's next two FERC nominees: Glick, a Democrat, and Kevin McIntyre, Trump's pick for the agency's chairmanship.

FINALLY FRIDAY! I'm your fill-in host, Annie Snider, and it's my last day with you. Susan Lafferty with Eversheds Sutherland US was first through the door answering that Transportation

Secretary Elaine Chao is constitutionally ineligible for the presidency, because she is originally from Taiwan. Here's Susan's question for today, inspired by a book she's reading with her kids: Which president is rumored to have been stuck in his bath on his Inauguration Day, and in what year did that inauguration take place? Send your guesses to Darius Dixon, who takes the ME reins for Monday - along with your tips, energy gossip and comments at ddixon@politico.com, or follow us on Twitter @Dariusss, @aadragna, @Morning_Energy, and @POLITICOPro.

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BASKING IN THE APPALACHIAN LOVE: After a rough couple of weeks for Trump in which Republicans failed to achieve their years-long bid to repeal Obamacare, a new communications director imploded and Russia allegations continued to dominate the news, the president turned to a friendly crowd Thursday night in Huntington, W.Va., where his favorite energy talking points drew roaring applause. After waving a supporter's "Trump digs coal" sign on his way to the podium, Trump touted his withdrawal from the Trans-Pacific Partnership and "the job-killing Paris climate accords" and took credit for an upswing in coal exports, which have seen a bump compared with 2016 but remain far below shipments in previous years.

West Virginia Gov. Jim Justice, a former coal businessman and the richest person in the state, also got a turn at the mic to announce that he will leave the Democratic Party to become a Republican. "I can't help you anymore as a Democrat governor," he told the crowd before lavishing praise on Trump's children and declaring, "Have we not heard enough about the Russians?" Justice said he's been in the Oval Office twice in two weeks to present ideas on coal and manufacturing.

MANCHIN OUT ON A LIMB: The announcement meant further political isolation for Sen. Joe Manchin, the sole Democrat in West Virginia's congressional delegation, as he faces reelection in 2018. The Senate Leadership Fund, a deep-pocketed GOP super PAC, launched a digital campaign Thursday attacking the Democrat. Manchin has refused to change parties and resisted entreaties to join Trump's Cabinet, a move that could have given Republicans one additional vote in the Senate (coincidentally, that's how many extra votes they needed on Obamacare last week). In a statement Thursday ahead of Trump's West Virginia rally, Manchin welcomed the president and said he is "particularly excited" to work with him on tax reform. "Our job is to fix things, not fight," Manchin said.

WIND AT GREENS' BACKS - BUT FOR HOW LONG? Environmentalists hope that EPA Administrator Scott Pruitt's deregulatory agenda is beginning to crumble after he hit two roadblocks this week, Alex Guillén reports: First a federal court reinstated an Obama-era methane regulation, and then Pruitt backed off on his attempts to delay implementation of a sweeping ozone rule. "This week's been a reality check for Pruitt and Trump that when they ignore the law, they're going to lose, and I think that may be starting to sink in," said Mary Anne Hitt, director of the Sierra Club's Beyond Coal campaign.

But Pruitt supporters aren't hanging their heads yet. For one thing, this week's losses were relatively minor, with the biggest battles over the most contentious Obama-era rules yet to come.

Moreover, argued Christi Tezak of ClearView Energy Partners, Pruitt has multiple paths to victory. "You can certainly win by vaporizing a rule, no doubt. You can win by putting in place a different rule that makes it harder to do a stricter rule later. You can win through delays, even if courts reverse you later," she told Alex.

INTERIOR IG LAUNCHES PROBE OF ZINKE-MURKOWSKI CALL: The Interior Department's inspector general has begun a preliminary investigation into Secretary Ryan Zinke's call to Sen. Lisa Murkowski in which he conveyed the administration's dissatisfaction with her vote against a motion to proceed on the GOP health care bill. IG Mary Kendall told Reps. Raúl Grijalva and Frank Pallone in a letter Thursday that she is looking into "potential legal and ethical violations" by Zinke during the July 26 call. But the Alaska Republican has said she didn't take the call as a threat, and Zinke posted a photo Thursday on Twitter of the pair sharing a beer. "My friends know me well," he wrote. Esther Whieldon has all the details.

SCHWARZENEGGER FLEXING CLIMATE MUSCLES AGAINST TRUMP: Former California Gov. Arnold Schwarzenegger today will announce an ambitious national effort aimed at countering Trump's withdrawal from the Paris climate accord by providing state and local lawmakers with a toolbox for passing substantive climate change legislation, POLITICO California's Carla Marinucci reports.

The project, dubbed a "digital environmental legislative handbook," offers a curated list of legal and legislative research, voting records, bill language and data to help lawmakers prepare bills on everything from air quality to renewable energy to climate change. "With his decision on the Paris agreement, it is even more so important to make this information available - because it shows the kinds of wonderful things states can do - without waiting for the federal government," Schwarzenegger told Carla. He's set to unveil the toolbox before the National Caucus of Environmental Legislators.

GREEN GROUPS PRESS COURT ON CPP RULING: Environmental groups are asking the D.C. Circuit Court of Appeals not to hold off on ruling on the Obama administration's Clean Power Plan, arguing that the White House's Unified Agenda indicates that it could be at least 12 months before the Trump administration will propose its repeal of the contentious rule. The classification of the CPP repeal as a "long-term" action "demonstrates that even the preliminary step of a *proposed* rule may be delayed for at least another year," the green groups wrote in a court filing Thursday, arguing that the court should not hold off on a fully-briefed case "for a period far longer than the Supreme Court presumed when it issued its stay pending this Court's disposition of the merits." Here's Alex with more.

ANOTHER SAGE GROUSE REBELLION? The team of Interior politicals and career staff assigned to review the agency's land-use conservation plans for sage grouse in Western states could send Zinke their recommendations as soon as today. The Obama administration's plans, which sparked ire across the West, aimed to avoid an Endangered Species Act listing by boosting protections on broad swaths of federal land. The new recommendations, due to Zinke by Sunday, could include ideas for easing the path for fossil fuel development on federal land in the bird's range.

EPA REMAINS QUIET IN METHANE APPEAL: EPA is staying mum in the ongoing legal battle over Pruitt's 90-day stay of the methane rule for new oil and gas wells. The agency did not file any brief taking a position on requests from industry groups and states that support the stay seeking a rehearing before the full D.C. Circuit Court of Appeals, and a spokesman had no comment on the record. The stay's supporters made one last argument Thursday for an *en banc* review, saying the court didn't have the jurisdiction to hear the case in the first place. It's not clear when the D.C. Circuit will decide whether to hear the appeal, but time is of the essence: Pruitt's stay would have expired in 27 days anyway.

EPA, DOT READY TO TAKE COMMENT ON MPG REVIEW: EPA and the Department of Transportation could move to reopen comments on a review of the 2022-2025 mileage standards as soon as today, a source tells ME. As part of setting vehicle emission requirements for both 2017-2021 and 2022-2025, EPA agreed to review the second set of standards for appropriateness. The review was completed over a year early under former Administrator Gina McCarthy, and she affirmed the mileage standard of 54.5 miles per gallon. Under pressure from the auto industry, Pruitt and Chao revoked that affirmation in March, and now the agency will announce that it will take the next step in the review by reopening the docket for further input.

GAO SEES ROOM FOR IMPROVING PHMSA'S SAFETY CALCULATIONS: The Government Accountability Office recommended Thursday that the Pipeline and Hazardous Materials Safety Administration take steps to ensure that the formula it uses to identify which pipelines pose the greatest safety risk is effective. PHMSA uses the formula to set its priorities each year and decide how often it checks on parts of the nation's 2.7-million-mile pipeline network. GAO said the agency needs to document its reasoning behind each component of its formula and create a process to periodically review its effectiveness.

SPRING'S COMING SOONER IN THE HIGH NORTH: Snow is melting earlier in the spring and coming later in the fall on the North Slope of Alaska, according to a study by NOAA and the Cooperative Institute for Research in Environmental Sciences published in the *Bulletin of the American Meteorological Society*. Between 1975 and 2016, the researchers found the snow-free season was growing by about one week per decade, with major ecosystem implications. Native birds have been laying eggs earlier, and rivers have broken through the ice to flow earlier in the season, the researchers found.

ENVIROS PLAN BORDER WALL RALLY: Dozens of environmental and social justice groups are planning a two-day rally and walk in southern Texas on Aug. 12-13 aimed at highlighting the potential social and environmental impacts that Trump's plan to expand the border wall could have on nearby towns and wildlife. The rally, which will include speakers such as Sierra Club President Loren Blackford, will also take aim at Trump's anti-immigration policies. The move is part of a new strategy by environmental groups to combine forces with social justice groups on this issue.

QUICK HITS

- On environment and energy, Trump often picks his own facts. New York Times.

- U.S. shale oil producers cannot shake impulse to keep producing. Reuters.

- Monsanto employee emails show efforts to marshal scientists. Wall Street Journal.

THAT'S ALL FOR ME!

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Thur 10/5/2017 2:03:59 PM
Subject: POLITICO's Morning Score: Angry donors close their wallets — Tim Murphy to retire in January — AFP to spend $4.5 million on tax reform

By Maggie Severns | 10/05/2017 10:00 AM EDT

With Daniel Strauss, Elena Schneider and Zach Montellaro

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

Morning Score will not publish on Monday, Oct. 9. Our next Morning Score newsletter will publish on Tuesday, Oct. 10. Please continue to follow PRO Campaigns issues here.

MONEY ON MY MIND - "Angry GOP donors close their wallets," by POLITICO's Alex Isenstadt and Gabriel Debenedetti: "Republicans are confronting a growing revolt from their top donors, who are cutting off the party in protest over its inability to get anything done. Tensions reached a boiling point at a recent dinner at the home of Los Angeles billionaire Robert Day. In full view of around two dozen guests, Thomas Wachtell, a retired oil and gas investor and party contributor, delivered an urgent message to the night's headliner, Senate Majority Leader Mitch McConnell: Just do something.

Wachtell, who has given tens of thousands of dollars over the years to Senate Republicans, recalled that McConnell responded defensively. Passing legislation takes time, the Republican leader responded, and President Donald Trump didn't seem to understand how long it required.

'Anybody who was there knew that I was not happy. And I don't think anybody was happy. How could you be?' said Wachtell, who has previously given over $2,000 to McConnell but recently stopped donating to Senate GOP causes. 'You're never going to get a more sympathetic Republican than I am. But I'm sick and tired of nothing happening.'" **Full story.**

RETIREMENT WATCH - Pennsylvania GOP Rep. Tim Murphy to retire: Murphy announced his retirement late Wednesday. He faced blowback from his own party this week after the Pittsburgh Post-Gazette reported that Murphy - who is anti-abortion rights - apparently urged his mistress to have an abortion. NRCC Chairman Steve Stivers (R-Ohio) said in a statement that "while I am extremely disappointed in the circumstances surrounding Congressman Murphy's retirement, I remain confident that PA-18 will remain under Republican control next year." **Full story.**

FIRST IN SCORE - State senator to announce campaign today: State Sen. Guy Reschenthaler will launch his bid to replace Murphy today, according to a Republican source familiar with the state legislator's decision. Republicans in the state expect more candidates to jump into the race for this Republican-leaning seat in southwestern Pennsylvania.

- VoteVets endorses Democrat Pam Iovino: VoteVets announced Wednesday that it will back Democrat Pam Iovino, a veteran who's one of three Democrats running to replace Murphy, per a statement from the group.

THE HEAT IS ON - "AFP pressures Trump-state Democrats on tax reform," by POLITICO's Kevin Robillard: "Americans for Prosperity is spending $4.5 million on television ads to push three Democratic senators up for reelection next year to back the GOP's plan for tax reform. The group is spending $2 million to pressure Sen. Joe Donnelly in Indiana, $1.5 million to persuade Sen. Tammy Baldwin in Wisconsin and $1 million to goad Sen. Claire McCaskill in Missouri. All three senators are up for reelection in 2018 in states President Donald Trump won during the 2016 election cycle. ... The ads feature a young woman speaking direct to camera about the impact of tax cuts. 'People are sick of politics,' she says. 'I am too. But fixing our broken tax system isn't about politics - it's about helping people. It means the powerful, the well-connected, politicians - they'll stop benefiting from a rigged system. It means everyday Americans will have more to spend on what's important to them.'" **Full story.**

FIRST IN SCORE - Democrat Dan Haberman releases video announcing Michigan Congress run: Attorney and businessman Dan Haberman is announcing today he's running for Congress in Michigan's 11th District, which is currently held by retiring GOP Rep. Dave Trott. Haberman opens his emotional three-minute campaign video announcement by recalling a recent incident in which a bomb threat was called into his daughters' Jewish preschool. "It's crystal clear why this is happening now," Haberman says shortly before the video cuts to footage of the Charlottesville rally.

Haberman has not held public office before but worked in the past to push passage of a smoke-free air law in the state. The video calls out Trump's reaction to the Charlottesville rally, but Haberman also struck a bipartisan tone in an interview: "All of us - Democrats, Republicans, Independents, people who don't pay attention - we all deserve a government that functions," Haberman told Morning Score. The Cook Political Report currently rates the district as "Republican toss up." **Watch the video.**

Days until the 2017 election: 33.

Days until the 2018 election: 397.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

THE HEAT IS OFF - "Republican governors not sweating GOP primary turmoil," by POLITICO's Daniel Strauss: "Congressional Republicans are bracing to deal with an angry base and a wave of anti-establishment candidates inspired by Roy Moore's Alabama victory in

next year's primaries. But the governors readying 2018 reelection campaigns have no such concerns. Some of them are preparing to face the same voters. But GOP operatives say that the anger those voters feel toward Washington and congressional Republicans - and especially Senate Majority Leader Mitch McConnell - is not matched by anything simmering against state leaders broadly. ... There are still primaries on the horizon for a handful of the dozen Republican governors standing again in 2018. Some Illinois Republicans see an opening to challenge Gov. Bruce Rauner after he signed an abortion funding bill. And the lieutenant governors-turned-governors in South Carolina and Kansas look set to face competition for full terms, too." **Full story.**

Q3 CAMPAIGN FINANCE -

- Indiana Senate: Roughly 80 percent of the $1 million state Republican Rep. Mike Braun said he raised was self funded, via the AP.

- Massachusetts Senate: Republican businessman John Kingston said he will pour $3 million of his own cash into his potential bid, via The Boston Herald.

- MI-06: Democrat Matt Longjohn raised $211,000 since launching his campaign in July, but the announcement did not list cash on hand.

- MI-08: Democrat Elissa Slotkin raised $460,000 in the third quarter, per a statement from her campaign. "Slotkin has raised more in a single quarter than the incumbent Rep. Mike Bishop, or any other Democratic challenger, has previously raised in the central Michigan district," a campaign announcement said, but it did not release her cash on hand total.

- VA-07: Democrat Dan Ward, a veteran who's running against GOP Rep. Dave Brat, raised $260,000 in the third quarter, along with $227,000 in cash on hand, per a statement from his campaign.

- FL-27: Democratic state Rep. David Richardson raised more than $500,000 in the third quarter, with $441,000 in cash on hand, per a statement from his campaign.

DAILY ROLL TIDE - "Roy Moore's Facebook page shared inflammatory memes, article praising Russia's anti-gay laws," by CNN's Andrew Kaczynski and Nathan McDermott: "The Facebook page belonging to Roy Moore, the Republican nominee for US Senate in Alabama, in February included a shared image of a group of black men standing on a destroyed police car during the 2015 Baltimore riots. Overlaying the image was text that read, 'Want to stop riots? Play the National Anthem. They'll all sit down.' The post - originally shared by Moore's wife with the caption 'I doubt it with these people-but worth a try?' - is one of many inflammatory posts shared on the Republican nominee's Facebook, which is now used to promote his Senate campaign." **Full story.**

STAFFING UP - Engstrom forms consulting firm: U.S. Chamber of Commerce political director Rob Engstrom has been named chief political strategist for the American Bankers Association, according to a release: "In his new role, Engstrom will oversee the critical

components of ABA's political engagement operations: the Fund for Economic Growth, BankPac, grassroots and the ABA-State Association alliance ... Engstrom is forming a consulting firm that will allow him to carry out his new ABA responsibilities while also continuing to provide political direction to the U.S. Chamber."

CALL YOUR OFFICE - "Sen. Murphy Used Las Vegas Massacre In Fundraising Appeal," by the Hartford Courant's Russell Blair: "U.S. Sen. Chris Murphy is facing criticism for a fundraising solicitation he sent by email this week - days after the deadliest mass shooting in modern U.S. history - that directed donations to three gun violence prevention organizations but also to his own re-election campaign. ... By Wednesday morning, half a day after the email had been sent, the form no longer directed donations toward Murphy's campaign. Republicans accused Murphy, who has been an outspoken advocate of stricter gun control laws and this week said he plans to reintroduce legislation to strengthen gun background checks, of fundraising off of the tragedy in Las Vegas." **Full story.**

- From Heller's opponent: Danny Tarkanian, the Republican running against Nevada Sen. Dean Heller, has logged a series of radio and television appearances to talk about the shooting, including one where he promoted his forthcoming book.

QUOTE OF THE DAY: "I will do something else like wave signs or march around and yell stuff or something that doesn't require registering or reports." - an excerpt from the termination report a super PAC, Kill Senate Democrats' Political Careers, filed recently with the FEC. (H/t POLITICO's Matt Dixon.)

To view online:
http://www.politico.com/tipsheets/morning-score/2017/10/05/angry-donors-close-their-wallets-222661

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Subject: Oct. 02 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

October 02, 2017 - Number 189

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
2008 Ozone NAAQS State Implementation Plans
AIR

Notice of the EPA announces the submission of a continuing information collection request to the OMB regarding state implementation requirements of the 2008 ozone NAAQS adopted under a March 15, 2015, final rule (80 FR 12264). The collection addresses information from 17 states with 30 areas designated nonattainment for the 2008 eight-hour NAAQS, including state submissions of attainment demonstrations, request for proposal plans, and reasonably available control technology determinations. Comments are due Nov. 1, 2017. Contact: Lynn Dail; EPA, Air Quality Policy Division; 919-541-2363; dail.lynn@epa.gov. Citations 40 CFR 50, 51

82 FR 45843 (10/02/2017)

Regulatory Update

AIR
Ambient Air Monitoring Reference and Equivalent Methods
AIR

Notice of the EPA announces the designation of one new ambient air monitoring reference method for measuring concentrations of carbon monoxide (CO). The method is the Sabio Model 6050 Ambient CO Analyzer, an automated method utilizing a measurement principle based on nondispersive infrared analysis. The application was filed by the Sultron Corp., of Round Rock, Texas. Contact: Robert Vanderpool; EPA, National Exposure Research Laboratory; 919-541-7877; Vanderpool.Robert@epa.gov. Citations: 40 CFR 53, 58

82 FR 45842 (10/02/2017)

Regulatory Update

AIR

New Mexico SIP/Regional Haze Progress Report for Albuquerque and Bernalillo County

AIR

Proposed rule of the EPA would approve portions of revisions to the New Mexico SIP for the city of Albuquerque and Bernalillo County. The rule would approve revisions concerning the city and county's regional haze five-year progress report as meeting applicable regional haze requirements and the determination that the current regional haze SIP is adequate to meet the state's 2018 reasonable progress goals. Comments are due Nov. 1, 2017. Contact: James Grady; EPA Region 6; 214-665-6745; grady.james@epa.gov. Citations: 40 CFR 51.309, 52

82 FR 45762 (10/02/2017)

Regulatory Update

ENDANGERED SPECIES

California/Naval Base Point Loma Pier Replacement Project

ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the issuance of an incidental harassment authorization request to the U.S. Navy to take nine species of marine mammals incidental to demolition and pile installation activities associated with a multiyear pier replacement project at Naval Base Point Loma in San Diego. The authorization allows take in the form of Level B harassment for one year. The authorization is effective Oct. 8, 2017, and expires Oct. 7, 2018. Contact: Laura McCue; NMFS, Office of Protected Resources; 301-427-8401; ITP.McCue@noaa.gov

82 FR 45811 (10/02/2017)

Regulatory Update

ENDANGERED SPECIES

Connecticut/Marine Mammal Incidental Take

ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the receipt of a request from the U.S. Navy for authorization to take marine mammals incidental to noise exposure resulting from pier construction activities at the Navy Submarine Base New London in Groton, Conn. The authorization would allow the take of harbor and gray seals by Level A and B harassment during in-water construction and demolition over a five-year period beginning October 2018. Comments are due Nov. 1, 2017. Contact: Shane Guan; NMFS, Office of Protected Resources; 301-427-8401

82 FR 45828 (10/02/2017)

Regulatory Update

ENDANGERED SPECIES

Utah/Deseret Milkvetch Delisting

ENDANGERED SPECIES

Proposed rule of the U.S. Fish and Wildlife Service would remove the Deseret milkvetch, found in

Utah, from the list of endangered and threatened plants. The rule also includes the agency's 12-month finding on a petition to delist the milkvetch. The agency requests information regarding reasons why the delisting should or should not occur; threats; efforts to protect or conserve the species; range, distribution, and population size; and post-delisting monitoring. Hearing requests are due Nov. 16, 2017. Comments are due Dec. 1, 2017. Contact: Larry Crist; USFWS, Utah Ecological Services Field Office; 801–975–3330. Citations: 50 CFR 17.12

82 FR 45779 (10/02/2017)

Regulatory Update

FOOD SAFETY
Food Labeling/Nutrition and Supplement Facts Labels, Serving Size
FOOD SAFETY

Proposed rule of the FDA would extend the compliance dates for revised requirements for Nutrition Facts and Supplement Facts labels and require that all containers, including containers of products with large reference amounts customarily consumed (RACCs) containing less than 200 percent of the RACC be labeled as a single-serving container (81 FR 33742, 81 FR 34000; 05/27/2016). The current rule would extend the compliance date for manufacturers with $10 million or more in annual food sales to Jan. 1, 2020, and the compliance date for manufacturers with less than $10 million in annual food sales to Jan. 1, 2021. The extension is intended to ensure that manufacturers covered by the final rules have guidance from the FDA to address certain technical questions received after publication of the final rules and are able to complete and print updated Nutrition Facts labels for their products before they are expected to be in compliance with the final rules. Comments are due Nov. 1, 2017. Contact: Paula Trumbo; FDA, Center for Food Safety and Applied Nutrition; 240-402-2579. Citations: 21 CFR 101.9, 101.12, 101.30, 101.36

82 FR 45753 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Arizona/Apache-Sitgreaves National Forests Motorized Travel Management Plan
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the U.S. Forest Service to prepare a revised draft environmental impact statement for the public motorized travel management plan for the Apache-Sitgreaves National Forests in Apache, Coconino, Greenlee, and Navajo counties in Arizona. The plan will designate a system of roads, trails, and areas for motorized use as well as motorized access for dispersed camping and for big game retrieval. The revised EIS updates an Oct. 29, 2010 draft EIS (75 FR 66756) by addressing new information, including changed conditions due to the Wallow Fire of 2011, the 2015 land management plan for the Apache-Sitgreaves National Forests, and changes in aquatic and terrestrial species status. It also addresses more accurate road mapping based on light detection and ranging data and aerial photography, and USFS decisions made under the National Environmental Policy Act since the 2010 draft EIS. The revised draft EIS is expected to be available in the summer of 2018 and the final EIS is expected in the winter of 2019. Comments are due 45 days after the publication of the revised draft EIS in the Federal Register. Contact: Jennie O'Connor Card; USFS; 406-522-2537; jennieoconnorcard@fs.fed.us

82 FR 45800 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Elk Creek Watershed Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the U.S. Forest Service to prepare an environmental impact statement for the Elk Creek Watershed Project in the Klamath National Forest in California. The project is intended to address the need to manage forest stands to be more resilient to future disturbances, improve water quality to maintain and restore riparian and aquatic habitat, improve terrestrial habitat for northern spotted owl and Roosevelt elk, reduce fuel accumulations, and improve cultural resources. The project would include eight types of vegetation treatments and various recreation improvements. The draft EIS is expected to be available in June 2018 and the final EIS is expected to be available in February 2019. Comments are due Nov. 16, 2017. Contact: Dock Chastain; USFS; 530-493-1742; jchastain@fs.fed.us

82 FR 45797 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Sites Reservoir Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Reclamation announces an extension of the comment period and rescheduling of meetings on a draft environmental impact report/environmental impact statement and draft feasibility report for the Sites Reservoir Project in Colusa and Glenn counties in California (82 FR 39454, 08/18/2017). The project would consist of a new offstream surface storage reservoir with two main dams, up to nine saddle dams, and up to three recreation areas. The reservoir would be filled via two Sacramento River diversions/canals and a new inlet/outlet structure and pipeline to allow for diversion of excess river flows. The project also would include modifications to an existing diversion facility at the Red Bluff Pumping Plant in Tehama County. Meetings now are scheduled for Dec. 5 and 7, 2017, in Sacramento and Maxwell, Calif., respectively. Comments now are due Jan. 15, 2018. Contact: Michael Dietl; Bureau of Reclamation; 916-978-5070; mdietl@usbr.gov

82 FR 45887 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Classification of the High Intensity Ultrasound System for Prostate Tissue Ablation
GENERAL ENVIRONMENT AND SAFETY

Final rule of the FDA codifies a final order to classify the high intensity ultrasound system for prostate tissue ablation into class II (special controls). The order is issued in response to a de novo application submitted by SonaCare Medical LLC of Charlotte, N.C., regarding the Sonablate® 450 device. The prescription device transmits high intensity therapeutic ultrasound energy into the prostate to thermally ablate a defined and targeted volume of tissue, performed

under imaging guidance. The classification was applicable on Oct. 9, 2015. The order is effective Oct. 2, 2017. Contact: John Baxley; FDA, Centers for Devices and Radiological Health; 301-796-6549; john.baxley@fda.hhs.gov. Citations: 21 CFR 876.4340

82 FR 45725 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Control of Yellow Toadflax
GENERAL ENVIRONMENT AND SAFETY

Notice of the Animal and Plant Health Inspection Service announces the availability of a draft environmental assessment regarding control of yellow toadflax, an invasive plant in pastures and crops, particularly in the northern prairies of North America. The EA addresses the proposed issuance of permits for the field release of the stem gall weevil into the continental U.S. for classical biological control of yellow toadflax. Comments are due Nov. 1, 2017. Contact: Colin Stewart; APHIS; 301-851-2327; Colin.Stewart@aphis.usda.gov

82 FR 45796 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Department of Transportation Regulatory Review
GENERAL ENVIRONMENT AND SAFETY

Notice of the Transportation Department announces a review of existing regulations and other agency actions, as required by the DOT's regulatory policies and procedures, Section 610 of the Regulatory Flexibility Act, and multiple Executive Orders. The review is intended to ensure agency regulations continue to meet the needs for which they originally were designed, remain cost-effective and cost-justified, and promote clean and safe development of energy resources while avoiding regulatory burdens. The notice provides a list of economically significant rules issued between Oct. 16, 2008, and Dec. 8, 2016, and seeks public comment on burdens related to these rules or others. The list includes rules concerning motor vehicle safety standards, pipeline safety standards, greenhouse gas emissions and average fuel economy standards, air traffic control, positive train control systems, tank car standards for high-hazard flammable trains, and commercial drivers. A meeting may be announced at a later date. Comments are due Nov. 1, 2017. Contact: Jonathan Moss; DOT; 202-366-4723; jonathan.moss@dot.gov. Citations: 4 CFR Chapters I, II, III; 23 CFR Chapters I, II, III; 46 CFR Chapter II; 48 CFR Chapter 12; 49 CFR Chapters I, II, III, V, VI, VII, VIII, X, XI

82 FR 45750 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Display Devices for Diagnostic Radiology
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a final guidance for industry regarding display

devices for diagnostic radiology. The guidance addresses the types of information that should be provided in premarket notification submissions for display devices intended for diagnostic radiology with product code PGY. Such products are class II devices that are used in controlled viewing conditions for primary image interpretation. The guidance replaces a May 2008 guidance regarding display accessories for full-field digital mammography systems-premarket notification (501(k)) submissions. Comments may be submitted at any time. Contact: Robert Ochs; FDA, Center for Devices and Radiological Health; 301-796-6661. Citations: 21 CFR 807, Subpart E; 892.2050

82 FR 45853 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Electronic Study Data Submission Standards
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces support for version 1.1 of the Clinical Data Interchange Standards Consortium Analysis Data Model Implementation Guide (ADaM IG V1.1), an update to the FDA Data Standards Catalog for electronic study data provided in new drug applications (NDAs), abbreviated NDAs, biologics license applications, and investigational NDAs. The FDA encourages sponsors and applicants to use ADaM IG V1.1 in investigational study data provided in regulatory submissions to the Center for Drug Evaluation and Research. The transition date for support of the new version is March 15, 2018, but it will be required in submissions for studies that start after March 15, 2019. Comments may be submitted at any time. Contact: Ron Fitzmartin; FDA, Center for Drug Evaluation and Research; 301-796-5333; CDERDataStandards@fda.hhs.gov

82 FR 45858 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Equivalence of Complex Products Workshop
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a workshop concerning demonstration of equivalence of generic complex drug substances and formulations relating to advances in characterization and in vitro testing. The workshop is intended to address evaluation and characterization of critical quality attributes for complex drug substances and formulations and innovative approaches for development and review of equivalent products. The workshop also will serve to collect input from stakeholders on how to conduct and assess critical quality attribute measurements to demonstrate equivalence of complex drug products. The workshop is scheduled for Oct. 6, 2017, in Silver Spring, Md., and via videocast. Comments are due Nov. 10, 2017. Contact: Xiaohui Jiang; FDA, Center for Drug Evaluation and Research; 240-402-4468; Xiaohui.Jiang@fda.hhs.gov

82 FR 45856 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
First Responder Network Authority/South Region

GENERAL ENVIRONMENT AND SAFETY

Notice of the National Telecommunications and Information Administration, First Responder Network Authority (FirstNet), announces the availability of the final programmatic environmental impact statement for the south region of the proposed nationwide public safety broadband network. The PEIS addresses deployment and operation of the network in the south region consisting of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. Once a record of decision is signed, the proposed FirstNet projects will submit site-specific environmental documentation to determine whether individual projects have been adequately evaluated in the PEIS or instead warrant a categorical exclusion, environmental assessment, or environmental impact statement. Contact: Amanda Pereira; NTIA, First Responder Network Authority, 571-665-6072

82 FR 45806 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Idaho/Lolo Insect and Disease Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Forest Service announces a revised notice of intent to prepare an environmental impact statement for the Lolo Insect and Disease Project in the Nez Perce-Clearwater National Forests in Idaho. The project consists of forest management and watershed improvement activities within the Lolo Creek watershed near Kamiah to achieve a range of age and size classes with species diversity that is resistant and resilient to change agents such as insects, diseases, and wildfires. The notice reinitiates the NEPA process initiated under an April 25, 2013, notice of intent (78 FR 24718) by updating the purpose and need, proposed action, expected dates of the draft EIS (January 2018) and final EIS (August 2018), and contact and agency information. Comments are due Oct. 17, 2017. Contact: Sara Daugherty; USFS; 208-926-6404; sddaugherty@fs.fed.us

82 FR 45798 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Marketing Clearance of Diagnostic Ultrasound Systems and Transducers
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a draft guidance for industry and agency staff regarding marketing clearance of diagnostic ultrasound systems and transducers. The guidance provides recommendations for manufacturers seeking such marketing clearance and is intended to supersede a 2008 FDA guidance on the subject. The guidance also addresses when a device modification to a diagnostic ultrasound device can be made without the need for submission of a premarket notification submission. Comments are due Jan. 2, 2018. Contact: Shahram Vaezy; FDA, Center for Devices and Radiological Health; 301-796-6242. Citations: 21 CFR 892.1550, 892.1560, 892.1570

82 FR 45854 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Material Threat Medical Countermeasure Priority Review Voucher Fee
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a user fee rate of approximately $2.8 million for material threat medical countermeasure (MCM) priority review vouchers for fiscal year 2018. The notice also describes the payment procedures for such fees, which apply to certain applications for review of human drug products that use a material threat MCM priority review voucher. The rate is effective Oct. 1, 2017, and expires Sept. 30, 2018. Contact: Robert Marcarelli; FDA, Office of Financial Management; 301-796-7223

82 FR 45859 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Quantitative Modeling and Simulations in Generic Drug Development Workshop
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a workshop regarding the conduct of quantitative modeling and simulations in generic drug development. The workshop will address scientific approaches and applications and include discussions concerning opportunities and knowledge gaps to inform regulatory decision-making through the product lifecycle. The agency intends to utilize the information to support product-specific guidance development, improve preabbreviated new drug applications interactions with applicants, increase the quality and efficiency of regulatory reviews, and specify a next generation modeling and simulation toolset for complex and locally acting products. The workshop is scheduled for Oct. 2-3, 2017, in Silver Spring, Md. Comments are due Nov. 3, 2017. Contact: Lanyan Fang; FDA, Center for Drug Evaluation and Research; 301-796-5005; lanyan.fang@fda.hhs.gov

82 FR 45863 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Wyoming/Kemmerer Grazing and Rangeland Vegetation Management Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Forest Service announces revisions to a notice of intent (73 FR 67835; 11/17/2008) to prepare an environmental impact statement to analyze the effects of continued authorization for the Kemmerer Grazing and Rangeland Vegetation Management Project in the Bridger-Teton National Forest in Wyoming. The existing project consists of 181,227 acres of grazing on 17 sheep allotments. The EIS will update domestic sheep grazing and rangeland vegetation management plans and consider a no livestock grazing alternative. The revisions update and supplement the previous notice and add the Trespass Creek Allotment. The issuance of a draft EIS is scheduled for June 2018, and the issuance of a final EIS is scheduled for June 2019. Comments are due Nov. 1, 2017. Contact: Aaron Zobell; USFS, Kemmerer Ranger District; 307- 828-5100; richardazobell@fs.fed.us

82 FR 45802 (10/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Wyoming/Rawlins Processing Plant
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of an application by Colorado Interstate Gas Co., of Colorado Springs, Colo., for authorization to abandon certain facilities related to the Rawlins Processing Plant in Carbon County, Wyo. The facilities include the lean oil processing and fractionation plants, natural gas liquids truck off-loading facilities, and natural gas liquids interconnecting facilities that tie into the Overland Pass Pipeline of the Overland Pass Pipeline Co., of Cheyenne, Wyo. The applicants also request authorization to abandon by sale natural gas liquids pipelines, associated natural gas liquids measurements facilities, and natural gas liquids rail loading facilities to Sinclair Wyoming Refining Co., of Sinclair, Wyo. The agency will complete an environmental assessment or issue a notice of schedule of environmental review by Dec. 26, 2017. Comments are due Oct. 17, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; ferconlinesupport@ferc.gov

82 FR 45841 (10/02/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Underground Natural Gas Storage Facility Annual Report
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the PHMSA announces receipt of OMB approval to change the due date for the first annual report for underground natural gas storage facilities. The report addresses data that must be submitted by March 15 for the preceding calendar year from operators of underground natural gas storage facilities (Form 7100.4-1). An exception for the due date of the first annual report, which had been due by July 18, 2017, is extended to March 15, 2018, for reported information for calendar year 2017. Contact: Crystal Stewart; PHMSA, Office of Pipeline Safety Operations Systems Division; 202-366-1524; crystal.stewart@dot.gov. Citations: 49 CFR 191.17

82 FR 45946 (10/02/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
California/Casmalia Resources Site
HAZARDOUS WASTE CLEANUP

Notice of the EPA announces a proposed administrative de minimis settlement with 57 settling parties regarding the Casmalia Resources Superfund Site in Santa Barbara County, Calif. The settlement requires the parties to pay approximately $590,772, to resolve liabilities for response costs and potential natural resource damages claims. Meeting requests are due Oct. 16, 2017. Comments are due Nov. 1, 2017. Contact: Russell Mechem; EPA Region 9; 415-972-3192; Mechem.russell@epa.gov.

82 FR 45846 (10/02/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Minnesota/St. Regis Paper Superfund Site
HAZARDOUS WASTE CLEANUP

Notice of the Justice Department announces a proposed consent decree in United States v. City of Cass Lake (Civil Action No. 17-4367), lodged on Sept. 22, 2017, with the U.S. District Court for the District of Minnesota. The consent decree resolves claims under CERCLA concerning response costs and injunctive relief associated with the release and threatened release of hazardous substances from facilities at and near the St. Regis Paper Co. Superfund Site, in Cass Lake, Minn. The consent decree requires the defendant to pay $30,000 and to cooperate with the EPA and any other parties performing cleanup work at the site. It also requires the defendant to assist with implementing any necessary land use restrictions. Comments are due Nov. 1, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 45894 (10/02/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Rhode Island/Great Lakes Container Corp. Superfund Site
HAZARDOUS WASTE CLEANUP

Notice of the EPA announces a proposed first amendment to a 2010 settlement agreement (75 FR 34448; 06/17/2010) under CERCLA with Teknor Apex Co., of Pawtucket, R.I., and J P Hass and Sons and its affiliate Hass Brothers Inc. regarding the Great Lakes Container Corp. Superfund Site in Coventry, R.I. The amendment adds the settling parties as additional drum reconditioning customers and respondents and requires Teknor Apex and J P Hass and Sons to each pay $7,692 for past costs. Comments are due Nov. 1, 2017. Contact: John Hultgren; EPA Region 1, Superfund Division; 617-918-1761; hultgren.john@epa.gov

82 FR 45842 (10/02/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Texas/Samsung Austin Semiconductor Hazardous Waste Delisting Petition
HAZARDOUS WASTE MANAGEMENT

Final rule of the EPA conditionally excludes the copper filter cake (F006) wastewater treatment sludge generated by Samsung Austin Semiconductor, of Austin, Texas, from the lists of hazardous waste under RCRA. Samsung will be permitted to generate the sludge, which is produced during the electroplating process, at a maximum rate of 750 cubic yards annually. The delisting is effective only in states subject to the federal RCRA delisting program. The rule also requires Samsung to perform specified analytical testing, to submit testing data, and to provide notification to the relevant state regulatory agency before transporting the delisted waste. The rule is effective Oct. 2, 2017. Contact: Michelle Peace; EPA Region 6; 214-665-7430; peace.michelle@epa.gov. Citations: 40 CFR 261.31, 261.32, Appendix IX

82 FR 45736 (10/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Advisory Board on Radiation and Worker Health/Procedures Review Subcommittee Meeting
OCCUPATIONAL SAFETY AND HEALTH

Notice of the CDC announces a meeting of the Advisory Board on Radiation and Worker Health, Procedures Review Subcommittee, to discuss several dose reconstruction procedures, including DCAS Program Evaluation Report 59 (addressing dose reconstructions at the Norton Co. in Worcester, Mass.); DCAS Report 5: Alternative Dissolution Models for Insoluble Plutonium 238; Outstanding Findings of Prior Subcommittee Reviews; and DCAS Procedures Not Yet Reviewed. Agenda items are subject to change as priorities dictate. The meeting is scheduled for Nov. 20, 2017, via teleconference. Comments are due in advance of the meeting. Contact: Theodore Katz; CDC; 513-533-6800; ocas@cdc.gov

82 FR 45852 (10/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
General Working Conditions in Shipyard Employment
OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request concerning the general working conditions in shipyard employment standard. The collection addresses worker safety requirements related to housekeeping, lighting, utilities, working alone, vessel radar and communication systems, lifeboats, medical services and first aid, and sanitation. The collection also addresses safety requirements related to control of hazardous energy; safety color code for marking physical hazards; accident prevention signs and tags; retention of Transportation Department markings, placards, and labels; motor vehicle safety equipment operation and maintenance; and servicing multi-piece and single-piece rim wheels. Comments are due Dec. 1, 2017. Contact: Todd Owen; OSHA, Directorate of Standards and Guidance; 202-693-2222. Citations: 29 CFR 1915, Subpart F

82 FR 45900 (10/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Nationally Recognized Testing Laboratories/IAPMO
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces a final decision to grant an application from International Association of Plumbing and Mechanical Officials EGS (IAPMO), of Ontario, Calif., for expansion of its recognition as a nationally recognized testing laboratory. The expansion involves the addition of four testing standards to its scope of recognition. The decision is effective Oct. 2, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov. Citations: 29 CFR 1910.7

82 FR 45899 (10/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Nationally Recognized Testing Laboratories/TUVRNA
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces a final decision to grant an application from TUV Rheinland of North America Inc. (TUVRNA) Inc., of Newtown, Conn., for expansion of its recognition as a nationally recognized testing laboratory. The expansion involves the addition of the test standard for low voltage lighting systems to its scope of recognition. The decision is effective Oct. 2, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov. Citations: 29 CFR 1910.7

82 FR 45898 (10/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Standard on Powered Platforms for Building Maintenance
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces the submission of a continuing information collection request to the OMB regarding the standard on powered platforms for building maintenance. The collection addresses the requirement for employers to develop and implement written emergency action plans for each type of powered platform operation. The plan must explain the emergency procedures that workers are to follow if they encounter a disruption of the power supply, an equipment failure, or other emergency. Comments are due Nov. 1, 2017. Contact: Michel Smyth; Labor Department; 202-693-4129; DOL_PRA_PUBLIC@dol.gov. Citations: 29 CFR 1910.66

82 FR 45897 (10/02/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Monthly Crude Oil and Lease Condensate, and Natural Gas Production Report
OIL AND GAS INDUSTRY

Notice of the Energy Information Administration announces the filing of a revised information collection request to the OMB concerning monthly crude oil and natural gas production. The collection addresses the use of Form EIA-914 by well operators to report monthly state level data on natural gas production, crude oil and lease condensate production, and crude oil and lease condensate sales by the API gravity category within the U.S. The revisions update the format and title of the form and provide for publication of separate estimates for the Alabama, Michigan, Mississippi, Virginia, and federal offshore Pacific categories. Comments are due Nov. 1, 2017. Contact: Jessica Biercevicz; EIA; 202-586-4299; jessica.biercevicz@eia.gov

82 FR 45834 (10/02/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerances/Fluoxastrobin
PESTICIDES

Final rule of the EPA establishes tolerances for residues of the fungicide fluoxastrobin and its Z isomer in or on avocado at 1.0 parts per million (ppm); barley, grain at 0.4 ppm; barley, hay at 15 ppm; barley, straw at 15 ppm; rapeseed subgroup 20A at 0.7 ppm; and dried shelled pea and bean (except soybean) subgroup 6C at 0.2 ppm. The approved tolerances differ slightly from the petitioned tolerances based on data submitted with the petition. The rule is issued in response to a petition filed by Arysta LifeScience North America LLC, of Cary, N.C. The rule is effective Oct. 2, 2017. Objections and hearing requests are due Dec. 1, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.609

82 FR 45730 (10/02/2017)

Regulatory Update

RADIATION
Abnormal Occurrences Policy Statement
RADIATION

Notice of the NRC announces the issuance of revisions to the policy statement on reporting abnormal occurrences (AOs) to Congress. AOs involve a major reduction in the degree of protection of public health or safety. The agency is required to provide the date, place, nature, and probable consequence of each AO; the cause or causes of each AO; and any actions taken to prevent recurrence in its report. The revisions clarify and restructure the criteria used by the NRC and agreement states for determining whether to consider an incident or event as an AO. The revisions also provide for consistency with current NRC guidance and requirements. The revisions are effective Oct. 2, 2017. Contact: Tanya Oxenberg; NRC, Office of Nuclear Regulatory Research; 301-415-2437; Tanya.Oxenberg@nrc.gov. Citations: 10 CFR 20 through 76 (nonconsecutive)

82 FR 45907 (10/02/2017)

Regulatory Update

RADIATION
Laser Illuminated Projectors Guidance
RADIATION

Notice of the FDA announces the availability of a draft guidance for industry and agency staff regarding classification of and requirements for laser illuminated projectors (LIPs) that project full-frame digital images. The guidance would clarify the application of certain aspects of the performance standard requirements in 21 CFR 1040.11(c). Specifically, the FDA does not intend to consider whether LIP manufacturers who conform to an alternative standard (IEC-62471-5:2015) under certain situations also comply with 21 CFR 1040.11(c). LIP manufacturers who choose not to conform to the alternative standards under the specified situations should evaluate these laser products in accordance with the FDA's guidance entitled Laser Products--Conformance with IEC 60825-1 and IEC 60601-2-22 (Laser Notice No. 50); Guidance for Industry

and FDA Staff or continue to comply with 21 CFR 1040.10(c) and 21 CFR 1040.11(c), among other applicable requirements. When finalized, the guidance will supersede guidance issued in February 2015. Comments are due Dec. 1, 2017. Contact: Patrick Hintz; FDA, Center for Devices and Radiological Health; 301-796-6927. Citations: 21 CFR 1040.10, 1040.11

82 FR 45861 (10/02/2017)

Regulatory Update

RADIATION
Nuclear Reactors/Operator Simulator Training Data
RADIATION

Notice of the NRC announces the submission of a new information collection request to the OMB concerning use by nuclear power stations with an onsite reactor simulator of Scenario Authoring, Characterization, and Debriefing Application software for operator simulator training. Use of the software is voluntary and free software licenses, training, and technical support will be provided by the NRC. The collection addresses data to be collected from users approximately six times during their training cycle. Comments are due Nov. 1, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; INFOCOLLECTS.Resource@NRC.GOV. Citations: 10 CFR 50, 52

82 FR 45906 (10/02/2017)

Regulatory Update

WATER
Arizona/Glen Canyon Dam Adaptive Management Work Group Charter Renewal
WATER

Notice of the Bureau of Reclamation announces the renewal of the charter for the Glen Canyon Dam Adaptive Management Work Group. The group provides advice and recommendations to the secretary of the Interior concerning operation of the dam, near Page, Ariz. Contact: Linda Whetton; Bureau of Reclamation; 801-524-3880; lwhetton@usbr.gov

82 FR 45888 (10/02/2017)

Regulatory Update

WATER
Colorado River Basin Salinity Control Advisory Council Meeting
WATER

Notice of the Bureau of Reclamation announces a meeting of the Colorado River Basin Salinity Control Advisory Council. The agenda includes a briefing of the status of salinity control activities, discussion of the Basin States Program, input for drafting the council's annual report, and progress reports from federal agencies concerning salinity control in the Colorado River Basin. The meeting is scheduled for Oct. 25, 2017, in Sacramento, Calif. Comments are due Nov. 24, 2017. Contact: Kib Jacobson; Bureau of Reclamation, Upper Colorado Regional Office; 801-524-3753; kjacobson@usbr.gov

82 FR 45888 (10/02/2017)

Regulatory Update

WATER
NPDES General Permit/Gulf of Mexico OCS Oil and Gas Extraction Facilities
WATER

Notice of the EPA announces the reissuance of the NPDES general permit for the offshore subcategory of the oil and gas extraction category for the western portion of the Outer Continental Shelf (OCS) of the Gulf of Mexico (GMG290000). The general permit covers existing sources, new sources, and new dischargers located in and discharging to the OCS offshore of Louisiana and Texas and authorizes discharges of produced water. The final general permit includes specified significant changes to the draft permit issued on May 11, 2017 (82 FR 21995). The permit is effective Oct. 1, 2017, and expires Sept. 30, 2022. Contact: Evelyn Rosborough; EPA Region 6; 214-665-7515; rosborough.evelyn@epa.gov. Citations: 40 CFR 435, Subpart A

82 FR 45845 (10/02/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 11/2/2017 9:34:21 PM
Subject: Senate confirms trio of DOE nominees

By Darius Dixon

11/02/2017 05:32 PM EDT

The Senate cleared two Energy Department undersecretaries as well as the agency's chief fossil fuel energy official this afternoon.

Paul Dabbar and Mark Menezes were confirmed as undersecretaries of science and energy, respectively.

Dabbar is a former U.S. Navy nuclear submarine officer who has been managing director for mergers and acquisitions at JPMorgan Chase. Menezes most recently worked as vice president for federal relations at Berkshire Hathaway Energy.

Both men cleared the Senate Energy and Natural Resources Committee on a voice vote in August.

The chamber also approved Steven Winberg to be assistant secretary for fossil energy. Winber, who cleared the Energy committee in early October, is a program manager at the Battelle Memorial Institute, and had headed up R&D for CONSOL Energy. Winberg has been a member of DOE's National Coal Council and chaired the FutureGen Industrial Alliance, which backed an unsuccessful carbon capture project in Illinois.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/senate-confirms-trio-of-doe-nominees-095162

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 8/22/2017 9:43:17 AM
Subject: Morning Energy: Electric grid weathers total eclipse of the sun — Big biodiesel ruling expected today — Taking stock of California's climate situation

By Anthony Adragna | 08/22/2017 05:41 AM EDT

With help from Eric Wolff, Lauren Gardner, Alex Guillén and Esther Whieldon

PASSED WITH FLYING COLORS: Solar panels across a swath of the U.S. went dark Monday as the first domestic total solar eclipse since 1979 transfixed the country, but the electric grid appeared to weather the disruption easily. Applying lessons Europe learned during its own 2015 eclipse, utilities leaned more heavily on alternate supplies to fill in gaps in solar generation. As Pro's Esther Whieldon reports , Eric Schmitt, California ISO's vice president of operations, told reporters about 3,000 megawatts to 3,500 megawatts of solar generation stopped during the eclipse, but hydropower and natural gas power supplies filled in that gap. "We didn't have any major challenges on the system, even minor challenges," he said. "We're very pleased with how smooth it went. All the resources performed the way they were supposed to perform."

How'd others do? The PJM Interconnection, the grid operator for more than a dozen Mid-Atlantic and Midwestern states saw a decrease of about 520 megawatts utility scale solar during the eclipse, which is not even a drop in the bucket for the system that has 185,000 megawatts of power on call. Duke Energy estimates it saw a drop of 1,700 megawatts-worth of output from utility-scale solar generation in North Carolina. (The grid's success did not extend to traffic where numerous apocalypses were reported after the eclipse passed).

Cabinet secretaries took a break. Interior Secretary Ryan Zinke tweeted it was a "pretty cool view" from his agency's rooftop, while EPA Administrator Scott Pruitt said his staff enjoyed a "great view" from headquarters. Energy Secretary Rick Perry said the total eclipse "rocks" and linked to National Renewable Energy Laboratory staff enjoying the view.

Away from Washington, senior lawmakers did as well. Senate EPW Chairman John Barrasso "really enjoyed watching the eclipse" from Casper, Wyo. (where the totality lasted more than two-and-a-half minutes). Senate Energy Chairman Lisa Murkowski was underground in a " permafrost tunnel" near Fairbanks, Alaska, at peak eclipse, but later caught a glimpse from visiting Deputy Energy Secretary Dan Brouillette.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and SEIA's Christopher Mansour was first to name Italy as the spot with two other independent countries within its borders (San Marino and Vatican City). For today (in honor of Monday's incredible eclipse): What is the only major U.S. city (more than 500,000 people) that enjoyed more than two minutes of totality? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

THE MITCH MCCONNELL CONNECTION: Anthony Pugliese exited the Department of Transportation to join FERC as its chief of staff, Transportation Pro's Lauren Gardner scooped

for Pros. He was DOT's senior White House adviser — a role that was intended to help 1600 Pennsylvania Ave. keep tabs on their goings-on. In this case he served next to Cabinet Secretary Elaine Chao, wife of Senate Majority Leader Mitch McConnell , and the two didn't appear to have gotten along. POLITICO reported in May how Pugliese informed Chao that he expected her to check in with him on all policy moves, a declaration that got a chilly reception.

Now Pugliese has a job as the top staffer for newly anointed FERC chairman Neil Chatterjee — for years McConnell's top energy policy aide — despite limited energy experience. The FERC announcement says Pugliese learned energy matters from his time working for Pennsylvania Gov. Tom Corbett, where he spent a year working for the department of Community and Economic Development, and as a consultant for Pugliese Associates, a Pennsylvania lobbying shop founded by Pugliese's father, Rocco. The company's website shows that it's energy clients included Tesla Motors, a filling station chain, and an energy efficiency non-profit. Pugliese's lobbying disclosure form for the state of Pennsylvania show his only energy client was Tesla.

BIODIESEL PRODUCERS CROSSING FINGERS FOR COMMERCE TRADE RULING TODAY: The Commerce Department is expected to issue a preliminary ruling today on whether to impose a tax on Argentine and Indonesian imports of biodiesel to counter those two countries' subsidies. Biodiesel exporters have been arguing for months that biodiesel feedstocks in Argentina and Indonesia are underwritten by their governments so they can sell into the U.S. market.

RFS credits in discord: Today's decision could drive up the biofuel credits that oil refiners use to comply with the Renewable Fuel Standard, because it would potentially shink supplies and increase the price of biodiesel. Those biodiesel credits can be used for compliance with the ethanol part of the program, too. But Tom Kloza, a founder of the oil tracking service OPIS, says RIN prices have been buffeted by "cross winds" since a court ruling last week that let some small refiners out of the program. "There's a little uneasiness about this small refinery exemption," he said. Today's "ruling isn't as big as the anti-dumping. It would probably provide an upward lift, but right now you have this downdraft related to small refinery exemption."

Just the first step in the trade dispute tango: A victory today for domestic producers would signal what may be a larger victory in October, when Commerce will rule on whether the two countries dumped biodiesel on the U.S. market in an effort to undermine U.S. production. Kloza said that one could potentially rattle biofuel markets. Neither decision will likely be finalized until next year.

A PRIZE PODCAST: This week's episode of Global POLITICO podcast features Dan Yergin, the Pulitzer-winning historian and expert on the geopolitics of energy, as well as Angela Stent, a former U.S. national intelligence officer for Russia, discussing the current "frigid, antagonistic, confrontational" relationship between U.S. and Russia. Yergin also discusses the dissolution of Trump's advisory council of business leaders last week, which he called very much "a comment about what's happening to our politics."

CALIFORNIA'S CLIMATE PUSH FUELS ECONOMIC GROWTH: Since the adoption of landmark climate legislation in 2006, California's gross domestic product growth has nearly

doubled what's been seen at the U.S. more broadly, but the rate of the state's emissions reductions have slowed recently due to a spike in transportation-related emissions, according to a new report out from the nonpartisan group Next 10. "Transportation sector emissions vastly outweigh other carbon-producing areas of California's economy, and the recent spike should alert policy-makers that despite our best efforts, more must be done," Adam Fowler, an economist at Beacon Economics, which prepared the report, said in a statement. Among the other findings: Energy-related carbon dioxide emissions in California were down 12.5 percent in 2016 from their 2006 levels and renewable energy made up 21.9 percent of total electricity generation in the state.

CHECK OUT THAT HASHTAG: Zinke's wife Lola raised a few eyebrows around Washington with a tweet of her and the secretary on a run to the Capitol that included the hashtag #senaterun. ME readers likely remember the Montana congressman was considered a likely Senate candidate against Democrat Jon Tester — who's up for reelection next year — prior to being tapped by the Trump administration for the Interior slot.

MAIL CALL! SCHATZ CRIES FOUL OVER EPA GRANT POLICY: Hawaii Democratic Sen. Brian Schatz sent a letter Monday to EPA's Pruitt urging him to reverse course on a new directive in which a political appointee — John Konkus within the Office of Public Affairs — now will evaluate grant solicitations. "I fail to understand the beneficial role a political appointee, without any meaningful scientific background, could have in the grant review process," Schatz wrote. He added the new policy appeared to be in "direct conflict" with the agency's scientific integrity policy.

THERE'S A HEARING! It may be August recess, but the Senate EPW Subcommittee on Superfund, Waste Management and Regulatory Oversight, chaired by Mike Rounds, today holds a field oversight hearing at his former office — the South Dakota state capitol. It'll examine efforts from the Army Corps of Engineers to manage the Missouri River to "make certain the agency is working in an appropriate and responsible manner." More information here.

DEMOCRATS TOUT ECONOMIC BENEFITS OF MONUMENTS: Ahead of Interior's Zinke's Thursday deadline to issue recommendations on the fate of nearly two dozen national monuments, the Joint Economic Committee Democrats released a series of fact sheets highlighting what they say are the substantial economic benefits the sites provide to local communities. "Removing designation in whole or in part from national monuments, as the Trump administration has proposed, would eliminate this economic engine," Sen. Martin Heinrich , the committee's ranking Democrat, said in a statement.

PUT UP YOUR DUKES: The nomination of one of their own, former New Jersey Rep. Scott Garrett, to run the Export-Import Bank has emerged as the latest battle in the Republican Party's civil war, POLITICO's Zachary Warmbrodt reports . Business groups are expected to ramp up efforts to block his appointment, while opponents of the bank are warning the Senate Banking Committee about the consequences of failing to advance Garrett's nomination."The divides among congressional Republicans appear to be deepening, and I am left with the sense that for some issues, the GOP is closer to a coalition government than a unified party," Compass Point analyst Isaac Boltansky said.

TAKE A GLANCE! DISSECTING NEW YORK'S ENERGY GOALS: The Manhattan Institute is out with a report today arguing, among other findings, New York's goal of reducing greenhouse gas emissions 80 percent from 1990 levels by 2050 is "unrealistic, unobtainable, and unaffordable." In addition, meeting renewable energy and GHG goals will mean shifting to electric-powered equipment across most sectors of the state's economy "adding many billions of dollars in costs in both the private and public sectors," the report argues. Lower-income New Yorkers would bear more of the brunt of those policies to hit the interim reduction goals, it says.

NOT A FAN: German Chancellor Angela Merkel slammed her predecessor Gerhard Schroeder for taking a high-paying post at Russian oil company Rosneft, POLITICO Europe's Victor Brechenmacher reports. "I do not find what Mr. Schroeder is doing appropriate," Merkel told German daily BILD. Schroeder has drawn criticism in Germany for his involvement in the Russian energy sector and his friendship with Russian President Vladimir Putin. He already holds a leadership role at Nord Stream AG, a gas-pipeline consortium set up by Gazprom, to transport Russian gas across the Baltic Sea and into Germany.

LET THERE BE REGIONAL ADMINISTRATOR! A former Alabama environmental regulator will serve as EPA's Region 4 Administrator, Pro's Alex Guillén reports. Trey Glenn was director of the Alabama Department of Environmental Management from 2005 through 2009 and has owned an engineering consulting firm in Birmingham for the last eight years. Alabama's ethics commission found "probable cause" back in 2007 that Glenn may have violated ethics laws but a grand jury in 2009 concluded there were no "provable violations." Regional administrators do not require Senate confirmation.

COURT REVIVES DUGONG SUIT: The 9th Circuit Court of Appeals has revived an environmentalist lawsuit dating back to 2003 alleging a plan to place a U.S. Marine Corps air base in Okinawa, Japan, threatens a local population of dugongs, which are similar to manatees. A lower court previously said the green groups did not have standing to bring the case, and the suit raised "political questions" the court could not answer. But the 9th Circuit reversed that Monday, saying the case must be heard. The green groups will now get to present their case that the new military base will threaten the Okinawa dugong, which is listed as endangered in the U.S. and Japan. However, they may still fail to change anything about the base; the 9th Circuit said the green groups "may face challenges in securing relief on the merits." The base construction has been controversial for reasons beyond dugongs, with the prefecture government taking Japan's central government to court this summer to halt work on seawalls and new land.

LOTS OF FREE TIME? Sebastian Gorka, Trump's deputy assistant, posted the personal phone number and other contact information of a blogger after he put up a post detailing how Gorka's son made an environmental documentary, Death and Taxes reports. The video at issue, made by 18-year-old Paul Gorka, looks at how plastic pollution contributes to water quality issues.

REPORT: NUCLEAR NEEDS CONGRESSIONAL HELP: Kirk Lippold, an energy policy expert who served as commanding officer of USS Cole, is out with a new report arguing Congress must extend a nuclear production tax credit for the U.S. to remain a worldwide leader in that energy sector. "It is incumbent for that leadership to continue through public support of

this clean energy source in order for it to remain a reliable power backbone for decades into the future," he writes in the paper for the Electric Reliability Coordinating Council.

QUICK HITS

— Most new Permian oil likely to be exported from Houston, Corpus Christi. Houston Chronicle.

— Coal country is ready for tech jobs — if techies will just give them a chance. Recode.

— Saudis Could Get $21 Billion Non-Oil Boost in 2018, BofA Says. Bloomberg.

— OPEC to discuss ending or extending production cut in November: Kuwait minister. Reuters.

— Support for climate change bill is haunting a California Republican leader. The Mercury News.

— UT System oil money is a gusher for its administration — and a trickle for students. Texas Tribune.

HAPPENING TODAY

10:00 a.m. — Nuclear Threat Initiative hosts a teleconference highlighting the impending launch of a new low-enriched uranium bank in Kazakhstan, contact: tsmith@mrss.com

THAT'S ALL FOR ME!

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/08/electric-grid-weathers-total-eclipse-of-the-sun-024338

Stories from POLITICO Pro

California grid emerges from solar eclipse unscathed Back

By Esther Whieldon | 08/21/2017 03:53 PM EDT

The California grid survived today's total solar eclipse without a hitch, California Independent System Operator officials said.

About 3,000 megawatts to 3,500 megawatts of solar generation stopped producing power during the eclipse, and the grid operator was able to cover that loss largely with hydropower and natural gas power supplies, Eric Schmitt, ISO vice president of operations, told reporters.

The grid operator had expected to lose up to 4,600 megawatts of utility scale solar during the eclipse and about 1,300 megawatts of residential rooftop solar.

Schmitt said months of planning had enabled the grid operator to accommodate the solar event.

"We didn't have any major challenges on the system, even minor challenges," he said. "We're very pleased with how smooth it went. All the resources performed the way they were supposed to perform."

Electricity prices were normal, peaking in the low $20s per megawatt-hour. But as the eclipse abated, they then went negative — meaning generators would need to pay to ship their power — as the solar power plants began to come online, Schmitt said.

WHAT'S NEXT: The ISO expects to release more details about how the grid performed during the solar eclipse, such as how much battery storage was used and how much rooftop solar went offline, at a later time.

To view online click here.

Back

DOT adviser jumps to FERC Back

By Lauren Gardner | 08/21/2017 12:33 PM EDT

Anthony Pugliese has left DOT to become the Federal Energy Regulatory Commission's chief of staff, POLITICO has learned.

Brigham McCown, a former Republican DOT official who worked on the Trump administration's transition team with Pugliese, confirmed the move.

Pugliese was the department's senior White House adviser, a role that Cabinet secretaries across the administration have chafed against.

A FERC spokesman confirmed the move. DOT didn't respond to a request for comment.

To view online click here.

Back

Court says EPA overstepped in denying small refiners RFS exemption Back

By Alex Guillén | 08/15/2017 02:09 PM EDT

The Obama administration in 2016 wrongly forced two small refineries in Wyoming to comply with the Renewable Fuel Standard, a federal court ruled today.

The Sinclair Oil-owned facilities had requested exemptions from the RFS, citing language in the law that allows EPA to spare small refiners from the program's biofuel blending requirements if they would experience "disproportionate economic hardship." While DOE recommended granting them a 50 percent waiver, EPA in October 2016 said both facilities were profitable enough to bear the RFS's costs and thus would have to comply fully with the program.

However, a split panel from the 10th Circuit Court of Appeals today said EPA overstepped its authority by concluding that the exemption could only be granted if complying with the RFS presented a long-term, "existential threat" to the refineries' survival.

EPA "chose a definition of economic hardship plainly at odds with Congress's statutory command," concluded the two majority judges, Timothy Tymkovich, a George W. Bush appointee, and Nancy Moritz, an Obama appointee. They sent the matter back to EPA for further action.

In a dissent, Carlos Lucero, a Clinton appointee, said he believed EPA had relied on "a more nuanced analysis" than the majority said which may have been permissible.

The decision comes just weeks after the D.C. Circuit ruled in a separate case that the Obama EPA had misappropriated a broader waiver authority under the RFS to require using less corn ethanol in 2016 than Congress required.

WHAT'S NEXT: EPA must review the refineries' petitions in light of the ruling. The agency could find further reasons for denying the petitions or it may grant Sinclair the sought-after exemptions.

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2018 showdown looms: House Republicans vs. Democratic senators Back

By Elana Schor and Burgess Everett | 11/18/2016 05:22 AM EDT

As Democratic senators weigh when to fight and when to compromise with Donald Trump, Republicans on the other side of the Capitol are watching — with 2018 in mind.

Several of the 10 Democrats up for reelection in states that Trump won are likely to face off against members of the House Republican Conference. And on Thursday, one of those potential Senate hopefuls, Montana Rep. Ryan Zinke, fired a warning shot at his possible rival, Democratic Sen. Jon Tester.

"What I'm hoping, quite frankly, is that Sen. Tester moves rapidly to the middle," Zinke said of the two-term incumbent he is considering taking on. "His votes have not been consistent with

Montana."

Zinke said he's preparing "to get a lot of pressure" to run against Tester, who chaired the Democratic Senatorial Campaign Committee during a disappointing 2016 election cycle for his party. The two-term congressman has met with Senate Majority Leader Mitch McConnell (R-Ky.) and Sen. Tom Cotton (R-Ark.) about a possible bid.

Tester would be "a formidable opponent, should I run," Zinke added. "I'm in no hurry to make a decision."

Democrats had hoped to defeat Zinke this year to kill off the Senate prospects of the affable former Navy SEAL. But despite Tester's personal attention to the campaign of Democrat Denise Juneau, who challenged Zinke for Montana's at-large House seat, the Republican coasted to an 18-point victory.

Tester said Thursday he'd bet a steak dinner that Zinke will run against him. No matter what, the Democrat is girding for a fight.

"They're going to get someone tough," Tester said Thursday.

Sen. Steve Daines (R-Mont.), who was elected in 2014 in the increasingly red state, said it was "too soon" to say definitively how much trouble Tester might be in.

"Every election has a different dynamic," Daines said. "You saw what happened last cycle. It was assumed we were going to lose the majority."

Beyond Montana, Sen. Heidi Heitkamp (D-N.D.) could face a strong challenger in Rep. Kevin Cramer (R-N.D.). Like Zinke, Cramer was an early backer of Trump's presidential bid even as the Republican establishment chafed at the New York developer.

Cramer often appears on short lists to lead Trump's Department of Energy, though one source working on the president-elect's transition said the two-term Republican is expected to take on Heitkamp rather than join the administration.

Sen. Cory Gardner (R-Colo.), the former House member chairing the National Republican Senatorial Committee for 2018, praised Cramer as a "tireless advocate."

"He puts the people of North Dakota before everything else, and that's what people want in their elected member of the Senate," Gardner said. "And obviously, in the 2018 election cycle, we just have to plan on winning every race. And of course, he'd be very good at it."

Heitkamp has long made clear that she expects a bruising reelection battle and plans to remind voters of her work with the GOP.

"My whole purpose in being here is trying to bridge some of these partisan divides and try and get things done," Heitkamp said. "I don't care what their label is. When I agree with them, we're

going to do business. When I disagree with them, we're going to have a conversation."

Democrats are expecting a challenge to Sen. Joe Manchin (D-W.Va.) from either Rep. Evan Jenkins (R-W.Va.) or state Attorney General Patrick Morrisey. Manchin is hoping for a repeat performance of this year's election, when his state installed a Democratic governor at the same time it overwhelmingly voted for Trump.

"It's a very good sign. Basically people look at the individual," Manchin said. Voters "know who I am."

Still, Manchin acknowledged that his next campaign is "going to be more challenging." He joined an expanded Senate Democratic leadership slate on Wednesday, giving him a chance to make his case for making deals with Trump — but also potentially allowing Republicans to directly tie Manchin to any Democratic obstructionism.

Given how quickly his state has gone from blue to red, it's unclear how effective Manchin's earlier campaign strategies for governor and senator might be.

"I've been in office since 2001, the state has dramatically changed its politics," said Sen. Shelley Moore Capito (R-W.Va.), who added: "Every election's a challenge and he knows that, I think. He's up for the challenge. He's a very intuitive politician."

In Missouri, which Trump carried by 19 points, several GOP House members are seen as potential challengers to Democratic Sen. Claire McCaskill: Reps. Vicky Hartzler, Ann Wagner, or Billy Long. Incumbent GOP Sen. Roy Blunt just survived a nimble challenge in the state by Democrat Jason Kander.

In Indiana, meanwhile, Republican Rep. Luke Messer could end up squaring off against Democratic Sen. Joe Donnelly. Trump won the Hoosier State by a staggering 28 points.

Historically the party in power has lost ground during the first midterm election under a new president. In 2010, Democrats lost the House and relinquished six Senate seats as voters recoiled at some of Barack Obama's early initiatives, especially his health care law.

The 2018 Senate map gives the GOP a buffer to weather that trend. But if the country doesn't like what the next two years out of Washington brings, Republicans won't be able to shirk the blame.

Sen. Mike Rounds (R-S.D.) said he and other Republicans who were elected to the Senate in 2014 ran as outsiders vowing to shatter the status quo. Asked if Republicans will have to retool that message after they take the wheel in Washington, he said, "That depends on whether or not we actually deliver on what we said we were going to do. So the first 100 days with the new president are going to be critical."

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GOP divided over Trump's Ex-Im Bank nomination Back

By Zachary Warmbrodt | 08/21/2017 02:30 PM EDT

President Donald Trump's nomination of former Rep. Scott Garrett to lead the Export-Import Bank has opened up yet another front in the Republican Party's civil war.

Pro-business trade groups, free-market advocates and even social conservatives and gay-rights activists are targeting GOP senators with competing lobbying efforts as they clash over Garrett's past attempts to shut down the bank and his controversial views on LGBT issues.

The issue could come to a head this fall if Senate Republicans move forward with a hearing and confirmation votes for Garrett. Some of the leading groups opposed to the credit export agency are warning the Senate Banking Committee about the consequences of failing to advance the nomination. Meanwhile, business groups are expected to ratchet up efforts to block Garrett's appointment.

That has raised the political stakes around the New Jersey Republican's confirmation and underscored divisions that have contributed to the GOP's lack of success in pushing major legislation through Congress.

"The logjam over the Ex-Im Bank is just the most recent battle in the ongoing ideological war within the GOP between its pro-business wing and the free-market absolutists," Compass Point analyst Isaac Boltansky said. "The divides among congressional Republicans appear to be deepening, and I am left with the sense that for some issues, the GOP is closer to a coalition government than a unified party."

Outside groups are stepping up their efforts as the Trump administration gives Garrett a chance to sell his nomination, which has been under fire since the president announced his pick in April.

At least three Senate Republicans — the number it would take to block his confirmation if Democrats uniformly were to oppose him — have indicated they are on the fence.

Businesses that rely on the Export-Import Bank are stepping up their drive to rally opposition to Garrett because of his attempts to kill the agency when he served in Congress. In 2015, he said the bank "embodies the corruption of the free enterprise system" by promoting crony capitalism.

The bank, which offers loan guarantees to foreign buyers of U.S. exports, hasn't been able to back deals that exceed $10 million since 2015, when its authorization temporarily lapsed and it lost a needed quorum of board members. Though its charter was renewed by Congress in December of that year, the lack of a quorum continues today.

U.S. manufacturers including Boeing and GE view it as a critical financial backstop.

As Garrett met with senators on Capitol Hill earlier this month, he offered a friendlier public message than he had while in Congress. He said he backed the president's desire to have a "functional" agency and that his job would be to "fulfill the administration's agenda of creating more jobs and helping manufacturing in this country."

But his pitch left a bipartisan group of senators less than satisfied.

"He lost his reelection bid last year, and he's now saying lots of things to try to get a new job," said Hamilton Place Strategies partner and former Bush administration official Tony Fratto, who represented a business coalition that supported the Export-Import Bank.

In response to the industry lobbying, outside groups that have worked for years to close the bank are jumping in to help push Garrett's nomination.

On Aug. 7, the Club for Growth and Heritage Action for America were among the conservative organizations that sent a letter to Senate Banking Chairman Mike Crapo (R-Idaho) warning that they would oppose any appointments to the agency's board if Garrett's name did not move forward.

Even after rushing to Garrett's defense, the bank's opponents would still like the agency to be shuttered. And if he ends up saying he's now in favor of reauthorizing the bank as part of his attempt to win confirmation, "it's politics, pure and simple," said Andrew Roth, Club for Growth's vice president of government affairs.

"The fact remains, if the bank is going to have a president, the only person out there that's capable of reforming the bank or reducing its size is Scott Garrett," Roth said.

Another issue dogging Garrett among Republicans is his record on gay rights.

His views attracted controversy in July 2015, when POLITICO reported that he told a group of fellow Republicans that he had refused to pay National Republican Congressional Committee dues because it recruited gay candidates.

Garrett later denied that he was against gay candidates and said his concern was with support for same-sex marriage. But the political fallout contributed to his failed 2016 reelection bid and is becoming a more prominent issue in his Senate confirmation.

American Unity Fund, a pro-LGBT conservative group founded in 2013, plans to aggressively lobby to defeat his nomination if it proceeds, said Tyler Deaton, a senior adviser for the organization.

Deaton said nominating someone with Garrett's record of "vilifying gay Americans" is like "throwing a wrench into something that's already complicated."

"We've shared our concerns with the White House," he said. "They've not even tried to defend

Mr. Garrett's anti-gay behavior."

The White House declined to comment on Garrett's LGBT record.

The Family Research Council, the conservative Christian nonprofit that describes homosexuality as "unhealthy and destructive," has come to Garrett's defense. The group has also been critical of the Export-Import Bank.

In a post last month, the group said Garrett's views on sexuality had "absolutely nothing" to do with his résumé.

"Scott Garrett's got a strong history of supporting not only free markets but fighting against government largess," said David Christensen, the Family Research Council's vice president for government affairs, in an interview. "He would be good at leading the Ex-Im bank. We also think it's unfair for some groups to try to raise his stance on social issues as a weapon against him."

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Pruitt picks ex-Alabama regulator for regional chief Back

By Alex Guillén | 08/21/2017 04:57 PM EDT

EPA Administrator Scott Pruitt has appointed a former Alabama environmental regulator as the agency's Region 4 Administrator, EPA announced today.

Trey Glenn was director of the Alabama Department of Environmental Management from 2005 through 2009. For the last eight years, Glenn has owned an engineering consulting firm in Birmingham.

Glenn "will help us carry out President Trump's vision of creating a more streamlined and efficient EPA that focuses on the Agency's core mission, while also providing more regulatory certainty to our nation's businesses," Pruitt said in a statement.

Alabama's ethics commission in 2007 found "probable cause" that Glenn, in his prior job as director of the state Office of Water Resources, may have violated ethics laws to land the ADEM position. But a grand jury in 2009 concluded there were no "provable violations," according to local news reports.

EPA's 10 regional administrators are political appointees but do not require Senate confirmation. EPA's Region 4 covers Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina and North Carolina.

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President Donald Trump warned of "rogue regimes" on Tuesday, speaking before the United Nations General Assembly during what he described as "a time of both immense promise and great peril."

"Terrorists and extremists have gathered strength and spread to every region of the planet. Rogue regimes represented in this body not only support terrorists but threaten other nations and their own people with the most destructive weapons known to humanity," Trump said. "Authority and authoritarian powers seek to collapse the values, the systems and alliances that prevented conflict and tilted the world toward freedom since World War II."

The president touted his administration's success but added that international criminal networks traffic drugs, weapons and people, and threaten America's borders and menace its citizens with new technology.

"To put it simply," he said, "we meet at a time of both immense promise and great peril. It is entirely up to us whether we lift the world to new heights or let it fall into a valley of disrepair."

Read more: http://www.politico.com/story/2017/09/19/trump-warns-against-authoritarian-regimes-in-un-speech-242876

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WIDESPREAD PRAISE FOR MATT LEOPOLD

Leopold Nominated as EPA General Counsel

WASHINGTON (September 2, 2017) Yesterday, President Donald J. Trump announced his intent to nominate Matt Leopold to serve as general counsel for the U.S. Environmental Protection Agency. Mr. Leopold previously served as general counsel for Florida Department of Environmental Protection from March 2013 to February 2015 and as an attorney for the United States Department of Justice Environment and Natural Resources Division from January 2007 to February 2013. He is currently of counsel for Carlton Fields Jorden Burt, P.A. focusing on environment, energy, water law, and litigation.

His nomination is receiving high accolades from environmental leaders across the country:

Marco Rubio, United States senator: "Matt Leopold's experience and knowledge will serve EPA well, and I'm glad the president nominated a Floridian who understands the importance of our state's vast ecosystems to our economy and residents' quality of life."

Pam Bondi, attorney general of Florida: "Matt Leopold was a great asset to the Florida Department of Environmental Protection and I look forward to him working together with my friend Scott Pruitt."

Adam Putnam, Florida commissioner of agriculture: "I'm thrilled to see another Floridian joining President Trump's Administration. After eight years of increased regulations and fees under President Obama, with little to nothing to show for it, I'm grateful for folks like Matt Leopold, who bring a wealth of expertise and experience to Washington, as well as a common sense approach to protecting our environment, while enabling our economy to grow and thrive."

John Cruden, president-elect of the American College of Environmental Lawyers and Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice (12/2014-1/2017): "Matt Leopold was a valued colleague of mine at the Department of Justice. He is committed to the rule of law and can be counted on to give sound and candid advice to EPA decision makers."

Eric Draper, executive director, Florida Audubon: "He has a good legal mind, strong leadership skills and knows how to work with different interests to bring resolution to complicated issues. During Mr. Leopold's tenure at the Florida Department of Environmental Protection, I worked closely with the department on resolution of Everglades water quality issues necessary to settle federal litigation. Being directly involved, I saw that the state was successful in negotiating with USEPA a plan that allowed agreement on, and eventual legislative approval of, a plan called 'Restoration Strategies' to create remedies to meet Everglades water quality criterion."

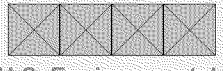
Eric Eikenberg, chief executive officer, The Everglades Foundation: "Few attorneys in America are as familiar with the legal issues – and importance – of Everglades restoration as is Matt Leopold,

and I heartily applaud his nomination to be the next general counsel of EPA. Our paths have crossed often in the 12 years since I first met Matt. I respect him as an attorney and a person of integrity. He understands the importance of America's Everglades and the critical need for restoration. Matt will serve Florida and our nation well, and I look forward to working with him and EPA to ensure America's Everglades are protected and restored."

Ethan Shenkman, EPA deputy general counsel (05/2014-01/2016) and DOJ deputy assistant attorney general, Environment and Natural Resources Division (03/2010-05/2014): "During the Obama Administration, I served in the DOJ environmental division and then at EPA. During that time, I had the opportunity to work closely with Matt Leopold on a number of environmental issues, where we crafted creative and responsible legal solutions to protect the environment, especially relating to the State of Florida where Matt served as general counsel of the Florida Department of Environmental Protection. In addition to his legal acumen and broad knowledge of environmental law, I believe Matt's previous experience as a well-respected career attorney at ENRD will serve him well should he be confirmed, and will enable him to foster a productive working relationship with the talented and dedicated career staff in EPA's legal shop."

Herschel Vinyard, co-chair, Gulf Coast Ecosystem Restoration Council; secretary, Florida Department of Environmental Protection (01/2011-12/2014): "The first thing that the nation will learn about Matt Leopold is his unassailable integrity. The second thing the nation will learn about Matt Leopold is his unwavering commitment to following the law. I have seen firsthand how he brings those two key traits to the table, applies common sense and arrives at the ideal solution to complex problems. Kudos to the Trump Administration and Administrator Pruitt for making this selection."

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Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/17/2017 06:48 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Thursday morning. BANNON SPEAKS ... TWO Steve Bannon interviews in the last 48 or so hours.

-- NYT: "Trump's Embrace of Racially Charged Past Puts Republicans in Crisis," by Jeremy Peters, Jonathan Martin and Jack Healy: "Stephen K. Bannon, the president's chief strategist, said in an interview that if Democrats want to fight over Confederate monuments and attack Mr. Trump as a bigot, that was a fight the president would win. 'President Trump, by asking, 'Where does this all end' - Washington, Jefferson, Lincoln - connects with the American people about their history, culture and traditions,' he said. 'The race-identity politics of the left wants to say it's all racist,' Mr. Bannon added. 'Just give me more. Tear down more statues. Say the revolution is coming. I can't get enough of it.'" http://nyti.ms/2fN5ShN

-- THE BIG WHAMMY -- READ THIS: "Steve Bannon, Unrepentant: Trump's embattled strategist phones me, unbidden, to opine on China, Korea, and his enemies in the administration," by Robert Kuttner in the American Prospect: "Needless to say, I was a little stunned to get an email from Bannon's assistant midday Tuesday, just as all hell was breaking loose once again about Charlottesville, saying that Bannon wished to meet with me. I'd just published a column on how China was profiting from the U.S.-North Korea nuclear brinkmanship, and it included some choice words about Bannon's boss. ...

"Far from dressing me down for comparing Trump to Kim, he began, 'It's a great honor to finally track you down. I've followed your writing for years and I think you and I are in the same boat when it comes to China. You absolutely nailed it.' 'We're at

economic war with China,' he added. 'It's in all their literature. They're not shy about saying what they're doing. One of us is going to be a hegemon in 25 or 30 years and it's gonna be them if we go down this path. On Korea, they're just tapping us along. It's just a sideshow.' ...

"Contrary to Trump's threat of fire and fury, Bannon said: 'There's no military solution [to North Korea's nuclear threats], forget it. Until somebody solves the part of the equation that shows me that ten million people in Seoul don't die in the first 30 minutes from conventional weapons, I don't know what you're talking about, there's no military solution here, they got us.' ...

"'I'm changing out people at East Asian Defense ; I'm getting hawks in. I'm getting Susan Thornton [acting head of East Asian and Pacific Affairs] out at State.' But can Bannon really win that fight internally? 'That's a fight I fight every day here,' he said. 'We're still fighting. There's Treasury and [National Economic Council chair] Gary Cohn and Goldman Sachs lobbying.' ...

"I asked Bannon about the connection between his program of economic nationalism and the ugly white nationalism epitomized by the racist violence in Charlottesville and Trump's reluctance to condemn it. ... He dismissed the far right as irrelevant and sidestepped his own role in cultivating it: 'Ethno-nationalism-it's losers. It's a fringe element. I think the media plays it up too much, and we gotta help crush it, you know, uh, help crush it more.' 'These guys are a collection of clowns,' he added." http://bit.ly/2w4q0lW

OK, LET'S REVIEW. This is super juicy. **BANNON** dumped on colleagues and contradicted the president on North Korea. There are two positions here: Axios's Jonathan Swan writes Bannon did not know he was giving an interview. **@jonathanvswan:** "You might read some takes tomorrow saying Bannon is playing 5D chess & this was part of a devious strategy. Those takes will be wrong." (***Read Swan's piece for more*** http://bit.ly/2i9eMqL). Bannon has told people he did not believe this was an on-the-record call. Kuttner, who wrote the piece, said he and Bannon never discussed it being off the record. Generally speaking, that's a conversation you have if you want your remarks kept private. To believe Bannon is to believe that he was caught off guard after calling the reporter, forgot the rules of conventional journalism or believed a left-wing reporter would keep his incendiary remarks private.

-- THE ALTERNATE VIEW: Bannon is an incredibly savvy political operator who talks to reporters all the time, and did these interviews for some reason. Yes, Bannon, who is a top adviser to the president who harps on leaking, is constantly gabbing with journalists. He gave two interviews over the course of roughly 48 hours. His job was on the line, then he found himself aligned with the president over protests in the south. He used the Prospect to dump on Gary Cohn, the president's economic adviser, with whom he has clashed, and to get his views heard on China. Whatever his motivation was, he felt like he should dial up some reporters and get his take out there.

THE BIG PICTURE -- MIKE SHEAR, MAGGIE HABERMAN and **GLENN THRUSH:** "The president's top advisers described themselves as stunned, despondent and numb. Several said they were unable to see how Mr. Trump's presidency would recover, and others expressed doubts about his capacity to do the job. In contrast, the president told close aides that he felt liberated by his news conference. Aides said he seemed to bask afterward in his remarks, and viewed them as the latest retort to the political establishment that he sees as trying to tame his impulses. Mr. Trump's venting on Tuesday came despite pleas from his staff, including his daughter Ivanka Trump and her husband, Jared Kushner. ...

"Mr. Bannon, whose future in the White House remains uncertain, has been encouraging Mr. Trump to remain defiant. Two White House officials who have been trying to moderate the president's position suggested that Mr. Bannon was using the crisis as a way to get back in the good graces of the president, who has soured on Mr. Bannon's internal machinations and reputation for leaking stories about West Wing rivals to conservative news media outlets. Many in the White House said they still held on to the hope, however slim, that the new White House chief of staff, John F. Kelly, could impose order on the disarray even as Mr. Trump hopscotches from one self-destructive episode to the next. Mr. Kelly, who watched the president's performance on Tuesday with his head hung low, grimacing at some of Mr. Trump's remarks, is frustrated, according to people inside the White House." http://nyti.ms/2i7LnwM

THE PRESIDENT at 6:19 a.m.: "Publicity seeking Lindsey Graham falsely stated that I said there is moral equivalency between the KKK, neo-Nazis & white supremacists.....and people like Ms. Heyer. Such a disgusting lie. He just can't forget his election trouncing.The people of South Carolina will remember!"

-- WE NEVER REALLY hear Graham talk about the presidential primary, which he dropped out of nearly two years ago (Dec. 2015). **ALSO:** Graham won his last election by 15 points, and won his last primary by 41 points.

-- NANCY COOK and **JOSH DAWSEY:** "'In some ways, Trump would rather have people calling him racist than say he backed down the minute he was wrong,' one adviser to the White House said on Wednesday about Charlottesville. 'This may turn into the biggest mess of his presidency because he is stubborn and doesn't realize how bad this is getting.' For Trump, anger serves as a way to manage staff, express his displeasure or simply as an outlet that soothes him. Often, aides and advisers say, he'll get mad at a specific staffer or broader situation, unload from the Oval Office and then three hours later act as if nothing ever occurred even if others still feel rattled by it. Negative television coverage and lawyers earn particular ire from him. White House officials and informal advisers say the triggers for his temper are if he thinks someone is lying to him, if he's caught by surprise, if someone criticizes him, or if someone stops him from trying to do something or seeks to control him." http://politi.co/2wbZSWB

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : If you know only one fact about rising drug costs, know this one: drug makers set prices

for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

MORE FALLOUT -- "Mitch McConnell's secret fury over Charlottesville response highlights GOP's Trump dilemma," by USA Today's Heidi Przybyla: "There was a reason why it took Senate Majority Leader Mitch McConnell an entire night to respond to President Trump's chaotic news conference equating counter protesters with the Nazis they came to resist. He was livid. Two sources close to the senator, speaking under condition of anonymity to describe private conversations, said the pro-civil rights Republican who lived through the 1960s in Kentucky closely deliberated on the best way forward." https://usat.ly/2x5LTyj

-- WHAT MNUCHIN THINKS, per Bloomberg's Saleha Mohsin, Justin Sink, and Margaret Talev: "As Treasury Department aides filtered in for a routine meeting on Wednesday, there was one main issue to be discussed: Secretary Steven Mnuchin does not stand with Donald Trump on the topic of neo-Nazis. Mnuchin, like other officials, had no idea the president would inflame the Charlottesville controversy by equating white supremacists to counter-protesters, the staff was told, according to two people familiar with the meeting.

"He stood beside Trump at the president's news conference in New York, the one that devolved into a shouting match with reporters over race, but not with the intent of endorsing his remarks on the issue. And now the message was that it's time to move on. The team was encouraged to look beyond the chaos of the past several days and instead focus on advancing Trump's economic agenda, the two people said." https://bloom.bg/2w4vj4Q

-- "Former CIA director slams Trump's 'despicable' comments in letter to CNN anchor," by CNN's Zachary Cohen: "Former CIA director John Brennan slammed President Donald Trump's 'dangerous' and 'ugly' comments on the deadly violence at a white supremacist rally in Charlottesville, Virginia -- writing a personal letter to CNN's Wolf Blitzer after 'The Situation Room' anchor spoke publicly about the fact that he lost all four grandparents to the evils of Nazism. ... 'If allowed to continue along this senseless path, Mr. Trump will do lasting harm to American society and to our standing in the world. By his words and his actions, Mr. Trump is putting our national security and our collective futures at grave risk.'" ***With the whole letter*** http://cnn.it/2uRYRid

--"Apple's Tim Cook 'disagrees' with Donald Trump's take on neo-Nazi violence in Charlottesville," by Recode's Tony Romm and Kara Swisher: "Apple CEO Tim Cook on Wednesday called for an 'unequivocal' denouncement of the recent neo-Nazi demonstration in Charlottesville, Virginia, stressing he disagreed with comments by President Donald Trump that attributed the violence there to 'many sides' - and not white supremacists. In a note to Apple's employees, obtained Wednesday night by Recode, Cook also announced the company would donate $1 million each to the Southern Poverty Law Center and the Anti-Defamation League. Apple plans to match its

employees donations to human rights groups -- on a 2-for-1 basis -- until Sept 30, while setting up a new system in iTunes, its music software, to 'offer users an easy way to join us in directly supporting the work of the SPLC,' Cook said." http://bit.ly/2w4TUXi

-- YASHAR ALI: "Rabbi That Oversaw Ivanka Trump's Conversion to Judaism Slams Trump on Charlottesville Response" http://nym.ag/2fNDCeS

NEW STRIKING TIME COVER - The magazine devotes its issue to a special report on Charlottesville, with essays by Nancy Gibbs, Eddie S. Glaude Jr., John Grisham, Jon Meacham, Ilhan Omar, and Tavis Smiley. The cover shows a figure wearing an American flag giving a Nazi salute. ***See the cover:*** http://bit.ly/2uJpFp1

-- **MICHAEL SCHERER** will be on "Morning Joe" this morning at 7:40 a.m. to discuss the cover story.

THE COMING BATTLE -- @CoryBooker: "I will be introducing a bill to remove Confederate statues from the US Capitol building. This is just one step. We have much work to do."

COMING ATTRACTIONS -- "House Homeland Security Committee to hold hearing on domestic terror threats after Charlottesville," by Washington Examiner's Josh Siegel: "Rep. Michael McCaul, chairman of the House Homeland Security Committee, announced Wednesday his panel will host a hearing next month focused on domestic terrorism threats, including that of white supremacist groups, following the weekend clash in Charlottesville at a rally organized by white nationalist groups. The Sept. 12 hearing was previously scheduled as part of an annual review of worldwide terrorist threats. But McCaul, R-Texas, said the hearing will be broadened to also address domestic threats." http://washex.am/2i906I4

WAPO'S ASHLEY PARKER and **BOB COSTA** on **JOHN KELLY -- "Trump's lack of discipline leaves new chief of staff frustrated and dismayed":** "The uproar -- which has consumed not only the White House but the Republican Party -- left Kelly deeply frustrated and dismayed just over two weeks into his job, said people familiar with his thinking. The episode also underscored the difficult challenges that even a four-star general faces in instilling a sense of order around Trump, whose first instinct when cornered is to lash out, even self-destructively. ...

"This portrait of the White House under Kelly comes from interviews with 17 West Wing aides, informal advisers, Republican lawmakers and Trump confidants, many speaking on the condition of anonymity to offer a more candid assessment....Kelly has largely improved staff morale, and implemented a rigor and order that has made West Wing aides feel both more optimistic and less mistrustful of one another, several White House aides said. ...

"Kelly has transformed the West Wing from a political Grand Central Station - with aides and hangers-on cycling through the Oval Office - into an actual place of business.

One outside adviser recalls stopping by the White House to say hello to his friends on days he had free time. Under Kelly, he said, approvingly, 'If you're coming, now it's, 'Why are you coming? Who are you coming to see? And why does the White House care about what you have to say?" ...

"Late last week in Bedminster, he gathered at Trump's clubhouse restaurant for a relaxed, social dinner with the senior staff members. ... As they reminisced about the campaign and told jokes, Kelly offered a quip. 'The best job I ever had was as a sergeant in the Marine Corps,' he said with a laugh, 'and after one week on this job, I believe the best job I ever had is as a sergeant in the Marine Corps.'" http://wapo.st/2wcJWU6

NYT'S MIKE SCHMIDT and **MATT APUZZO: "Trump Lawyer Forwards Email Echoing Secessionist Rhetoric":** "President Trump's personal lawyer on Wednesday forwarded an email to conservative journalists, government officials and friends that echoed secessionist Civil War propaganda and declared that the group Black Lives Matter "has been totally infiltrated by terrorist groups."

"The email forwarded by John Dowd, who is leading the president's legal team, painted the Confederate general Robert E. Lee in glowing terms and equated the South's rebellion to that of the American Revolution against England. Its subject line - 'The Information that Validates President Trump on Charlottesville' - was a reference to comments Mr. Trump made earlier this week in the aftermath of protests in the Virginia college town. 'You cannot be against General Lee and be for General Washington,' the email reads, 'there literally is no difference between the two men.' ...

"'You're sticking your nose in my personal email?' Mr. Dowd told The Times in a brief telephone interview. 'People send me things. I forward them.' He then hung up." ... The email's author, Jerome Almon, runs several websites alleging government conspiracies and arguing that the F.B.I. has been infiltrated by Islamic terrorists. He once unsuccessfully sued the State Department for $900 million over claims of discrimination." http://nyti.ms/2vLd8OX

WHAT TRUMP IS READING -- "Republican Congressman Meets With WikiLeaks Founder Julian Assange," by Daily Caller's Alex Pfeiffer: "After TheDC broke the news of the meeting, Rohrabacher put out a statement in which he said Assange 'emphatically stated that the Russians were not involved in the hacking or disclosure of [Hillary Clinton's] emails.' The three met for three hours and Rohrabacher is the first congressman to have visited the WikiLeaks founder. A press release from the California congressman's office stated that Rohrabacher 'plans to divulge more of what he found directly to President Trump.'" http://bit.ly/2fMsDSS

--WE HAD HEARD earlier this week that Rohrabacher was planning on trying to meet up with Assange. When we emailed his spokesman Ken Grubbs to ask what Rohrabacher was going to do in London, he told us on Monday night: "[H]e's on his way to meet up with his wife to celebrate their 20th anniversary."

NIMBY -- "Mayors taking swift action to avoid becoming the next Charlottesville," by WaPo's Janell Ross, Mark Berman and Joel Achenbach: "City officials across the country are nervously trying to figure out how to avoid becoming the next Charlottesville as alt-right leaders and white nationalist groups vow to stage more rallies in coming days. A group claiming it is advocating free speech has planned a rally for Saturday on the historic Boston Common, with a group advocating racial justice planning its own gathering in opposition. Boston officials said they have laid down strict conditions, including no sticks, weapons or backpacks. ... A rally scheduled for Aug. 26 in San Francisco has prompted House Minority Leader Nancy Pelosi (D) and several California lawmakers to urge the National Park Service to rescind the permit to gather on federal park land there." http://wapo.st/2i8kEjL

-- PHOENIX MAYOR WANTS TRUMP TO DELAY -- by Arizona Republic's Yvonne Wingett Sanchez: "Phoenix Mayor Greg Stanton wrote in a statement Wednesday he was disappointed to learn of Trump's visit so close to the violent events in Charlottesville. The mayor called on Trump to delay the visit. 'If President Trump is coming to Phoenix to announce a pardon for former Sheriff Joe Arpaio, then it will be clear that his true intent is to inflame emotions and further divide our nation,' the statement said." http://bit.ly/2w1CI4N

SCOOP -- "Trump Set to Roll Back Obama-Era Contraception Rule," by WSJ's Michelle Hackman and Louise Radnofsky: "The Trump administration is poised to issue a rule unwinding an Obama-era requirement that employee health benefits include contraception, which will spark a fresh round of litigation over an issue that has been before courts for six years. Federal health officials are expected to finalize a regulation that would allow employers with religious or moral objections to birth control to omit coverage for contraception from their workers' plans ... The Trump administration rule would allow a much broader set of employers to opt out of offering coverage for birth control, making moot a 'workaround' designed by the Obama administration that allowed women in some cases to obtain coverage even if their employers had declined to offer it directly." http://on.wsj.com/2i8MgFH

Playbook Reads

PHOTO DU JOUR: University of Virginia students, faculty and Charlottesville residents attend a candle light march across campus grounds on Aug. 16. Hundreds gathered on the campus for a candlelight vigil against hate and violence days after Charlottesville erupted in chaos during a white nationalist rally. | Andrew Shurtleff/The Daily Progress via AP

FIRST IN PLAYBOOK - WHAT A.G. JEFF SESSIONS WILL SAY TODAY -- Sessions is speaking about gang violence today at 11:30 a.m. to local and federal law

enforcement from North Carolina at the Gangs Across the Carolinas Training Symposium in Winston-Salem, North Carolina: "According to the FBI's most recent National Gang Report, approximately half of the gang investigators they surveyed said that gang membership and gang activity were increasing. Approximately one third of jurisdictions reported an increase in threats to law enforcement. ... Whether it is MS-13, the Bloods, or Outlaw Motorcycle Clubs, gangs are targeting our youth and law-abiding citizens. But I have news for these vicious criminals: WE ARE TARGETING YOU. ...

"President Trump is serious about supporting our state and local law enforcement. That is why he sent my Department three executive orders when I took office. One directs us to be supportive of law enforcement. A second declared that our mission is to reduce crime. And the third requires us to dismantle transnational criminal organizations. These are our goals and we are getting after them. ... Since the beginning of this year, the Department of Justice has secured more than 1,200 convictions against gang members. ... We will not let up. We will combat this threat, take the fight to them, and devastate these criminal enterprises. I refuse to cede one more block, one more street corner, one more inch to these gangs."

FOR YOUR RADAR -- REUTERS: "China military criticizes 'wrong' U.S. moves on Taiwan, South China Sea: "The 'wrong' actions of the United States on Taiwan, its South China Sea patrols and deployment of an advanced anti-missile system in South Korea have had a large, negative influence on military trust, a senior Chinese officer said on Thursday. Fan Changlong, a vice chairman of China's powerful Central Military Commission, told Joseph Dunford, chairman of the U.S. Joint Chiefs of Staff, that mutual trust mechanisms between the two militaries had continued to improve, China's defense ministry said. 'But wrong actions on the Taiwan issue, the United States deploying the THAAD system around China, U.S. ships and aircraft's activities in the South China Sea, the United States close-in surveillance in the sea and air near China have had a large, negative influence on bilateral military ties and mutual trust,' Fan added." http://reut.rs/2uScduN

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

CASH DASH -- "Lawmakers raise cash off Trump-Russia probe," by Austin Wright and Darren Samuelsohn: "Rep. Eric Swalwell's campaign website features ominous photos of President Donald Trump, Donald Trump Jr. and Jared Kushner. It warns about Russia's attacks on last year's presidential election and asks visitors to sign a petition demanding that a bipartisan commission investigate. Those who sign are then asked to contribute $5, $10, $25 or more to the California Democrat. Swalwell is one of the junior members of the House Intelligence Committee, which has long had an

unspoken rule against engaging in partisan fundraising related to the panel's secretive work.

"But the panel's high-profile Russia investigation is now putting that rule to the test, and experts are warning that some committee members' recent appeals for campaign cash could undermine everyone's credibility. ... Fundraising appeals from Intelligence Committee members have so far avoided detailed references to the panel's investigation, but there is undoubtedly a connection. And these fundraising appeals come as outside groups, including some with ties to the Trump administration, are capitalizing on the highly charged issue to bolster their own war chests." http://politi.co/2uSeLsQ

BEHIND THE SCENES -- "The 48 Frantic Hours Before CEOs Broke With Trump," by Bloomberg's Melissa Mittelman, Jennifer Kaplan, Jing Cao and Zachary Tracer: https://bloom.bg/2vL2Z4Q

LIKE A PHOENIX -- "Rahm Emanuel rehabs his national profile," by Natasha Korecki and Kristen East: "Rahm Emanuel's bungling of the Laquan McDonald shooting case in 2015 so sunk his stature with the African-American community, Hillary Clinton wouldn't be seen with him during her campaign stops in his city. With one crisis of violence in minority neighborhoods and another with police department morale, he had all but been silenced on national politics. But 18 months after fighting off resignation calls and protests in the streets, the Chicago mayor has rediscovered his national voice - and with Donald Trump in the White House, he's as emboldened as ever to use it. He's on CNN. He's on The New York Times' op-ed pages. He's dispensing advice to top House Democrats on national campaign strategy. He's jetting off to Milan and London to forge mayoral alliances while brashly picking fights with New York. The biggest headlines have come from Emanuel's decision to become the first big-city mayor to legally challenge Trump's immigration policies." http://politi.co/2x6J8ws

MEDIAWATCH -- "Jennifer Steinhauer Named Editor of Live Journalism/D.C." at the New York Times http://bit.ly/2w4sa4S

NYT BRINGS EVENTS TO D.C. -- "The New York Times announced today that its celebrated TimesTalks event series will expand into the arena of politics, policy and current events with a provocative three-part series this fall in Washington D.C. TimesTalks/D.C. will feature Times journalists as they explore the most pressing issues of the day in conversations with leaders who are shaping our world. The inaugural event will feature a conversation between House Speaker Paul Ryan and The Times's deputy Washington editor Jonathan Weisman on tax policy reform discussions in Congress and the legislative agenda. Speaker Ryan will provide insight on his party strategy and goals. This TimesTalks/D.C. conversation will take place the morning of Thursday, September 7 at the Newseum." http://politi.co/2uLgLar

PLAYBOOK INBOX -- Richard Viguerie, "A call to action re Steve Bannon": "Dear Conservative Leader: The campaign against our friend and fellow conservative Steve

Bannon has reached a fever pitch, and it is urgent that you join me in letting President Trump know just how deeply it would divide his winning coalition if he were to cave-in to those who wish to derail his agenda by removing Steve Bannon from the White House staff. ... I believe that the campaign to remove Steve Bannon from the White House staff is part of a well-thought-out effort to isolate the President from his conservative - populist base, stymie our conservative - populist agenda and to make Donald Trump a one-term President." ***The full letter*** http://politi.co/2vLDPDo

-- ANN SELZER emails: "I'm writing to let you know that after eight years of working exclusively with Bloomberg on their national political polling, my firm is now available to work with other clients as Bloomberg takes a hiatus for this off-election year. This is not necessarily a permanent arrangement. We both like each other and foresee we will work on projects together again one day. This means I can take on new polling-related projects, collaborations, and consultative relationships with clients that were not possible while I held an exclusive arrangement with Bloomberg News. If you or someone you know might be interested in working with me, please be in touch."

VALLEY TALK -- "Apple Readies $1 Billion War Chest for Hollywood Programming," by WSJ's Tripp Mickle: "Apple has set a budget of roughly $1 billion to procure and produce original content over the next year, according to people familiar with the matter-a sign of how serious the maker of iPhones is about making a splash in Hollywood. Combined with the company's marketing clout and global reach, the step immediately makes Apple a considerable competitor in a crowded market, where both new and traditional media players are vying for original shows. ... Apple could acquire and produce as many as 10 television shows." http://on.wsj.com/2w4rOeHe

Playbookers

SPOTTED enjoying Wednesday afternoon's Nationals game together: Kelly Simpson, Dave Natonski, Brent Robertson, Charlie Keller, Alex Schriver, and Matt Haller.

OUT AND ABOUT - Pool report: "The British Embassy opened its doors yesterday to over 200 soccer football fanatics for a live recording of this season's inaugural 'Men in Blazers' podcast, a show which 'aims to enlighten the masses to the wildly entertaining world of soccer.' At the event, which sold out to the public in 10 minutes, the Men In Blazers hosts Roger Bennett and Michael Davies sat down with CBS's Major Garrett, CNN's Chris Cillizza and British Ambassador Kim Darroch to talk soccer, the start of the Premier League season last weekend (which is celebrating its 25th anniversary) and the British brand's popularity in Washington, where it has been one of the top local markets for Premier League coverage on NBC Sports over the past few years."

TRANSITIONS -- America First Action, a pro-Trump super PAC, has named **Corey Lewandowski** as a senior adviser and a spokesman. ... Bustle has named political strategist **Karine Jean-Pierre** as a contributing editor. Jean-Pierre is the senior adviser

and national spokesperson for MoveOn.org.

-- PELOSI WORLD: Henry Connelly has been named as deputy communications director for House Minority Leader Nancy Pelosi. Connelly is currently director of speechwriting. He is a graduate of Yale and an alum of former Rep. Janice Hahn's office.

ENGAGED - Jeff Grappone, who works in corporate communications at Siemens USA, on Tuesday proposed to **Amy Graham,** who works in public affairs at the EPA. "Amy and Jeff met in 2012 at the Vice Presidential debate in Danville, Kentucky. She was part of the Romney campaign's surrogate operation and Jeff was there with Sen. Kelly Ayotte. Amy and Jeff became instant friends at the debate and started dating in 2015. Jeff proposed on Siasconset Beach in Nantucket and they celebrated at dinner in town with friends before finishing the night at the Club Car's piano bar." ***Pic*** http://bit.ly/2w4n5tm

-- Aaron Wells, a partner at The Smoot Tewes Group, got engaged this past weekend to **Beth Florence,** a nurse at Suburban Hospital in Bethesda. Aaron proposed at their alma mater, Augsburg University, followed by a celebration with family and friends in Minnesota. ***Pics*** http://politi.co/2x6V3dR ... http://politi.co/2uLibBH

BIRTHDAY OF THE DAY: Ron Bonjean, partner at Rokk Solutions, celebrating with his "folks (my dad and I share the same birthday) at The Good Pants Ranch." **A fun fact about Ron:** "In college, I was the announcer for the Milwaukee County Zoo's Dolphin and Sea Lion Show. I still have most of the script memorized since we did it 5 shows a day, 7 days a week all summer long." Read his Playbook Plus Q&A: http://politi.co/2wSCdIb

BIRTHDAYS: Glen Caplin, senior adviser for Sen. Kirsten Gillibrand ... former Sen. Norm Coleman (R-Minn.) is 68 ... Politico's Alexis Williams ... Rep. David Price (D-N.C.) is 77. He's celebrating by discussing U.S. energy policy with a bipartisan group of colleagues at an Aspen Institute conference (h/t Sawyer Hackett) ... Rep. Jackie Walorski (R-Ind.) is 54 ... Jamie Smith, global chief communications officer for the BitFury Group, is 4-0. She's celebrating with "a true throw back Thursday with the kids: Six Flags America (weather permitting). Lincoln Rose (4) and Elijah James (2) are thrilled to experience sun (or rain) with their mommy on her very special birthday" (hubby tip: Eric Pierce) ... Ali Deckard ... IJR CTO Carl Sceusa is 27 (h/t Anton Vuljaj) ... Elyse Cohen of the U.S. Chamber Foundation and a Michelle Obama alum ... Leah Nelson of Sunshine Sachs (h/t Clare Tonneson) ... Derek McGinty ... Sabrina Leigh Schaeffer, VP at the Herald Group ... Mike Buczkiewicz, senior producer at "Morning Joe" ... Josh Dubois is 35 ... Chris Golden ... Sonali Dohale ... David Kusnet, former White House speechwriter and principal at the Podesta Group (h/t Jon Haber) ... HuffPost's Elise Foley ... Mark Molaro ... Aaron Kinnari ...

... Matt Mittenthal, director of comms for BuzzFeed News ... Carlee Griffeth, O'Malley/SCDP alum who now does comms for Rep. Kurt Schrader, "celebrating the

end of being on her parents' health care plan #ThanksObama. She'll be feted by friends after work at Cantina Marina." (h/t Matt Corridoni) ... Tyler Nickerson ... Alyson Chadwick ... Eric Stark ... Indonesia turns 72 on its Independence Day ... Monica Fernandez ... Carlee Griffeth ... Ashley Harris ... Nick Hawatmeh ... Laura DeSimone ... Andrea McCarthy ... Kevin Lillard ... Kate Gladney ... Boston Globe's Eric Moskowitz ... Margie Glick ... Yousef Saba ... Mandy Matti ... Rex Babin ... John Hayes, the pride of Cedar Falls, Iowa ... Suzy Loftus ... Nancy Kirshner ... Robyn Garnett ... Diane Shust ... Ken Bailey ... Michael Alter (h/ts Teresa Vilmain) ... Ken Bailey ... Alan Bowser ... Maegan Carberry ... Kate Stacy ... Kevin Mack ... Mary Lou Foy ... Lisa Stickan ... Greg Murphy ... Michael Kraft ... former Chinese president Jiang Zemin is 91 ... author V.S. Naipaul is 85 ... Robert DeNiro is 74 ... author Jonathan Franzen is 58 ... Sean Penn is 57 (h/ts AP)

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 10/25/2017 5:41:09 PM
Subject: Interior draft plan pushes energy development, omits climate change

By Esther Whieldon

10/25/2017 01:39 PM EDT

A leaked draft of the Interior Department's five-year strategic plan omits any references to climate change and emphasizes increasing energy production on federal lands, generating revenues, speeding up infrastructure approvals, increasing outdoor recreation opportunities and securing the U.S.-Mexico border.

The draft plan for 2018 through 2022, which is dated Sept. 27 and was first reported by The Nation, doesn't mention climate change, and instead calls for using the best available science to conserve water and land and to "safeguard communities against natural hazards."

The report stands in stark contrast to the Obama Interior's plan for 2014 through 2018, which mentioned climate change more than 40 times and included concrete targets for promoting solar and wind generation. The new draft report mentions renewables in the context of the agency's "all of the above" energy priorities and as part of the agency's review of rents and royalty rates.

On energy and infrastructure development, Interior is creating an "executive committee for expedited permitting" to help carry out Interior Secretary Ryan Zinke's related directive. And by Sept. 30, 2019,, the Bureau of Land Management aims to eliminate its backlog of oil and gas drilling permit applications and to have processed 80 percent of expressions of interest for public land leases.

And the plan would have the Fish and Wildlife Service inform all of its Endangered Species Act listing designations using "input from state fish and wildlife agencies" that opt to participate in the process by the end of fiscal 2018.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/interior-draft-plan-pushes-energy-development-omits-climate-change-094758

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 8/11/2017 8:48:15 PM
Subject: California sues EPA for Pruitt ethics docs

By Alex Guillén

08/11/2017 04:45 PM EDT

California Attorney General Xavier Becerra today sued EPA for documents related to Administrator Scott Pruitt's ethics agreements.

EPA has not yet responded to a request Becerra made in April under the Freedom of Information Act for the documents, according to the suit. The case was filed in U.S. District Court for D.C.

Becerra specifically requested details about Pruitt's "compliance with federal ethics regulations and obligations." Pruitt has recused himself from working on a number of lawsuits related to rules he sued over, including the Clean Power Plan and Waters of the U.S., although Pruitt said he is not barred from working on regulatory rollbacks or replacements of those rules.

Becerra also asked for the agency's "policies and procedures for determining who (if anyone) can assume the powers of the Administrator if he is recused or disqualified from participating in a matter."

WHAT'S NEXT: Becerra asked the court to force EPA to reply to his April public records request. The court will give EPA a chance to respond.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/california-sues-epa-for-pruitt-ethics-docs-091747

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 9/1/2017 1:10:58 AM
Subject: Sep. 01 -- Daily Environment Report

Daily Environment Report

September 01, 2017 - Number 169

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Leading the News: Hurricane Harvey

Chemicals
Chemical Plant Explosion Revives Fight Over Shelved Safety Regulations
Police and firefighters responding to an explosion at a flooded Arkema chemical plant in Texas would have known more about the facility's risks under an updated chemical safety rule shelved by the Trump administration, critics contend.

Chemicals
Texas Explosions Signal Chemical Plants Pushed to Limits by Storm
In its devastatingly slow crawl up the industrial Gulf Coast, Hurricane Harvey is proving to be the biggest test yet of the safety and vulnerabilities of the U.S. chemicals industry.

EPA
Harvey Cleanup Tests Trump Plan to Shrink EPA by 8 Percent
The EPA has a team in Texas to lead the environmental response to Hurricane Harvey, which could pose a severe test for an agency the Trump administration is moving to shrink as early as this weekend.

Hydraulic Fracturing
Harvey's Floods Could Delay 10 Percent of U.S. Fracking: Analyst
As much as 10 percent of U.S. fracking work could be delayed after Hurricane Harvey ripped through southeast Texas, home to one of the nation's busiest oilfields, according to Raymond James & Associates financial advisory.

Renewable Energy
Harvey Pushed This Texas Wind Farm All the Way to the Max
For a wind farm in the path of a hurricane, location matters.

Solid Waste
Concerns Over Houston Landfills Rise as Floodwaters Recede
Tens of thousands of hurricane-ravaged houses will be gutted or bulldozed when the floodwaters in Texas eventually recede and cleanup begins. Where all of that garbage ends

up is a looming question, with potential long-term environmental consequences.

Superfund
Superfund Sites Unprepared for Climate Change, Hurricanes
EPA cleanup policies may not be enough to protect human health as contaminants from Superfund sites threaten to spread in Hurricane Harvey's aftermath, community advocates and climate change groups say.

Water Pollution
Harvey Leaves 115,000 in Texas Without Safe Tap Water
Hurricane Harvey has put at least 50 water utilities out of service, leaving about 115,000 people in southeast and lower central Texas without tap water for drinking and cooking.

News

Chemicals
Chemours Told to Stop Discharging Two Chemicals in N.C.
North Carolina regulators are asking The Chemours Co., to stop discharging two more chemical compounds of concern into the Cape Fear River from its Fayetteville, N.C., facility.

Chemicals
Fate of Chemical Makers' Trade Secrets Rests With EPA
The EPA is preparing to receive requests from potentially hundreds of chemical manufacturers, importers, and processors who want to keep thousands of chemical details out of the public eye.

Chemicals
Number of Chemicals in Products Underestimated, EPA Says
The number of chemicals in products people use at home, work, or school typically is underestimated, an EPA exposure researcher said Aug. 31.

Citizen Suits
Rockwell Dodges Injunction Over Aircraft Plant Waste
Rockwell Automation Inc. and Gulfstream Aerospace Corp. will face nuisance and trespass claims over chemical waste from a Oklahoma aircraft plant, but not an injunction, the Western District of Oklahoma ruled (Bethany v. Rockwell Automation, Inc., 2017 BL 305534, W.D. Okla., Case No. 16-cv-01005, 8/30/17).

Climate Policy
New England, Canada Strive for Deeper Greenhouse Gas Cuts
New England and eastern Canadian provinces will lean more heavily on renewable energy, electricity conservation, and zero-emissions vehicles as they aim for deeper greenhouse gas reductions.

Courts
Judge With 'Healthy Skepticism' of Regulation Exits D.C. Circuit
The nation's second-most-powerful court is losing a "unique" voice that is skeptical of administrative agency power, with Judge Janice Rogers Brown set to retire Aug. 31 after 12 years serving on the U.S. Court of Appeals for the District of Columbia Circuit.

Energy

Auto Industry to Absorb Costs for Clean-Car-Production Federal Loans

The Trump administration's Energy Department wants automakers to shoulder the costs associated with loans that help the industry produce high-efficiency and electric vehicles.

Energy

Energy Official With Controversial Twitter History Resigns

William Bradford, who has a history of controversial Twitter posts, resigned from his politically-appointed position as the director of the Energy Department's Office of Indian Energy.

Enforcement

EPA Enforcement Nominee to Start Work Ahead of Confirmation

Susan Parker Bodine, the president's pick for EPA enforcement chief, will start work at the agency Sept. 5 ahead of her Senate confirmation vote.

Enforcement

Engineer Gets Prison Term For Conspiring with China on Nuclear Materials

A nuclear engineer charged with illegally conspiring to develop and produce nuclear materials in China was sentenced to two years in prison, the FBI announced.

Mining

Brazil Judge Reinstates Ban on Mining in Copper-Rich Amazon Area

A federal judge in Brazil suspended a presidential decree that had reopened the gold-and-copper-rich eastern Amazon to mining.

Oil & Gas

Bankrupt Black Elk Energy Convicted for Offshore Explosion

Black Elk Energy Offshore Operations LLC, a bankrupt company, has been convicted of eight felony violations and a misdemeanor in connection with a 2012 explosion that killed three workers and injured several others on an offshore oil production platform in the Gulf of Mexico.

Oil & Gas

Energy Transfer's Delayed Rover Pipeline Cleared to Start

Energy Transfer Partners LP got cleared Aug. 31 to start the first part of its controversial Rover pipeline, a $4.2 billion system that will deliver natural gas from the shale formations of the eastern U.S. to market.

Oil & Gas

Millennium Pipeline Needs Greenhouse Gas Analysis, New York Says

A proposal for a short natural gas pipeline in New York has been denied water quality permits partly because the Federal Energy Regulatory Commission (FERC) did not account for downstream greenhouse gas emissions when approving the project.

Renewable Energy

Australia's Digital Currency Opens Avenues for Renewables Trading

An Australian company developed a digital currency designed for peer-to-peer trading among businesses and homeowners looking to sell surplus renewable energy.

Renewable Energy

Brazil Plans to Offer Up to 9 Gigawatts in Energy Auctions

Brazil is planning to award contracts for as much as 9 gigawatts of new generating capacity in a pair of power auctions scheduled for December, according to a person with knowledge of the process. The bulk is expected to go to wind farms.

Renewable Energy

China's Ex-Im Bank Backs Azerbaijan Wind With $460 Million Loan

The Export-Import Bank of China will finance a 500 million-euro ($460 million) wind farm in the Caspian Sea off the coast of Azerbaijan as the third-biggest crude oil producer in the former Soviet Union taps clean energy to supply its domestic energy needs.

Renewable Energy

Germany to Cut 2018 Onshore Wind Aid After Additions Exceed Cap

Germany will cut subsidies paid to onshore wind farm owners from January after additions surpassed an industry cap, the Bnetza power regulator said.

Renewable Energy

Japan Environment Ministry Asks for $2.9B to Boost Clean Energy

Japan's Ministry of Economy, Trade and Industry is seeking to allocate 323 billion yen ($2.9 billion) to expand the use of low-carbon energy sources for the year starting April 1, an increase of nearly 7 percent from the previous year.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 10/11/2017 12:40:25 AM
Subject: Oct. 10 -- Energy and Climate Report



Energy and Climate Report

October 10, 2017 - Number 195

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News

Air Pollution

Axing Power Plan Health Benefits May Signal EPA's New Tack

The Trump administration downplayed the health benefits of reducing power plant emissions in its proposal to rescind the Obama EPA's signature climate change regulation, a policy shift that could have implications for various air pollution control programs.

Climate Regulation

Clean Power Plan Only First Target for Foes of Climate Rules

Scrapping an Obama-era plan to cut carbon emissions from power plants doesn't prevent the EPA from revisiting its authority even to regulate greenhouse gases, conservative opponents of climate regulation said.

Climate Regulation

Coal Gets Nod Over Renewables in Repeal of Clean Power Plan

The Trump administration began the process Oct. 10 of repealing former President Barack Obama's plan to cut greenhouse gas emissions from power plants, opening a small window for a revival of coal while prolonging uncertainty over the U.S. electricity mix.

Climate Regulation

Trump Plays Down Health Hazard in Justifying Climate Rule Repeal

When President Barack Obama unveiled his plan to pare emissions from U.S. power plants two years ago, he stressed the long-term health benefits: 3,600 fewer premature deaths, 90,000 fewer asthma attacks in children and a decline in hospital visits.

Energy

British Columbia Shuns Oil Tankers in Favor of Gas Exporters

British Columbia's opposition to Kinder Morgan Inc.'s $5.8 billion oil pipeline expansion won't stop Canada's westernmost province from welcoming natural gas exporters.

International Climate

Timing of Power Plan Repeal a Message to Global Climate Talks

Scrapping carbon dioxide limits from U.S. power plants should be viewed as "a provocation"

to more than 190 countries just weeks before they meet in Bonn, Germany, to advance an international climate change pact, a defender of the EPA's actions told Bloomberg BNA.

Oil & Gas

Oil and Gas Companies Rebuild Their Financial Houses

Oil and gas companies are coming out of a phase of bankruptcy turnarounds with the help of asset sales, new capital infusions, new ownership, and strengthened cost controls.

Renewable Energy

Green Power a Victim of Own Success Down Under as Costs Plunge

Plummeting costs for renewable energy in Australia may tilt the government toward scrapping subsidies designed to encourage use of the technology.

Renewable Energy

Pruitt Seeks End to Wind Tax Credits to Help Coal Survive

Tax incentives for the wind industry should be eliminated, Environmental Protection Agency administrator Scott Pruitt said Oct. 9.

Shareholder Proposals

Investors Eye Climate Risk, Diversity for Coming Proxy Season

Board diversity and climate change will be prominent themes in shareholder proposals for the 2018 proxy season, corporate attorneys and proponents told Bloomberg BNA.

Sustainability

Australia Allows Buildings, Precincts to Be Certified Carbon-Neutral

Office-block tenants, real estate trusts and local governments are likely to be among the first to take advantage of changes to Australia's federal carbon-neutral certification program that now extend to buildings and precincts.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Sun 9/10/2017 4:08:07 PM
Subject: How U.S. News college rankings promote economic inequality on campus

A POLITICO review shows that the criteria used in the U.S. News rankings - a measure so closely followed in the academic world that some colleges have built them into strategic plans - create incentives for schools to favor wealthier students.

POLITICO interviewed more than 20 current and former college presidents, administrators and federal education officials, and all agreed, often in fiery terms, that the lack of economic diversity is a critical problem. Many cited a common culprit - the U.S. News rankings, which began in 1983 and quickly grew to become, in the magazine's own words, "the 800-pound gorilla of American higher education."

"I think U.S. News has done more damage to the higher education marketplace than any single enterprise that's out there," said F. King Alexander, president of Louisiana State University.

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Subject: Aug. 30 -- EHS State Regulatory Alert



EHS State Regulatory Alert

August 30, 2017 - Number 167

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Arizona

AIR
Motor Fuels and Petroleum Products, Gasoline Vapor Control
Arizona AIR

Final rule of the Department of Agriculture, Weights and Measures Services Division, amends regulations under R3-7-101 through -1013 (nonconsecutive) and repeals regulations under R3-7-706 and -709 to update division standards, including requirements for motor fuels and petroleum products and for gasoline vapor control. The rule reduces classroom and examination requirements for vapor recovery testers to once every three years. The rule also updates fuel-related standards for consumer postings, fuel quality requirements, and dispenser equipment requirements. In addition, the rule revises requirements for production, supply, and blending of biofuels and removes the deadline for submitting alternate decommissioning plans to allow flexibility to gas stations required to remove Stage II vapor recovery equipment by Sept. 30, 2018. Finally, the rule updates citations and other requirements to reflect the transfer of the Department of Weights and Measures to the Department of Agriculture. The rule is effective Oct. 2, 2017. Contact: Michelle Wilson; Department of Agriculture, Weights and Measures Services Division; 602-771-4933; mwilson@azda.gov

—Arizona Administrative Register (08/25/2017)

Regulatory Update

California Regions

AIR
Refinery Fenceline and Community Air Monitoring
California Regions AIR

Proposed rule of the South Coast Air Quality Management District adopts regulations under Rule

1180 to require petroleum refineries that have the permitted capacity to process more than 10,000 barrels of crude oil per day to install and operate continuous, real-time fenceline and community air monitoring systems. The rule requires refinery operators to submit written plans for establishing and operating such systems, including specifying equipment to be used, the method for disseminating data to the public, and audit procedures. The rule also requires refinery operators to notify the district of downtime for planned maintenance and unplanned equipment failures that impact monitoring data. In addition, the rule requires refinery operators to maintain monitoring records for five years and exempts refinery operators that comply with a cost-recoverable community air monitoring agreement. A comment due date is not specified. Contact: South Coast ACMD; 909-396-2000

—California RegionsRegulations (08/18/2017)

Regulatory Update

WATER

Chollas Creek TMDLs/Water Effect Ratios for Copper and Zinc

California Regions WATER

Notice of the San Diego Regional Water Quality Control Board seeks comments on the proposed approval of an amendment (R9-2017-0015) to the water quality control plan for the San Diego Basin. The amendment incorporates site-specific water effect ratios for copper and zinc of 6.998 and 1.711, respectively, into the water quality objectives and total maximum daily loads for dissolved metals in Chollas Creek. The board will publish an agenda for the meeting where a resolution to adopt the basin plan amendment will be considered. Comments are due Oct. 18, 2017. Contact: Melissa Valdovinos; San Diego RWQCB; 619-521-8039; melissa.valdovinos@waterboards.ca.gov

—California RegionsRegulations (08/23/2017)

Regulatory Update

WATER

Sacramento and San Joaquin River, Tulare Lake Basin Water Quality Control Plans

California Regions WATER

Notice of the Central Valley Regional Water Quality Control Board announces a resolution (R5-2017-0088) amending the water quality control plan for the Sacramento and San Joaquin river basins and the Tulare Lake Basin. The amendments establish a regionwide municipal and domestic supply (MUN) beneficial use evaluation process in agriculturally dominated surface water bodies. The amendments also establish implementation and monitoring requirements when the MUN beneficial use is modified in agriculturally dominated surface water bodies. In addition, the amendments establish a limited MUN beneficial use applicable to agriculturally dominated water bodies with inherent limiting conditions. Finally, the amendments also remove the MUN beneficial use from 231 constructed or modified agriculturally dominated surface water bodies within the San Joaquin River Basin. The resolution is effective Aug. 11, 2017. Contact: Central Valley RWQCB; 916-464-3291

—California RegionsRegulations (08/11/2017)

Regulatory Update

Pennsylvania

WATER
Safe Drinking Water
Pennsylvania WATER

Proposed rule of the Environmental Quality Board amends regulations under 25 PAC 109.1 through .1307 (nonconsecutive) and adopts regulations under 25 PAC 109.1401 through .1413 concerning safe drinking water. The rule clarifies source water assessment and protection program requirements; updates treatment technique requirements for pathogens; and establishes requirements for filtration plant alarms, shutdown capabilities, and auxiliary power. The rule also requires certain public water systems to consult with the department prior to making significant changes to disinfection practices, updates submission requirements for new source permit applications, and updates design and construction standards for certain public water systems. In addition, the rule updates requirements for community water systems, increases permit fees and establishes annual fees, and addresses corrective action. Finally, the rule establishes the regulatory basis for issuing general permits; clarifies that noncommunity water systems require a permit or approval from the Department of Environmental Protection prior to construction and operation; and updates monitoring, reporting, and tracking requirements for back-up sources of supply. Comments are due Sept. 25, 2017. Contact: Lisa Daniels; DEP, Bureau of Safe Drinking Water; 717-787-9633; RegComments@pa.gov

—Pennsylvania Bulletin (08/26/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Tue 8/8/2017 10:32:31 PM
Subject: Today on Climate Beat

August 8, 2017

Today on Climate Beat . . .

. . . we got scientific, bringing you news of a draft federal climate science report that directly contradicts Trump administration statements casting doubt on mainstream climate science. The report, the latest draft of which was obtained by the *New York Times*, is currently undergoing White House review before final publication.

The climate science report has already become a political talking point for Democrats. We brought you some initial Democratic reaction to the report, including concerns that the Trump administration will dismiss or suppress the report's conclusions.

And out in West Virginia, Gov. Jim Justice, who recently returned to the Republican Party, is suggesting the Trump administration provide a $15 per ton subsidy to utilities that purchase coal-fired power from the Appalachian region -- citing a national security rationale.

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Aug 18, 2017

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 8/11/2017 9:43:02 AM
Subject: Morning Energy: EPA to assess climate report — EPA to include 2021 auto emissions 2022-25 in model year review — Methane stay rejected again

By Esther Whieldon | 08/11/2017 05:41 AM EDT

With help from Emily Holden and Alex Guillén

EPA TO GRADE THE CLIMATE REPORT: Scott Pruitt says EPA will review the upcoming federal climate change research report compiled by 13 agencies "and evaluate the merits and demerits and the methodology and accuracy of the report." Emily Holden reports that the EPA chief told a Texas radio show on Thursday the scientific section of the upcoming National Climate Assessment "ought to be subjected to peer-reviewed, objective-reviewed methodology and evaluation. Science should not be politicized. Science is not something that should be just thrown about to try to dictate policy in Washington, D.C."

Pruitt also dismissed the discussions in Washington about carbon emissions and the links to climate change as "political," but said his planned debate over climate science was good for the country. Asked by the radio show host why there's a "preoccupation with CO2" in Washington, Pruitt said because it "serves political ends."

"Frankly, the last several years the past administration used the CO2 issue as a wedge issue, and that's why we talked about it this much," he said. "Why aren't we celebrating what we're achieving with respect to CO2 ... why do we continue to engage in this political football?"

A draft of the science assessment Pruitt was referring to was cited this week by The New York Times, which said some of the report's authors were worried the Trump administration would suppress its findings. That draft brought together peer-reviewed work of dozens of scientists within the federal government and concluded it is "extremely likely" human activity is the main cause of global warming since the mid-20th century, and it projects more intense heat waves, extreme droughts and severe flooding.

Pruitt's comments came just as the National Oceanic and Atmospheric Administration issued a separate report Thursday confirming that 2016 was the warmest year on record, surpassing the records set in each of the two previous years.

EPA TO INCLUDE 2021 AUTO EMISSIONS IN 2022-25 MODEL YEAR REVIEW: EPA will expand its review of 2022-2025 model year vehicle greenhouse gas emissions standards to include 2021 model year standards, Alex Guillén reports . The move mirrors a reconsideration of that year's fuel economy standards by the National Highway Traffic Safety Administration, which must set its Corporate Average Fuel Economy standards in blocks of up to five years, meaning it is only just starting to write rules for 2022-2025. EPA announced earlier this year that it will reopen the midterm review of the 2022-2025 standards after the Obama administration, in its final days in office, certified those standards as achievable. EPA has until April 1, 2018, to decide whether to weaken or keep the Obama administration levels. Any change to EPA's

standards would require a formal rulemaking.

METHANE STAY REJECTED AGAIN: The full D.C. Circuit Court of Appeals on Thursday shot down renewed attempts to revive EPA Administrator Scott Pruitt's 90-day stay of the methane rule for new oil and gas wells, Alex reports . A three-judge panel last month said Pruitt's stay was unlawful and the full court later reinstated the rule. With a vote of 8-3 Thursday, the court denied requests by industry groups and Republican state officials for a full court review of the decision. The court has effectively squashed hopes of further appeals since seeking Supreme Court review would take more time than would have been left on the stay, which would have expired Aug. 31. However, Pruitt is likely to have a longer-term stay in place soon.

TRUMP SCOFFS AT CLIMATE CHANGE: President Donald Trump on Thursday responded to questions about the nation's nuclear posture toward North Korea by somewhat strangely reiterating his disagreement with the past administration on climate change. Speaking at his New Jersey golf course, Trump told reporters that "Nuclear to me, number one, I would like to 'de-nuke' the world. I know that President Obama said global warming is the biggest threat. I totally disagree...I'd like to de-nuke the world. I would like Russia, the United States and China and Pakistan and many other countries that have nuclear weapons get rid of them. But until such time that they do, we will be the most powerful nuclear nation on earth, by far."

Welcome to Friday! I'm your guest host, Esther Whieldon, congratulating Dwight Miller of Parametrix Inc., who was the first to answer that Lavinia "Vinnie" Ream was the first female artist commissioned by the government to sculpt a statue. Ream was hired as a teenager in 1866 to sculpt the standing statue of President Abraham Lincoln, which resides in the Capitol building's rotunda. Ream, who is buried in Arlington Cemetery, also has another claim to fame: She may have convinced Sen. Edmond G. Ross, who boarded at her house, to cast the vote that saved President Andrew Johnson from being removed from office. Today's trivia question returns to Arlington Cemetery where yours truly spent many college summer days giving tours on TourMobile buses: Name the Pulitzer Prize-winning female journalist who covered World War II and the Korean and Vietnam wars and is buried in Arlington Cemetery. Send us your guesses, tips, energy gossip and comments at ewhieldon@politico.com and aadragna@politico.com and follow us on Twitter @esthernow, @aadragna, @bjlefebvre, @Morning_Energy, and @POLITICOPro.

JUDGE SENDS MURRAY-OLIVER CAT FIGHT BACK TO STATE COURT: Coal magnate Bob Murray's lawsuit against comedian John Oliver has been sent out of federal court and back down to a state court . There was some debate about whether the lawsuit over Oliver's June TV segment about Murray and his coal companies was a dispute between parties from different states, but it turns out both Murray's companies and HBO and its affiliates are all incorporated in Delaware, which means technically there is no interstate battle. However, the case will not be heard in the First State; instead, it will move forward in the Circuit Court of Marshall County, W. Va., where some of Murray's coal interests are located.

REPORT PROBES IMPACT OF SHALE BOOM ON EDUCATION: Economic research organiziation Resources for the Future is out with a new report that concludes that the oil and gas boom in recent years has had mixed results, but has generally not hurt student learning. Based on

existing literature and interviews with teachers and others across six oil and gas producing states — Pennsylvania, Ohio, West Virginia, North Dakota, Montana and Colorado — the paper found the impacts of the boom had different effects in each region. For example, student enrollment was statistically higher in boom districts in North Dakota, but Marcellus Shale districts saw a decline in student enrollment compared to neighboring areas.

NORTHERN PASS LINE ONE STEP CLOSER TO GREEN LIGHT: DOE issued its final environmental impact statement Thursday for Eversource's 192-mile-long high-voltage transmission line that would deliver more than 1,000 megawatts of hydropower from Canada to New England. The move queues up the agency to potentially issue a presidential permit for the project later this year, although Northern Pass is still awaiting approvals from the Forest Service and Army Corps of Engineers. The project's route through New Hampshire calls for adding another 52 miles of underground line to the original proposal to reduce the chances of it spoiling the view along the Appalachian Trail. That change that will add about $1.41 billion to the project's cost. Eversource aims to bring the project online in 2020.

COMPANY PROPOSES SOLAR PROJECT ON BLM LAND: Utility-scale developer SolarReserve has filed for a right-of-way grant with the Bureau of Land Mangement for its proposed 1,600 megawatt Sandstone Solar Energy project in Nevada, the company said in a notice to Nevada utility regulators. The company, which declined to provide a copy of its BLM filing, ultimately aims to use about 20,000 acres for eight solar towers in Nye county and hopes to finish the project by 2022. Sandstone project's is not inside any of the solar energy zones BLM created several years ago in the state, according to a company spokeswoman. The Sandstone project appears to be among the first proposed following the rule BLM issued last year that allows the agency to seek competitive bids for leases.

EPA STAFFER AMONG CYBER EXPERTS LEAVING GOVERNMENT: Sean Kelley, EPA's chief information security officer, is one of four senior cybersecurity officials that are leaving U.S. government posts, according to BuzzFeed. The article says the exodus of top leaders raises concerns they could be leaving agencies more vulnerable to cyber attacks. Kelley is taking a job in the private sector after working at EPA for just a few months.

Quick Hits:

— British Columbia Vows to Block Pipeline Expansion, Wall Street Journal

— Polluter fines drop 60 percent under Trump, Washington Post

— Special Report: How Engineers Are Preparing for Sea-Level Rise, Engineering News Record

— Energy storage gets ready for its close-up, San Diego Union-Tribune

— Tesla is turning Kuaui into a renewable energy paradise, Wired

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https://www.politicopro.com/tipsheets/morning-energy/2017/08/epa-to-assess-climate-report-024186

Stories from POLITICO Pro

Pruitt: EPA will review climate findings in scientific report Back

By Emily Holden | 08/10/2017 09:35 PM EDT

EPA Administrator Scott Pruitt told hosts of a Texas radio show on Thursday his agency will review an upcoming federal climate change research report compiled by 13 agencies "and evaluate the merits and demerits and the methodology and accuracy of the report."

Pruitt also dismissed the discussions in Washington about carbon emissions and the links to climate change, saying they were "political."

"Frankly this report ought to be subjected to peer-reviewed, objective-reviewed methodology and evaluation. Science should not be politicized. Science is not something that should be just thrown about to try to dictate policy in Washington, D.C. It ought to be objectively measured. We ought to be able to inform our citizens about what we know and what we do not know," Pruitt said in the interview.

Pruitt was referring to a portion of the National Climate Assessment, a comprehensive climate report issued by the federal government every four years. His comments came just as the National Oceanic and Atmospheric Administration issued a separate report Thursday confirming that 2016 was the warmest year on record, surpassing the records set in each of the two previous years.

Pruitt plans to launch his own debate of climate science, which both his detractors and supporters have said would be an unnecessarily politicized exercise.

The EPA chief said Wednesday that "this debate, this discussion, I think it's good and healthy for this country."

The Trump administration is required by law to issue the National Climate Assessment and its Climate Science Special Report next year.

The draft of the science assessment cited this week by The New York Times consolidated the peer-reviewed work of dozens of scientists within the federal government. It establishes that it is "extremely likely" human activity is the main cause of global warming since the mid-20th century. It projects more intense heat waves, extreme droughts and severe flooding, ranking effects based on a range of confidence levels.

Staff from EPA and other agencies have previously approved the report, but Pruitt and the White House have one last opportunity to make changes.

Asked by the radio show host why there's a "preoccupation with CO2" in Washington, Pruitt said because it "serves political ends."

"Frankly, the last several years the past administration used the CO2 issue as a wedge issue, and that's why we talked about it this much," he said. "Why aren't we celebrating what we're achieving with respect to CO2 ... why do we continue to engage in this political football?"

"Let's just focus on getting the job done through innovation and technology instead of trying to create wedge issues," he said.

Pruitt also weighed in on the New York Times story about the draft report, which said scientists were worried the Trump administration might interfere with its publication. Report authors told POLITICO they've yet to see any sign that might happen, although Trump's stance that climate change is a "hoax" had raised concerns.

"The New York Times out there saying they had to release this report because it's going to be suppressed is just simply legendary. It's just made up news trying to create a distraction from the real work that's being done in Washington, D.C.," he said.

Pruitt praised news stories that were critical of The New York Times for saying it had obtained an unreleased version, even though the report had been available on one website. The New York Times subsequently corrected the statement that the report had not been previously available and published a more recent draft that it obtained.

Alex Guillén contributed to this report.

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Back

2016 confirmed as planet's hottest year Back

By Emily Holden | 08/10/2017 01:02 PM EDT

Last year was Earth's warmest on record, according to an international climate report issued Thursday by the National Oceanic and Atmospheric Administration that documents other record-breaking global warming trends of 2016.

The report is the most comprehensive assessment of the effects of climate change released by the Trump administration, and it could make it easier to refute efforts from the president and his Cabinet members to publicly discount climate science as they have frequently done in the past. However, the annual report does not detail the link between climate change and human activities such as burning coal or gasoline. Those conclusions are drawn in a separate draft portion of the National Climate Assessment highlighted by The New York Times earlier this week.

The "State of the Climate" publication, which confirms findings released before President Donald Trump was sworn in, outlines the observed outcomes of swiftly rising temperatures. They include the highest sea levels ever recorded, extremes in rain cycles and declines in global ice and snow cover. The nearly 500 authors convened by NOAA explain the effects that are due both to long-term global warming and shorter-term weather events like El Niño.

Last year was the third in a row to break global temperature records, the report found. It includes science from nearly 60 countries and will appear in the Bulletin of the American Meteorological Society and on NOAA social media feeds.

"This is basically like an annual physical of the climate system," said report co-editor Deke Arndt, NOAA's climate monitoring chief.

It "compiles the facts the data the observations from around the climate system and puts it in an annual manuscript," he said.

Trump has referred to climate change as a "hoax," and his environment and energy secretaries have plans to host a public debate of the science that have generated outcry among some climate scientists who say the human-caused climate change is definitely happening. EPA chief Scott Pruitt said his review could happen as soon as this fall.

"The American people deserve an honest, open, transparent discussion about this supposed threat to this country," Pruitt said on a North Dakota radio show Wednesday.

NOAA and NASA in January combined their data to announce 2016 was the hottest year so far, but the new report backs that finding up with science from around the world. NOAA, which is under the Commerce Department, stands out among other federal agencies. NOAA earlier this year released its annual Greenhouse Gas Index. The EPA, on the other hand, has removed climate change information from its website.

NOAA said last year's heat record is "from the combined influence of long-term global warming and a strong El Niño early in the year."

"Several markers such as land and ocean temperatures, sea level and greenhouse gas concentrations in the atmosphere broke records set just one year prior," NOAA said.

Ardnt explained that NOAA doesn't specify what warming is from climate change and what is from weather events.

"The long-term climate change is like riding up an escalator over time, and things like El Niño and La Niña are like jumping up and down on that escalator," Arndt said.

The Times reported that some scientists are worried the Trump administration could suppress or interfere with climate science reports like the National Climate Assessment, which is required by law to be issued next year. Authors of the subsection of that report, however, said they've seen

no sign that might happen. Arndt, who has been working on the NOAA annual report for eight years, said it includes the "same general material," and underwent the "same general process."

Brenda Ekwurzel, the director of climate science for the Union of Concerned Scientists who was not involved with the report, said it is "almost at the level of the daily weather report you get." NOAA releases monthly data, too.

"This is typical, and it's ironic that people make a big ado about the big reports that kind of tie it all together," she said.

Ekwurzel said the government has a responsibility to inform people of the risks of man-made climate change.

Among its findings:

— Greenhouse gas concentrations are higher than ever recorded. Between 2015 and 2016, carbon dioxide concentrations saw their biggest annual increase in the 58 years on record, reaching peaks not seen in the last 800,000 years of ice core measurements.

— Global surface temperatures are the highest on record.

— Sea levels are the highest they've ever been since recordkeeping began. Global seas are about 3.25 inches higher than the 1993 average when satellite recording began. 2016 marks the sixth year that sea levels have risen.

— Precipitation cycles are becoming more extreme.

— The Arctic is warming faster than the rest of the world.

— Antarctic sea ice levels are lower than ever recorded.

— Alpine glaciers have declined for 37 consecutive years. Glaciers shrunk an average of 2.8 feet.

— There were more tropical cyclones, with 93 storms in 2016, compared to an average of 82 between 1981 and 2010.

To view online click here.

Back

EPA will review 2021 auto emissions rule alongside later years Back

By Alex Guillén | 08/10/2017 04:43 PM EDT

EPA will expand its review of 2022-2025 model year vehicle greenhouse gas emissions standards to include 2021 model year standards, the agency announced today.

The development mirrors a reconsideration of that year's fuel economy standards by the National Highway Traffic Safety Administration. NHTSA must set its Corporate Average Fuel Economy standards in blocks of up to five years, meaning it is only just starting to write rules for 2022-2025, and the agency said last month that it will also review its rule for 2021.

Because NHTSA is reviewing its own 2021 standard, EPA will do the same, according to a pre-publication notice signed today by EPA Administrator Scott Pruitt and Transportation Secretary Elaine Chao. It asks for input on the "availability and effectiveness of technology," costs and impacts on consumers, auto manufacturers and automobile safety, among other things.

EPA announced earlier this year that it will reopen the midterm review of the 2022-2025 standards after the Obama administration, in its final days in office, certified those standards as achievable. EPA has until April 1, 2018, to decide whether to weaken or keep those standards.

Any change to EPA's standards, either for 2021 or for the midterm review period of 2022-2025, would require a formal rulemaking process and would be open to legal challenges.

WHAT'S NEXT: The agencies will take public comments for 45 days once the notice is published in the Federal Register.

To view online click here.

Back

Court rejects effort to revive Pruitt's methane rule stay Back

By Alex Guillén | 08/10/2017 05:05 PM EDT

The full D.C. Circuit Court of Appeals today by a vote of 8-3 rejected attempts to revive EPA Administrator Scott Pruitt's 90-day stay of the methane rule for new oil and gas wells.

A three-judge panel last month said Pruitt's stay was unlawful, and the full court later reinstated the methane rule. Today, it said it will not grant the en banc appeal requests made by industry groups and Republican state officials. The Trump administration itself did not seek an appeal.

The rejection effectively ends any further appeal efforts; seeking Supreme Court review would take more time than would be left on the stay, which would have expired Aug. 31. However, Pruitt is likely to have a longer-term stay in place soon.

Three of the circuit's 11 active judges voted to hear the appeal: Karen LeCraft Henderson, Janice Rogers Brown and Brett Kavanaugh. All three are Republican appointees.

WHAT'S NEXT: The public comment period on Pruitt's proposed stay that would last through 2019 closed on Wednesday. That longer-term stay could be in place in a matter of weeks.

To view online click here.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Fri 8/4/2017 2:06:21 PM
Subject: POLITICO's Morning Transportation: Senate confirms DOT, DHS nominees before vamoosing — Sanctuary cities targeted — Get some rest before a hectic fall

By Stephanie Beasley and Brianna Gurciullo | 08/04/2017 10:00 AM EDT

DONEZO: You smell that, our loyal MT readers? That's the smell of lingering jet fumes in the air. The Senate confirmed more than 60 nominations Thursday afternoon - including David Pekoske to be TSA administrator, Mark Buzby to be MARAD administrator and Robert Sumwalt to be NTSB chairman - before lawmakers took off for recess.

Baptism by fire: Pekoske, previously vice commandant of the Coast Guard, will now be sworn in as the 13th administrator of the 16-year-old TSA. His confirmation by voice vote comes days after John Kelly left DHS to be White House chief of staff. As Steph reports for Pros, "Pekoske will likely work closely with Acting Secretary Elaine Duke to oversee implementation of a directive DHS issued in June ordering 180 airlines to work with partner airports around the globe to update security for flights to the United States."

Excluded from the en bloc confirmations? Steven Bradbury to be DOT general counsel and Ron Batory to be FRA administrator. Bradbury just squeaked out of committee on a party-line vote, with Democrats questioning his past work for Takata and his part in helping pen the so-called torture memos during the George W. Bush administration. The nominations of Bradbury and Batory - as well as Derek Kan, to be undersecretary of Transportation for policy, and Adam Sullivan, to be assistant secretary for governmental affairs - will have to wait until after recess.

Also of note: The Senate on Thursday confirmed Kay Bailey Hutchison to be the United States' ambassador to NATO. A former senator from Texas, Hutchison served for years on the Senate Commerce Committee.

GOTTA GET DOWN ON FRIDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. We at MT wish you a happy weekend. But before you duck out of the office today, please send along tips, feedback and lyrics to sbeasley@politico.com or @Steph_Beasley and bgurciullo@politico.com or @brigurciullo.

"Hitchhiker, praying to the headlights / You don't slow down, not this night / Cactus shadows, in the blue moonlight / Let's not get fooled, fool, with view high in sight / Dessert has oh no night / First things first she sighed / Shut up and drive." (h/t Michael Sievers at Hunton & Williams)

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with tunes (picked by us and readers) that are all about flying, driving, commuting and sailing?

TWEET DU JOUR: From POLITICO's Jake Sherman: "Kelly has totally changed trump. Much more disciplined, tighter etc." (Jake was referring to this tweet from President Donald Trump: "Our relationship with Russia is at an all-time & very dangerous low. You can thank Congress,

the same people that can't even give us HCare!")

SAFETRACK SOUNDTRACK: On WAMU's The Kojo Nnamdi Show, musician Jason Mendelson talked about his years-long mission to write a song for every station in Washington's Metrorail system. Although, he confessed that he hasn't been to all 91 stations yet. Listen here.

SANCTUARY CITIES TARGETED: Republican Sens. John Cornyn of Texas, John Barrasso of Wyoming, Ron Johnson of Wisconsin and Thom Tillis of North Carolina introduced legislation that would block sanctuary cities from receiving federal funds if they don't comply with federal immigration enforcement requests. The lawmakers said the bill would take a "zero tolerance" approach to immigrants who commit crimes or violate immigration laws, in an effort to increase public safety. The legislation also proposes to allocate $15 billion to tighten security at the U.S.-Mexico border, but none of it would go toward fulfilling Trump's campaign promise to build a standalone border wall, POLITICO's Seung Min Kim and Ted Hesson write.

MORE, MORE, MORE: It's been 10 years since a law H.R. 1 (P.L.110-53) was enacted mandating that DHS adopt 9/11 Commission recommendations to improve national security, but the department is still lagging behind when it comes to tracking travelers' arrivals to and departures from the country and checking cargo entering U.S. ports, according to Rep. Bennie Thompson (D-Miss.). "We still do not have a biometric exit system though the department has a pilot underway," he said in a statement Thursday. CBP also is still allowing maritime cargo to enter the country without scanning all materials, including those that could pose nuclear threats, he added. Thompson, who was chairman of the House Homeland Security Committee when the bill passed the chamber, urged the Trump administration to prioritize those issues and make sure that the legislation was fully enacted "as soon as possible."

ALL THE DEADLINES: The infrastructure initiative Trump promised during the campaign is likely to be idling until late autumn, at the earliest. Rep. Mark Meadows (R-N.C.) thinks Congress needs to send a bill overhauling the tax code to the White House by Thanksgiving. That's what the House Freedom Caucus chairman said Thursday at an Americans for Prosperity event, Aaron Lorenzo reports for Pro Tax. The White House is operating under the optimistic assumption that a tax overhaul will pass the House in October and the Senate will follow up in November, which would give lawmakers about a month to turn to Trump's third priority for 2017: an infrastructure bill.

THEN THERE'S THE MUST-PASS BILLS: The House and Senate will both be in session for only a few days before fiscal 2017 ends, as Pro Day Ahead notes. In that time, lawmakers will not only need to re-up the FAA's authorization, but also increase the debt ceiling, a debate that stands to tear apart Republicans. "The upshot: Congress will return next month from August recess with no clear road map for avoiding the first-ever default on the nation's debt," POLITICO's Seung Min Kim and Rachael Bade report. On top of that, Congress will need to pass a spending bill before the government shuts down at the end of September.

BACK IN THE DAY: Robotics engineers and former government officials sat down with Wired Magazine to reminisce about what it was like to participate in what sounds like a pretty epic 142-mile self-driving vehicle race sponsored by the Pentagon. Despite offering a $1 million

prize to the winner of the 2004 Grand Challenge in the Mojave Desert, Tony Tether, then director of the Defense Advanced Research Projects Agency, said he didn't expect more than 10 people to show up. But on the day of the race, the grounds "teemed with sweaty, stressed, sleep-deprived geeks, desperately tinkering with their motley assortment of driverless Frankencars," Alex Davies writes of the race that is now considered a launching pad for the self-driving car industry.

SHIFTING GEARS: Nicole Hager is leaving Sen. Jim Inhofe's (R-Okla.) office, where she has served as deputy press secretary, to take the same position for the Senate Finance Committee beginning Aug. 21. Hager's last day with Inhofe, for whom she has worked since 2015, was Thursday. In an email to colleagues, she said she will also attend The George Washington University Law School.

THE AUTOBAHN:

- "CSX pains lead to Norfolk Southern gains." The Virginian-Pilot.

- "Toyota to build $1.6 billion U.S. plant with rival Mazda: source." Reuters.

- "Linking public works to local hiring faces a Trump challenge." The New York Times.

- "NTSB arrives at scene of deadly Minneapolis school explosion." NBC News.

- "U.S. judge voids World Trade Center contractor's fraud conviction." Reuters.

- "Smoke, then fire: Uber knowingly leased unsafe cars to drivers." The Wall Street Journal.

- "More than 1 in 5 travelers knowingly or unknowingly carried prohibited items onto aircraft, survey finds." The Washington Post.

- "This summer, PATH, New York's puny train, is on the big stage." The New York Times.

THE COUNTDOWN: DOT appropriations run out in 57 days. The FAA reauthorization expires in 57 days. Highway and transit policy is up for renewal in 1,153 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/08/04/senate-confirms-dot-dhs-nominees-before-vamoosing-221713

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg Environment
Sent: Fri 12/1/2017 12:07:33 PM
Subject: First Move: 'Glider Kits' Exemption Hearing • EPA and Tweeters • Alaska Refuge's Battles

What you need to know to start your day.

'Glider Kits' Exemption Hearing • EPA and Tweeters • Alaska Refuge's Battles

By Chuck McCutcheon

The EPA, having just come off two days of hearings on its plan to scrap power-sector carbon limits, is about to get an earful on its proposal to eliminate another se of emissions requirements.

The agency will hear public input on Monday on its plans to exempt glider kits from Obama-era greenhouse gas standards for heavy-duty trucks, says Abby Smith, who's been tracking the issue. Glider kits are new truck chassis and cab assemblies built for the installation of a used engine and transmission.

The agency proposed Nov. 9 to roll back emissions limits for the glider kit industry—a move that came after glider kit manufacturers petitioned the EPA on the issue, arguing the regulation would effectively destroy their businesses. But regulating emissions from glider kits is critical not only to limiting greenhouse gases but also to reducing conventional air pollutants, environmental groups say.

Expect to hear much more on these competing cost-versus-public health arguments at Monday's hearing.

Do you sit on a federal advisory board and have an active social media presence? Hold off on snarky tweets, the EPA's pesticide programs office says.

Tiffany Stecker explains that the agency's Office of Pesticide Programs Director Rick Keigwin asked members of a federal advisory committee last month to not tweet critical or negative reaction during a meeting that touched on a number of contentious topics, such as the effects of pesticides on honeybees and the agency's handling of an herbicide linked to widespread soybean damage. The tweeting could discourage committee members from voicing their opinions, he said.

Lori Ann Burd, an attorney with the Center for Biological Diversity and member of the Pesticide Program Dialogue Committee (PPDC), responded on Twitter: "Hey EPA, we the people have the right to tweet our observations during public meetings #FirstAmendment #PPDC," she texted at the Nov. 1 meeting.

At a different advisory committee meeting yesterday, Kevin Keaney, the top EPA official in charge of pesticide regulations to protect farmworkers, brought up the incident, saying it "seemed inappropriate and apparently intimidating for some people."

All About: Alaska Refuge's Many Fights

Thirty-seven years ago this week, President Jimmy Carter signed into law a bill that gave a swath of Alaska land more protections and a new name: the Arctic National Wildlife Refuge. Now—as proponents seek to overcome procedural obstacles—the Senate may be on the verge of allowing drilling there, thanks to language in the Republicans' pending tax overhaul.

An undated photo shows muskoxen at the Arctic National Wildlife Refuge.
Photographer: U.S. Fish and Wildlife Service/Getty Images

Debates about the area predate Alaska's 1959 statehood. In the late 1920s, conservationist Robert Marshall argued for setting aside northern Alaska as permanently wild at a time when military and business groups called for oil exploration there.

After decades of fighting between oil companies and environmentalists, the land that became the refuge was first set aside in 1960. The 1980 law put most of the refuge off-limits, but left it up to future Congresses to decide the fate of the coastal plain and whether drilling could someday be allowed.

The Interior Department sought to open the land for drilling in 1987, during the Reagan administration, provoking an outcry from environmentalists and a rebuff from Congress. In 1991, a provision to allow drilling was included in an energy bill, but dropped after a filibuster.

When Republicans took control of both chambers of Congress in 1995, they included language in a budget package that would have opened ANWR to oil exploration. President Bill Clinton cited that provision when he vetoed the legislation, leading then-Alaska Republican Sen. Ted Stevens to try—unsuccessfully—to attach drilling language to a defense spending bill. An angry Stevens told colleagues, "We know this Arctic. You don't know the Arctic at all."

But both sides have dug in their heels since then. Proponents say it would help wean the U.S. from its dependence on foreign oil; activists have compared it to damming the Grand Canyon for electricity or tapping Yellowstone's Old Faithful for heat.

Other Stories We're Covering

- Adam Allington continues covering the World Ocean Council's Sustainable

Ocean Summit in Halifax, Nova Scotia, where panelists are expected to focus on sustainable tourism in the Arctic.
- Former House Energy and Commerce Committee Chairman Joe Barton of Texas won't seek re-election, making the announcement a week after a nude photo of him and graphic text message surfaced on the Internet.
- North Dakota soybean farmers will face new restrictions in 2018 on the use of Monsanto's new formulation of the herbicide dicamba that the Farm Bureau and manufacturer say could be onerous and without scientific justification.

Quote of the Day

"We're going to be pulling a lot of data out of the oceans."
—Peter Mabson, president of exactEarth, a Canadian-based company, discussing the potential for improved satellite technology to transform ocean monitoring and protection.

Around the Web

- Scientific researchers speculate that rising sea levels could someday mean the White House and Lincoln Memorial have to be moved to higher ground.
- Hundreds of protestors are expected in Richmond, Va., on Saturday in what organizers describe as a show of unity for clean water and against the proposed Atlantic Coast and Mountain Valley pipelines.
- Rick Perry is making his first visit to the Middle East as secretary of Energy, visiting Saudi Arabia, Qatar, and United Arab Emirates.

Today's Events

- **9:30 a.m. • Disaster Recovery** • House Appropriations panel holds hearing on community block grants for disaster recovery.
- **1 p.m. • Pruitt** • EPA Administrator Scott Pruitt holds an "invite only" meeting in Nevada, Iowa.

For all of today's Bloomberg Environment headlines, visit Environment & Energy Report

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Thur 11/2/2017 7:45:50 PM
Subject: POLITICO Pro Breaking News: Lamar Smith won't seek reelection to House

Rep. Lamar Smith announced today he will not seek reelection to the House in 2018.

The Texas Republican said in a letter that there were several reasons for ending his lengthy tenure in Congress, including that he will complete his term as chairman of the House Science Committee next year.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 8/7/2017 5:21:32 PM
Subject: Pruitt distances himself from Trump cuts to Great Lakes

By Annie Snider

08/07/2017 01:18 PM EDT

EPA Administrator Scott Pruitt is touting his support for a popular Great Lakes cleanup program, despite the fact the Trump administration's budget proposed zeroing it out.

In a message accompanying a report to Congress on the Great Lakes Restoration Initiative, Pruitt writes he is "proud" that through the initiative "we are fulfilling our mission to restore the health of the water that so many of our communities depend on." The message argues that the program's investments "are making a tremendous difference" across the region.

The Trump administration's fiscal 2018 budget proposed eliminating federal support for all watershed programs, including the Great Lakes program, which is by far the largest at roughly $300 million in annual federal funds. The move drew an outcry from Great Lakes lawmakers, both Republican and Democrat, and the House Appropriations Committee's fiscal 2018 funding measure would restore those funds, although it would eliminate some of the smaller watershed programs.

The Trump budget also would eliminate federal funding for the Chesapeake Bay cleanup program, which Pruitt sued over as Oklahoma's attorney general but which he reversed course on and supported when nominated for the top job at EPA.

Pruitt has been distancing himself from the administration's proposed cuts to the popular watershed programs, telling lawmakers in June, "Honestly, money's important, but I think this leadership role is important as well, and that's going to continue." In July, Pruitt told the Minneapolis Star-Tribune the Great Lakes program is "a continuing need, and we have to see that it's adequately funded."

WHAT'S NEXT: Congress will ultimately determine funding levels for the watershed cleanup programs in its 2018 funding measures.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/pruitt-distances-himself-from-trump-cuts-to-great-lakes-091578

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Yes, very	Somewhat	Neutral	Not really	Not at all

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Tue 8/22/2017 1:27:19 AM
Subject: BREAKING NEWS: Trump announces military increase in Afghanistan

President Donald Trump is increasing the American military presence in Afghanistan, he announced Monday night at the Fort Myer military base in Arlington, Virginia.

Trump promised a "dramatically" different approach to the war, with future troop levels based on conditions in the country, rather than pre-set timetables.

"A hasty withdrawal would create a vacuum that terrorists, including ISIS and al-Qaeda, would instantly fill," Trump said. "In the end, we will win."

Read more: http://www.politico.com/story/2017/08/21/trump-afghanistan-241876

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Tue 9/19/2017 2:07:40 PM
Subject: POLITICO's Morning Transportation, presented by Auto Alliance: JetBlue CEO slams 'Big Three' over Open Skies — Air marshals in the clear — NTSB investigating NYC bus crash

By Brianna Gurciullo | 09/19/2017 10:00 AM EDT

With help from Stephanie Beasley and Tanya Snyder

JETBLUE CEO SLAMS 'BIG THREE': If United Airlines, Delta Air Lines and American Airlines were really serious about their claims that two Persian Gulf nations are violating the spirit of their Open Skies agreements, "they probably would have followed the established DOT process, filing an official complaint ... and this matter would have been decided years ago," JetBlue Airways' president and CEO, Robin Hayes, said Monday during an address at the Aero Club of Washington. Hayes went on to argue that current Open Skies agreements bring more travelers to the United States, and those travelers then fly domestically on U.S. airlines. Tanya has more for Pros.

Backtalk: Jill Zuckman, the spokeswoman for the Partnership for Open and Fair Skies, said in response to Hayes' remarks: "Perhaps if JetBlue did not financially benefit from Emirates' billions of dollars in illegal subsidies, it would acknowledge that fair trade requires that all parties abide by the rules of international trade agreements." Zuckman also noted that JetBlue's pilots are members of the Air Line Pilots Association, which is part of the Partnership for Open and Fair Skies.

Delta-Aeromexico deal a 'template': During his speech Monday, Hayes also praised DOT for taking what he described as steps to limit the "unchecked power of the Big Three." He said the conditions DOT put on the Delta-Aeromexico joint venture should be a "template" for future deals. DOT put a five-year sunset on their antitrust immunity and required the airlines to give up some slots at Mexico City International Airport - "one of the most challenging airports to serve for new entrants," Hayes said - allowing JetBlue to add more service.

IT'S TUESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Be sure to send tips, feedback and lyrics my way: bgurciullo@politico.com or @brigurciullo.

"You will see him on TV, any given Sunday / Win the Super Bowl and drive off in a Hyundai."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

AIR MARSHALS IN THE CLEAR: TSA doesn't need new policies to address misconduct among federal air marshals, according to a new report from the DHS inspector general. The IG said the policies and procedures currently in place are sufficient to address allegations of misconduct or misuse of government resources. The report, which offered no recommendations, concluded that "TSA and FAMS have a systematic and multilayered process for handling FAMS

misconduct issues, which includes review of misconduct by two separate and independent offices."

How timely: TSA employee misconduct has been a concern for lawmakers. The House Homeland Security Committee recently approved legislation (H.R. 1351 (115)) that would give TSA the authority to conduct unannounced inspections to investigate allegations of misconduct. However, committee Democrats opposed the bill, saying it would single out TSA employees from the larger DHS workforce and lower morale.

NTSB INVESTIGATING NYC BUS CRASH: The NTSB said it is investigating Monday's crash in New York City of a charter bus and Metropolitan Transportation Authority bus. The accident left three people dead. Joe Lhota, the chairman of MTA, said speed may have contributed to the crash, CBS New York reports.

NO NEED TO WAIT: Senate Commerce Committee ranking member Bill Nelson (D-Fla.) fired off letters to U.S. airlines Monday asking them to start planning to limit airfares before Hurricane Maria potentially hits the United States. "I urge you to begin the process now for implementing capped airfare and ensuring that refunds are promptly issued for cancelled flights," Nelson wrote. "I also request that your policies on capped airfare be communicated clearly and in writing so that affected residents can evacuate quickly and safely." The letters went to American, United, Delta, JetBlue, Southwest Airlines, Spirit Airlines, Alaska Airlines, Hawaiian Airlines, Frontier Airlines and Allegiant Air.

TARGET ACQUIRED: President Donald Trump's allies are already planning attacks against Democrats who could challenge the president in three years, POLITICO's Gabriel Debenedetti reports. One of those Dems is Sen. Sherrod Brown of Ohio, the ranking member of the upper chamber's Banking Committee who faces reelection next year. Brown has been outspoken on infrastructure and "Buy America" issues. Other targets of interest to the transportation world: Sens. Amy Klobuchar (D-Minn.) and Cory Booker (D-N.J.), both members of the Commerce Committee, and New York Gov. Andrew Cuomo, who has tried hard to depict himself as a leader in investing in infrastructure.

'WHERE'S MY PETER?' White House chief of staff John Kelly's attempts to institute more order at 1600 Pennsylvania Ave. could determine just how much sway Peter Navarro has over Trump when it comes to trade issues. Navarro and Gary Cohn, the director of the National Economic Council, frequently argue over trade, POLITICO's Tara Palmeri and Andrew Restuccia report. In case you could use reminding, Navarro and now-Commerce Secretary Wilbur Ross co-wrote a paper on Trump's infrastructure plan, before the election.

** **A message from Auto Alliance**: Federal action is needed for self-driving cars. Learn More **

MT MAILBAG: Sen. Richard Blumenthal (D-Conn.) sent a letter Monday to Transportation Secretary Elaine Chao, expressing concern about the potential for people to be duped into purchasing cars that got swamped during the recent raft of hurricanes. "One way to address this issue is to bring strong enforcement actions against insurance companies that fail to properly

record the transfer of titles to themselves after they declare a vehicle a total loss, as well as auto auction companies that fail to accurately document a vehicle's ownership history," Blumenthal wrote. He asked for a response from Chao by Oct. 6.

BY THE NUMBERS: Commercial airline passenger traffic rose 3.8 percent last year at airports in North America. Cargo traffic, meanwhile, rose 2.4 percent, according to Airports Council International-North America. Passenger traffic grew 2.6 percent at Hartsfield-Jackson Atlanta International Airport, the busiest airport globally. And Memphis International Airport kept its title as North America's busiest airport for cargo.

A 'HOORAY' FROM AIA: The Aerospace Industries Association on Monday cheered the three new nominations to the Export-Import Bank's board. "For far too long, the Bank has been languishing without a quorum of at least three members on its Board, unable to fulfill its mission or process transactions exceeding $10 million," David Melcher, the president and CEO of AIA, whose members include Boeing, said in a statement. But the organization "continues to oppose the nomination of Scott Garrett as Chairman of the Ex-Im Bank due to his stated opposition to the Bank's mission and we urge President Trump to withdraw his nomination," Melcher added. (The National Association of Manufacturers had a similar reaction.)

ICYMI: Trump nominated Linda Puchala to be a National Mediation Board member until July 2018. Puchala has been a board member for the last eight years. Earlier in her career, she was the international president of the Association of Flight Attendants-CWA, which on Monday praised Puchala's nomination.

SHIFTING GEARS: Ed Gilroy has joined the American Trucking Associations as senior vice president of legislative affairs after serving as the House Education Committee's director of workforce policy. And Jay Lim, most recently counsel to Sen. Susan Collins (R-Maine), is now ATA's vice president of legislative affairs.

THE AUTOBAHN:

- "A shape-shifting car? Patent filings point to auto industry's future." The Wall Street Journal.

- "Trudeau: Canada could stop dealing with Boeing over dispute." The Associated Press.

- "Google's self-driving cars have been using Intel chips this whole time." CNBC.

- "United: Final Boeing 747 flight will be to Hawaii on Nov. 7." USA Today.

- "Uber's fleet of self-driving cars in Pittsburgh back on the road following crash." The Tribune-Review.

- "Wanna stop distracted driving? Make cars that watch their humans." Wired.

- "Americans are right not to trust self-driving cars." The Washington Post (Opinions).

- "Justice Department barred from sharing Volkswagen documents: judge." Reuters.

- "Ryanair faces 20m euro compensation bill over cancellations." BBC.

- "Uber goes on rare legal offensive, suing ad agency for fraud. Bloomberg.

THE COUNTDOWN: DOT appropriations run out in 81 days. The FAA reauthorization expires in 12 days. Highway and transit policy is up for renewal in 1,108 days.

** **A message from Auto Alliance**: Automakers have a vision for transforming mobility: save lives with automated vehicles. Learn More **

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http://www.politico.com/tipsheets/morning-transportation/2017/09/19/jetblue-ceo-slams-big-three-over-open-skies-222353

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From: EPA Press Office
Sent: Sat 9/2/2017 11:30:00 AM
Subject: WIDESPREAD PRAISE FROM ENVIRONMENTAL OFFICIALS FOR DAVID ROSS

WIDESPREAD PRAISE FROM ENVIRONMENTAL OFFICIALS FOR DAVID ROSS

Ross Nominated to Head EPA Office of Water

WASHINGTON (September 2, 2017) - President Donald J. Trump announced yesterday his intent to nominate David Ross to serve as assistant administrator for the U.S. Environmental Protection Agency's Office of Water. Mr. Ross currently serves as Wisconsin assistant attorney general and director of the Environmental Protection Unit for the Wisconsin Department of Justice. As Wisconsin assistant attorney general, he is responsible for managing the environmental litigation unit which prosecutes violations of state environmental and natural resources laws and defends administrative decisions and rules issued by the Wisconsin Department of Natural Resources. Mr. Ross previously served in the Wyoming Attorney General's Office from 2014-2016 as senior assistant attorney general and as a member of the Water and Natural Resources Division.

His nomination is receiving high accolades from environmental leaders across the country:

David Freudenthal, former governor of Wyoming: "Dave Ross is first and foremost an excellent, pragmatic lawyer. His private practice experience in DC combined with his service in two state environmental protection agencies make him uniquely qualified to implement America's nuanced structure of federal and state environmental protection."

Misael Cabrera, director, Arizona Department of Environmental Quality:"Mr. Ross has exceptional credentials and experience for the role of Water Director. In addition, his views on cooperative federalism are exactly what is needed at US EPA."

Carol Comer, director of the Missouri Department of Natural Resources: "The Missouri Department of Natural Resources would welcome the opportunity to work with Dave on our critical water issues. He has valuable experience with complex, multi-state policy decisions, and he understands the infrastructure challenges and needs of states like Missouri that have a significant number of small communities."

David Glatt, chief, North Dakota Department of Health, Environmental Health Section: "Mr. Ross exhibits an excellent understanding of western water issues and challenges faced by rural states and tribal nations. His knowledge and work experience coupled with his willingness to pursue a renewed approach to cooperative federalism make him an excellent candidate for the position."

Elliott Laws, Crowell and Moring LLP, former assistant administrator of EPA's Office of Solid Waste (Clinton): "I know David Ross to be smart, innovative and practical in all of his professional dealings. I fully expect him to bring those qualities with him to the Office of Water."

Todd Parfitt, director, Wyoming Department of Environmental Quality: "Mr. Ross possesses the necessary tools to effectively and appropriately oversee EPA's Water program in a fair, balanced and practical way. He has demonstrated his ability to objectively analyze and consider inputs from all

points of view and formulate a fair and reasoned approach resulting in clear and concise decisions."

Steve Quarles, attorney at Nossaman LLP, former deputy under secretary of the U.S. Department of the Interior (Carter): "I have worked with Dave for many years as law firm partners. Dave's greatest skill may be leading people with diverse views and interests to common ground. People with such diverse views and interests naturally gravitate to Dave and look to him for leadership. This happens because Dave is highly intelligent, both in mastering issues and devising innovative solutions, and is an excellent listener, encouraging all to participate. He also has exhibited masterful administrative skills – from leading informal cohorts of private attorneys through complex decision making to managing high performing public offices."

Gary Rikard, director, Mississippi Department of Environmental Quality: "I believe Dave Ross would be an excellent addition to EPA's Office of Water. His experience and real world view in working for two different states would enhance this administration's goal of improving cooperative federalism and building relationships between EPA and the states in administering environmental regulations and policy. That perspective, along with his environmental experience and legal background, will be an asset for the Agency."

Matthias Sayer, deputy cabinet secretary, New Mexico Energy Minerals and Natural Resource Department: "We out west are beyond satisfied with the appointment of Mr. Ross as the assistant administrator for Water. Mr. Ross has a full understanding of those statutes aimed at protecting our water, coupled with a full understanding of how those statutes can and do impact state and local communities. Furthermore, through his boots on the ground experience, Mr. Ross has gained an appreciation for the important role states play, both in the east and dryer west, in protecting our water, and he understands that it is by working in cooperation with the states that the greatest degree of success in this important program will be achieved."

John Tippetts, director, Idaho Department of Environmental Quality: "I just recently spoke with David for the first time, but I find him to be a person with significant relative experience, a keen intellect, and a good grasp of the appropriate interplay between states and the federal government as it relates to environmental regulation and enforcement. Additionally, he comes highly recommend to me by others who have worked closely with him. They assure me that he is an excellent choice to serve as assistant administrator for water in the EPA organization.

"More specifically, I can say that I have been impressed with David's candor and with his understanding of the need for EPA to work more cooperatively with the states. He recognizes that states often have a better understanding of how to address environmental issues within their borders than does the federal government, and I am confident we could work collaboratively to improve the positive outcomes we all desire."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 10/3/2017 8:26:01 PM
Subject: Oct. 3 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Utilities Coalesce Around Plan for New Carbon Dioxide Standards

Posted October 03, 2017, 04:06 P.M. ET

By Abby Smith

Ameren Corp. and Entergy are among the utilities urging the EPA to rewrite its carbon dioxide pollution standards for power plants rather than scrapping the rule outright as the Trump administration repeatedly has suggested.

Rolling back the carbon dioxide standards entirely could lead to even more stringent requirements from the next Democratic administration and could open power plants up to lawsuits from environmental groups, utilities fear. The U.S. Chamber of Commerce also is backing utilities' suggestion to replace the Obama administration's ambitious Clean Power Plan with a narrower rule built around ways individual power plants can reduce their carbon dioxide emissions. But environmental groups are skeptical.

The EPA, as soon as this week, could take its first real step toward rescinding the Clean Power Plan, which may include plans for issuing a replacement rule. If so, industry groups already may have a blueprint for its successor. The EPA did not respond to a request from Bloomberg BNA for a comment.

"One early takeaway is there's been pretty good unanimity on what the replacement should look like" among industry groups, Dan Byers, vice president of policy for the U.S. Chamber of Commerce's Global Energy Institute, told Bloomberg BNA. Byers pointed to a recent white paper presented to EPA and White House officials by a group of utilities known as the Coalition for Innovative Climate Solutions, or CICS.

CICS, which includes Ameren Corp., Entergy Corp, and Salt River Project Agricultural Improvement and Power District, presented its initial suggestions for a replacement framework during a Sept. 14 meeting with EPA and White House officials. Megan Berge, an attorney with Baker Botts LLP that represents the group, told Bloomberg BNA the coalition aims to present an option that is "durable and works for all the parties involved."

Bloomberg BNA reached out to several other electric utilities—including Southern Co., Xcel Energy, Dominion Resources, PPL Electric Corp., and Ameren Corp. The companies either declined to talk about the rule or did not respond to requests for comment.

Duke Energy declined to comment on the carbon dioxide regulation, but a spokeswoman touted the company's planned $11 billion investment in clean energy and $25 billion spent on grid modernization over the next decade. Duke has cut its carbon dioxide emissions by 30 percent from 2005 levels and plans to reach a 40 percent cut by 2030, she said.

Individual Power Plants Targeted

CICS' plan would base standards on steps individual power plants could take to reduce emissions from their facilities, whereas the Obama administration's Clean Power Plan was broader in scope and included shifting generation from older coal-fired power plants to natural gas and driving new investments in renewable energy. The utilities also say their framework would give states more leeway to determine how to achieve the required pollution reductions.

"The states are then responsible for achieving those goals through means that work with their energy systems—including renewable energy, energy efficiency, plant retirement, carbon trading, or other strategies," Berge said.

EPA Administrator Scott Pruitt offered a plan in 2014 as Oklahoma attorney general that also focused on steps individual power plants could take to curb their emissions. Pruitt was one of the leading opponents of the Clean Power Plan.

Environmental Groups Seek Deeper Reductions

But environmental groups are prepping to staunchly defend the Clean Power Plan, and they are wary of utilities seeking a replacement rule.

"Most power companies, if not all, recognize the deep, long-term cuts that the power sector is going to need to make to address climate change," Kevin Steinberger, a climate policy analyst with the Natural Resources Defense Council, told Bloomberg BNA. "I think trying to go forward with a rule that really requires minimal emissions reductions reduces the certainty that these power companies would have, rather than increases it."

Steps to reduce emissions at individual power plants, such as improving heat rate, would be insufficient to satisfy the Clean Air Act, environmental advocates say. Even if the agency pursues that narrow approach, the EPA should be looking at co-firing coal power plants with natural gas or installing systems to capture carbon dioxide emissions.

"If they take the technology out there seriously, there are strategies they could use inside the fence that could end up in the same place as the Clean Power Plan or maybe even more stringent," Conrad Schneider, advocacy director at the Clean Air Task Force, told Bloomberg BNA. While environmental advocates favor the Obama administration's broader approach, they argue power plants can do even more to reduce their emissions at their individual facilities.

Schneider also warned that a rule basing standards on minor heat rate improvements could result in an outcome where emissions would increase, because more efficient coal-fired plants would run more often. Such a rule would be blatantly illegal and inconsistent with the air act, he said.

"If anything, trends over the past few years just add to the growing body of evidence and reaffirms EPA's decisions to use the tools that it did" in the Clean Power Plan, Steinberger said.

But the Chamber's Byers said that, for Clean Power Plan supporters, the "shoe's on the other foot this time around."

Supporters of the rule had argued the Clean Power Plan was flexible, but "in our mind, that wasn't the case," Byers said, adding that he anticipates any replacement framework would "truly be flexible for states."

Environmental groups "took up the 'we like flexibility' argument the last time," Byers said. "It will be hard [for them] to say, 'We have a problem with that now.'"

Trump's EPA Asks Drillers, Miners for Advice on Regulating Them

Posted October 03, 2017, 02:57 P.M. ET

By Jennifer A. Dlouhy

President Donald Trump's Environmental Protection Agency is asking miners, oil drillers and manufacturers to collaborate with the government on how to regulate their industries.

The EPA began its new "Smart Sectors" program with an inaugural meeting between agency staff and representatives of its regulated industries Oct. 3 and a promise to work together to "develop sensible approaches that better protect the environment and public health."

The program, modeled after a similar 2003 initiative, follows Trump's vow to end "job-killing regulations" and comes as the administration moves to revise Obama-era rules governing power plant emissions, methane leaks from oil wells, and mining pollution. The meeting convened amid criticism of the agency has taken a pro-business tilt at the expense of environmental issues.

"When we consider American business as a partner, as opposed to an adversary, we can achieve better environmental outcomes," EPA Administrator Scott Pruitt said in a news release. "When industries and regulators better understand each other, the economy, public, and the environment all benefit."

Pruitt said the new program, run by EPA's Office of Policy, "is designed to effectively engage business partners throughout the regulatory process." The program is set to collaborate with 13 specific sectors, including agriculture, autos, chemical manufacturing, mining, oil and utilities.

Although the EPA says additional sectors may be added over time, right now, the program provides no formal role for environmental advocates and public health experts.

'Creative Solutions' Sought

The EPA says the initiative's sector-based, collaborative approach will lower compliance costs, drive "creative solutions" to environmental challenges, better protect the Earth and increase regulatory certainty.

While the "Smart Sectors" program may be a formal effort for EPA to regularly consult with the industries it regulates, Pruitt is already leading that outreach.

Records of Pruitt's calendar from February through May, just disclosed to the liberal watchdog group American Oversight, show an array of meetings with lobbyists and corporate executives,

including representatives of businesses that stand to benefit from the administration's regulatory rollback.

"These calendars show in black-and-white what we already suspected: that Administrator Pruitt has an open-door policy at the EPA for polluters, the fossil fuel industry and other special interests," said Austin Evers, executive director of American Oversight. "Instead of focusing on protecting our families and the environment from pollution, Pruitt has worked in secret to turn the EPA into an ally and tool of the corporations he's supposed to be regulating."

By contrast, Pruitt's predecessor under former President Barack Obama, Gina McCarthy, met more frequently with environmental groups, though she highlighted efforts to consult with electric utilities and oil companies over regulations governing power plants and drilling.

Although Pruitt's calendar is dominated by interactions with industry representatives, it includes at least one meeting with a public health group, the American Academy of Pediatrics, and at least two sessions with environmental activists.

"The truth is: EPA has met with over 25 consumer protection, public health and environmental groups," said agency spokesman Jahan Wilcox in an email.

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New York City Climate Plan Calls for Efficient Buildings, Electric Cars

Posted October 03, 2017, 02:26 P.M. ET

By John Herzfeld

New building standards and more electric vehicle fast chargers are part of New York City's new three-year plan to meet Paris Agreement greenhouse gas reductions—even if the country as a whole does not.

Mayor Bill de Blasio (D) issued the plan Oct. 3, calling it "the first Paris Agreement-compliant plan from any city in the world."

Covering energy, transportation, buildings, and solid waste, the plan aligns with the international agreement's goal of pursuing policies to help limit warming to a 1.5 degree Celsius increase (2.7 degrees Fahrenheit) this century.

For new buildings, the city would work to set advanced energy codes in 2019, with energy-use targets growing stricter with each subsequent code cycle. In its procurement and purchasing, the city would aim to use 100 percent renewable electricity for municipal operations as soon as a sufficient supply becomes available.

The plan follows an executive order de Blasio issued in June committing the city to the Paris goals, in response to President Donald Trump's announcement that the U.S. would pull out of the international climate agreement. Advocates for action on climate change have turned to states, cities, and private companies and organizations to take leadership roles in the aftermath of Trump's withdrawal.

'Existential Threat to a Coastal City'

"In the Trump era, cities have to lead the way when it comes to fighting climate change," de Blasio said in a statement. "Hotter summers and powerful storms made worse by climate change are an existential threat to a coastal city like ours, which is why we need to act now."

Other components of the city's climate plan include a rollout of citywide single-stream recycling by 2020, which would do away with sorting recyclables from other trash. Composting of organic trash would be made available citywide by 2018, the mayor said, with some of the waste possibly destined for wastewater treatment plants.

The plan says increased recycling, reduced waste and removing organics from the waste stream will reduce truck traffic and associated emissions from waste collection.

The previously announced electrical vehicle expansion is meant to foster a goal of having those vehicles account for 20 percent of new car registrations by 2025. The city also plans to boost its infrastructure support for bicycles.

New Council Members

De Blasio rounded up statements of support from city council members and other elected officials, but it remains to be seen how the components of his plan requiring legislation will fare with a reconstituted council. Many term-limited council members, including Speaker Melissa Mark-Viverito (D), a de Blasio ally, are due to be replaced in the November election.

New York has had a long-term sustainability plan including carbon reduction goals since 2007, but de Blasio stepped up the city's targets soon after taking office in 2014 to call for an 80 percent reduction in greenhouse gases from 2005 levels by 2050.

Energy Agency Grid Resiliency Rule Gets Three-Week Comment Deadline

Posted October 03, 2017, 10:56 A.M. ET

By Rebecca Kern

Public comments are being taken for three weeks on an Energy Department proposal directing the Federal Energy Regulatory Commission to help coal and nuclear plants in the wholesale energy markets.

FERC said the initial public comments on the proposal are due Oct. 23, according to a Oct. 2 notice.

Separately, 11 energy industry groups, including renewables, oil and natural gas associations, filed a joint motion to FERC Oct. 2 urging the agency to deny the request for an interim final rule, initiate a technical conference, and allow for at least a 90-day comment period for initial comments in this proceeding.

On Sept. 29, the Energy Department invoked rarely used authority under Section 403 of the Department of Energy Organization Act to direct FERC to issue a final rule within 60 days that would allow generators with a 90-day supply of fuel on site—which would include coal and nuclear facilities—to recover their operating costs at "a fair rate of return."

The proposed rule is the first concrete outcome from the Energy Department grid reliability study

issued in August, which said that wholesale energy markets need to do more to compensate plants with on-site fuel supply for their ability to operate around-the-clock and in extreme weather.

Fortum's Bid for Uniper Stake Seen Spurred by Carbon Reform

Posted October 03, 2017, 10:42 A.M. ET

By Mathew Carr

Fortum Oyj's bid for a stake in German utility Uniper SE is partly a bet that the European Union will finally succeed in fixing its environmental policy.

A successful repair of the world's biggest climate trading program would probably see prices surge and boost the value of Uniper's power plants, according to Kari Kankaanpaa, Fortum's senior manager of climate affairs. The Espoo, Finland-based utility agrees with Barclays Plc estimates that a tripling of European emission allowances would add 18 percent, or 965 million euros ($1.1 billion), to the value of Uniper's generation assets by 2020, he said Monday.

Fortum is continuing to press lawmakers to improve their attempt to deal with a glut of EU emission allowances that's suppressed market prices for most of the past decade. One way to do so more quickly would be to require countries with overlapping policies that cut demand for permits to agree on reducing the volume they sell in daily auctions, Kankaanpaa said.

"It could rectify the impact of these other policies," such as renewable-energy subsidies and energy-efficiency rules, he said in an interview at the Carbon Forward conference in London. "It could establish the market balance sooner than otherwise would have happened."

By buying EON SE's 47 percent Uniper stake, Fortum is positioning itself as a utility that'll provide supply even when the sun doesn't shine and the wind has stopped. Should carbon prices surge, the increased value of the utility's cleaner hydro and natural gas plants would more than offset declines in Uniper's coal assets, Mark Lewis, an analyst in Paris at Barclays, said in a Sept. 19 note.

Under a scenario where EU carbon permit prices almost triple to 20 euros a metric ton, the value of Uniper's assets would jump to 6.5 billion euros, according to Lewis. Higher carbon contracts lift traded power prices because they are a cost of fossil-fuel generation.

Barclays is helping to finance Fortum's purchase of Uniper. Uniper shares rose 1.5 percent Monday to 23.54 euros, the highest since its initial public offering in September 2016. Fortum shares rose 0.4 percent to 17.12 euros on Tuesday at 5:04 p.m. in Helsinki, after settling Monday at their highest since July 2015.

For every 1-euro advance in the EU carbon price, Fortum's value increases about 50 euro cents a share, according to Peter Crampton, an analyst at Macquarie Group Ltd. in London. There's the possibility of a "significant rise in European carbon prices," and Fortum shares may advance should lawmakers seal a deal on Oct. 12 to remove a glut in the emissions market, Crampton said Monday in an emailed research note.

Getting the carbon price to 20 euros isn't certain. Renewable-energy incentives and efficiency policies have already hurt the carbon market and will probably reduce demand by another 1 billion tons in the 10 years through 2030, Kankaanpaa said. That's more than half of a full year's supply.

Fortum's latest push for higher carbon prices started before it embarked on the Uniper deal, Kankaanpaa said. The drive for EON's stake is linked to the direction of climate policy "to some extent," he said.

—With assistance from Ewa Krukowska, Jesper Starn and James Cone.

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These Suburbanites May Have No Fracking Choice

Posted October 03, 2017, 8:59 A.M. ET

By Catherine Traywick

When Bill Young peers out the window of his $700,000 home in Broomfield, Colo., he drinks in a panoramic view of the Rocky Mountains. Starting next year, he may also glimpse one of the 99 drilling rigs that Extraction Oil & Gas Inc. wants to use to get at the oil beneath his home.

There's little that Young and his neighbors can do about the horizontal drilling. Residents of the Wildgrass neighborhood own their patches of paradise, but they don't control what's under them. An obscure Colorado law allows whole neighborhoods to be forced into leasing the minerals beneath their properties as long as one person in the area consents. The practice, called forced pooling, has been instrumental in developing oil and gas resources in Denver's rapidly growing suburbs. It's law in other states, too, but Colorado's is the most favorable to drilling.

Now fracking is coming to an upscale suburb, and the prospect of the Wildgrass homeowners being made by state law to do something they don't want to do has turned many of them into lawyered-up resisters. "It floors me that a private entity could take my property," says Young, an information security director.

Many states require 51 percent of owners in a drilling area to consent before the others have to join. Pennsylvania doesn't allow forced pooling at all in the Marcellus, one of the most prolific shale gas regions in the country. Texas, the center of the nation's oil production, has strict limits on the practice. Despite its founding cowboy ethos of rugged individualism, Colorado has one of the lowest thresholds. "There's a tension in oil and gas law between allowing private property owners to develop their mineral estates on their own and the state's desire to ensure that ultimate recovery of oil and gas is maximized," says Bret Wells, a law professor at the University of Houston.

The rise of horizontal drilling and hydraulic fracturing over the past decade has ushered in a modest oil boom on Colorado's Front Range by enabling companies to wring crude more cheaply from the stubborn shale that runs beneath Denver's northern suburbs. From 2010 to 2015, Colorado's crude output almost quadrupled. This year the state is pumping more than 300,000 barrels a day, most of it from the Wattenberg oil field beneath Wildgrass and beyond.

Colorado's population is booming, too. As Denver's suburbs bloom northward into oil and gas territory—Wildgrass is about 20 miles north of Denver, not far from Boulder—housing developments are erupting where once there were only drilling rigs and farmland. And because horizontal drilling can reach as far as 2 miles in all directions from a well, companies need underground access to more land to maximize production from each site. The Colorado Oil & Gas Conservation Commission issues hundreds of pooling orders every year. "It's an entirely new issue," says David Neslin, former director of the commission, now an attorney at Davis Graham & Stubbs in Denver. "That's creating some understandable friction with local governments and local communities."

Denver-based Extraction Oil & Gas is at the epicenter of that friction. Almost all its acreage is in populated areas. So the company, like others in the region, has put a lot of energy—and cash—into making its operations more palatable to suburbanites who fear the prospect of a drilling rig sprouting up within sight of their kiddie pools. Extraction almost exclusively uses electric drills, which are quieter than diesel-powered, and a new generation of hydraulic fracturing equipment that cuts noise. "It's incumbent upon us to learn to live with these communities," says Extraction spokesman Brian Cain. "Where we can go the extra mile to minimize impacts, we wish to do so."

The company's latest project involves drilling 99 horizontal wells in Broomfield. That means leasing mineral rights from Wildgrass residents. Letters went out to some of them last year offering a 15 percent royalty and a $500 signing bonus. Some signed, others demurred, and still others organized a campaign aimed at blocking the project. Extraction hasn't applied for a forced pooling order, but Young and his neighbors have come to believe it's inevitable.

The suburb's agitation prompted the city to create a special task force to evaluate Extraction's proposal. The company responded by taking members of the task force on a tour of oil and gas country. It wanted to show how its operations are less disruptive than traditional drill sites.

Ultimately, the company agreed to more stringent environmental standards than the state requires. It will move some wells 1,300 feet from neighborhoods, almost three times farther than the law mandates. It will reduce the number of wells per site, monitor air emissions as well as water and soil quality, and build pipelines to transport oil immediately off-site instead of storing it in the city. "I can see Broomfield turning out to be a new model for how large-scale development gets done," says Matt Lepore, director of the state commission, which will rule on Extraction's applications for siting the wells this month.

Such concessions have smoothed the path for development in many communities. But for some Wildgrass residents, any leasing is unacceptable. They say they fear accidents, such as the April pipeline explosion that killed two people and destroyed a home in Firestone, 20 miles away. Some simply find the terms of the initial lease offer laughable.

"The money is so negligible," says Elizabeth Lario, a health coach who's lived in Wildgrass since 2005. And then there are property values: Homes in Wildgrass range from $500,000 to more than $1 million. "The royalties won't offset the drop in property value," says Stephen Uhlhorn, an engineer who's lived in Wildgrass for four years. Oil development "is now hitting affluent neighborhoods where people have assets and livelihoods that exceed the value of any royalty they're offered."

The bedrock of Colorado's oil and gas policy is a 1951 law that says responsible fossil fuel development is in the public interest. The state, the law says, must protect the public from "waste"—industry parlance for oil that's left in the ground. While Colorado has some of the strictest environmental regulations of any oil-producing state, it gives companies latitude in choosing where to drill. The Colorado Supreme Court has repeatedly held that the state's interest in developing mineral resources preempts any local law that would curb drilling.

Efforts to change the statute have fizzled. State Representative Mike Foote, a Democrat whose district is adjacent to Broomfield's, introduced a bill earlier this year to raise the pooling threshold to 51 percent. It passed the House by a slim margin but died in a Senate committee in a party-line vote, with Republicans opposed.

"The oil and gas industry pretty much controls the capital, particularly in the Senate," Foote says.

"Operators can do whatever they want." Lepore, the head of the state oil commission, concedes the pooling threshold is low compared with other states. "I have no philosophical objection to a 51 percent requirement," he says. "There are intelligent changes that could be made to the forced pooling law."

Young, the Wildgrass resident, received a lease offer last year. Since then he's been working with a lawyer to consider his options, and so far he doesn't like them. "You couldn't put a Walmart where they're putting these wells—no one would approve that zoning," he says. "But for some reason, the industry is completely exempt from everything."

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Left Behind by the Shale Boom, Oklahoma Oilmen Fight to Survive

Posted October 03, 2017, 8:00 A.M. ET

By Meenal Vamburkar

Not every oilman is gaining from the U.S. shale boom. Just ask Joe Warren.

Warren, a partner at Brown & Borelli Inc., is caught in a historical hiccup, of sorts. More than a third of the 65 to 70 old-line vertical wells his company operates in Oklahoma are negatively affected by horizontal drilling, he says. The new-style wells can run sideways for miles in a shale play, carrying sand, water and chemicals that can leak into older wells, gumming up the works.

The cost: For Warren's company, it's about $250,000 a year in lost production and $150,000 in added operating expenses, he said. It's an issue spurring rising anxiety among small drillers. Already, several lawsuits are in the works while a group representing old-guard drillers is gathering data, aiming to force legislation guaranteeing compensation when damages occur.

"We should not be sacrificing our property to these guys for horizontal development," Warren said by telephone. "We don't want to stop horizontal development -- we just want to make the rules fair."

Some of Warren's wells saw a slight drop in output while others, hit multiple times, weren't salvageable, he said. Warren hasn't been involved in litigation himself but expects more legal action to occur in the region moving forward, even though cases can be costly and take several years to resolve.

51 Wells

Already, a study by the Oklahoma Energy Producers Alliance, the group representing conventional drillers, has found 451 vertical wells in one county that were negatively affected by horizontal drilling, 80 percent of which were located outside of horizontal well unit boundaries.

The damage can add costs to replace equipment, clean out water or sand, or address environmental damage, according to Mike Cantrell, a board co-chair for the group. It can also kill a well outright, he said.

"I'm afraid when we look into further, we're going to find out it's much worse," he said.

Horizontal drilling has allowed producers to tap into shale reserves more economically. When

explorers tap shale, they are actually drilling into the rocks where the oil feeding those old-line vertical wells was created. Geologists refer to it as "source rock." The technique allows drilling to continue laterally for up to two miles, replacing the need for multiple vertical wells. Kingfisher County, where Warren's well are largely located, is part of the so-called Scoop and Stack region, where drilling has increased since the oil slump.

Oil rigs in that area's Cana Woodford basin have climbed to 62 from 36, just since the start of the year.

Many of the vertical well most affected are so-called stripper wells, which produce a daily average of 15 barrels of oil or less. Though they may be inconsequential to large companies, for small operators, it's a matter of their livelihood, Cantrell said.

In August, a district court ordered Devon Energy Corp. to pay $220,000 after two operators alleged negligence and "subsurface trespass" that led to two damaged wells. Devon inherited the wells in question from Felix Energy LLC, according to the company.

'Safe and Reponsible'

"Devon always seeks to conduct its operations in a safe and responsible manner, with respect for the rights of other well operators," spokesman John Porretto said in an emailed statement. "When evidence shows that Devon's operations may have damaged an existing vertical well, Devon is proactive in attempting to negotiate fair compensation for the affected vertical well owner."

The company also noted, "the jury awarded the vertical well owner an amount that was both significantly lower than what was demanded at trial and less than what Devon had previously offered the well owner as compensation to settle the claim."

The case is indicative of a broader problem, said Matt Skinner, public information officer at the Oklahoma Corporation Commission, a regulatory body. The agency tried and failed to pass a rule to require operators to report incidents even if they didn't cause environmental damage, he said, but couldn't get support from bigger players in the industry.

The main obstacle has been a lack of data, according to Skinner. So now, the commission is focusing on encouraging vertical well operators to report problems. They've confirmed 20 incidents and have at least 55 more pending, Skinner said.

"We know it's happening, we know it's an issue," he said. "We have every reason to think there are more incidents out there than we know of."

Cantrell's organization, meanwhile, is pushing to slow down further development of horizontal drilling until better data is gathered on their effect on existing wells.

"We need to slow this process down until we can get the regulatory regime to keep up with it," he said. "We've applied a vertical regulatory regime to a horizontal world."

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Trump Isn't Acting on Verbal Attacks Against Wind, Dong Says

Posted October 02, 2017, 05:35 P.M. ET

By Peter Levring

President Donald Trump's threats against wind energy have so far proven empty, according to an industry giant that expects to grow in the U.S.

Thomas Thune Andersen, the chairman of Dong Energy A/S, says the world's biggest offshore wind developer hasn't seen any actions that have followed Trump's verbal attacks. In fact, he says there are signs that American commitment to the industry might even be growing.

"One thing is Trump getting up and commenting on this," Thune Andersen said in an interview in Copenhagen on Oct. 2. "But he hasn't acted on it. And many of the decisions are made at a state level. They're still pushing this agenda and they may even have accelerated it as part of the political game."

Trump, who has blamed wind turbines for killing bald eagles, has as a businessman unsuccessfully tried to stop offshore parks that spoil the view from his golf course in Scotland. As president, he has dragged the U.S. out of the Paris climate accord, and promoted coal in favor of wind energy, promising to bring back jobs in the process.

But before Trump took office in January, the U.S. congress extended a production tax credit, or PTC, that will give tax breaks to wind producers until 2020.

Focused on East Coast

Dong, which is based in Denmark, this year sold its oil and gas business in order to focus entirely on renewable energy. The company is changing its name—an acronym of Danish Oil and Natural Gas—to Orsted to mark the shift. (H.C. Orsted was a 19th century Danish physicist who discovered electromagnetism.)

Dong is focused on the east coast of the U.S., where it's using existing contacts to achieve growth, according to the chairman.

"It's very important we don't spread our focus too much," Thune Andersen said. "But although the U.S. east coast is a vast area, it's still very much the same people we're talking to."

The company sits on about one-quarter of the global market, "but the market is growing tremendously fast," he said. "We still have an ambition to remain the biggest player, but because the market's been successful, competition is growing."

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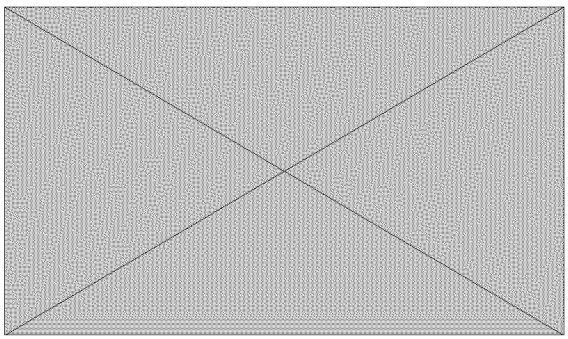
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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Thur 8/17/2017 10:02:17 AM
Subject: AEI Today: Bring Medicare tourism to Puerto Rico. It's win-win.

The federal budget faces a problem: the rising cost of Medicare benefits.

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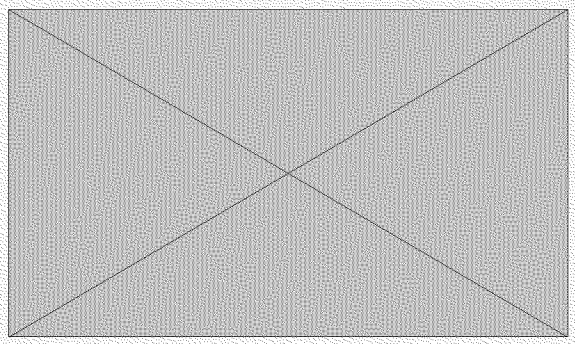
Reuters

Bring Medicare tourism to Puerto Rico. It's win-win.

Andrew G. Biggs | US News & World Report

The federal budget faces a problem: the rising cost of Medicare benefits. At $10,000 per beneficiary per year, Medicare is one of the largest costs facing the US taxpayer — and it's growing as baby boomers retire and their health expenditures increase. At the same time, the US island of Puerto Rico also faces a problem. Its government is effectively bankrupt, and its economy is contracting. But there's a policy that can help

everyone. Not medical tourism, but Medicare tourism.



Reuters

The unhappy paradox of America's Santa-statism (2011)

Arthur C. Brooks | The Wall Street Journal

As Congress stares down another debt-ceiling debate in the coming month, we revisit advice AEI President Arthur Brooks offered during the heated 2011 negotiations. "The public can be forgiven for believing that budget-cutting will always be an exercise in futility," he writes. "Politicians respond with [excuses]. . . . The real problem, however, is that cutting almost anything is impossible when what passes for governing philosophy is little more than a bromide."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 10/25/2017 5:03:47 PM
Subject: Playbook Power Briefing, presented by Chevron: TROUBLE BREWING on tax reform -- Vanity Fair goes DEEP on Biden -- JEFF GLOR named anchor of CBS Evening News -- CBO score for Alexander/Murray OUT

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Today's Playbook Power Briefing presented by Chevron

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

NEWS -- INBOX: "JEFF GLOR NAMED ANCHOR OF THE 'CBS EVENING NEWS'" ***The release*** http://bit.ly/2y2LIxT

Good Thursday afternoon. RUPERT MURDOCH will be in Washington tonight for a celebratory launch party for Laura Ingraham's new Fox News show "The Ingraham Angle." Murdoch is hosting the event, which starts at 6 p.m. at Charlie Palmer Steak. There is also a private reception on the 7th floor, according to the invite.

-- SIDENOTE: "Trump gives 16th interview to Fox," by Jason Schwartz: http://politi.co/2i3NWwL

VANITY FAIR: "WHY JOE BIDEN DIDN'T RUN . . . AND WHY HE'S NOT RULING OUT 2020," by David Kamp: "In February, he, Hunter, Joe, and the senior Biden's chief of staff and chief political strategist-respectively, Steve Ricchetti and Mike Donilon-gathered in the library of the Naval Observatory, the official residence of the vice president, to discuss a 22-page memo that Donilon had prepared. The upshot of the memo was that the 2016 election was Biden's to lose. He was the right man to connect with middle-class voters about their frustrations and their aspirations, the argument went, plus he was endearingly real in a manner that seemed to fit the mood of the electorate. As Biden notes in the book, 'My reputation as a 'gaffe machine' was no longer looking like a weakness.'

"Donilon had a plan completely laid out, with speeches in strategic states and a formal announcement in April. But Biden couldn't commit to moving so fast. In that very meeting at the residence, Beau seemed weaker and more quiet than usual-a consequence, perhaps, of his increasingly evident aphasia, which sometimes rendered him unable to summon the words he wanted to say. ...

"Asked for his current state of mind about 2020, Biden ruled nothing out. 'I haven't decided to run,' he said, 'but I've decided I'm not going to decide not to run. We'll see what happens.' He is behaving very much like a probable candidate, having formed a

political-action committee, American Possibilities, in June, and writing opinion pieces in recent months for The Atlantic and The New York Times about Donald Trump's illiberal conduct and the need to reclaim traditional American values." http://bit.ly/2yLIJ5F ... ***Excerpt from his new book*** http://bit.ly/2zPDGjS

WELCOME TO TAX REFORM -- A HEADLINE TRUMP WON'T LIKE: WAPO: "House GOP tax leader threatens to break Trump's promise not to change 401(k) rules," by Damian Paletta: "House Ways and Means Committee Chairman Kevin Brady on Wednesday suggested a tax bill he is preparing to introduce could force changes to 401(k) plans and other retirement accounts, potentially bucking a promise from President Trump that those accounts would be left alone.

"Brady, speaking at a breakfast hosted by the Christian Science Monitor, said 'we think in tax reform we can create incentives for people to save more and save sooner.' He said he was 'working very closely with the president,' but he also said many people who have tax-incentivized retirement accounts contribute $200 per month or less, a level he thought was too low.

"'We think we can do better," he said. He added 'we are continuing discussions with the president, all focused on saving more and saving sooner.'" http://wapo.st/2gDVs0R

THIS IS SIGNIFICANT -- RACHAEL BADE, SARAH FERRIS and **AARON LORENZO SCOOP -- "GOP leaders scramble for tax deduction fix before budget vote":** "House Republican leaders are in a mad dash to resolve a dispute between GOP tax writers and Republicans from high-tax states that has the potential to make Thursday's budget vote a real nail-biter.

"A handful of New York Republicans, along with a New Jersey lawmaker, are threatening to vote against the budget unless GOP leaders retreat from plans to eliminate a key federal deduction that people can take for the state and local taxes they pay.

"Scrapping the deduction would bring in an estimated $1.3 trillion in new tax revenue over a decade, which could be used to cover some of the cost of other tax breaks Republican leaders are eyeing. But Republicans from high-tax districts in New York, California and New Jersey say millions of their constituents rely on the deduction and would face a tax hike without them. Some of those lawmakers say they won't commit to backing the budget until they receive assurances from GOP leaders to protect the benefit. The high-stakes vote on Thursday is the final hurdle to unlocking a filibuster-proof tax overhaul this year.

"'There would need to be more progress made in figuring out the solution on this issue in order for me to vote for the resolution on Thursday,' said Rep. Lee Zeldin, a New York Republican who's close to President Donald Trump. 'As of right now, I don't have enough answers to vote 'yes' on the budget.'" http://politi.co/2gC0ivC

BUT... -- "Brady expects deal on state and local tax deduction," by Aaron Lorenzo: "House Ways and Means Chairman Kevin Brady said Wednesday he expects a compromise on the state and local tax deduction to be announced before a tax overhaul bill is released. 'I do expect to reach an agreement with our high-tax lawmakers,' Brady said at a breakfast hosted by the Christian Science Monitor." http://politi.co/2h7XLdv

-- THE OBVIOUS QUESTION IS will Republicans agree to pass a budget without knowing how this will be resolved. We hear the vote is still on for tomorrow.

MEANWHILE, THE WHITE HOUSE SAYS .... FIRST IN PLAYBOOK: GARY COHN, the director of the National Economic Council, was on Capitol Hill this morning, and met with the Problem Solvers Caucus, a group of a moderate Republicans and Democrats. Multiple sources in the room told us that Cohn downplayed the impact of scrapping the state-and-local-tax deduction, indicating it will remain in the bill, and it will be less controversial than pass-through rates. Multiple GOP leadership sources say they are still working on a fix for the state and local deduction issue.

COHN ALSO TOLD lawmakers they will have a chance to vote to hike the gas tax as part of an infrastructure package in early 2018.

A CBO SCORE SENATORS ARE TOUTING -- "CBO: Bipartisan Obamacare bill would cut deficit, keep coverage stable," by Adam Cancryn and Jen Haberkorn: "A bipartisan bill to stabilize Obamacare would cut the federal deficit by $3.8 billion but wouldn't do much to change health insurance premiums for 2018, according to a new analysis by the Congressional Budget Office. It would not substantially change the number of people who are covered. The report is about the bipartisan bill negotiated by Sens. Lamar Lamar Alexander, (R.-Tenn) and Patty Murray, (D-Wash) which has broad support in the Senate but is unlikely to get a swift vote given opposition from President Donald Trump as well as from House Republicans. CBO said the savings would stem in part from letting states offer so-called copper plans -- or lower cost policies that appeal to healthier enrollees in the Obamacare markets." http://politi.co/2h7PUws ... ***The report*** http://bit.ly/2y4uScJ

****** **A message from Chevron:** Advanced technology is helping us find safer ways to deliver energy. We're piloting a program that uses drones to monitor tanks and pipelines. Watch the video: http://politi.co/2gDPwZl ******

HMM... -- "Trump Data Guru: I Tried to Team Up With Julian Assange," by The Daily Beast's Betsy Woodruff: "Alexander Nix, who heads a controversial data analytics firm that worked for President Donald Trump's campaign, wrote in an email last year that he reached out to Wikileaks founder Julian Assange about Hillary Clinton's missing 33,000 emails.

"Nix, who heads Cambridge Analytica, told a third party that he reached out to Assange about his firm somehow helping the Wikileaks founder release Clinton's missing emails, according to two sources familiar with a Congressional investigation into

interactions between Trump associates and the Kremlin. Those sources also relayed that, according to Nix's email, Assange told the Cambridge Analytica CEO that he didn't want his help, and preferred to do the work on his own. If the claims Nix made in that email are true, this would be the closest known connection between Trump's campaign and Assange. ...

"After publication, Wikileaks editor Julian Assange provided this statement to The Daily Beast: 'We can confirm an approach by Cambridge Analytica and can confirm that it was rejected by WikiLeaks,' Assange said." http://thebea.st/2y4k7ao

ON THE PRESIDENT'S MIND -- @realDonaldTrump at 7:21 a.m.: "'Clinton campaign & DNC paid for research that led to the anti-Trump Fake News Dossier. The victim here is the President.' @FoxNews" ... **at 7:27 a.m.:** "The reason Flake and Corker dropped out of the Senate race is very simple, they had zero chance of being elected. Now act so hurt & wounded!" ... **at 7:30 a.m.:** "The meeting with Republican Senators yesterday, outside of Flake and Corker, was a love fest with standing ovations and great ideas for USA!" ...

... at 7:35 a.m.: "Working hard on the biggest tax cut in U.S. history. Great support from so many sides. Big winners will be the middle class, business & JOBS" ... **at 8:33 a.m.:** "Jeff Flake, with an 18% approval rating in Arizona, said 'a lot of my colleagues have spoken out.' Really, they just gave me a standing O!"

SPOTTED: BEN RHODES around 8:15 a.m. entering the House side of the Capitol Building "with multiple escorts and apologizing for being late," according to our tipster. He appeared in front of the House Intelligence Committee.

ON THE WORLD STAGE -- "Xi Jinping Unveils China's New Leaders but No Clear Successor," by NYT's Chris Buckley: "President Xi Jinping thrust China into a new era of strongman politics on Wednesday, unveiling a leadership team without a likely successor among the six officials who will help him rule for the next half decade. In a nationally televised ceremony, Mr. Xi introduced the new members of China's highest council of power, the Communist Party's Politburo Standing Committee, on the red carpet of the Great Hall of the People in Beijing. In addition to Mr. Xi and China's premier, Li Keqiang, the committee included five new members, all men in their 60s. ...

"The debut was the culmination of a weeklong party congress in Beijing that underlined the breadth of Mr. Xi's political ambitions. On Tuesday, its final day, the congress elevated Mr. Xi to the same exalted status as the nation's founding father, Mao Zedong, by enshrining 'Xi Jinping Thought' in the party's constitution. The five new Standing Committee members are party leaders with long careers in Chinese politics, including one of Mr. Xi's longtime allies and a scholar of international relations. But the party declined to name a younger leader to the committee who might succeed Mr. Xi when his second term as president ends in 2023." http://nyti.ms/2y42Hun

HUGE NEWS IN TEXAS -- "Texas House Speaker Joe Straus won't seek re-

election," by The Texas Tribune's Morgan Smith: "In his statement Straus acknowledged his decision was 'unexpected.' 'It's been decades since someone has left the Speaker's office on his own terms. But we have accomplished what I hoped the House would accomplish when I first entered this office, and I am increasingly eager to contribute to our state in new and different ways.' ...

"As speaker, Straus increasingly clashed with conservative elements within the GOP over issues like private school vouchers and the 'bathroom bill' championed by Lt. Gov. Dan Patrick. He was also openly critical of Gov. Greg Abbott's agenda for the July special session, comparing it to a to 'a room full of horse manure.'" http://bit.ly/2y3BeZG

-- @evanasmith: "Retirement of @SpeakerStraus has strong potential to be a levee breach -- conservative agenda will flood the House like never before #txlege"

NEW WOMEN RULE PODCAST -- "Shaheen on sexual assault: 'We need men to speak up': "Thousands of women around the world have shared deeply personal experiences of sexual harassment and assault using the #MeToo hashtag. Though Senator Jeanne Shaheen (D-NH) sees this as progress, she warns that unless women feel safe and empowered to speak up, Congress alone can't provide one 'silver bullet fix.' 'We need men to speak up and say, 'this is not acceptable. We are not going to allow this in our businesses, in our workplaces, in our sports teams, anywhere.'" http://politi.co/2y4hzcj

THE FED RACE -- "Yellen Finds Unlikely Advocate at White House: Trump," by Bloomberg's Craig Torres and Jennifer Jacobs: "Janet Yellen's only advocate in the White House may be the one person who matters most: President Donald Trump. The incumbent Federal Reserve chair was impressive in an Oval Office interview with Trump on Thursday, several people familiar with the matter said. She made clear to the president that she wants to keep her job, set no preconditions for appointment to a second term, and offered suggestions for the vice chairman position that were welcomed by the Trump team." https://bloom.bg/2zCeLiV

ATTENTION TRAVELERS -- "New screenings for U.S.-bound passengers on global airlines," by the AP's Jon Gambrell: "Five global long-haul airlines will begin new security interviews of all passengers on U.S.-bound flights starting Thursday at the request of American officials, the companies said Wednesday. Long-haul carriers Air France, Cathay Pacific, EgyptAir, Emirates and Lufthansa all said they'd start the screenings. A sixth carrier, Royal Jordanian, said it would begin the new procedures in mid-January after U.S. authorities granted RJ's request for a delay in implementing the measures.

"However, the airlines offered different descriptions of how the interviews would take place, ranging from another form a traveler would have to fill out to actually being questioned by an airline employee. It wasn't immediately clear if other global airlines would be affected, though the Trump administration previously rolled out a laptop ban and travel bans that have thrown the international travel industry into disarray."

http://bit.ly/2zEvXE6

TODAY'S BEYOND THE BELTWAY -- California Democratic gubernatorial candidates focus fire on Trump in debate -- GOP challenger to Warren officially launches campaign http://politi.co/2zD7K18

FIRST PERSON -- CNN'S BRIANNA KEILAR -- "With my husband deployed, covering the news hits home": "As I listen to [White House Chief of Staff John Kelly in the briefing room] all I can picture is my husband's body, packed in ice. I will it to stop. I can't. I am arrested by this horrific looping video image in my mind and I can't control the tears. I ask the floor director for tissues. I listen to Kelly hoping that he will talk for several more minutes and I will have time to compose myself so I can speak evenly when I bring my panel in to discuss Kelly's comments.

"My husband is an Army Special Forces officer who is used to deploying, but this is my first time doing one of these. We got married last December. When we began dating, he was assigned to a policy job in Washington, wearing a suit every day and working in an office. I had hoped he might get another desk job for his new billet this summer, a thought that simultaneously filled me with relief and disappointment.

"He saw me through my constant travels as a campaign correspondent in 2016 and grieved the loss of my mom with me after she died unexpectedly in the middle of the campaign cycle, and it brought us closer. While I want him safely at home, deployments have been such an important and challenging part of his life for the last two decades and without going through one, I may never truly understand what he's sacrificed." http://cnn.it/2h9xXhb

RIP -- "Fats Domino, Architect Of Rock And Roll, Dead At 89," by NPR's Gwen Thompkins and Anastasia Tsioulcas http://n.pr/2y4kZM2

TRANSITIONS -- OBAMA ALUMNI -- Adam Fetcher has recently started as VP of environmental impact and policy at outdoor clothing brand Askov Finlayson. He previously was a speechwriter and communications adviser at Patagonia and is an alum of Obama DHS and Interior and OFA.

-- Lisa Osborne Ross has been named the president of Edelman's Washington D.C. office, effective Nov. 13. Ross previously worked at APCO Worldwide.

MEDIAWATCH -- Wes Barrett has been promoted to senior Washington newsroom producer at Fox News. He had been a White House producer at the network since September 2011.

SPOTTED at separate tables at Edgar at the Mayflower Hotel this morning: Peter Baker, Jack Quinn, Boris Epshteyn, Jonathan Swan, Rob Stein and Michael Tomasky ... Eric Schmidt and Neil DeGrasse Tyson yesterday at 1776 in Crystal City at a meeting of the Pentagon's Defense Innovation Board ... Gary Johnson at Paul on K Street this

morning with two other men.

SPOTTED last night in the U.S. Capitol Visitors Center at a screening and discussion of the new Lifetime movie "Flint," about the city's water crisis in an evening hosted by Rep. Dan Kildee (D-Mich.), who represents Flint -- (***trailer*** http://bit.ly/2gE63c9): actress Betsy Brandt, Reps. John Conyers (D-Mich.), Keith Ellison (D-Minn.), and Bobby Scott (D-Va.), Sen. Debbie Stabenow (D-Mich.), Neil Maron, Tanya Lopez, and Flint activists Melissa Mays and Nayyirah Shariff.

WELCOME TO THE WORLD -- Joshua Meservey, senior policy analyst for Africa and the Middle East at the Heritage Foundation, and **Lulu Meservey,** COO at TrailRunner International and adviser at McLarty Associates, welcomed their daughter May Lian Meservey, "who arrived in time to celebrate Canadian Thanksgiving with the family." ***Pics*** http://politi.co/2iAJfyl ... http://politi.co/2xmBwXf

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From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/31/2017 10:12:48 PM
Subject: Judge won't let EPA delay Texas haze deadline

By Alex Guillén

08/31/2017 06:09 PM EDT

A federal judge today rejected the Trump administration's request to delay taking action on Texas pollution that contributes regional haze, saying the state has had plenty of time to act before now.

Texas was supposed to have filed a plan to curb the pollution by 2007, but has yet to do so. A 2012 consent decree between EPA and environmentalists requires the agency to issue a federal plan by Sept. 9. EPA last week asked to push the deadline back through the end of 2018, arguing that the agency and the state have had more "productive" negotiations since the Trump administration took office.

But Judge Amy Berman Jackson of the U.S. District Court in D.C. said she will not give the agency or Texas more time.

"Texas has been under the statutory obligation to comply with the Clean Air Act since at least 2007, and it has been on notice of EPA's finding that it had failed to comply with the requirement to submit a state implementation plan since 2009. So there has been quite a period of time during which 'cooperative federalism' could take hold," she wrote.

"Texas has had ample time to develop, submit, and negotiate a compliant state implementation plan if that was its actual preference." Jackson added. The Clean Air Act does promote cooperation between the federal government and the states, but it also requires EPA to take action if states don't step up, she said.

In a footnote, Jackson noted the awkward timing given the devastation Texas has suffered from Hurricane Harvey, but said her hands were tied.

WHAT'S NEXT: EPA has indicated it can issue a federal plan by the Sept. 9 deadline.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/judge-wont-let-epa-delay-texas-haze-deadline-092378

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sun 9/10/2017 3:38:46 PM
Subject: POLITICO Playbook, presented by Hewlett Packard Enterprise: IRMA makes landfall in Florida -- THE LIMITS of being a TRUMPOCRAT -- FIRST IN PLAYBOOK: TRUMP's week ahead -- IVANKA and JARED dine with NICK AYERS -- NICK MERRILL and VAL GALASSO's big night

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Today's POLITICO Playbook presented by Hewlett Packard Enterprise

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

IRMA'S WRATH -- FROM THE MIAMI HERALD's live updates -- **10:05 a.m.:** "Tropical storm-force winds and extreme gusts are pummeling Coral Gables, bending trees to unnatural, deformed angles or pushing them to the ground. The city's trademark canopy is being shredded, creating impassable streets covered with branches or blocked by downed trees." ... **9:45 a.m.:** "Shortly after Category 4 Hurricane Irma made landfall in the Florida Keys Sunday morning, 1,378,773 Florida Power & Light customers were without power." ...

... **9:35 a.m.:** "Miami-Dade police halted responding to calls Sunday morning after Hurricane Irma brought hurricane-strength winds to the county." ... **9:30 a.m.:** "The center of fierce Hurricane Irma, pushing a dangerous flood of ocean water, made landfall early Sunday morning on Cudjoe Key, just a short drive drown the Overseas Highway from Key West." ... **8:30 a.m.:** "Storm waters are surging in Key West as Hurricane Irma's powerful eyewall moves into the Lower Keys. Storm surge could rise as high as 10 feet, which authorities describe as life-threatening." http://hrld.us/2xTKEm8

-- Mike Theiss, National Geographic photographer, **(@MikeTheiss):** "Eyewall and Storm Surge !! #HurricaneIrma #KeyWest". ***Video*** http://bit.ly/2eXKtlL

-- @CNN: "This is what Miami Beach looked like Saturday night as the strong outer bands from Hurricane Irma moved onshore". ***28-second video*** http://bit.ly/2wifXWE

--AP at 10:12 a.m.: "ATLANTA (AP) - First-ever tropical storm warning issued for Atlanta as Hurricane Irma hits Florida on its way toward Georgia."

SPOTTED: Ivanka and Jared at dinner last night with Nick Ayers at Siren, the new restaurant in the Darcy Hotel on Rhode Island Avenue.

TRUMP'S WEEK -- A FEW HIGHLIGHTS from the White House. **MONDAY:** The president and first lady observe a moment of silence for 9/11 Monday, and go to a ceremony at the Pentagon. VP Mike Pence is going to Shanksville, Pennsylvania. **TUESDAY:** Malaysian Prime Minister Najib Abdul Razak visits the White House. **WEDNESDAY:** Trump is meeting with Sen. Tim Scott (R-S.C.).

FROM THE WHITE HOUSE at 10:11 a.m.: "POTUS spoke to governors of Alabama, Georgia, [South] Carolina and Tennessee this morning. He's spoken numerous times to [Florida] Governor [Rick] Scott and Senator [Marco] Rubio of Florida over the last week as has [Chief of Staff] Gen. [John] Kelly. The Chief of Staff also spoke to Senator [Bill] Nelson of Florida this morning. The President and Vice President are also receiving a briefing this morning."

CONGRESSIONAL LEADERS are closely monitoring the delays and cancellations at Delta's hub, Atlanta's Hartsfield International Airport, as they decide whether they can hold votes tomorrow. Many lawmakers from Florida are going to have a tough time getting to D.C.

Good Sunday morning. THE LIMITS OF BEING A TRUMPOCRAT ... Let's try not to divine whether **PRESIDENT DONALD TRUMP** will continue to work with Democrats at the expense of Republicans. Nobody knows the answer to that. Let's also take a deep breathe and recognize that Trump didn't cut some transformative deal for the history books. He extended the debt limit and government funding by three months and agreed to billions to aid hurricane victims. Barack Obama worked with Republicans to slash government spending. Trump didn't do anything like that. What Trump did do last week, whether he knows it or not, is create a governing coalition of 150 Republicans and all Democrats. This won't work everywhere. Let's explore where insiders think they have a shot, and where they don't:

-- INFRASTRUCTURE: The White House has said nothing about what it would like to do when it comes to a massive infrastructure bill. But Trump has said he wants to spend lots of money. A chunk of Republicans -- the Freedom Caucus and other fiscal conservatives -- won't be interested in a bunch of unpaid-for deficit spending. But there are moderates in the Senate and House GOP who, presented with the right package, could see benefits in a large-scale public works project. Republican lawmakers from upstate New York, the Midwest and even the outer edges of big cities would also likely be on board. The country's crumbling infrastructure has long been an issue that Democrats have tried to take on. Crafted the right way, not only moderate Democrats, but others could also support an infrastructure package. This could be an area where Trump finds natural allies in both parties.

-- HEALTH CARE: It's difficult to truly understand what Trump wants to do when it comes to health care, since he has been on many sides of the issue. But if he wants

Democratic cooperation, he'd have to scrap pushing for Obamacare repeal and back a more limited plan to enact fixes. This would infuriate some Republicans, who are angry enough that, nine months into an all Republican Washington, Obamacare is still ticking. Lawmakers and lobbyists aren't optimistic that Trump can find enough common ground to get Republicans and Democrats on the same page.

-- TAXES: Democrats have been completely shut out of the tax reform discussions. The only people resembling Democrats in the room are Gary Cohn and Steven Mnuchin, two Trump administration officials who have donated to Democrats throughout their lives. It would take a miracle to change course at this point. **A REMINDER:** We are far from tax reform becoming a reality. Both chambers need to pass a budget, and we have not seen a shred of paper from the closed-door tax meetings.

-- BASIC GOVERNANCE AND THE WALL: Democrats and Republicans can keep the lights on together -- that much we've seen. They can lift the debt ceiling, if there are no legislative riders. Here's where Trump could run into a major problem. We're not sure if you've heard but the president wants to build a wall on the border with Mexico. He will not be able to do that with Democrats -- they are a hard no on a border wall. Can he strike some sort of deal to put the DREAM Act into law in exchange for an uptick border security? Sure. But that would be awfully tricky.

MR. PRESIDENT -- YOU STILL HAVE TO BE NICE TO MCCONNELL AND RYAN. Why? Because Democrats are in the minority in both chambers and have extremely limited ability to bring bills to the floor.

FROM 30K FEET -- NYT'S PETER BAKER: "Bound to No Party, Trump Upends 150 Years of Two-Party Rule": "President Trump demonstrated this past week that he still imagines himself a solitary cowboy as he abandoned Republican congressional leaders to forge a short-term fiscal deal with Democrats. Although elected as a Republican last year, Mr. Trump has shown in the nearly eight months in office that he is, in many ways, the first independent to hold the presidency since the advent of the current two-party system around the time of the Civil War.

"In recent weeks, he has quarreled more with fellow Republicans than with the opposition, blasting congressional leaders on Twitter, ousting former party officials in his White House, embracing primary challenges to incumbent lawmakers who defied him and blaming Republican figures for not advancing his policy agenda. On Friday, he addressed discontent about his approach with a Twitter post that started, 'Republicans, sorry,' as if he were not one of them, and said party leaders had a 'death wish.' ...

"None of which means that Mr. Trump has suddenly transformed himself into a center-hugging moderate. More situational than ideological -- critics would say opportunist -- Mr. Trump adjusts to the moment, and his temporary alignment with Democrats could easily unravel tomorrow. The deal he cut, after all, merely postponed a fight over spending and debt for three months. It did not resolve any substantive disagreements." http://nyti.ms/2wigEPH

WAPO'S TAKE -- "'Trump betrays everyone': The president has a long record as an unpredictable ally," by Ashley Parker and Phil Rucker: "President Trump prepared for the pivotal meeting with congressional leaders by huddling with his senior team - his chief of staff, his legislative director and the heads of Treasury and the Office of Management and Budget - to game out various scenarios on how to fund the government, raise the debt ceiling and provide Hurricane Harvey relief. But one option they never considered was the that one the president ultimately chose: cutting a deal with Democratic lawmakers, to the shock and ire of his own party.

"In agreeing to tie Harvey aid to a three-month extension of the debt ceiling and government funding, Trump burned the people who are ostensibly his allies. The president was an unpredictable - and, some would say, untrustworthy -- negotiating partner with not only congressional Republicans but also with his Cabinet members and top aides. Trump saw a deal that he thought was good for him -- and he seized it." http://wapo.st/2wSD91d

-- DESPITE ALL THE GOP HAND-WRINGING, senior GOP aides say that everyone is being too dramatic and that lawmakers need to take a deep breath. This middle-of-the-road stuff is not permanent.

****** **A message from Hewlett Packard Enterprise**: How are Hewlett Packard Enterprise's supercomputers helping create the future in science, medicine and national security? Learn more: hpe.com/supercomputing ******

THE LATEST ON HURRICANE IRMA ...

AP'S IRMA LEDEALL -- "'Pray for everybody': Irma begins its assault on Florida," by Tamara Lush and Jay Reeves in St. Petersburg, Florida: "Announcing itself with roaring 130 mph winds, Hurricane Irma plowed into the mostly emptied-out Florida Keys early Sunday for the start of what could be a slow, ruinous march up the state's west coast toward the heavily populated Tampa-St. Petersburg area. ... With an estimated 127,000 huddling in shelters statewide, the storm lashed the low-lying string of islands with drenching rain and knocked out power to over 1 million customers even hundreds of miles from Irma's center.

"About 30,000 people heeded orders to evacuate the Keys as the storm closed in, but an untold number refused to leave, in part because to many storm-hardened residents, staying behind in the face of danger is a point of pride. While the projected track showed Irma raking the state's Gulf Coast, forecasters warned that the entire Florida peninsula - including the Miami metropolitan area of 6 million people - was in extreme peril from the monstrous storm, almost 400 miles wide. Nearly 7 million people in the Southeast were warned to get out of the storm's path, including 6.4 million in Florida alone." http://bit.ly/2xTumcW

-- JOHN DICKERSON speaks with **SEN. MARCO RUBIO (R-FLA.)** on **CBS'S "FACE**

THE NATION": DICKERSON: "Senator, you and I have talked over the years have talked about trust in government and people losing faith in their government. Do you see any of that? I mean are people not taking things seriously because sort of either because of crying wolf or because they lost faith in in voices of authority on these kinds of things?" **RUBIO:** "No I can't say that in this case. I really can't. I think that people have really responded. You see an enormous amount of people have acted. The most massive evacuation I think in the history of the state, millions of people have moved. And I think coming in the aftermath of those images from Harvey people have really jumped on it.

"So I think the bigger concern that we have is we've got -- this is a very unique situation. The whole state is impacted. A lot of the relief efforts are being directed from places that now themselves are in, in the path of, of the storm. And we have a lot of people for example that left South Florida, that drove to Orlando, or Tampa who are now figuring out maybe I need to go back to Miami or something or, or Fort Lauderdale or Palm Beach. This is no time to be on the road. This is a very unique storm because of its size and scope. You usually are able to say that there's some safe place in the state that you can go to. In this particular case, virtually the entire state is being impacted by the storm."

-- @PascoSheriff: "To clarify, DO NOT shoot weapons @ #Irma. You won't make it turn around & it will have very dangerous side effects".

-- "Weather Channel Goes Into Overdrive Covering Back-to-Back Hurricanes," by NYT's David Gelles: "The Weather Channel averaged nearly 1.3 million viewers during prime time over the first half of last week, up sharply from an average of 150,000 viewers during the last week of July, when the weather wasn't a story, according to Nielsen." http://nyti.ms/2ePhA7J

FLORIDA FRONT PAGES - Miami Herald: "Damage from Irma could surpass Andrew's aftermath" http://bit.ly/2wSFS9b ... **Tampa Bay Times:** "READY OR NOT -- Irma is projected to hit Tampa Bay today, and 'This is a killer hurricane.'" http://bit.ly/2vO1dPG ... **Naples Daily News:** "BRACE FOR IMPACT -- Category 4 Irma Could Smash Southwest Florida Sunday" http://bit.ly/2eP2e2W ... **Tallahassee Democrat:** "STRIKING DISTANCE" http://bit.ly/2vOjiNJ ... **South Florida Sun Sentinel:** "IN IT TOGETHER" http://bit.ly/2wT12UN ...

... Florida Today of Melbourne: "STATE OF FEAR -- 15 pages of Hurricane Irma coverage inside" http://bit.ly/2xTZPeT ... **Sarasota Herald Tribune:** "IRMA COMING -- Residents urged to be ready for a storm as big as our state" http://bit.ly/2vNVDN3 ... **Panama City News Herald:** "HERE SHE COMES -- Mainland U.S. braces for massive Irma" http://bit.ly/2xUmVSy ... **Pensacola News Journal:** "Governor Warns of Irma's Storm Surge" http://bit.ly/2wQMJSK

POLITICO INVESTIGATION -- "How U.S. News college rankings promote economic inequality on campus: Once ladders of social mobility, universities

increasingly reinforce existing wealth, fueling a backlash that helped elect Donald Trump," by Benjamin Wermund: "America's universities are getting two report cards this year. The first, from the Equality of Opportunity Project, brought the shocking revelation that many top universities, including Princeton and Yale, admit more students from the top 1 percent of earners than the bottom 60 percent combined. The second, from U.S. News and World Report, is due on Tuesday - with Princeton and Yale among the contenders for the top spot in the annual rankings. The two are related: A POLITICO review shows that the criteria used in the U.S. News rankings - a measure so closely followed in the academic world that some colleges have built them into strategic plans - create incentives for schools to favor wealthier students over less wealthy applicants." http://politi.co/2xXgLIL

FOR YOUR RADAR -- "NATO's Stoltenberg says North Korea's 'reckless behaviour' requires global response," by Reuters: "North Korea's 'reckless behaviour' is a global threat and requires a global response, the head of the NATO military alliance said on Sunday. ... 'The reckless behaviour of North Korea is a global threat and requires a global response and that of course also includes NATO,' NATO head Jens Stoltenberg said in an interview with BBC television. Asked whether an attack on the U.S. Pacific territory of Guam would trigger NATO's Article 5, which requires each member of the alliance to come to the defence of any other, Stoltenberg said: 'I will not speculate about whether Article 5 will be applied in such a situation.'" http://reut.rs/2jfb2Ez

-- "Vast new intelligence haul fuels next phase of fight against Islamic State," by LATimes' W.J. Hennigan: "U.S. intelligence analysts have gained valuable insights into Islamic State's planning and personnel from a vast cache of digital data and other material recovered from bombed-out offices, abandoned laptops and the cellphones of dead fighters in recently liberated areas of Iraq and Syria. In the most dramatic gain, U.S. officials over the last two months have added thousands of names of known or suspected Islamic State operatives to an international watch list used at airports and other border crossings. The Interpol database now contains about 19,000 names. The intelligence haul - the largest since U.S. forces entered the war in mid-2014 - threatens to overwhelm already stretched counter-terrorism and law enforcement agencies in Europe." http://lat.ms/2jfu8dl

INSIDE THE WHITE HOUSE -- "Former Sessions aides chart different paths in Trump's White House," by Andrew Restuccia, Nancy Cook, and Josh Dawsey: "In Donald Trump's White House, there are few tales about power more instructive than the story of Jeff Sessions' two former top aides. Both Stephen Miller, Trump's senior policy adviser, and Rick Dearborn, a White House deputy chief of staff, started out in the same place - as top congressional aides in Jeff Sessions' Senate office. Together, they worked as Trump campaign advisers, and then won senior administration jobs.

"But while Miller has rapidly accumulated power in the West Wing by personally advising the president on high-profile policy questions like immigration and publicly defending Trump on television and in the briefing room, Dearborn has become

increasingly marginalized, having struggled to form a close bond with the president, the new chief of staff and Trump's family

"Their diverging stock in the administration offers a case study in how to thrive in Trump's West Wing. Among the lessons: The president often responds to aides who mirror his big personality, while wallflowers tend to get ignored. And the president deeply values loyalty to himself, with little interest in the relationships top aides and other staffers bring into the West Wing. But getting close to the president has its risks, as the long list of former Trump White House aides shows." http://politi.co/2xdYqD2

SUNDAY BEST ...

SEVERAL SUNDAY SHOWS were preempted due to the storm. NBC's "Meet the Press" and ABC's "This Week" both turned to storm coverage.

JAKE TAPPER speaks with **SEN. JOHN MCCAIN (R-ARIZ.)** on **CNN's "STATE OF THE UNION": TAPPER:** "I hope I don't run this clip for another 50 years, but how do you want the American people to remember you?" **MCCAIN:** "He served his country. And not always right. Made a lot of mistakes. Made a lot of errors. But served his country, and I hope we can add, honorably." ***The clip*** http://snpy.tv/2xXJFSD

-- TAPPER: "You went through chemo and radiation to fight this cancer. When do you find out if it worked?" **MCCAIN:** "On Monday we will take a MRI, but so far all indications are very good. But again I'm not trying to paint this as a rosy picture. This is a very virulent form of cancer, it has to be fought against. We have new technologies ... that make chances much better. But Jake, you know, every life has to end one way or another. I think it was the playwright [William Saroyan] ... he said I always knew that no one could live forever but I thought there might be one exception. You gotta have joy, joy. Listen, those joyful memories of the campaign in 2000 are some of the most enjoyable times of my life. We were the underdogs, we were fighting our way up, we went to Sedona, you remember, everything was so magic about that campaign."

REP JIM JORDAN (R-OHIO) to **CHRIS WALLACE** on **"FOX NEWS SUNDAY": @FoxNewsSunday**: ".@Jim_Jordan on his confidence in @SpeakerRyan: We meet with him every week, no one is talking about changing leadership."

GEORGE STEPHANOPOULOS speaks to **FLORIDA GOV. RICK SCOTT** on **ABC'S "THIS WEEK": STEPHANOPOULOS:** "What is your biggest worry right now?" **SCOTT:** "My biggest worry is the people that didn't evacuate and they don't understand the risk of the storm surge. George, last year, we got storm surge up in the panhandle. And this water just comes in. And it just fills up your house. And then it goes out. And people -- this lady -- I can tell you a story about a lady, she was -- she wanted to stay because of her pets. She was in a one-story house. The water got to three feet, she knew she wouldn't survive. Thank god when she left her house to try to get away, there was a high-water vehicle just leaving and she got -- she survived. Of course, her pets didn't. But, I just hope people understand that this storm surge is just deadly."

THE JUICE ...

NICK AND VAL'S NIGHT -- "Valery Galasso, Nicholas Merrill" -- N.Y. Times: "The bride, 31, is a senior policy adviser in the office of Gov. Andrew M. Cuomo. From 2010 to 2015, she served in the Obama administration in Vice President Joseph R. Biden Jr.'s office of legislative affairs. She graduated from the University of Connecticut and received a master's degree in public policy from Johns Hopkins. ... The groom, 34, is the communications director in the office of Hillary Clinton in New York. He has worked for Mrs. Clinton since 2007, and was the traveling press secretary for her 2016 presidential campaign. He graduated from Skidmore College in Saratoga Springs, N.Y." ***With pic*** http://nyti.ms/2xTK5c0

-- SPOTTED: Hillary Clinton, Huma Abedin, Jon Davidson, Bari Lurie and Jeff Westerberg, Michael Kives, Brian Fallon, Heather Samuelson and Mitch Herckis, Sara Latham (who was in from London), Rachel Kelly, Adrienne Elrod, Angel Urena, Christina Reynolds, De'ara Balenger, Connolly Keigher, Bob Barnett and Rita Braver, Dan Schwerin, Mike Feldman, Tina Flournoy, Opal Vadhan, Rob Russo, Matt McKenna, Kamyl Bazbaz, Jason Rahlan. ***Philippe Reines and Nick's mom Becky hosted the event.***

-- FIRST IN PLAYBOOK: SOUTH BEND, INDIANA, MAYOR PETE BUTTIGIEG is in Des Moines to speak at Progress Iowa's Corn Feed: **HERE IS WHAT HE'LL SAY:** "Nothing about politics is theoretical for me. I've sat with loved ones facing cancer and tried to figure out what we would do if Congress kicks them off Obamacare. I've looked into the eyes of an 8-year old American boy who lost his father to deportation and tried to tell him things were going to be okay. I've called 911 on a young man having an overdose, and rolled him over so he wouldn't choke to death.

"I've stood in a basement flooded by extreme rainfall hitting South Bend in just the way scientists have warned us about for decades. And I've carried a weapon in a foreign land on the orders of an American president. See, when Donald Trump and his sons were working on Season 7 of Celebrity Apprentice, I was driving and guarding convoys outside the wire in Afghanistan.

"I had a lot of different responsibilities , but the job that mattered most was to make sure the men and women in my vehicle got where they were going, alive. And when they got in my vehicle, they didn't care if I was a Democrat or a Republican. They cared about whether I had selected the route with the fewest IED threats, not whether my immigrant father was documented or undocumented. They cared about whether my M-4 was locked and loaded and whether I knew how to use it, not whether I was going home to a girlfriend or a boyfriend. They just wanted to get home safe, like I did." ***The full speech*** http://politi.co/2wSLr9n

Playbook Reads

PHOTO DU JUOR: Waves crash over a seawall at the mouth of the Miami River from Biscayne Bay, Fla., as Hurricane Irma passes on Sept. 10 in Miami. | AP Photo/Wilfredo Lee

KATY TUR on the **SUNDAY N.Y.T. OP-ED PAGE: "The Trump Fever Never Breaks":** "For more than 500 days, I watched as Mr. Trump's campaign grew from an awkward rally around a backyard pool in June 2015 to a raucous, 10,000-person convention center event in November 2016. In that same time, I also watched as Mr. Trump's candidacy survived a procession of death predictions. ...

"When I was out on the road following Mr. Trump, I sneaked in a bit of "Game of Thrones" on my laptop between rallies. What I learned, to paraphrase the show, is that what is dead may never die -- and, in Mr. Trump's case, may only rise stronger....In August 2015, a month after a high-ranking [RNC] operative promised me that America would never tolerate a man with no military service disparaging an American military hero, I was standing on a football field in Mobile, Ala., surrounded by 30,000 screaming Trump fans, an unheard-of turnout six months before a primary. Were they mad about the candidate's words on Mr. McCain? No. The opposite. 'He's not afraid of anybody,' one woman told me." http://nyti.ms/2vNep7x

-- SNEAK PEEK: JILL ABRAMSON reviewed Katy's "Unbelieveable: My Front-Row Seat to the Craziest Campaign in American History" for the Times. The review and book are out Tuesday. It is already the No. 1 election book on Amazon. ... ***$16.19 on Amazon*** http://amzn.to/2vNfRqj

WHAT KEN GROSS IS READING -- "Nestled in House Spending Bill: Campaign Finance Deregulation," by WSJ's Cezary Podkul: "House Republicans are backing several provisions that could reshape campaign finance rules ahead of next year's midterm elections as spending negotiations continue this fall. ... While the House package is unlikely to advance in the Senate, its provisions could become bargaining chips in the negotiations leading up to the next government funding deadline, now Dec. 8. ... If they do, churches may be able to contribute to candidates without fear of losing their tax-exempt status, furthering President Donald Trump's promise to 'get rid of and totally destroy' a law that forbids such activity.

"Corporations would be able to ask their employees to donate to unlimited numbers of trade associations' political action groups instead of limiting employee solicitations to one group per year. Other measures included in the bill would continue to prevent the Internal Revenue Service and the Securities and Exchange Commission from implementing rules that would affect political activities of 501(C)(4) nonprofits and publicly traded corporations, respectively. And the government would again be prohibited from requiring federal contractors to disclose their political contributions and campaign expenditures." http://on.wsj.com/2xlXayw

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2020 WATCH -- "How California could jolt the 2020 presidential race," by David Siders and Gabe Debenedetti, with a Los Angeles dateline: "California is pushing forward with a plan to change the state's primary date from June to March, a move that could scramble the 2020 presidential nominating contest and swing the early weight of the campaign to the west. If adopted by the legislature this week - as is widely expected - and signed into law by Gov. Jerry Brown, the early primary would allocate California's massive haul of delegates just after the nation's first contests in Iowa, New Hampshire, Nevada and South Carolina.

"The earlier primary could benefit at least two potential presidential contenders from California - U.S. Sen. Kamala Harris and Los Angeles Mayor Eric Garcetti - while jeopardizing the prospects of other candidates who will struggle to raise enough early money to compete in expensive media markets in the nation's most populous state. 'In all probability, the winner of the California primary would be the nominee,' said Don Fowler, a former Democratic National Committee chairman from South Carolina." http://politi.co/2gUjnJv

-- "Retirement watch: The four California members of Congress most likely to bow out by 2018," by L.A. Times' Sarah D. Wire -- ***featuring Sen. Dianne Feinstein, Reps. Grace Napolitano, Dana Rohrabacher and Duncan Hunter***
http://lat.ms/2vNvLkM

MEDIAWATCH -- "The Wall Street Journal's Trump problem: Dozens have left the paper in the past year and interviews with current and ex-staffers show outrage over pressure from management to normalize Trump," by The Guardian's Lucia Graves. http://bit.ly/2wQWdgS

BONUS GREAT WEEKEND READS, curated by Daniel Lippman:

--"This Private Investigator Was The Original Most Interesting Man In The World," by Eamon Javers in BuzzFeed: "The story of Tom Corbally, a private investigator whose career crisscrossed continents and spanned decades, is its own secret history of the 20th century." http://bzfd.it/2xVN5VZ

--"There's No Such Thing as a Good Dog," by Wes Siler in Outside magazine: "People love to tell me how lucky I am to have a good dog like Wiley. But they're dead wrong - there was no luck involved. Wiley's good behavior and good temperament are products of four years of hard work, nothing else. The more people who understand this,

the more people there will be who have 'good' dogs too." http://bit.ly/2xSDWN9 (h/t TheBrowser.com)

--**"Remembering Moynihan in the Age of Trump,"** by Charles F. McElwee III in The American Scholar: "If the late senator-scholar were alive, he would see his most acute societal warnings confirmed." http://theam.cn/2wNa87F

--**"The Tamarind is Always Sour,"** by Keane Shum in Granta: "By law, the more than one million Rohingya in Myanmar are almost all excluded from Myanmar citizenship, making them the largest stateless group in the world. ... There are anywhere between two to three million Rohingya in the world, and the large majority of them do not exist on paper." http://bit.ly/2vV9m9f

--**"Imagination is a powerful tool: Why is philosophy afraid of it?"** by Amy Kind in Aeon Magazine: "Hume ... talked about how our facility for fantasy helps us to move beyond and change our present reality. One need only think of how Leonardo da Vinci's fantastical flying machines paved the way for the Wright brothers, or how H G Wells's novel 'The War of the Worlds' (1898) inspired the first liquid-fuelled space rocket, to see the truth of this insight." http://bit.ly/2f9RlcH

--**"The Japanese Origins of Modern Fine Dining,"** by Meghan McCarron in Eater Magazine -- per Longreads.com's description: "How kaiseki - Japan's formal dining tradition - became a major (though often unacknowledged) influence on modern haute cuisine." http://bit.ly/2wg4Lto

--**"What Does an Innocent Man Have to Do to Go Free? Plead Guilty,"** by Megan Rose in ProPublica: "A case in Baltimore - in which two men were convicted of the same murder and cleared by DNA 20 years later - shows how far prosecutors will go to preserve a conviction." http://bit.ly/2gUbkQy (h/t Longform.org)

--**"Donald Trump Slept Here - and So Did I: A Visit to a Presidential Home in Queens,"** by Newsweek's Alexander Nazaryan: "Above the bed I am sitting on is a sign encased in a wooden frame. 'In this bedroom,' it says in calligraphic font, 'President Donald J. Trump was likely conceived, by his parents, Fred and Mary Trump. The world has never been the same.'" http://bit.ly/2wPkUu6

--**"Inside the Growing Guest Worker Program Trapping Indian Students in Virtual Servitude,"** by Nikhil Swaminathan in the Sept./Oct. issue of Mother Jones: The article "takes an in-depth look at America's Optional Practical Training program and its effect on Indian students and workers. Swaminathan spoke with three dozen guest workers, and analyzed data and lawsuits related to the issue, to illustrate how the OPT program is trapping guest workers in student loan debt and without labor protections. Furthermore, he takes a look at the role of American universities as willing partners in this practice, and the corrupt businesses or 'body shops' that prey on these workers." http://bit.ly/2vM6EPi

--"Hacking Health: Has Silicon Valley Found Its Soul on a Mountaintop in Utah?" by Newsweek's Abigail Jones: "Started by five young entrepreneurs in 2008, [Summit is] known for drawing participants like Bill Clinton, Richard Branson, actress Sophia Bush and GE vice chair Beth Comstock, and taking attendees (who range from innovators and artists to academics and scientists) on cruises, glamping expeditions-even to the White House." http://bit.ly/2wgri9z

Playbookers

SPOTTED: Sen. John McCain (R-Ariz.) standing with veterans last night when they did the "Waive Your Caps" tribute at the Nats baseball game ... Patrick Ewing at dinner last night at Legal Sea Foods holding court in the back room ... former Connecticut Sen. Chris Dodd boarding a delayed flight yesterday to Hartford from DCA (h/t @KMAndersonDC)

SPOTTED celebrating Neil Alpert's 40th birthday at BLT Prime last night at Trump Hotel: Lisa Spies, Teri Galvez, Michael Steele (former Maryland LT Gov./RNC Chair) and Morgan Ortagus.

OUT AND ABOUT -- Luke Mullins, senior writer at Washingtonian and **Christina Lennon,** senior manager of client experience at Charles Schwab, had a reception last night to celebrate their upcoming marriage. They are getting married in late October in Scotland. ***Pic*** http://bit.ly/2xTQwLW **SPOTTED:** Paul Kane, Charlotte Sellmyer, Brody and Lauren Mullins, Susan Davis and Adam Aigner-Treworgy.

WEEKEND WEDDING -- "Tatiana Schlossberg, George Moran" -- Times: "The couple met at Yale, from which they both graduated with distinction. Ms. Schlossberg, 27, was until July a reporter at The New York Times, where she covered climate change and the environment. She also received a master's degree in United States history from the University of Oxford, England. She is a daughter of Caroline B. Kennedy and Edwin A. Schlossberg of New York. The bride's father, an artist, founded ESI Design, an interactive design firm in New York, of which he is the principal designer. Her mother served as United States ambassador to Japan from 2013 to 2017. ... The bride is a granddaughter of President John F. Kennedy and Jacqueline Kennedy Onassis. Mr. Moran, 28, is a fourth-year medical student at Columbia." ***With pic*** http://nyti.ms/2vO9u66

BIRTHDAY OF THE DAY: NYC PR exec **Josh Nass**, who speaks five languages and says "although I'm told it's unpopular to confess to this these days, my first language is Russian." **How he's celebrating:** "I plan to have brunch with my close family, followed by dinner with friends at The Prime Grill. My kosher dietary restrictions don't allow me to explore the many steakhouses that I see everywhere I go in New York City, but fortunately it's New York, so there are plenty of good kosher options." **Read his Playbook Plus Q&A:** http://politi.co/2wRVsTY

BIRTHDAYS: Sara Bonjean (hat tips: hubby Ron and Sean Spicer) ... CAP president Neera Tanden, celebrating by spending the day at the Progress Iowa Corn Feed, where she is one of the featured speakers (h/t Lindsay Hamilton) ... Jess McIntosh, writer, speaker and Democratic strategist and alum of Hillary for America, Franken and EMILY's List (h/t Jon Haber) ... Bill O'Reilly ... Andrew Shapiro, founder and managing director at Beacon Global Strategies and a Hillary and State alum ... Hunter Walker, White House correspondent at Yahoo News ... Corinne Hoare, professor at AU's School of Communication (h/t Spicer) ... WSJ's Mara Gay ... 1776 founder Donna Harris (h/ts Peter Cherukuri and Kurt Bardella) ... James Killen ... Dan Centinello ... USA Today SCOTUS reporter Richard Wolf ... Politico's Nahal "Halley" Toosi and Paulina Mangubat ... Rep. Ted Poe (R-Texas) ... former Rep. Cynthia Lummis (R-Wyo.) ... Trey Yingst, chief WH correspondent for OANN ...

... Michael Moroney, managing supervisor at FleishmanHillard ... Deirdre Hackleman ... Charlie Szold, public affairs consultant at Midland Strategies ... Steve Brusk, CNN White House and Congress supervising producer ... Molly Bordonaro ... Amanda Cowie, head of business and strategy comms at Bloomberg Media (h/t Ashley Bahnken) ... Jocelyn Miller Zeitzoff, AtlanticLIVE director of business development and a Knopf and Weber Shandwick alum, celebrating with a night out in the District (h/t Patrick Garrigan) ... Jack Rivers, associate at Goldman Sachs ... Lauren Defranco ... Rey Ramsey ... Mahen Gunaratna, deputy comms director for Mayor Bill de Blasio ... Heather Barber ... Andy Levin, chief legal officer at Relativity Media ... Rachel Teron DeGirolamo ... Jane Gross ... Karen Steinberg ... Kimberly Marie Abbott ... Christina Estrada Teczar ... CNBC's Hadley Gamble (h/t Keil) ... Barbara Lippert ... Oliver Kim ... former Sen. John E. Sununu (R-N.H.) ... Justin Wiley ... Justin Mikita ... Tia Torhorst ... Reynolds Honold ... Justin Cooper (h/ts Teresa Vilmain)

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 30, 2017

Latest News

In Wake Of Hurricane, CLF Targets Shell To Address Climate Under CWA

Citing the effects of Hurricane Harvey, a New England environmental group is stepping up its novel campaign to force industrial facilities to address the impacts of climate change under the Clean Water Act (CWA), filing new litigation against oil major Shell that charges it failed to address climate impacts in a mandatory stormwater plan for a Rhode Island facility.

Seeking Second Rewrite, Split SAB Again Rejects Advice On Biomass CO2

For the second time in less than two years, EPA's Science Advisory Board (SAB) has again rejected draft advice from a special panel on how the agency should estimate carbon dioxide emissions from biomass power, deciding to revise language addressing the time frame over which emissions impacts are measured, an issue that has long stymied the effort.

Amidst Uncertainty, Lawmakers Float Array Of EPA Spending Bill Riders

House lawmakers are proposing a barrage of amendments targeting or protecting EPA programs in advance of scheduled floor consideration next week of spending legislation for EPA and other agencies, though the ultimate impact of any of the policy proposals is unclear given the fluid state of spending negotiations for fiscal year 2018.

Texas Floats Arsenic Cancer Risk Value, Providing Model For Revising EPA's

Texas Commission on Environmental Quality (TCEQ) is proposing a cancer risk estimate for arsenic that -- while using EPA's strict default linear method for cancer risk calculation -- produces a much weaker value than the agency's controversial 2010 proposal, providing a model for how the Trump administration may revise EPA's if it seeks to do so.

Environmentalists Cite Water Law, Air Act Cases To Fight Utility ELG Delay

Environmentalists are urging a federal district judge to preserve their suit over EPA's

delay of an Obama-era effluent rule for power plants by arguing the Clean Water Act (CWA) allows district court cases over suspension of water rules, while citing two high-profile Clean Air Act (CAA) cases to undermine the agency's basis for the stay.

Appellate Decisions Will Guide Future Of EPA's SO2 NAAQS Designations

Two recent decisions by federal appeals courts will guide the future of EPA's issuance of designations for which areas are attaining the 2010 sulfur dioxide (SO2) air standard, with one court agreeing to hear a suit over four existing designations while a separate circuit court has approved EPA's timetable for issuing other designations.

Daily Feed

Wisconsin DNR chief picked as Region 7 deputy administrator

Cathy Stepp's selection is likely to please regulated industries but draw fire from environmentalists who have criticized her tenure at the helm of the state environmental agency.

Another top Trump EPA official faces ethics concerns

Albert Kelly, the former banker who is leading Administrator Scott Pruitt's Superfund reform task force, is barred from future banking activities for violating federal financial rules.

Environmentalists resist EPA standing claims in landfill methane suit

“EPA is simply wrong to suggest that Petitioner's member declarants have not demonstrated specific harm from emissions regulated by the Rules,” environmentalists' says.

RFA seeks to expand EPA fuel rule waiver in wake of Harvey

Seeking approval for E15, the Renewable Fuels Association says EPA could help ease gas prices by expanding already-issued fuel standard waivers beyond Texas and Louisiana to include the entire United States.

Ewire: Harvey's effects on EPA

EPA is “leaning forward” in its response to Harvey. Plus, Pruitt plans to return to deregulatory agenda after storm response.

EPA seeks to pause cleanup-related ESA suit

EPA is seeking a stay of Endangered Species Act litigation over cleanup at a Superfund site in order to complete a biological analysis that could lead to dismissal of the suit.

Read all the latest EPA news, analysis and documents →

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Energy and Climate Report

August 10, 2017 - Number 154

News

Climate Change

Federal Scientists Say Climate Change No Hoax, Disputing Trump

Less than a week after President Donald Trump notified the United Nations of his intent to exit from the Paris climate accord, his government's chief science agency released a report demonstrating that global warming is real and getting worse.

Coal Mining

Coal Miner Contura Scraps Public Offering, Citing Weak Interest

Contura Energy Inc., which inherited some of Alpha Natural Resources Inc.'s best coal mines during that company's bankruptcy, has withdrawn a plan for an initial public offering amid lackluster demand from potential investors.

Coal-Fired Power Plants

America's Power Plant Jobs, Ignored by Politicians, Are Dying

A couple months ago, Donald Trump was cheering a new coal mine in Pennsylvania that will put 70 people to work—good news for a president whose pledge to revive the industry helped get him elected. But a bigger group of coal workers has already suffered sweeping job cuts, and it's bracing for more.

Coal-Fired Power Plants

Trump Is Said to Be 'Really Interested' in Payments for Coal Use

West Virginia Governor Jim Justice said Donald Trump is "really interested" in his plan to prop up Appalachian mining by giving federal money to power plants that burn the region's coal.

Energy

National Grid Seeks January OK for Massachusetts Electricity Plan

National Grid hopes to receive Massachusetts' approval in January on its plan to dramatically change electricity service for customers under a broad grid-modernization plan, but the state's attorney general says the company may have to wait longer.

Energy

Pipelines Among Priorities as Energy Regulator Gets Quorum

The Federal Energy Regulatory Commission can proceed to vote on a backlog of key natural gas pipeline projects, contested rate filings, and enforcement actions now that its long-waited quorum has been restored.

Motor Vehicles

Auto Mileage Rules Could Change Earlier Than Planned

The EPA is seeking comment on whether mileage standards for the 2021 model year vehicles are appropriate, a sign the agency is open to changing the fuel efficiency rules for passenger cars and light trucks one year sooner than planned.

Motor Vehicles

World's Biggest Coal Shipper Talks a Lot About Electric Cars

Glencore Plc might be the world's biggest exporter of coal, the dirtiest fuel, but the mining giant is increasingly excited about electric cars.

Natural Gas

$900 Million New York Natural Gas Plant at Critical Juncture

Competitive Power Ventures Inc. is at a critical juncture in its plan to operate a 680-megawatt natural gas power plant 75 miles northwest of New York City.

Oil & Gas

British Columbia Vows Legal Challenge to Kinder Morgan Pipeline

British Columbia's new government vowed to use "every tool" to thwart Kinder Morgan Inc.'s $5.8 billion oil pipeline expansion, saying it plans to join legal opposition to Canadian federal approval of the project.

Oil & Gas

Oil and Gas Industry Loses Again in Methane Court Battle

The oil and gas industry lost another round in its fight to nullify an EPA regulation on methane emissions, as a federal appeals court decided against reconsidering the case.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/4/2017 1:05:33 PM
Subject: Aug. 04 -- EHS State Regulatory Alert

EHS State Regulatory Alert

August 04, 2017 - Number 149

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Alabama

AIR
Commercial and Industrial Solid Waste Incinerator Mercury Emission Limit
Alabama AIR

Proposed rule of the Department of Environmental Management, Air Division, amends regulations under AAC 335-3-3-.05 regarding the incineration of commercial and industrial solid waste. The rule allows commercial and industrial solid waste units in the waste-burning kiln subcatoegory to comply with an equivalent production-based mercury emission limit of 58 pounds of mercury per million tons of clinker produced instead of the concentration-based emission limit. The rule also includes additional monitoring and recordkeeping requirements applicable to waste-burning kilns that choose to comply with the equivalent production-based mercury emission limit. A hearing is scheduled for Sept. 6, 2017, in Montgomery. Comments are due Sept. 8, 2017. Contact: Larry Brown; DEM; 334-271-7878

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Department of Environmental Management/Ethics and Conflicts of Interest
Alabama GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-1-1-.03 regarding the department's organization and duties of department subdivisions and personnel. The rule includes requirements that department personnel meet state ethics requirements and federal requirements involving disclosure of potential conflicts of interest. The rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Sept. 6, 2017, in Montgomery. Comments are due Sept. 8, 2017. Contact: Ronald Gore; DEM; 334-271-7868

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Environmental Management Commission/Ethics and Conflicts of Interest
Alabama GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-1-1-.03 regarding the organization and duties of the Environmental Management Commission. The rule includes requirements that department personnel meet state ethics requirements and federal requirements involving disclosure of potential conflicts of interest disclosures. The rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Sept. 6, 2017, in Montgomery. Comments are due Sept. 8, 2017. Contact: Ronald Gore; DEM; 334-271-7868

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Piping/Release Detection Methods for Underground Piping
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.18 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions on methods of release detection for underground piping to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Analytical Requirements
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.32 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises analytical requirements for soil and groundwater samples to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Applicability
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.03 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises applicability provisions to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Closure Records
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.37 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions concerning closure records to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Compatibility Requirements
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.11 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule revises requirements for the compatibility of UST systems with the material being stored to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Corrective Action Plan

Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.29 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions on the development and submission of corrective action plans to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Corrective Action Plans
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.17 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions on corrective action plans for underground storage tanks to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Corrosion Protection
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.10 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises corrosion protection requirements to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Definitions
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC

335-6-15-.02 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises related definitions to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Delivery Prohibition
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15.45 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule revises provisions concerning UST facilities placed under delivery prohibition to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Field-Constructed Tanks, Airport Hydrant Fuel Distribution Systems
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management adopts regulations under AAC 335-6-15-.48 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule adds requirements for UST systems with field-constructed tanks and with airport hydrant fuel distribution systems to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Financial Responsibility
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.43 regarding technical standards, correction action requirements, and financial

responsibility for owners and operators of underground storage tanks (USTs). The rule revises provisions concerning financial responsibility for petroleum UST owners and operators to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Free Product Removal
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.27 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions on the required removal of free product once identified by site investigation to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Initial Abatement Measures, Preliminary Investigations
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.25 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions on initial abatement measures and preliminary investigations after confirmed substance releases to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Initial Release Response
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.24 regarding technical standards, correction action requirements, and financial

responsibility for owners and operators of underground storage tanks. The rule revises provisions on initial release response requirements to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Inspection of Spill, Overfill Prevention Equipment and Containment Systems
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.09 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions concerning operation, maintenance, testing, or inspection of spill and overfill prevention equipment and containment systems to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Installation Requirements for Partially Excluded UST Systems
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.04 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule revises installation requirements for partially excluded UST systems to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Notification Requirements
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.05 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises

notification requirements to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Operator Training
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.46 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions concerning operator training to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Performance Standards for New UST Systems
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.06 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule revises performance standards for new UST systems and dispensers to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Preliminary Investigations
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.26 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions regarding preliminary investigations of release sites to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are

due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Public Participation
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under 335-6-15-.31 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions concerning public participation to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Records, Reports, or Information
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.39 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions concerning availability of records, reports, or information to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Regulation Fee
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.42 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule clarifies language concerning the UST regulation fee to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Release Detection Methods
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.17 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises release detection methods to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Release Detection Recordkeeping
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.19 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions on release detection recordkeeping to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Release Detection Requirements
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.14 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule revises general release detection requirements for all UST systems to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Release Detection Requirements
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.15 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule revises release detection requirements for petroleum UST systems to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Release Detection for Hazardous Substance UST Systems
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.16 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule revises release detection requirements for hazardous substance UST systems to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Release Investigation and Confirmation
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.22 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions on release investigation and confirmation steps to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Repair Requirements

Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.12 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule revises repair requirements for UST systems to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Reporting and Recordkeeping
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.13 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises reporting and recordkeeping requirements to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Reporting of Suspected Releases
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.20 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises requirements for the reporting of suspected releases to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Secondary Investigations
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC

335-6-15-.28 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions concerning secondary investigations of release sites to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Severability
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.49 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions concerning severability to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Site Closure or Change-in-Service Assessment
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.35 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks. The rule revises provisions concerning site closure or change-in-service assessment to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Supervisor Certification Requirements
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.47 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule revises certification requirements for individuals who supervise installation, closure, and repair of UST

systems to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Temporary Closure
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.33 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule revises provisions concerning temporary closure of UST systems to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/UST System Construction Plans and Specifications
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.08 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule revises requirements for plans and specifications for the construction of UST systems to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Upgrading of Existing UST Systems
Alabama HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Management amends regulations under AAC 335-6-15-.07 regarding technical standards, correction action requirements, and financial responsibility for owners and operators of underground storage tanks (USTs). The rule revises provisions concerning upgrading existing UST systems to align with federal standards and to incorporate revisions required by the EPA to maintain authorization of the Underground Storage

Tanks Program. A hearing is scheduled for Aug. 9, 2017, in Montgomery. Comments are due Sept. 6, 2017. Contact: Sonja Massey; DEM, Land Division; 334-271-7832

—Alabama Administrative Monthly (07/31/2017)

Regulatory Update

California

HAZARDOUS MATERIALS TRANSPORTATION
Motor Carrier Safety/Modified Limousines
California HAZARDOUS MATERIALS TRANSPORTATION

Emergency rule of the California Highway Patrol amends regulations under 13 CCR 1201, 1217, 1232, 1242, 1268, and 1269 and adopts regulations under 13 CCR 1267.1 regarding modified limousine safety. The rule adds a definition of "modified limousine" and sets forth requirements for emergency exits, fire extinguishers, door locations, emergency exit locking devices, and push-out escape windows. The rule is effective July 31, 2017, and expires Jan. 30, 2018. Contact: Joseph Mosinski; CHP; 916-843-3400; cvsregs@chp.ca.gov

—California Regulatory Notice Register (08/01/2017)

Regulatory Update

California Regions

AIR
Air Toxics Report
California Regions AIR

Notice of the Eastern Kern Air Pollution Control District announces the availability of the annual air toxics report, which summarizes the district's air toxics program, describes toxic control measures, and identifies and ranks facilities according to the cancer risk posed by their toxic air pollutant emissions. A hearing is scheduled for Sept. 14, 2017, in Tehachapi. Comments are requested, but a due date is not specified. Contact: Wunna Aung; Eastern Kern APCD; 661-862-5250; ekapcd@co.kern.ca.us

—California RegionsRegulations (08/02/2017)

Regulatory Update

AIR
New Source Review of Toxic Air Contaminants
California Regions AIR

Notice of the South Coast Air Quality Management District announces revisions to and an extension of the comment period for a proposed rule to amend regulations under Rule 1401 regarding new source review of toxic air contaminants. The rule requires spray booths and gasoline dispensing facilities to begin using Version 8.1 of the district's risk assessment procedures. The rule also updates the list of toxic air contaminants by adding caprolactum (CAS No. 105-60-2) and carbonyl sulfide (CAS No. 463-58-1); adding health risk values for butadiene, 1,3- (CAS No. 106-99-0) and toluene diisocyanates (CAS Nos. 26471-62-5, 584-84-9, and 91-08-7); and clarifying applicability of requirements to certain compounds and their parent compounds. The revisions make technical corrections to the list of toxic air contaminants. A hearing is scheduled for Sept. 1, 2017, in Diamond Bar. Comments now are due Aug. 22, 2017. Contact: Kalam Cheung; South Coast AQMD; 909-396-3281; kcheung@aqmd.gov

—California RegionsRegulations (07/26/2017)

Regulatory Update

AIR
Permitting Fees/Stationary Sources
California Regions AIR

Final rule of the Sacramento Metropolitan Air Quality Management District amends regulations under Rule 301 to increase permit fees for stationary sources. The rule is effective July 25, 2017. Contact: Sacramento Metropolitan AQMD; 916-874-4800

—California RegionsRegulations (07/25/2017)

Regulatory Update

AIR
Progress Plan for Sacramento Federal Nonattainment Area
California Regions AIR

Notice of the El Dorado County Air Quality Management District announces a hearing on the adoption of the proposed Sacramento regional 2008 NAAQS eight-hour ozone attainment and reasonable further progress plan. The plan demonstrates reasonable further progress and attainment of the 2008 NAAQS of 75 parts per billion. The plan also includes an updated emissions inventory, analyzes air quality trends, evaluates photochemical modeling results, and establishes new motor vehicle emission budgets for transportation conformity purposes. Additionally, the plan documents the region's reasonably available control measure analysis and vehicle miles traveled offset demonstration. The plan will be submitted to the EPA as a revision to the California SIP after approval by the California Air Resources Board. The hearing is scheduled for Sept. 12, 2017, in Placerville. Comments are requested, but a due date is not specified. Contact: Adam Baughman; El Dorado County AQMD; 530-621-7501; aqmd@edcgov.us

—California RegionsRegulations (08/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Fees/Plan, Air Toxics, Greenhouse Gas Program
California Regions GENERAL ENVIRONMENT AND SAFETY

Final rule of the Sacramento Metropolitan Air Quality Management District amends regulations under Rules 304, 306, and 350 to increase plan fees, air toxics fees, and greenhouse gas program fees to reflect changes in the consumer price index. The rule is effective July 1, 2017. Contact: Sacramento Metropolitan AQMD; 916-874-4800

—California RegionsRegulations (07/01/2017)

Regulatory Update

WATER
Sacramento and San Joaquin River, Tulare Lake Basin Water Quality Control Plans
California Regions WATER

Notice of the Central Valley Regional Water Quality Control Board announces the rescheduling of a hearing and an extension of the comment period on proposed amendments to reformat the water quality control plan for the Sacramento and San Joaquin river basins and the Tulare Lake Basin. The revisions reformat the plan to single columns, add numbering to the headers, and replace statewide policies in the appendices with links to the State Water Resources Control Board's website. A hearing, originally scheduled for Aug. 10-11, 2017, now is scheduled for Oct. 19-20, 2017. Comments now are due Sept. 11, 2017. Contact: Betty Yee; Central Valley RWQCB; 916-464-4643; betty.yee@waterboards.ca.gov

—California RegionsRegulations (07/21/2017)

Regulatory Update

Idaho

AIR
Rules for Control of Air Pollution
Idaho AIR

Proposed rule of the Department of Environmental Quality amends regulations under IDAPA 58.01.01.107 regarding control of air pollution. The rule incorporates by reference updated federal standards, as of July 1, 2017, for approval of the state's Title V operating permit program under 40 CFR 70. The rule also updates citations to federal standards to maintain state authority for Clean Air Act programs. The rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Sept. 7, 2017, in Boise. Comments are due Sept. 7, 2017. Contact: Paula Wilson; DEQ; 208- 373-0418; paula.wilson@deq.idaho.gov

—Idaho Administrative Bulletin (08/02/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Rules and Standards for Hazardous Waste
Idaho HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Quality amends regulations under IDAPA 58.01.05.002 through .018 regarding hazardous waste standards. The rule incorporates by reference updated federal regulations, revised as of July 1, 2017. Hearing requests are due Aug. 16, 2017. Comments are due Aug. 2, 2017. Contact: Matt Alvarado; DEQ; 208-373-0554; matt.alvarado@deq.idaho.gov

—Idaho Administrative Bulletin (08/02/2017)

Regulatory Update

WATER
Idaho Pollutant Discharge Elimination System Program
Idaho WATER

Proposed rule of the Department of Environmental Quality amends regulations under IDAPA 58.01.25 regarding the Idaho Pollutant Discharge Elimination System Program. The rule incorporates by reference federal standards as of July 1, 2017, and updates electronic reporting requirements to align with federal standards under 40 CFR 127. The updated federal regulations allow the state to select an approach for permitting these small municipal discharges and establish the method for permittees to meet the maximum extent practicable standards established by the Clean Water Act. The updated federal regulations also addresses effluent limitations for steam electric generating point sources, oil and gas point sources, and approved test methods for analysis of parameters in effluent discharges. Finally, the rule removes references to the vessel general permit and adds a definition for sludge. Hearing requests are due Aug. 18, 2017. Comments are due Sept. 1, 2017. Contact: Paula Wilson; DEQ; 208-373-0418; paula.wilson@deq.idaho.gov

—Idaho Administrative Bulletin (08/02/2017)

Regulatory Update

WATER
Water Quality Standards/Toxic Substances for Aquatic Life and Human Health
Idaho WATER

Proposed rule of the Department of Environmental Quality amends regulations under IDAPA 58.01.02 regarding water quality standards. The rule updates and reorganizes the criteria for the protection of aquatic life and human health from toxic substances and removes obsolete language. The rule also specifies that water quality standards adopted and submitted to EPA since May 30, 2000, are not effective for federal Clean Water Act purposes until EPA approves them. Hearing requests are due Aug. 18, 2017. Comments are due Sept. 1, 2017. Contact: Paula Wilson; DEQ; 208-373-0418; paula.wilson@deq.idaho.gov

—Idaho Administrative Bulletin (08/02/2017)

Regulatory Update

Iowa

PESTICIDES

Pesticides/Dealer Licensure

Iowa PESTICIDES

Final rule of the Department of Agriculture and Land Stewardship amends regulations under 21 IAC 36.2, 45.48, 63.1, 68.41, 68.48, 68.69, and 68.71 to update licensure and fee provisions concerning egg handlers, pesticides, branding, livestock movement, and dairy. The rule updates licensure fees for pesticide dealers to create a tiered fee structure for dealers with less than $100,000 in gross annual retail pesticide sales. The rule also clarifies provisions concerning the three-month grace period following expiration of a pesticide dealer license. The rule is effective Sept. 6, 2017. Contact: Margaret Thomson; DALS; 515-281-5322; Margaret.Thomson@IowaAgriculture.gov

—Iowa Administrative Bulletin (08/02/2017)

Regulatory Update

RADIATION

Permit to Operate Ionizing Radiation-Producing Machines or Administer Radioactive Materials

Iowa RADIATION

Final rule of the Department of Public Health amends regulations under 641 IAC 42.2 and .6 concerning permits to operate ionizing radiation-producing machines or to administer radioactive materials. The rule establishes minimum requirements for an endorsement to the general nuclear medicine technologist permit for operation of computed tomography units for examinations outside of nuclear medicine studies. The rule also defines related terms. The rule is effective Sept. 6, 2017. Contact: Angela Leek; DPH, Bureau of Radiological Health; 515-281-3478; angela.leek@idph.iowa.gov

—Iowa Administrative Bulletin (08/02/2017)

Regulatory Update

WATER

Soil Conservation and Water Quality

Iowa WATER

Final rule of the Department of Agriculture and Land Stewardship, Division of Soil Conservation and Water Quality, amends regulations under 27 IAC 1.1 through 60.70 (nonconsecutive) concerning water quality protection projects of the Water Protection Fund, soil and water resource conservation plans, coal mining, and the abandoned mined land reclamation program. The rule changes the mineral mining license renewal period from one year to two and increases the fee to $20. The rule also reflects the change of the name of the State Soil Conservation Committee to the State Soil and Water Quality Committee. The rule is effective Sept. 6, 2017. Contact: Margaret Thomson; DALS; 515-281-5322; Margaret.Thomson@IowaAgriculture.gov

—Iowa Administrative Bulletin (08/02/2017)

Regulatory Update

Maine

OCCUPATIONAL SAFETY AND HEALTH
Occupational Safety and Health Standards for Construction
Maine OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor, Board of Occupational Safety and Health, amends regulations under MAC Chapter 3 regarding occupational safety and health standards for construction in the public sector. The rule incorporates by reference amendments to federal standards under 29 CFR 1926, as of June 1, 2017. Comments are due Sept. 1, 2017. Contact: Jeanne St. Pierre; DOL; 207-621-5096; Jeanne.StPierre@Maine.gov

—Maine Regulations (08/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Safety and Health Standards/General Employment
Maine OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor, Board of Occupational Safety and Health, amends regulations under MAC Chapter 2 regarding occupational safety and health standards for general industry employment in the public sector. The rule incorporates by reference amendments to federal standards under 29 CFR 1910, as of June 1, 2017. Comments are due Sept. 1, 2017. Contact: Jeanne St. Pierre; DOL; 207-621-5096; Jeanne.StPierre@Maine.gov

—Maine Regulations (08/02/2017)

Regulatory Update

Utah

WATER
Ground Water Quality Protection
Utah WATER

Notice of the Department of Environmental Quality, Division of Water Quality, announces the five-year review and continuation of regulations under R317-6 regarding the Ground Water Protection Program, which provides ground water quality standards, defines ground water classes and protection levels, sets minimum requirements for ground water discharge permits, and addresses corrective action. The action is effective July 6, 2017. Contact: Judy Etherington; DEQ, Division of Water Quality; 801-536-4344; jetherington@utah.gov

—Utah State Bulletin (08/01/2017)

Regulatory Update

WATER
Wastewater Project Assistance Program Project Priority System
Utah WATER

Notice of the Department of Environmental Quality, Division of Water Quality, announces the five-year review and continuation of regulations under R317-100 regarding the project priority system for the Wastewater Project Assistance Program. The priority system is used to rank wastewater projects for possible state and federal funding assistance. The action is effective July 6, 2017. Contact: Judy Etherington; DEQ, Division of Water Quality; 801-536-4344; jetherington@utah.gov

—Utah State Bulletin (08/01/2017)

Regulatory Update

WATER
Water Quality/Certification of Wastewater Works Operators
Utah WATER

Notice of the Department of Environmental Quality, Division of Water Quality, announces the five-year review and continuation of regulations under R317-10 regarding certification of wastewater works operators. The action is effective July 6, 2017. Contact: Judy Etherington; DEQ, Division of Water Quality; 801-536-4344; jetherington@utah.gov

—Utah State Bulletin (08/01/2017)

Regulatory Update

Virginia

WATER
Virginia Stormwater Management Program
Virginia WATER

Notice announces the intention of the Department of Environmental Quality, State Water Control Board, to amend regulations under 9 VAC 25-870 regarding the Virginia Stormwater Management Program (VSMP). The rule would require all final plan elements, specifications, or calculations whose preparation requires a license to be signed and sealed by a professional licensed to engage in practice in the commonwealth. Comments are due Oct. 6, 2017. Contact: William Norris; DEQ; 804-698-4022; william.norris@deq.virginia.gov

—Virginia Register (08/07/2017)

Regulatory Update

WATER

Water Quality Assessment Integrated Report
Virginia WATER

Notice of the Department of Environmental Quality announces the availability of the draft 2016 Water Quality Assessment Integrated Report. The report combines both the Clean Water Act Section 305(b) water quality assessment and the CWA Section 303(d) report on impaired waters. A meeting is scheduled for Aug. 24, 2017, via webinar. Comments are due Sept. 6, 2017. Contact: Sandra Mueller; DEQ, Office of Water Monitoring and Assessment; 804-698-4324; sandra.mueller@deq.virginia.gov

—Virginia Register (08/07/2017)

Regulatory Update

WATER
Water Quality Management Planning Regulation
Virginia WATER

Notice announces the intention of the State Water Control Board to amend regulations under 9 VAC 25-720-60, -80, -90, and -110 regarding water quality management planning. The rule would add 12 new and three revised total maximum daily load wasteload allocations for the James River Basin, the Roanoke River Basin, the Tennessee-Big Sandy River Basin, and the Chesapeake Bay-Small Coastal-Eastern Shore River. Comments are due Sept. 6, 2017. Contact: Kelly Meadows; Department of Environmental Quality; 804-698-4291; kelly.meadows@deq.virginia.gov

—Virginia Register (08/07/2017)

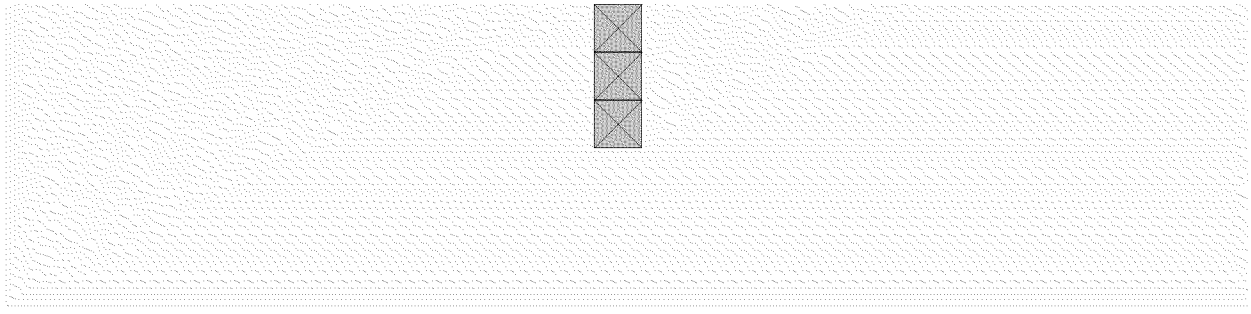
Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Fri 12/1/2017 12:05:22 PM
Subject: Kate Steinle's Family Speaks, See the Army's New Handgun, Drone/Aircraft Collision Study





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Thur 11/2/2017 7:42:27 PM
Subject: BREAKING NEWS: Lamar Smith won't seek reelection to House

Rep. Lamar Smith announced Thursday he will not seek reelection to the House in 2018.

The Texas Republican said in a letter that there were several reasons for ending his lengthy tenure in Congress, including that he will complete his term as chairman of the House Science, Space, and Technology Committee next year.

Read more: https://www.politico.com/story/2017/11/02/lamar-smith-wont-seek-reelection-to-house-244477

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Mon 8/7/2017 4:51:37 PM
Subject: Playbook Power Briefing, presented by the Coalition for Affordable Prescription Drugs (CAPD): TRUMP to head back to New York next week -- BUZZ: KAYLEIGH MCENANY joining the RNC -- PETER THIEL waffling on POTUS

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Today's Playbook Power Briefing presented by the Coalition for Affordable Prescription Drugs (CAPD)

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Monday afternoon. NEWS -- KAYLEIGH MCENANY is joining the RNC as its national spokesman, bringing in house a prominent supporter of President Donald Trump. McEnany is expected be a major presence on television for the GOP. She recently left CNN, where she was a contributor.

WITH TRUMP dumping all over Sen. Richard Blumenthal (D-Conn.) this morning, it got us questioning how he will work with Democrats this fall when the debt limit needs to be lifted and government needs to be funded. Republicans will definitely need Democratic votes for must-pass legislation like lifting the nation's borrowing limit. Sources tell us Trump has not had substantive conversations with Democratic Hill leaders in some time. House Minority Leader Nancy Pelosi and Senate Minority Leader Chuck Schumer haven't been to the White House in some time.

NEWS , per pooler Peter Baker of the NYT: Cabinet secretaries are expected at Bedminster over the next few days and VP Mike Pence will also come up. "Jared Kushner and Ivanka Trump have been here all weekend and are still here. John Kelly has been here all weekend and will be here during the week. Rick Waddell, the deputy national security adviser, is here. Kellyanne Conway will be coming. Elaborating on the presidential tweet from earlier this morning, Walters says Potus will spend part of the first half of next week in New York. Details to come." ...

... TRUMP spoke with Secretary of State Rex Tillerson and Chief of Staff John Kelly for an hour to talk about Tillerson's trip to Asia and North Korea, per Baker.

FROM BEDMINSTER -- TWEETS IN THE JOHN KELLY ERA -- @realDonaldTrump at 6:38 a.m.: "The failing @nytimes, which has made every wrong prediction about me including my big election win (apologized), is totally inept!" ... **at 6:58 a.m.:** "The Trump base is far bigger & stronger than ever before (despite some phony Fake News polling). Look at rallies in Penn, Iowa, Ohio....." .... **at 7:04 a.m.:** "...and West Virginia. The fact is the Fake News Russian collusion story, record Stock Market, border security, military

strength, jobs....." ... **at 7:09 a.m.:** "... Supreme Court pick, economic enthusiasm, deregulation & so much more have driven the Trump base even closer together. Will never change!" ... **at 7:18 a.m.:** "Hard to believe that with 24/7 #Fake News on CNN, ABC, NBC, CBS, NYTIMES & WAPO, the Trump base is getting stronger!" ... **at 7:32 a.m.:** "Working hard from New Jersey while White House goes through long planned renovation. Going to New York next week for more meetings." ...

... **at 7:47 a.m.:** "Interesting to watch Senator Richard Blumenthal of Connecticut talking about hoax Russian collusion when he was a phony Vietnam con artist!" ... **at 7:52 a.m.:** "Never in U.S.history has anyone lied or defrauded voters like Senator Richard Blumenthal. He told stories about his Vietnam battles and...." ... **at 8:01 a.m.:** "...conquests, how brave he was, and it was all a lie. He cried like a baby and begged for forgiveness like a child. Now he judges collusion?"

-- THE NEW YORK TIMES did not apologize. The information Trump is using to criticize Blumenthal for came from a New York Times story!

BLUMENTHAL RESPONDS -- @SenBlumenthal: "Mr. President: Your bullying hasn't worked before and it won't work now. No one is above the law."

-- A REMINDER: In the 1990s, Trump tried to acquire the Empire State Building from Blumenthal's wife's family, which owned the New York City landmark for years. http://n.pr/2vbXRIg

-- @KFILE: "Something that's always struck me as under-reported is Trump's misleading statements about how he avoid Vietnam. I've listened to lifetime archival footage of Trump - for years he always mentioned attributed 'high lottery number' never deferments."

PHOTO OF THE DAY -- @jacobkornbluh: "Netanyahu met today with Democratic congressional delegation headed by @WhipHoyer in Jerusalem - photo by Amos Ben Gershom GPO" http://bit.ly/2hBzA9U

PLAYBOOK ON THE ROAD -- With everyone headed out of town on vacation, or back to their districts, we are starting a new August feature: Playbook on the Road. Send us a photo of yourself, or others reading Playbook during your travels this month and we will feature five photos every Friday. Participating Playbookers will automatically be entered into a drawing to win a signed cartoon by POLITICO's Pulitzer winning cartoonist Matt Wuerker. Email photos to Daniel at daniel@politico.com. Or, Tweet them to @playbookplus with the hashtag #PlaybookLoyal.

SPOTTED -- RUTH BADER GINSBURG dining at La Piquette in Cleveland Park Sunday night.

VALLEY WATCH -- "Peter Thiel Has Been Hedging His Bet On Donald Trump," by BuzzFeed's Ryan Mac: "Donald Trump's most prominent Silicon Valley supporter has

distanced himself from the president in multiple private conversations, describing at different points this year an 'incompetent' administration, and one that may well end in 'disaster.' Peter Thiel's unguarded remarks have surprised associates, some of whom are still reeling from his full-throated endorsement of Trump at the Republican National Convention. And while the investor stands by the president in public -- 'I support President Trump in his ongoing fight,' he said in a statement to BuzzFeed News -- his private doubts underscore the fragility of the President's backing even from his most public allies. ...

"Thiel's views remain private -- but various disparaging comments were recounted to BuzzFeed News by three separate sources, and others who subsequently confirmed those accounts. These people requested anonymity for fear of damaging personal relationships and possible retribution. While Thiel told Trump that he is off to a 'terrific start' at a White House event in June, his previous statements to friends and associates did not reflect that sentiment. In half a dozen private conversations with friends that were described to BuzzFeed News dating from spring 2016 to as recently as May, Thiel, who served on the Presidential Transition Team Executive Committee, has criticized Trump and his administration and developed increasingly pessimistic feelings about the president." http://bzfd.it/2uzbvBC

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

A BIG DEAL -- THE POST AND COURIER'S GLENN SMITH: "Emails: South Carolina AG coordinated with key figure in statehouse probe on letter booting special prosecutor off case": " South Carolina Attorney General Alan Wilson enlisted the help of a central figure in the Statehouse corruption probe in an attempt to sideline the case's special prosecutor just as the investigation was about to zero in on Wilson's close allies, according to emails obtained by The Post and Courier.

"It's a highly unusual move that legal observers say raises serious questions about the allegiances of the state's chief law enforcement official and his willingness to meddle in matters in which he had already revealed a potential conflict. Wilson, however, painted the emails as an innocent exchange with a trusted adviser with better grammar skills. The emails, obtained through a Freedom of Information Act request, show Wilson used his private account to coordinate with his embattled political consultant Richard Quinn on an October 2014 letter aimed at derailing the investigation being conducted by Wilson's handpicked special prosecutor, David Pascoe.

"The exchange came as Pascoe prepared to dig deeper into a State Law Enforcement Division report detailing alleged misdeeds by sitting lawmakers. Named in that document were Quinn and his son, state Rep. Rick Quinn, who was also identified as a potential target of the probe. Just a few weeks earlier, Wilson had told his chief

deputy he had a potential conflict and needed to be 'firewalled' on the matter.

"But that didn't stop the attorney general from seeking advice from the elder Quinn on phrasing a letter to pull Pascoe off the case, the email chain shows. 'Letter 1 is the longer one I read to you tonight. Letter 2 is a slightly shorter version,' Wilson wrote to the elder Quinn. 'I will be working on these tomorrow with Bob. Let me know what you think.' Quinn returned a revised draft to the Attorney General's Office the following day, noting that it contained 'a few new edits.' That same day, Pascoe was informed that Wilson's office would be handling the investigation from there on." http://bit.ly/2vetL5k

THE WINTER WHITE HOUSE -- "'Apply by fax': Before it can hire foreign workers, Trump's Mar-a-Lago Club advertises at home -- briefly," by WaPo's David Fahrenthold and Lori Rozsa: "President Trump's Mar-a-Lago Club needs to hire 35 waiters for this winter's social season in Palm Beach, Fla. Late last month, the club placed an ad on page C8 of the Palm Beach Post, crammed full of tiny print laying out the job experience requirements in classified ad shorthand. '3 mos recent & verifiable exp in fine dining/country club,' the ad said. 'No tips.'

"The ad gave no email address or phone number. 'Apply by fax,' it said. The ad also provided a mailing address. It ran twice, then never again. This was an underwhelming way to attract local job-seekers. But that wasn't the point. The ads were actually part of Mar-a-Lago's efforts to hire foreign workers for those 35 jobs." http://wapo.st/2uivnOv

ABOUT THOSE NOMINATIONS -- "Warren Blocks Trump's Pick for Antitrust Chief," by Bloomberg's Sara Forden and Billy House: "Democratic Senator Elizabeth Warren put a 'hold' on the confirmation of Makan Delrahim, President Donald Trump's nominee to run the Justice Department's antitrust division, delaying a vote until at least September, according to two people familiar with the matter. The delay means Delrahim remains on the outside as Justice Department lawyers wrap up their investigation of AT&T Inc. and Time Warner Inc.'s proposed $85.4 billion merger and start early talks with company representatives about possible conditions that could secure approval. AT&T's bid for the owner of CNN and HBO would reshape the media landscape and has drawn fire from Trump." https://bloom.bg/2uidQFP

DAVID BAILEY, a member of Steve Scalise's police detail who was injured in the attack, "has been placed on administrative leave due to his injuries, and during the investigation of the events of June 14, 2017. As a result of the injuries sustained, Agent Bailey has incurred financial burdens." *Donate* http://bit.ly/2wAmNql

PLAYBOOK BEYOND THE BELTWAY -- Cuomo mulls running for a third term -- 'Barack Obama Day' declared in Illinois http://politi.co/2uiRhAW

SPORTS BLINK -- "A dream and a reality, the 2028 Olympics give Los Angeles a chance to imagine its future," by the LA Times' Thomas Curwen: "Los Angeles is famous for its ability to court both dreamers and pragmatists. For every eccentric ambition, there is a broken sidewalk needing repair. For every point of pride, a darkened

shadow. But the city is too easily rendered in either utopian or dystopian terms, as if each is mutually exclusive. Will the 2028 Games be fiscally wise or foolish? Will they be politically popular or a political blunder?" http://lat.ms/2uyRaN9

AWARDS CIRCUIT -- Venezuelan human rights activist and attorney Alfredo Romero has been named the 2017 winner of the Robert F. Kennedy Human Rights Award. ***Full release*** http://bit.ly/2uzbTQA

MEMO FROM MARTY KADY TO THE POLITICO NEWSROOM -- "First, we're thrilled to announce that Jane Norman, a veteran policy editor who has spent the past eight years at CQ, will be joining Pro as a multi-vertical editor, with primary oversight of our Pro Education team, as well as senior editing oversight of the Budget and Appropriations team. Jane is currently the policy editor managing budget and appropriations coverage at CQ, and she has edited multiple policy areas in the past....

"[W]e have a big hire on the Pro Agriculture team. Christine Haughney, who has spent more than 15 years working for newspapers including The New York Times, The Wall Street Journal and The Washington Post, will join the team as the primary Morning Agriculture newsletter writer. Christine has developed a specialty in food and agriculture policy in recent years, and just spent the past year developing a six-part investigative television series about global food safety that is streaming in early 2018."

HOT JOB -- Senior Social Media Coordinator - New York, NY -- for Ivanka Trump's company: "We're looking for a smart, experienced and motivated Senior Social Media Coordinator-a digital native who understands the unique needs and capabilities of each social channel and can navigate them seamlessly while growing our reach. In partnership with the Senior Marketing Manager and under the guidance of the VP of Marketing & Brand Strategy, this person will be responsible for concepting, creating, managing and analyzing content across all social media platforms. This person will be constantly connected and uniquely tasked with understanding our brand's vision and voice. We are looking for an innovative, creative thinker who's a team player and eager to dive head-first into an exciting, constantly evolving and rapidly" *One of the responsibilities:* - "Engage with our online networks-responding to comments, retweeting and reposting where applicable" http://bit.ly/2vcqvJl

WELCOME TO THE WORLD - Brian Faler, senior tax reporter at Politico and a Bloomberg alum, and **Amanda Lahan** , director of membership affairs at the U.S.-Russia Business Council, recently welcomed David Lahan Faler. ***Pic*** http://politi.co/2vFJa13

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit

increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/22/2017 12:18:28 AM
Subject: Aug. 22 -- Daily Environment Report

Daily Environment Report

August 22, 2017 - Number 161

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Leading the News

Coal Mining
Trump Administration Halts Study of Surface Mining Health Effects
Coal industry supporters are hailing the Trump administration's decision to nix a study on the health effects of surface coal mining, saying it's not necessary and likely wouldn't have yielded reliable conclusions.

News

Climate Change
Trump Administration Disbands Climate Advisory Panel
The Trump administration has disbanded a broad federal advisory panel formed to critique the government's National Climate Assessment.

EPA
Former Alabama Regulator to Lead EPA Southeast Region
A former Alabama environmental regulator will be sworn in Aug. 28 to lead the Environmental Protection Agency's Southeast region.

Energy
Former Lobbyist Named Energy Commission Chairman's Chief of Staff
Anthony Pugliese, a former Pennsylvania energy lobbyist, was named Aug. 21 as new Federal Energy Regulatory Commission Chairman Neil Chatterjee's chief of staff.

Energy
Germany's IBC Gets Power Contract for 20 MW Indian Solar Plant
German solar developer IBC Solar AG signed a power-purchase agreement with the Solar

Energy Corp. of India, a government enterprise, to buy electricity from its 20-megawatt plant in the state of Odisha.

Environmental Reviews

Norway Streamlines Impact Assessments, Enforces Strict Penalties

Norwegian companies will have to follow new rules for assessing the impacts that development projects have on the environment or human health or face tougher sanctions that could mean fines or prison for offenders.

Mergers and Acquisitions

Rosneft, Trafigura Finalize $12.9 Billion Deal for Essar Oil

Rosneft PJSC and partners including Trafigura Group finalized their $12.9 billion purchase of India's Essar Oil Ltd.

Mining

Chile's Environment Ministry Rejects Andes Iron Mine Project

Mining company Andes Iron failed to obtain an environmental license for its Dominga iron-ore and copper mine as the Chile's Ministerial Committee for Sustainability voted 3–2 to reject the $2.5 billion project Aug. 21.

Oil & Gas

Atlantic Governors Seek Continued Federal Oil and Gas Leasing Ban

North Carolina Gov. Roy Cooper (D) is urging federal regulators to continue the current ban on oil and gas drilling off his state's coast, joining Republican and Democratic governors in East Coast states who don't want the Atlantic included in the government's next five-year drilling plan.

Oil & Gas

Crestone Peak's Colorado Oil Drilling Plan Faces Hurdles

Crestone Peak Resources is seeking permission to use horizontal drilling and hydraulic fracturing in Boulder County, Colo., the first new oil and gas activity since a five-year drilling moratorium expired there.

Regulatory Policy

Federal Redo of Leave Rules May Implicate Chemical Safety Board

A pending Office of Personnel Management regulation could shake up a long-running personnel dispute at the Chemical Safety Board, potentially freeing up more resources for ongoing investigations or internal reforms impacting oil, chemical and mining companies that could be subject to agency probes.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Tue 9/19/2017 2:07:51 PM
Subject: POLITICO's Morning Score: Top Gun, Ironstache: House candidates try to go viral — DCCC tops NRCC in August fundraising, as NRCC brings in $3.8M — AAN out with new digital ads on tax reform

By Elena Schneider | 09/19/2017 10:00 AM EDT

With Zach Montellaro and Daniel Strauss

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

ABOUT THAT AD - "Democratic House candidates seek viral boost in primaries," by Campaign Pro's Elena Schneider: Dan Helmer is one of nearly a dozen Democrats elbowing their way for the chance to take on Virginia Rep. Barbara Comstock, one of the most vulnerable Republicans in the country. And now, thousands of people know him as the guy who poorly sang a "Top Gun" parody to a Comstock impersonator . And that's the point. Helmer got a dose of teasing on social media; one Twitter user called his video 'worryingly bad.' A Democratic consultant said using pop culture references is 'overwrought and tortuous,' adding that the ad 'doesn't make any sense in the context of the plot of the movie.' But with Democrats piling into House primaries by the dozen in districts across the country, some candidates are looking to boost their campaigns by releasing the must-watch ad of the week, attracting critical attention and donations from a tuned-in Democratic base - even if their ads don't meet traditional standards or have a big TV buy behind them. VoteVets Chairman Jon Soltz shot back against the critics of Helmer's web video, saying that 'the fact that everyone is writing about it is a win - whether they like it or not, that's irrelevant.'" **Full story.**

FIRST IN SCORE - NRCC raises $3.8M in August, versus $6.2M for the DCCC: The DCCC topped the NRCC in last month's fundraising by a $2.4 million margin. But the NRCC continues to lead with a cash on hand advantage, finishing the month with $36.3 million in the bank, while the DCCC has just under $25 million. In 2017, the NRCC has brought in $67.7 million, while the DCCC has raised $72.4 million over the last year.

NEW NUMBERS IN VIRGINA - TIGHTENING RACE - A new poll from Suffolk University in Boston has Democrat Ralph Northam and Republican Ed Gillespie deadlocked in the Virginia gubernatorial race, with each candidate receiving 42 percent of likely Virginia voters polled. The libertarian candidate has 3 percent, and the remaining 12 percent are undecided. Meanwhile, a second poll from the University of Mary Washington gives Northam a slight lead among likely voters. He is up over Gillespie 44-39, which is within the poll's margin of error.The most recent poll before yesterday's polls tracked by RealClearPolitics was one from Roanoke College that was in the field in mid-August. It gave Northam a 7 point edge.

- More numbers out of Virginia: "A new poll from the University of Mary Washington gives

Democratic Lt. Gov. Ralph Northam a 5-point lead over Republican Ed Gillespie in Virginia's gubernatorial race. Among likely voters, Northam earns 44 percent of the vote to Gillespie's 39 percent. Libertarian Cliff Hyra gets 3 percent." **Full story.**

- "Megadonors pour money into Virginia governor's race ahead of home stretch," by Campaign Pro's Kevin Robillard: "Tom Steyer, the Koch brothers and other megadonors in both parties are pouring millions of dollars into Virginia this month, hoping to set the tone in the most symbolic political race of 2017: the state's gubernatorial contest. That race hits the home stretch Tuesday when Democratic Lt. Gov. Ralph Northam and Republican Ed Gillespie engage in a high-profile debate, seven weeks before voters choose between them in a contest that has often been a political bellwether for presidents one year into their terms and foreshadowed the results of the next year's midterm elections. ... Steyer, the Democratic megadonor whose group NextGen America is investing millions in Virginia including heavy spending on registering and organizing college students and immigrants, described the governor's race as 'the most important political race in America in 2017.' 'This will be perceived as a test of where Americans want to go,' he said in an interview." **Full story.**

HACK ATTACK - "Political campaigns prep for battle with hackers," by Campaign Pro's Daniel Strauss and Scott Bland: "Candidates are quizzing prospective campaign managers on anti-hacking plans. Democratic committees like the Democratic Congressional Campaign Committee, which was breached last year, have switched from email to encrypted messaging apps internally. And both parties are feverishly trying to spread advice and best practices to new campaigns before they become targets. The political world is officially obsessed with cybersecurity in 2017 - especially the Democrats burned by the hacking of their committees and operatives during the 2016 election. Much of the Democratic Party's permanent apparatus has already changed its day-to-day operations as a result, while beginning the slow process of persuading its decentralized, startup-like campaign ecosystem to follow suit. House Democrats' top strategists have urged consultants working on their campaigns to start using Wickr, the end-to-end encrypted messaging app used inside the DCCC - but the consulting community has been slow to give up email and embrace the program, say three Democratic consultants involved in House races. Security measures vary widely from race to race, leaving many still vulnerable to hacking, and members of both parties say they are still seeking centralized clearinghouses of anti-hacking information and services."

- "... The [DCCC] ran seminars with outside Democratic operatives teaching them to use Wickr - but many are still using email on their campaigns. ... Party committees have a particularly strong interest in securing their communications that individual campaigns may not share, said another consultant. Later in the 2018 election cycle, the DCCC will ask candidates to share their own highly sensitive "self-research" - opposition research done against themselves to help the campaign and the party prepare for attacks. Hackers stole some of that delicate information from the DCCC's central file during the last election." **Full story.**

Days until the 2017 election: 49.

Days until the 2018 election: 413

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

NEW THIS MORNING - AAN out with new digital ads on tax reform: American Action Network Middle Class Growth Initiative released a new round of digital ads today in 41 Republican-controlled House districts, "urging lawmakers to prioritize tax cuts for working families and small businesses," per a memo from the group. The ad buy totals $500,000. The ad asks Congress to pass a "simpler, fairer tax code." **Watch the ad here. Check out the list of lawmakers here.**

DAILY WAR EAGLE - "Pence to campaign for Luther Strange next Monday," by Campaign Pro's Daniel Strauss and Matt Nussbaum: "Vice President Mike Pence will campaign for Sen. Luther Strange next Monday in Alabama, a senior administration official and two top political operatives involved in the Alabama Senate race confirmed to POLITICO. Pence's appearance in Alabama will come a day before the runoff between Strange and former Alabama chief Judge Roy Moore. President Donald Trump tweeted over the weekend that he planned to hold a rally in Huntsville the Saturday before Pence's appearance in support of Strange. Pence will headline a get-out-the-vote rally for Strange." **Full story.**

- "Donald Trump And His Allies Take A Surprisingly Larger Role In The Alabama Senate Race," by Buzzfeed's Henry Gomez: "A political nonprofit loyal to President Donald Trump will spend nearly $500,000 to boost interim Alabama Sen. Luther Strange in a high-stakes Republican runoff election next week. America First Policies will pay for pro-Strange digital ads, direct mail pieces, and get-out-the-vote phone calls between now and next week's vote, a spokesperson confirmed to BuzzFeed News." **Full story.**

- "Moore laments racial division between 'reds and yellows,'" by The Hill's Ben Kamisar: "Alabama Senate candidate Roy Moore, one of two Republicans competing in a primary runoff next week, appeared to use racially insensitive terms to describe Native Americans and Asians during a campaign speech." **Full story**.

SWITCHEROO - "Epstein drops out of Michigan Senate race; will run for MI-11," via Campaign Pro's Kevin Robillard: "Republican businesswoman Lena Epstein is dropping out of the GOP primary to take on Michigan Democratic Sen. Debbie Stabenow and will instead run to replace retiring Rep. Dave Trott in the House. Epstein, a 35-year-old who served as co-chair of President Donald Trump's winning campaign in the state, said she was switching races to ensure Republicans hold on to Trott's seat." **Full story.**

ANOTHER ONE - "Baltimore County Executive Kevin Kamenetz joins Democratic race for governor," by The Baltimore Sun's Pamela Wood: "Kamenetz, 59, said his experience running Maryland's third-largest jurisdiction will translate to success running the state. 'As county executive, I've gotten real results,' Kamenetz told The Baltimore Sun. 'I've created jobs.

I've improved schools. I've protected the environment - all without raising the tax rates.'" **Full story.**

WEB WARS - NRCC targets 10 House Democrats with digital ads: "The NRCC is targeting 10 House Democrats in a six-figure digital ad buy "for their weak position on national security," per a statement from the committee. ...The ads go after Rep. Tom O'Halleran (AZ-01); Rep. Collin Peterson (MN-07); Rep. Rick Nolan (MN-08); Rep. Stephanie Murphy (FL-07); Rep. Josh Gottheimer (NJ-05); Rep. Carol Shea-Porter (NH-01); and Rep. Peter DeFazio (OR-04). The ads will also air in three open seats, Minnesota's 1st District, Nevada's 3rd District and Florida's Republican-held 27th District." **Full story.**

- "Democrats urge FCC to look into reports of Russia's Sputnik's election meddling," via POLITICO's Ashley Gold: "House Democrats asked FCC Chairman Ajit Pai to investigate whether the Russian government used U.S. airwaves to influence the 2016 presidential election. The lawmakers cite a New York Times Magazine report suggesting Sputnik, a news outlet funded by the Russian government, was used to sway voters in the election. They write that suggests that the U.S. radio station airing Sputnik is "directly violating the public interest standard of the Communications Act."

QUOTE OF THE DAY: "We cultivate the pheasants." - Excerpts from the Menendez trial, POLITICO reported.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/09/19/top-gun-ironstache-house-candidates-try-to-go-viral-222364

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From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/3/2017 8:24:25 PM
Subject: Official: FERC will take 'appropriate action' on DOE pricing rule within 60 days

By Darius Dixon

10/03/2017 04:22 PM EDT

FERC intends to act on the Energy Department's resiliency pricing rulemaking proposal within the 60 days Energy Secretary Rick Perry directed last week, FERC General Counsel James Danly told lawmakers this afternoon. But his comments left plenty of room for interpretation.

"Right now, the commission is internally reviewing the notice of proposed rulemaking that was put forward by the secretary," Danly told members of a Senate Energy and Natural Resources subcommittee, while noting that FERC has already requested comments on the proposal.

"We're reviewing the options that are available and we are in the process of building the record by soliciting these comments and reply comments," he said. "Once they're assembled, we're going to review them and take the appropriate action within the 60-day timeframe established by the NOPR."

The law that Perry is using to initiate the rulemaking at FERC directs regulators to take "final action" within a reasonable timeframe, but it's unclear what FERC might consider a final action. Similarly, Danly's phrase "appropriate action" could represent a number decisions by FERC.

WHAT'S NEXT: FERC has asked for comments on the proposal to be submitted by Oct. 23 and for reply comments by Nov. 7. DOE has also not yet published its proposal in the Federal Register, which will kick off the 60-day countdown clock.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/ferc-general-counsel-regulators-will-take-appropriate-action-in-does-60-day-timeline-093852

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Thur 8/17/2017 9:46:15 AM
Subject: Morning Media: So, who's WH comms director now? -- Steve Bannon's surprise interview -- The press conference, a day later

By Alex Weprin | 08/17/2017 05:43 AM EDT

With Cristiano Lima

SO, WHO'S WHITE HOUSE COMMS DIRECTOR NOW? It's Hope Hicks, who led communications during President Trump's campaign, and had been serving as director of strategic communications in the White House. Her role as White House communications director is not permanent, with the official announcement adding that the White House will "make an announcement on a permanent communications director at the appropriate time." Credit where it's due, The Daily Caller was first to report the news.

- But really, is there any doubt who really runs comms for the White House? It's President Trump. He made the decision to veer off script at his impromptu press conference on Tuesday (more on that below), and he even used Twitter to get ahead of another story on Wednesday.

- According to The Wall Street Journal, members of the president's Strategic and Policy Forum held a conference call in which they voted to disband in the wake of Trump's statements Tuesday. After the call, but before the CEOs on that panel could release statements announcing the change, the president took to Twitter to provide his own spin and get ahead of the story. "Rather than putting pressure on the businesspeople of the Manufacturing Council & Strategy & Policy Forum, I am ending both. Thank you all!"

NEW YORK TIMES EDITORIAL PAGE EDITOR TESTIFIES IN PALIN SUIT: James Bennet said during a deposition on Wednesday that he did not intend to imply a "causal link" between a targeted map of electoral districts circulated by Sarah Palin's political action committee and the 2011 Arizona shooting that injured Rep. Gabrielle Giffords. Bennet testified Wednesday in a defamation lawsuit in which the former vice presidential nominee accuses the paper's opinion section of having "violated the law and its own policies" by linking her to the violent episode. Bennet added that he "did not know if the map incited" the shooter into acting, but was instead "looking for a very strong word to write about the political climate because I wanted to get our readers' attention." Read more from our own Laura Nahmias, here.

Good morning and welcome back to Morning Media! With Hadas off to join CNN, I'll be helming Morning Media for the time being. It has been a pleasure working with Hadas, and I know she will do great things at CNN. I always want to make Morning Media better and more useful to you, so please send me tips, ideas and feedback! I'm on Twitter **@alexweprin** and on email at **alexweprin@gmail.com**. Morning Media is produced with help from **Cristiano Lima (clima@politico.com / @ludacristiano)**. **Archives**. **Subscribe.**

THAT PRESS CONFERENCE, CONT'D: A day after it happened, President Trump's Tuesday news conference continued to reverberate across the media landscape. Here are a few

observations about that coverage.

- People watched. During the 4 p.m. hour that the presser took place, approximately 3.3 million watched live on MSNBC, CNN and Fox News. In prime time that evening, the ratings swelled for all three channels peaking at 9 p.m. and 10 p.m., when an average of 7.1 million people tuned in. Millions more likely saw all or part of the presser on the broadcast networks or online.

- That Vice News documentary was everywhere. Cable news channels and network news shows played clips from the doc, which had access to the white supremacists that others did not have. On Facebook, the doc had more than 25 million views. On YouTube, it had nearly three million. As CNN's Brian Stelter wrote, it was a "breakthrough moment" for Vice News.

- Fox News coverage changed somewhat. While the prime-time shows the night of the presser tended to mirror Trump's point of view, or cover other stories altogether, many of the channel's shows on Wednesday took on the president's comments directly. Here's news anchor Shepard Smith [video]: "Our booking team - and they're good - reached out to Republicans of all stripes across the country today. Let's be honest, Republicans often don't really mind coming on Fox News Channel. We couldn't get anyone to come and defend him here, because we thought, in balance, someone should do that. We worked very hard at it throughout the day, and we were unsuccessful." Fox Business anchor Melissa Francis teared up while discussing Trump's remarks. There was also a memorable segment yesterday morning featuring Abby Huntsman .

Of course, during the prime-time opinion shows last night, many of the viewpoints once again were more aligned with the president's line of thinking. "As the media pines for unity, they foment friction," Greg Gutfeld said on "The Five." Likewise, Sean Hannity led off his program at 10 p.m. with a monologue about "the media" distorting the president's comments.

- In the wake of the presser, one of President Trump's personal lawyers sent an email to a number of people - including journalists at Fox News, The Wall Street Journal and The Washington Times - "that echoed secessionist Civil War propaganda," according to The New York Times.

- Here's how NBC News got that video of White House chief of staff John Kelly that was widely shared after the presser.

- A man misidentified as the driver that killed one and injured 19 in Charlottesville plans to sue some "alt-right" sites, including GotNews, that laid the blame for the attack on him. In fact, the man identified on those sites was not even in the state of Virginia.

HOW ABOUT THAT STEVE BANNON INTERVIEW? Bannon's interview with The American Prospect, released Wednesday evening, was the most shocking interview to come from an administration official since, well, since then-White House comms director Anthony Scaramucci's conversation with The New Yorker last month. The Prospect's website was down for much of last night, having a hard time with the deluge of traffic. "The question of whether the phone call was on or off the record never came up," wrote The American Prospect's Robert Kuttner. "This is also puzzling, since Steve Bannon is not exactly Bambi when it comes to

dealing with the press. He's probably the most media-savvy person in America."

- According to Axios' Jonathan Swan, Bannon didn't realize his comments would be published: "Apparently Bannon never thought that the journalist might take his (very newsworthy) comments and turn them into a story. It's Anthony Scaramucci all over again (minus the curse words.)"

THAT BREITBART PROFILE: Breitbart was the subject of a splashy New York Times Magazine profile. It is a must-read, both for its access and for its detail. Still, as The Hill's Will Sommer and others on Twitter pointed out, the profile did not mention a few notable things. For example: There was not one mention of Matt Boyle, the Breitbart staffer with arguably the closest relationship to the White House and Steve Bannon.

- Here's Breitbart's take on the profile: "The New York Times Magazine acknowledges in an exhaustive feature that Breitbart News - and more pointedly, its editor-in-chief Alex Marlow - has amassed a news and editorial staff with more racial and gender diversity than most American media outlets."

BUZZFEED, DECISION DESK TEAM UP FOR ELECTION RESULTS COVERAGE: BuzzFeed and Decision Desk HQ, the election tracking organization, announced Wednesday they're expanding their partnership to provide election coverage on House, Senate, special election and gubernatorial races through 2018, Poynter reports. The deal will not only provide BuzzFeed with access to the organization's robust data operation, but will also feature the teams joining up to provide election-night broadcasts dissecting races. The move also bolsters BuzzFeed's rapidly expanding live video programming, which will include a new early morning show slated to launch in September.

A WHITE SUPREMACIST WEBSITE IS FACING ONLINE ROADBLOCKS in response to its coverage of the violence in Charlottesville. The Daily Stormer, a prominent white supremacist outlet linked to neo-Nazis and other hate groups, is facing a wave of backlash over its attacks on Charlottesville victim Heather Heyer. Twitter on Wednesday began suspending accounts linked to the site, which also saw its domain taken down by online registrars, forcing it to take on a Russian domain name. The Stormer is also facing a defamation suit from a Muslim comedian for its claim that he was behind the Manchester bombing.

MORE ON VERIZON'S "OATH": Joe Pompeo, who wrote this newsletter up until a couple of months ago, has a great deep dive into "Oath," the rebranded Verizon unit that includes HuffPost, Yahoo News and other media properties. Lots of newsy bits to chew on.

REVOLVING DOOR:

-Bustle has named Karine Jean-Pierre contributing editor, focusing on "the people, organizations, and movements powering the resistance, providing thoughtful analysis about the most important demonstrations and policies coming out of the Trump administration." Jean-Pierre is senior advisor and national spokesperson for MoveOn.org.

- NBC Peacock Productions president Sharon Scott is leaving the network after 27 years.

- The New York Times' Jennifer Steinhauer has been named Editor of Live Journalism/D.C, where she'll launch a series of TimesTalks events tied to politics, current events and the Trump administration. She will continue writing on culture and politics in Washington.

- FiveThirtyEight announced the additions of CNN and POLITICO alum Hilary Krieger as its new Washington editor and Andrea Jones-Rooy as its new quantitative researcher.

- Village Voice staff writer Alex Neason will be joining the Columbia Journalism Review as a senior writer next month.

SOUNDBITE: "But, frankly, look, the bottom line: The story's true. I'm not doing anything. I barely show up to work and I've been caught." -- A spokesman for New York's state court system, in a voicemail left after accidentally butt-dialing a New York Post reporter who was working on a story about him. [The New York Post]

CLARIFICATION: Yesterday's Morning Media left the impression that the AP's guidance on using the term "alt-right" was first issued after the Charlottesville protests and attack. In fact, the guidance was issued last November. The AP did add "anti-Semitism" to its alt-right guidance in the wake of the latest news.

EXTRAS:

- One year after John McLaughlin died, "The McLaughlin Group" returned for a special episode, on YouTube. [TVNewser]

- A new study out of Harvard says that coverage of President Donald Trump's 2016 election campaign skewed toward policy, rather than his public statements. "Clinton's coverage was focused on scandals, while Trump's coverage focused on his core issues," a summary of the findings out of the Berkman Klein Center stated. [Berkman Klein Center at Harvard]

- Sen. Al Franken is set to return to Bill Maher's "Real Time" on Friday after dropping out of a scheduled appearance in June following the host's controversial use of a racial epithet. [The Hollywood Reporter]

- A new study tackles the "delayed promise of newsroom diversity" and the potentially grim prospects for media inclusion. [Columbia Journalism Review]

- Fox News host Eboni K. Williams talks about receiving death threats after her criticisms of President Trump on Tuesday [Variety]

- The Advocate lists the 50 most influential LGBT media members. [Advocate]

- How a faux-Guardian article made its way into Russian propaganda. [BuzzFeed]

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From: InsideEPA/climate
Sent: Thur 8/31/2017 8:57:22 PM
Subject: Today on Climate Beat

August 31, 2017

Today on Climate Beat . . .

. . . we looked at the options, reporting that former Rep. Henry Waxman (D-CA) is backing environmentalists' efforts to curb corn ethanol production, saying that aggressive Obama-era vehicle fuel efficiency rules that the Trump administration is threatening to weaken are a better mechanism for curbing greenhouse gases than EPA's renewable fuel standard.

In other biofuel news, EPA has expanded the scope of its emergency clean fuel waivers to address the impacts of Hurricane Harvey to several Southeastern and Mid-Atlantic states, a move the renewable fuel sector says partially grants its request for a broader waiver that would allow for the sale of higher-volume ethanol blends.

And our daily news roundup looked at the link between climate change and hurricanes. EPA chief Scott Pruitt says such talk is "misplaced," but climate scientists disagree.

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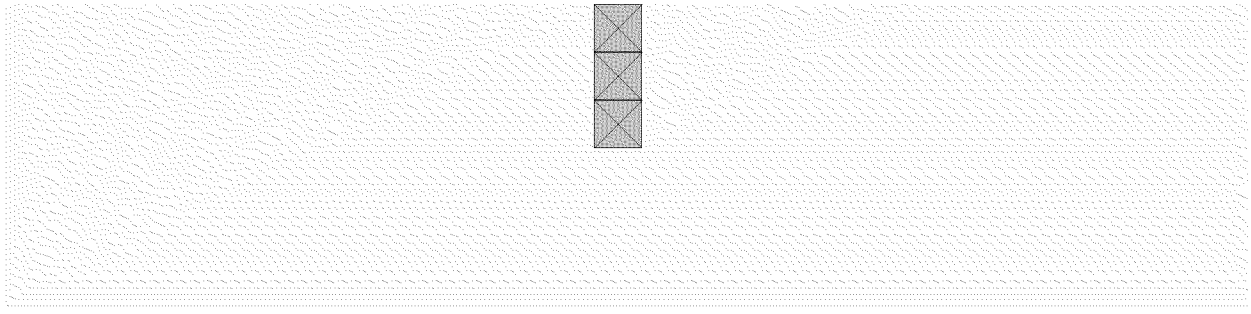
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Wed 8/30/2017 11:03:20 AM
Subject: HPD Loses a Hero, 2 Dead in Library Attack, FBI Most Wanted Caught, A Lethal Mix, DEA Arrest





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Fri 8/18/2017 2:03:31 PM
Subject: POLITICO's Morning Transportation: Infrastructure council bites the dust — Terrorism strikes Barcelona — An ultimatum for Chao

By Brianna Gurciullo and Stephanie Beasley | 08/18/2017 10:00 AM EDT

INFRASTRUCTURE COUNCIL BITES THE DUST: The group of industry reps that was supposed to be advising President Donald Trump on infrastructure policy is kaput. A White House spokeswoman told our Lauren Gardner on Thursday afternoon that the council, steered by Richard LeFrak and Steven Roth, "will not move forward." The previous day, Trump's business and manufacturing councils were also scrapped as members were withdrawing en masse over the president's remarks on violence in Charlottesville, Virginia.

Another departure: Valarie Long, the executive vice president of the Service Employees International Union, on Thursday quit the National Advisory Committee on Travel and Tourism Infrastructure, which the FAST Act required the executive branch create. Long said in a letter to other members of the committee that they had only met one time -- at the end of the Obama administration, and urged other members to leave the panel too.

Shadow advisory: While corporate executives might not be posing for photos with the president anytime soon, they aren't planning to give up the opportunity to help shape his tax overhaul, infrastructure or health care policies, POLITICO's Nancy Cook reports. Instead of working through advisory councils and meetings, some companies' advisers and lobbyists still plan to plan to engage with top White House officials like Vice President Mike Pence and political appointees at agencies.

TERRORISM STRIKES BARCELONA: Spanish authorities are still investigating a terrorist attack that occurred in Barcelona on Thursday where a van plowed through a crowd of pedestrians in the city's Las Ramblas District. At least 13 people were killed and nearly 100 injured in an attack for which ISIS claimed responsibility, POLITICO Europe's Stephen Brown and Christian Oliver report. Police have yet to confirm any ties to ISIS, though they have arrested two men in connection to the incident.

Trump's reaction: Trump offered words of support as details of the van-ramming incident emerged Thursday afternoon. "The United States condemns the terror attack in Barcelona, Spain, and will do whatever is necessary to help. Be tough & strong, we love you!" he tweeted. But he quickly assumed a more threatening tone when he appeared to make reference to a widely panned account of Army General John "Black Jack" Pershing's execution of Muslim prisoners using bullets dipped in pigs' blood during the early 20th century. You can find more details about the historical inaccuracies in this story from Newsweek's Tim Marcin.

DHS monitoring: A White House official said Chief of Staff John Kelly was following developments and keeping the president "abreast," according to a pool report. Kelly's former second-in-command at DHS, Elaine Duke, was also reported to be monitoring the situation closely. "DHS has reached out to Spanish authorities, and the department is standing by to

support our allies as they respond to and recover from this horrendous attack," a DHS spokeswoman said.

HAPPY FRIDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Brianna is taking a trip to Canada next week, but Steph will be here driving the MT bus. Please send along tips, feedback, lyrics and recommendations for things to check out in Toronto, Montreal and Quebec City to sbeasley@politico.com or @Steph_Beasley and bgurciullo@politico.com or @brigurciullo.

"If you need a friend / I'm sailing right behind / Like a bridge over troubled water / I will ease your mind."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

WHITE HOUSE: COHN HERE TO STAY: Gary Cohn isn't going anywhere, the White House said Thursday, even though reports were swirling that the National Economic Council director was upset over what Trump has said about Charlottesville. Cohn, who is involved in the Trump administration's infrastructure plans, "is focused on his responsibilities as NEC Director and any reports to the contrary are 100% false," a White House official said. "Nothing has changed."

In related news: Rep. Steve Cohen (D-Tenn.), a member of the House Transportation Committee, said Thursday that he would introduce articles of impeachment because of Trump's remarks. "President Trump has shown time and time again that he lacks the ethical and moral rectitude to be president of the United States," Cohen said in a statement.

TAKE A LOOK: POLITICO's Jeremy C.F. Lin and Lily Mihalik mapped out the U.S. roads, highways and bridges that commemorate the Confederacy across the country. "From General Lee Avenue in Brooklyn, New York, to Jefferson Davis Highway in San Diego, California, nearly 500 roads, highways and bridges memorialize the Confederacy," Jeremy and Lily write.

AN ULTIMATUM FOR CHAO: Nine Asian American organizations are pushing Transportation Secretary Elaine Chao to "make a public statement supporting fellow immigrants who rely" on Deferred Action for Childhood Arrivals and Temporary Protected Status - or step down. They also knocked Chao for standing next to Trump during his comments Tuesday about Charlottesville. The Anne Frank Center for Mutual Respect made a similar criticism this week via Twitter . A DOT spokesperson defended Chao as "one of the strongest forces in advancing the Asian American community" and someone who has dedicated her professional life to helping minorities achieve success. That sentiment was echoed by a coalition of 16 Asian advocacy groups, including the U.S. Asia Center, who expressed "unequivocal support" for Chao.

HOURS OF SERVICE SMACKDOWN: FMCSA is revoking the license of a commercial truck driver whose "egregious violation" of federal work rules led to a crash that killed a Fairfax County football coach. The Washington Post's Faiz Siddiqui reports that FMCSA has declared Carlos Alberto Garcia, who was charged with reckless driving in June, a public safety hazard

after discovering that he'd driven 103 hours over an eight-day period with "minimal breaks." Commercial truck drivers are required to take a 10-hour break for every 11 consecutive hours of driving, per FMCSA's hours-of-service regulations. They also must take at least 34 hours off after driving 60 hours in seven days or 70 hours in eight days.

KEEP YOUR EYE ON THE BALL: Leaders at ICAO are pushing Asia-Pacific members to improve air traffic management and increase the number of new air routes to help boost the market and also to provide more reliable transport in times of crisis. "While the Asia-Pacific presently leads the world in terms of traffic growth, it also faces attendant challenges with respect to managing and sustaining it, safely, securely and efficiently," ICAO Council President Olumuyiwa Benard Aliu said at an event in Ulaanbaatar, Mongolia, this week. He added that a "reliable network of air links within and among island countries, and to major air transport hubs, is essential to the viability of these countries from humanitarian, political and economic perspectives."

Security concerns: ICAO Secretary Fang Liu also encouraged members to "evolve a common security approach" in the Asia-Pacific region that would be both streamlined and unobtrusive to passenger and cargo transport. TSA is currently working with airlines and airports globally to establish a more uniform security regime for flights to the United States. That will include updates such as the use of explosive trace detection equipment at checkpoints as well as preclearance screening areas for travelers flying to the United States.

ASSOCIATIONS ASSEMBLE: The American Highway Users Alliance, the Automotive Service Association and the Association for Unmanned Vehicle Systems International have joined the Coalition for Future Mobility, which advocates for legislation that "fosters the continued growth" of self-driving cars.

SLICE OF PI: Hagir Elawad, the director of legislative affairs for the United Arab Emirates' embassy in Washington, will switch to handling those same duties as an outside consultant with Hagir Elawad and Associates (operating under the name UAE Strategies) starting in September. Her new title will be "lead congressional liaison." She will report directly to UAE Ambassador Yousef Al Otaiba in Washington. According to disclosure forms, the UAE has also hired several additional Washington firms, including Akin Gump Strauss Hauer and Feld, DLA Piper and the Harbour Group. On a related note, the UAE has reportedly created a "slush fund" to funnel domestic economic development project money to the Middle East Institute, a D.C. think tank, The Intercept's Alex Emmons writes. The UAE has given the group $20 million in grant funding so far, an amount that surpasses the think tank's annual budget. (h/t POLITICO Influence).

MT MAILBAG: The Agricultural Transportation Working Group - which includes the American Farm Bureau Federation, the National Farmers Union and others - sent a letter Thursday to the Surface Transportation Board griping about CSX's service issues. The group suggested that the STB release a recap of its weekly calls with CSX, hold a public hearing on the service issues and get back to work on "reciprocal switching" rules.

By the way: Hunter Harrison, the head of CSX, wrote to the Rail Customer Coalition, which had called for a formal investigation into the railroad's issues. Harrison wrote that the members of the

coalition made "unfounded and grossly exaggerated" claims, according to Reuters.

THE AUTOBAHN:

- "The incredible shrinking airline seat." Bloomberg.

- "EPA will review parts of Phase 2 truck emissions rule." POLITICO Pro Energy.

- "Hyundai unveils new fuel cell SUV with longer travel range." The Associated Press.

- "Carper flies drone, rides a quadski at August recess lab visit." Roll Call.

- "Overdoses on the road: Drugged driving rises as a menace." The Associated Press.

- "Veteran lobbyists see hard road for tax reform." POLITICO.

- "Drones will fly into the path of the eclipse to study weather." Popular Science.

- "Delta jets clip 2 planes, truck in 24 hours at JFK Airport." Bloomberg.

THE COUNTDOWN: DOT appropriations run out in 43 days. The FAA reauthorization expires in 43 days. Highway and transit policy is up for renewal in 1,139 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/08/18/infrastructure-council-bites-the-dust-221957

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Sent: Thur 8/10/2017 11:22:11 PM
Subject: Aug. 11 -- Daily Environment Report



Daily Environment Report

August 11, 2017 - Number 154

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Leading the News

Energy
Pipelines Among Priorities as Energy Regulator Gets Quorum
The Federal Energy Regulatory Commission can proceed to vote on a backlog of key natural gas pipeline projects, contested rate filings, and enforcement actions now that its long-waited quorum has been restored.

Motor Vehicles
Auto Mileage Rules Could Change Earlier Than Planned
The EPA is seeking comment on whether mileage standards for the 2021 model year vehicles are appropriate, a sign the agency is open to changing the fuel efficiency rules for passenger cars and light trucks one year sooner than planned.

Solid Waste
States Get More Leeway Under EPA's Coal Ash Guidance
States now have details on how to develop EPA-approved coal ash disposal programs, but environmental groups worry that the agency's flexibility will allow utilities to dictate disposal.

News

Chemicals
Clock Starts Ticking to Keep Chemicals in Commerce
Chemical makers and importers that want to keep their products on the market must notify the EPA by February 2018 about the chemicals they have made during the past decade.

Chemicals
Ford Sued Over Chemicals Seeping Into Michigan Groundwater

More than 130 residents of Livonia, Mich. are suing Ford Motor Co. for alleged damages caused by the release of cleaning chemicals from a company plant.

Climate Change

Federal Scientists Say Climate Change No Hoax, Disputing Trump

Less than a week after President Donald Trump notified the United Nations of his intent to exit from the Paris climate accord, his government's chief science agency released a report demonstrating that global warming is real and getting worse.

Coal Mining

Coal Miner Contura Scraps Public Offering, Citing Weak Interest

Contura Energy Inc., which inherited some of Alpha Natural Resources Inc.'s best coal mines during that company's bankruptcy, has withdrawn a plan for an initial public offering amid lackluster demand from potential investors.

Coal-Fired Power Plants

America's Power Plant Jobs, Ignored by Politicians, Are Dying

A couple months ago, Donald Trump was cheering a new coal mine in Pennsylvania that will put 70 people to work—good news for a president whose pledge to revive the industry helped get him elected. But a bigger group of coal workers has already suffered sweeping job cuts, and it's bracing for more.

Coal-Fired Power Plants

Trump Is Said to Be 'Really Interested' in Payments for Coal Use

West Virginia Governor Jim Justice said Donald Trump is "really interested" in his plan to prop up Appalachian mining by giving federal money to power plants that burn the region's coal.

Contribution

Asarco Superfund Claims Revived on Appeal

Asarco LLC may proceed with Superfund contribution claims against Atlantic Richfield Co. over contamination at a smelter site in Montana, the Ninth Circuit ruled Aug. 10 (Asarco, LLC v. Atl. Richfield, 9th Cir., No. 14-35723, 8/10/17).

Energy

National Grid Seeks January OK for Massachusetts Electricity Plan

National Grid hopes to receive Massachusetts' approval in January on its plan to dramatically change electricity service for customers under a broad grid-modernization plan, but the state's attorney general says the company may have to wait longer.

Motor Vehicles

World's Biggest Coal Shipper Talks a Lot About Electric Cars

Glencore Plc might be the world's biggest exporter of coal, the dirtiest fuel, but the mining giant is increasingly excited about electric cars.

Natural Gas

$900 Million New York Natural Gas Plant at Critical Juncture

Competitive Power Ventures Inc. is at a critical juncture in its plan to operate a 680-megawatt natural gas power plant 75 miles northwest of New York City.

Oil & Gas

British Columbia Vows Legal Challenge to Kinder Morgan Pipeline

British Columbia's new government vowed to use "every tool" to thwart Kinder Morgan

Inc.'s $5.8 billion oil pipeline expansion, saying it plans to join legal opposition to Canadian federal approval of the project.

Oil & Gas

Oil and Gas Industry Loses Again in Methane Court Battle

The oil and gas industry lost another round in its fight to nullify an EPA regulation on methane emissions, as a federal appeals court decided against reconsidering the case.

Pesticides

Disclosing Monsanto Messages Could Cost Lawyers in Lawsuit

Lawyers for cancer victims suing Monsanto could be booted from the case after disclosing confidential documents detailing the pesticide manufacturer's communications with regulators and scientists.

Regulatory Policy

Judge Questions 'Shadow' Process in Challenge to Regulatory Order

President Donald Trump's executive order requiring agencies to eliminate two regulations for each new regulation issued and offset the cost of each new rule is "fundamentally different" than previous executive orders guiding agency rulemaking, a federal judge said Aug. 10.

Sustainability

Brazilian Bank Issues Record Grant Money to Guard Amazon

Brazil's Development Bank issued a public call Aug. 9 for projects eligible to receive an unprecedented 150 million reais (US $47.5 million) in grants from a fund dedicated to preserving the Amazon rainforest.

Toxic Substances

Navy Hazmat Dumping Claim Revived in Landowner Suit

A Maryland man may pursue damages claims against the U.S. Navy for its alleged dumping of hazardous waste on his private property abutting a military facility, the District of Maryland ruled Aug. 9 (Baker v. United States, D. Md., No. 17-cv-00546, 8/9/17).

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 8/4/2017 12:37:20 PM
Subject: BREAKING NEWS: Economy added 209,000 jobs in July

The economy added a robust 209,000 jobs in July, the Labor Department reported Friday, down from 231,000 in June.

Average hourly private-sector earnings were up 2.5 percent over the previous year. In June, they also were up 2.5 percent.

Analysts surveyed by Bloomberg had predicted the creation of 178,000 jobs, an unemployment rate of 4.3 percent, and an increase in over-the-year hourly earnings of 2.5 percent.

Read more: http://www.politico.com/story/2017/08/04/economy-added-209-000-jobs-in-july-241325

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From: InsideEPA.com
Sent: Fri 12/1/2017 11:50:02 AM
Subject: The Morning Headlines from InsideEPA.com -- December 1, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

December 1, 2017

Latest News

EPA Deferral To States' Enforcement May Bolster 'Cooperative Federalism'

The Environmental Council of the States' (ECOS) outgoing executive director says a recent EPA letter announcing the agency will defer more heavily to states on enforcement inspections and other work could bolster EPA's push for "cooperative federalism" that seeks to elevate states' authority over environmental protection.

Sharply Criticizing Obama EPA, Pruitt Pledges 'Lots Of Rollback' Of Rules

EPA Administrator Scott Pruitt is underscoring what he sees as the failures of the agency under the Obama administration, sharply criticizing a host of regulations and signaling that his administration will continue its aggressive program to roll back a host of measures he believes create industry uncertainty.

Mining Sector, States Wage 11th-Hour Bids To Sway EPA Assurance Policy

Mining industry groups and states representing mining compacts are waging 11th-hour bids to sway the outcome of EPA's imminent first-of-its-kind rule governing financial responsibility requirements for the hardrock mining sector under the Superfund law, pitching ideas for the rule at a series of meetings with agency and White House officials.

DOJ Guidance Curbs Signal Trump Push To Target 'Sub-Regulatory' Policy

A recent memo by Attorney General Jeff Sessions barring the Department of Justice (DOJ) from issuing "binding" mandates by guidance could mark a new effort in the Trump administration's deregulatory push, sources say, suggesting that EPA and other agencies could expand their efforts to target not just regulations but also guidance and other "sub-regulatory" policy documents.

State, Local Officials Urge EPA To Adapt RMP Program For CWA Hazards

State and local emergency response officials are urging EPA to drop plans for a voluntary information collection effort intended to inform a Clean Water Act (CWA) rulemaking to prevent and contain chemical spills, saying the agency should instead

adapt its existing facility safety Risk Management Plan (RMP) program using existing data.

Final EPA RFS For 2018 Prompts Criticism From Refiners, Biofuels Groups

EPA has met its Nov. 30 deadline for issuing the final 2018 renewable fuel standard (RFS) blending targets for alternative and renewable fuels, prompting criticism from all sides as refiners argue that goals are too high and show why Congress should reform or repeal the RFS while biofuels groups say the targets are too low.

Daily Feed

Environmentalists defend suit over 'vague' CRA terms

Environmentalists are urging the court to preserve their suit that challenges the Congressional Review Act's limits on agencies replacing rules that Congress scraps under the law.

NOAA pick agrees humans are 'main' cause of climate change

The administration's pick to lead NOAA goes much further in acknowledging human contributions to climate change than most Trump administration officials, including EPA Administrator Scott Pruitt.

Ewire: House panel poised to codify Trump's deregulatory orders

A House committee is voting Nov. 30 on legislation to codify President Donald Trump's deregulatory orders.

D.C. Circuit urged to 'clarify' AFO reporting mandate

Environmentalists are insisting that EPA's exemption of animal feeding operations from some emissions reporting requirements is unlawful “final agency action.”

Read all the latest EPA news, analysis and documents →

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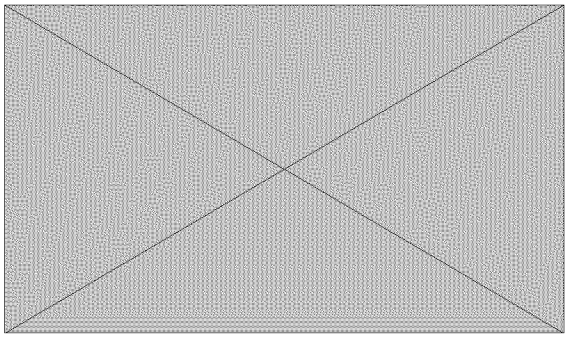
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Mon 10/2/2017 10:02:46 AM
Subject: AEI Today: The good and bad of the GOP tax plan

Corporate tax reform is long overdue in the U.S.

AEI's daily publication of independent research, insightful analysis, and scholarly debate

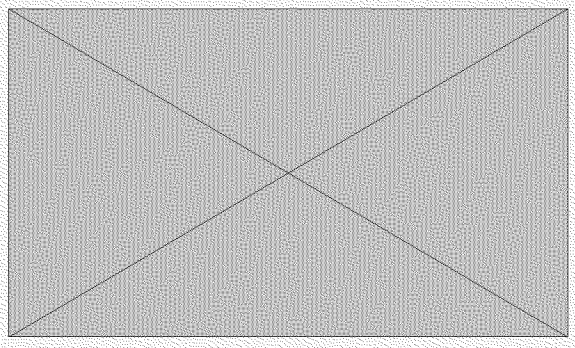


Reuters

The good and bad of the GOP tax plan

Aparna Mathur | The Hill

Corporate tax reform is long overdue in the US. Our high rates are a burden not only on businesses but also on our workers and our economy as a whole. To that extent, the new tax reform outline from the "Big Six" proposes far more drastic changes to business taxes than individual taxes. While Aparna Mathur is optimistic about the long-run effects of moving toward a more competitive corporate tax code, she urges politicians to proceed with caution.

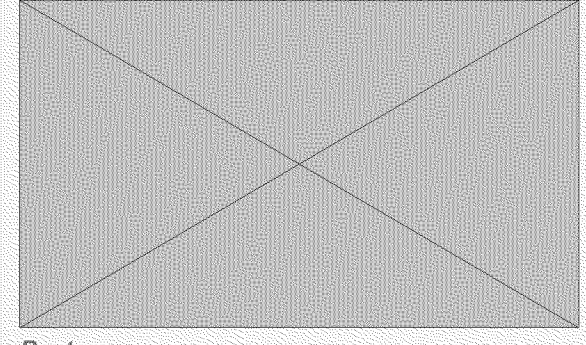


Reuters

What would actually deter North Korea?

Dan Blumenthal | Foreign Policy

There is a new piece of conventional wisdom on North Korea in Washington: the idea that the United States should “recognize” North Korea as a nuclear state and move toward a policy of containment and deterrence. To be sure, this may be the only option left, but many who are advocating the policy don’t seem to be thinking through its military requirements, possible regional consequences, and optimistic rationality of Kim Jung Un.



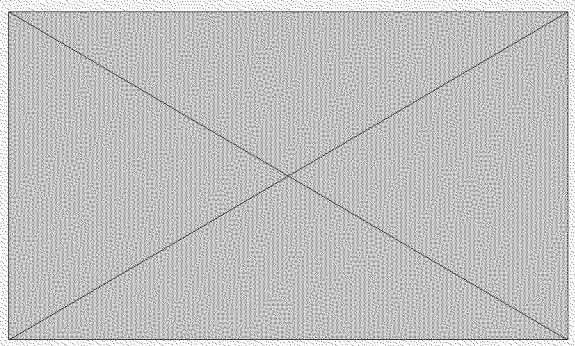
Reuters

Lessons from 'Blade

Runner' on corporate power

Jonah Goldberg | National Review Online

The Wall Street Journal recently reported on the "Blade Runner" curse. The movie “conjured a Los Angeles of 2019 whose steamy streets teem with flying cars and neon advertising,” writes Don Steinberg. “Then came the curse: Many of the robust brands shown thriving in the cinematic future ran into financial troubles in the real world.” And yet, many companies are lining up to appear in the forthcoming sequel, "Blade Runner 2049". Why is this?



Reuters

Why the Iran nuclear deal may not be worth saving

John R. Bolton | The Wall Street Journal

President Trump will soon decide whether to fulfill his campaign promise to extricate America from the Obama administration’s nuclear deal with Iran. Last week at the UN, he lacerated the deal as an “embarrassment.” Fearing the worst, however, the deal’s acolytes are actively obscuring this central issue, arguing that it is too arduous and too complex to withdraw cleanly. This strategy is just a ploy to block withdrawal, says John Bolton.

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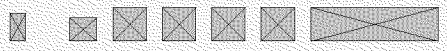
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From: POLITICO Pro Energy Whiteboard
Sent: Fri 10/20/2017 7:50:08 PM
Subject: EPW reschedules vote on nominees at EPA, NRC, DOT

By Alex Guillén

10/20/2017 03:46 PM EDT

The Senate Environment and Public Works Committee will vote next Wednesday on several EPA nominees whose advancement was temporarily imperiled this week by a fight between EPA and several Republican senators over the Renewable Fuel Standard.

Sen. Joni Ernst (R-Iowa) threatened to withhold her vote on EPA's air nominee, William Wehrum, until she received a written guarantee from the Trump administration on key points, forcing EPW leaders to postpone the vote that was scheduled for this week. The agency issued a letter making those promises on Thursday, and Ernst agreed to let the nominees move forward.

Aside from Wehrum, the panel will also vote on Michael Dourson to head EPA's chemicals office, David Ross to run the water office and Matthew Leopold to be general counsel.

The committee will also vote on Jeff Baran's re-nomination to the Nuclear Regulatory Commission and Paul Trombino to run the Federal Highway Administration.

The vote will take place Oct. 25 at 10 a.m. in Dirksen 406.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/epw-reschedules-vote-on-nominees-at-epa-nrc-dot-094576

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Sent: Mon 8/21/2017 11:41:34 PM
Subject: Aug. 21 -- Energy and Climate Report



Energy and Climate Report

August 21, 2017 - Number 161

News

Climate Change

Trump Administration Disbands Climate Advisory Panel

The Trump administration has disbanded a broad federal advisory panel formed to critique the government's National Climate Assessment.

Coal Mining

Trump Administration Halts Study of Surface Mining Health Effects

Coal industry supporters are hailing the Trump administration's decision to nix a study on the health effects of surface coal mining, saying it's not necessary and likely wouldn't have yielded reliable conclusions.

Energy

Former Lobbyist Named Energy Commission Chairman's Chief of Staff

Anthony Pugliese, a former Pennsylvania energy lobbyist, was named Aug. 21 as new Federal Energy Regulatory Commission Chairman Neil Chatterjee's chief of staff.

Energy

Germany's IBC Gets Power Contract for 20 MW Indian Solar Plant

German solar developer IBC Solar AG signed a power-purchase agreement with the Solar Energy Corp. of India, a government enterprise, to buy electricity from its 20-megawatt plant in the state of Odisha.

Mergers and Acquisitions

Rosneft, Trafigura Finalize $12.9 Billion Deal for Essar Oil

Rosneft PJSC and partners including Trafigura Group finalized their $12.9 billion purchase of India's Essar Oil Ltd.

Oil & Gas

Atlantic Governors Seek Continued Federal Oil and Gas Leasing Ban

North Carolina Gov. Roy Cooper (D) is urging federal regulators to continue the current ban on oil and gas drilling off his state's coast, joining Republican and Democratic governors in East Coast states who don't want the Atlantic included in the government's next five-year drilling plan.

Oil & Gas

Crestone Peak's Colorado Oil Drilling Plan Faces Hurdles

Crestone Peak Resources is seeking permission to use horizontal drilling and hydraulic fracturing in Boulder County, Colo., the first new oil and gas activity since a five-year drilling

moratorium expired there.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Tue 9/19/2017 2:05:43 PM
Subject: POLITICO's Morning Energy, presented by the Nuclear Energy Institute: Climate talk looms throughout U.N. meetings — Senate Energy panel moves nominees today — Steyer hits Trump over climate

By Anthony Adragna | 09/19/2017 10:00 AM EDT

With help from Ben Lefebvre

CLIMATE TALK PROMINENT IN U.N. MEETINGS: Look for talk of climate change and the Paris climate agreement to continue to pop up throughout the United Nations General Assembly today, but any fog around the White House's position appears to be clearing. President Donald Trump reiterated his view that the landmark international accord was unfair to the U.S. during a Monday meeting with French President Emmanuel Macron, according to a White House official. "The President talked through that he believes it's just simply unfair - that he thought other countries, particularly China, received a better deal than the United States negotiated," State Department policy planning director Brian Hook said. "He does not believe that the Paris Agreement is a framework to achieve those goals around clean energy, protecting the environment, and promoting economic growth."

Chicago to host climate conference: Chicago Mayor Rahm Emanuel announced Monday his city would host a two-day conference to discuss how cities around the world are addressing climate change and implementing the Paris agreement. And former U.N. climate chief Christiana Figueres said in a statement the Dec. 4-5 event would "provide an opportunity for mayors to continue acting on the political will demonstrated in Paris, showing that local action is being taken to fulfill commitments." Participants will include Paris' Anne Hidalgo, Montreal's Denis Coderre, Austin's Steve Adler and Atlanta's Kasim Reed, among others.

MOVE ALONG, MOVE ALONG: It should be a quick and easy process for five FERC, DOE and Interior nominees to get through the Senate Energy and Natural Resources Committee this morning. On the agenda are votes on the selections of Kevin McIntyre for chairman of FERC, Richard Glick for FERC commissioner, David Jonas for DOE general counsel, and Ryan Nelson and Joseph Balash for solicitor and assistant secretary for land and minerals management at DOI, respectively. The vote is set for 9:30 a.m. in Dirksen 366. Watch here.

FIGHT AGAINST DOURSON HEATS UP: Outside groups are ramping up what's expected to be an intense push against the nomination of Michael Dourson to head up EPA's chemicals office (and the lead role in implementing the revamped Toxic Substances Control Act). Clean Air Moms Action is out with an ad hitting him for being a "toxicologist-for-hire for corporate clients" who minimized the dangers of second-hand smoke and dangerous chemicals. The Environmental Defense Fund and Environmental Working Group are holding their own press call today to draw attention to Dourson's past work.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and LCV's Gene Karpinski was first up to identify former EPA chief Doug Costle as the unsuccessful Senate candidate in

Vermont. For today: Which Supreme Court justice once hosted the prime-time Emmys? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

#CONCORDIA17: POLITICO is the official media partner of the 2017 Concordia Annual Summit taking place in conjunction with the U.N. General Assembly in New York on Sept. 18-19. Join us in the Big Apple as we host conversations with world leaders, industry experts, current and former heads of states, C-suite executives, and senior congressional and administration officials. Among the POLITICOs: **Bryan Bender**, defense editor; **Jack Blanchard**, editor, Playbook London; **Helena Bottemiller Evich**, senior food and agriculture reporter; **Michael Crowley**, national security editor; **Susan Glasser**, chief foreign affairs correspondent & Global POLITICO host; **Nick Juliano**, deputy energy editor; **Matt Kaminski**, executive editor, POLITICO Europe; **Anna Palmer**, senior Washington correspondent and co-author of Playbook; and **Ben White**, chief economic correspondent. Register here.

MURKOWSKI ENERGY BILL BACK ON ICE? Congressional GOP lawmakers consider the bill S. 1460 (115) Sen. Lisa Murkowski introduced in June "too moderate" and don't expect it to move until next spring at the earliest, energy lobbyist and GOP sources tell ME. Republicans want to see language paring back DOE's role in approving LNG export projects in any energy bill package, sources said. One item lobbyists and Senate and House aides said would help jumpstart its chances would be adding language similar to the bills Republicans Ted Cruz and Bill Cassidy also introduced in June that would require DOE automatically approve LNG export applications to any country that isn't on a U.S. sanctions list.

But even with that included, the legislation could languish as the energy industry focuses its attention on the White House, said one GOP staffer familiar with the bill's negotiations. "I think something will happen this Congress, but there's no appetite to get anything done anytime soon. Spring sounds about right," the aide said.

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MORE CLIMATE LUMINARY CHATTER TODAY (AND LEO ALERT!): John Kerry's climate change summit is back for another packed day of action at Yale. First up at 10:30 a.m.: A session on what non-federal entities are doing to tackle the problem, featuring Govs. Jerry Brown and Jay Inslee, World Bank President Jim Yong Kim and Paris Mayor Anne Hidalgo. After that comes a panel at 2:30 p.m. on "potential new avenues for bipartisanship" with former Secretary of State James Baker and recorded video remarks from Sens. Lindsey Graham and John McCain .

Bringing it home: Kerry closes his summit at 5:00 p.m. along with remarks from actor/activist Leonardo DiCaprio. Watch all the events online here.

EXPECT MORE OF THESE! The Sierra Club filed a lawsuit Monday in the U.S. District

Court for the District of Columbia seeking to compel EPA to release a host of records about the activities of Administrator Scott Pruitt, including his schedule, list of meetings and records of communications with outside parties, your ME hosts report . The legal actions comes after the group filed Freedom of Information Act requests in June and the agency has not yet produced responsive records nor provided any indication of when it might be able to.

BISHOP SEEKS INVESTIGATION ON MONUMENT REPORT LEAK: As Democrats and outside groups condemned the leak of Zinke's recommendations on national monument (and threatened immediate legal action), House Natural Resources Chairman Rob Bishop said its release warranted investigation. "The fact this was leaked is troubling and merits an immediate and thorough investigation," Bishop said. "The President should have the time to evaluate the Secretary's review and develop actions without the encumbrance of incomplete information being leaked to the press."

CLINTON TO FEDERAL WORKERS: DON'T QUIT: Hillary Clinton urged federal employees to remain in their posts if possible, arguing their experience is needed more now than ever, POLITICO's Gabriel Debenedetti reports . "I don't want us to lose the decades - really, if you added it all up, the thousands of years - of experience in the EPA, in the State Department, in the Labor Department, in a lot of the places being targeted by the administration," Clinton said at an event at the Warner Theatre in Washington. "At some point they're going to need you, and the country is going to need you. And I hope you're still there."

VIRGIN ISLANDS NOT READY FOR HURRICANE: Utility restoration efforts are now on pause with Hurricane Maria bearing down, but the U.S. Virgin Islands lack adequate basic supplies like drinking water and electric generators, POLITICO's Sarah Ferris reports, citing internal FEMA briefing documents.

EXAMINING VEGETATION MANAGEMENT: The Senate Energy committee will hear testimony regarding "the vegetation management requirements for electricity assets located on federal lands." Witnesses include representatives from the Forest Service, BLM, the Wilderness Society, Arizona Public Service and a Montana electric cooperative. "I fully recognize that the fires burning in Montana today were all lightning sparked. But, for me, these fires serve as a vivid reminder and warning of what could occur as a result of long delays in permit approvals and inconsistent application of policies by federal land managers," Mark Hayden, Missoula Electric Cooperative general manager, will say.

STEYER HITS TRUMP OVER CLIMATE: Billionaire environmentalist Tom Steyer is criticizing Trump over his failure to act on climate in a full-page ad appearing today in *The New York Post,* one of the president's preferred papers. "The most dangerous part of a hurricane isn't the wind or the surge," the ad says. "It's a President who fails to act on climate change."

MAIL QUESTION! INTERIOR ORDER QUESTIONED: House Natural Resources Ranking Member Raul Grijalva sent a letter Monday seeking additional information on an Interior order setting page and time limits on National Environmental Policy Act reviews. Grijalva argues the agency failed to provide adequate evidence that NEPA analyses are indeed overly complex or that they have caused infrastructure project delays.

LEAKED EPA MEMO MANDATES ANTI-LEAK TRAINING: All federal agency employees this week will undergo a one-hour training course for employees on preventing leaks, according to a EPA memorandum slipped under the door to ME. "As federal government employees and federal contractors, we have a responsibility to properly protect this information from unauthorized disclosure," Donna J. Vizian, acting assistant administrator for EPA's Office of Administration and Resources Management, wrote. The agency didn't respond to request for comment.

RUFFALO SENDING CLIMATE PLEA: Actor Mark Ruffalo is emailing the Progressive Change Campaign Committee's 1 million members today, urging them to donate to Hurricane Irma relief and fight back against Pruitt. "As we help hurricane victims, we need to stay true to our progressive values," he'll say. "This means acknowledging climate change and remembering that marginalized communities who are least equipped to escape are hardest hit in crises like this."

SCIENTIST PAC ROLLS OUT ENDORSEMENTS: 314 Action, which backs scientific professionals seeking public office, announced endorsements of four House hopefuls Monday: Mai-Khanh Tran against Rep. Ed Royce; Joseph Kopser against House Science Chairman Lamar Smith; RD Huffstetler against Rep. Tom Garrett; and Kathie Allen, who's seeking to replace former Rep. Jason Chaffetz. The group also endorsed Ralph Northam's run for Virginia governor.

REPORT: ASSESSING RISKS TO RATEPAYERS: Oil Change International is out today with a report in partnership with Public Citizen and the Sierra Club arguing FERC offers little meaningful analysis of market need for new gas pipelines. "FERC fails ratepayers when it takes at face value pipeline company estimates of future gas demand while the momentum behind clean energy's disruption of fossil fuel markets is accelerating," Lorne Stockman, senior research analyst at Oil Change International, said in a statement.

REPORT: 15 PLACES LIKELY FOR ENERGY DEVELOPMENT: The Wilderness Society is out with a report today examining 15 places on public lands seen as likely targets for drilling, mining and other energy development by the Trump administration. "Some places are simply too wild to drill," Jamie Williams, president of The Wilderness Society, said in a statement. "The federal government must resist pressure from energy companies and other special interests to open up our last remaining wild places for development."

ZINKE'S 'HAVING A BALL': Interior Secretary Ryan Zinke invoked his well-known love of Teddy Roosevelt and said he was "having a ball" running his agency in a Monday interview with the Washington Examiner. "No one loves public land more," Zinke said. "Roosevelt, who've I've admired since I was a Boy Scout, had it right. He carved the path of putting under federal protection millions of acres and and beginning our experience of our public lands, unique to the U.S." The secretary added that Trump "has got a lot of Roosevelt in him, in that he's a man of action."

MOVER, SHAKER: Todd Snitchler has joined the American Petroleum Institute as group

director for the association's market development department. He previously chaired both the Public Utilities Commission and the Power Siting Board of Ohio.

SPOTTED: At the Capitol last night, STARZ screened "Age of Consequences," a new documentary examining how climate change is affecting U.S. national security and global stability. Sen. Sheldon Whitehouse delivered opening comments before the screening, which was followed by a panel discussion featuring David Titley, founding director of the U.S. Navy's Task Force on Climate Change and the film's executive producer Sophie Robinson. The documentary premiered on STARZ Monday.

QUICK HITS

- Study: 'Unprecedented' rain, warmth for Alaska by end of century. Alaska Dispatch News.

- GOP lawmakers: Move Appalachian agency out of Washington. AP.

- World reliance on coal will last for decades, report finds. The Australian.

- Judges request ending provisions for outside attorneys in DAPL cases. Bismarck Tribune.

- U.S. Governors at U.N. Assembly: 'You Have Allies' on Climate Change. New York Times.

- VC Summer nuclear expansion could be finished some day, Santee Cooper chief says. The State.

- Virginia's environmental agency to press ahead on pipeline permits as other states hit the brakes. Richmond Times-Dispatch.

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http://www.politico.com/tipsheets/morning-energy/2017/09/19/climate-talk-looms-throughout-un-meetings-222358

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Sent: Sat 9/2/2017 1:10:04 AM
Subject: BREAKING NEWS: Trump to seek $7.85 billion for initial Harvey recovery efforts

The federal government is burning through cash even faster than the White House estimated in responding to Hurricane Harvey, prompting the Trump administration to revamp its emergency funding request.

The White House is sending a formal plea to lawmakers this evening seeking $7.85 billion as a down payment in aid for areas ravaged by the superstorm - nearly $2 billion more than the administration estimated earlier in the day.

The White House is warning that the additional funding could be in jeopardy if Congress doesn't act quickly to raise the debt limit.

Read more: http://politi.co/2vSutUI

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Subject: Oct. 3 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Improved Desalination Technology Seeks to Quench World's Thirst

Posted October 03, 2017, 7:15 A.M. ET

By Adam Allington

Desalination, long rebuffed as a costly energy guzzler with a heavy carbon footprint, could become a cheaper, cleaner, more energy-efficient solution to the global water crisis— provided initial cost barriers can be overcome.

The U.S. Department of Energy plans to allocate $15 million in funding for projects aimed at making solar desalination technologies more cost-effective, it announced recently. The agency said solar methods represent the best chance to recover freshwater from otherwise unusable water resources in remote areas.

The money will be divided among "seven to 10 projects that explore early-stage technologies with the prospect of significantly reducing the cost of desalination through solar thermal energy," according to the department's Office of Energy Efficiency and Renewable Energy.

"The biggest barrier facing desalination is really cost," said Avi Shultz, program manager for DOE's Concentrating Solar Power team. "Desalination is expensive technology, especially here in the U.S., where it has to compete with conventional water sources."

'Reverse Osmosis'

Despite the cost, several U.S. states—California in particular—already have invested billions of dollars in desalination technology. The current state-of-the art is a system of "reverse osmosis," in which massive pumps send pressurized seawater through a membrane filter.

The process requires huge amounts of electricity, meaning the treatment plants must be connected to a sufficiently sized power grid. That makes it unfeasible to develop outside of large urban areas.

If a method is developed to run the desalination process away from the grid infrastructure, "that

opens up the potential for a variety of other applications," Shultz said. That could, for instance, purifying the massive amounts of wastewater created by hydraulic fracturing or agriculture.

"We hope to develop systems that can be used without being connected to an electric grid, perhaps even making them small enough to be portable," he said. "In this context, we could see them being used in disaster relief situations."

That might include, for instance, a situation such as in Puerto Rico, which is facing a months-long rebuild of its electricity infrastructure in the wake of Hurricane Maria.

Tapped Out

The world is facing a growing water crisis, but the underlying facts are not new: We use more water than the ecological systems can replenish.

According to the United Nations, water scarcity affects more than 40 percent of the global population and is projected to rise.

"It is estimated that 783 million people do not have access to clean water and over 1.7 billion people are currently living in river basins where water use exceeds recharge," according to U.N. data.

The worst drought in over half a century is currently hitting parts of the Horn of Africa, where close to 17 million people need humanitarian aid due to drought, including 2.6 million in Kenya and 3.2 million in Somalia, according to the U.N.

Resource managers point out that confronting the double-threat posed by climate change and population growth means that water resources are becoming increasingly stressed. That has forced cities, farmers, and other users to tap formerly overlooked sources including seawater, brackish groundwater, and various forms of wastewater.

"Desalination of seawater is the only hope we can come up with for meeting human needs," Leon Awerbuch, of the International Desalination Association (IDA), said.

Reverse osmosis is currently the most efficient method of desalination in use today, requiring 3.5 kilowatt hours per 1,000 liters of water produced, Awerbuch said.

Globally, the growth in desalination capacity is now sufficient to produce 100 billion liters per day—enough for roughly 15 liters for every person in the world, per day, he said. "But that still accounts for only 1-2 percent of global use per day," he said.

The total number of desalination plants worldwide is 19,372 in 2017, up from 18,983 last year, according to the IDA.

Wherever the Sun Shines

Thermal desalination, by comparison, involves basically heating the saltwater and capturing the steam, leaving behind the salt and other impurities. The method has been used extensively in the Middle East, where large fossil-fuel power plants located on the coasts use the excess heat created to power thermal systems. It works, but it's not very portable, and relies heavily on fossil fuels as the source of energy.

Putting up the kind of solar infrastructure necessary to power a major desalination plant comes with a number of built-in challenges besides the technology and cost—such as finding sufficient land on densely-populated coastal areas. But given technological innovations, other applications apart from municipal drinking water may be the best first use for small-scale solar desalination.

“Can you build smaller scale plants cost effectively?” asked John Lienhard, a Massachusetts Institute of Technology professor of mechanical engineering. “We have pretty good evidence that we can do it with photovoltaics,” or electricity derived from solar panels.

Lienhard has researched technologies for desalination of seawater and brackish water. In some cases, he said, certain factors are more favorable for the adoption of solar-thermal desalination technology.

“Many arid parts of the world, that are interested in desalination, also tend to have a pretty big solar capacity,” he said.

Likewise, Lienhard said, the oil and gas industry is under increasing pressure to find a cost-effective method of water purification. In Oklahoma, re-injecting fracking water back in the earth has been linked to increases in seismic activity and earthquakes.

“There is lot of opportunity to think of small scale systems in places like” Oklahoma or other shale-oil states to “take advantage of the sun or wind to process wastewater on site,” he said. “You may have heard, West Texas is a very sunny place.”

Desalination Business Growth

Since water is a commodity, the cost for desalination is a major barrier, as along as cheaper sources of water can be found elsewhere. But many entrepreneurs point out that new technologies often are able to enter the market despite higher costs, as long as they offer compelling benefits.

Rooftop solar panels and electric vehicles are two examples of products that were both able to grow in market share, despite lower-priced alternatives. Researchers say the same scenario also may apply to solar desalination.

Aaron Mandell is co-founder and chairman of WaterFX, a California-based company which developed a concentrated solar thermal collector capable of producing 65,000 gallons of freshwater per day.

“Sixty-seven percent of the planet is expected to have severe water shortages by 2025,” Mandell said. “That’s only eight years away, so the need for cheaper desalination is as big as it gets.”

Mandell’s company has developed a $30-million modular system, a “solar still,” to recover tainted irrigation runoff in California’s Panoche Water and Drainage District.

Providing California with the water it needs to maintain its position as the largest producer of fruits and vegetables for domestic consumption, he said, will ultimately hinge on desalination technology.

“There are only two ways to solve this problem: water conservation and water generation. And we can’t conserve our way to economic growth. So generation, through affordable desalination, is absolutely critical,” Mandell said.

California's Projects

In California, Mandell said solar desalination is quickly approaching an inflection point where it could become less expensive than the marginal cost of developing new natural freshwater sources.

Two years ago, the city of Santa Barbara, Calif., brought a mothballed desalination system back online to alleviate the state's ongoing drought. Since then, other plants were added in San Diego, as well as one planned for Huntington Beach, Calif.

In 2016, however, substantial storms brought by El Nino gave California its best rainfall totals in five years. Gov. Jerry Brown (D) then declared the state's six-year drought over.

But the way forward with desalination, both solar and reverse osmosis, is not to think of them as a replacement for natural water sources, MIT's Lienhard said. He said that often what's needed "is something to provide a hedge to help meet demand during drought times, but one that doesn't take up massive resources to build."

A multipronged approach ultimately will be the final answer to cope with the impact of climate change and population growth on water resources, he said.

"Desalination is part of the answer," he said, "Being more efficient and finding new methods to reuse the water we do have" is also necessary.

"Addressing the water shortage is going to require all three," he said.

Trump's EPA Asks Drillers, Miners for Advice on Regulating Them

Posted October 03, 2017, 02:57 P.M. ET

By Jennifer A. Dlouhy

President Donald Trump's Environmental Protection Agency is asking miners, oil drillers and manufacturers to collaborate with the government on how to regulate their industries.

The EPA began its new "Smart Sectors" program with an inaugural meeting between agency staff and representatives of its regulated industries Oct. 3 and a promise to work together to "develop sensible approaches that better protect the environment and public health."

The program, modeled after a similar 2003 initiative, follows Trump's vow to end "job-killing regulations" and comes as the administration moves to revise Obama-era rules governing power plant emissions, methane leaks from oil wells, and mining pollution. The meeting convened amid criticism of the agency has taken a pro-business tilt at the expense of environmental issues.

"When we consider American business as a partner, as opposed to an adversary, we can achieve better environmental outcomes," EPA Administrator Scott Pruitt said in a news release. "When industries and regulators better understand each other, the economy, public, and the environment all benefit."

Pruitt said the new program, run by EPA's Office of Policy, "is designed to effectively engage business partners throughout the regulatory process." The program is set to collaborate with 13 specific sectors, including agriculture, autos, chemical manufacturing, mining, oil and utilities.

Although the EPA says additional sectors may be added over time, right now, the program provides no formal role for environmental advocates and public health experts.

'Creative Solutions' Sought

The EPA says the initiative's sector-based, collaborative approach will lower compliance costs, drive "creative solutions" to environmental challenges, better protect the Earth and increase regulatory certainty.

While the "Smart Sectors" program may be a formal effort for EPA to regularly consult with the industries it regulates, Pruitt is already leading that outreach.

Records of Pruitt's calendar from February through May, just disclosed to the liberal watchdog group American Oversight, show an array of meetings with lobbyists and corporate executives, including representatives of businesses that stand to benefit from the administration's regulatory rollback.

"These calendars show in black-and-white what we already suspected: that Administrator Pruitt has an open-door policy at the EPA for polluters, the fossil fuel industry and other special interests," said Austin Evers, executive director of American Oversight. "Instead of focusing on protecting our families and the environment from pollution, Pruitt has worked in secret to turn the EPA into an ally and tool of the corporations he's supposed to be regulating."

By contrast, Pruitt's predecessor under former President Barack Obama, Gina McCarthy, met more frequently with environmental groups, though she highlighted efforts to consult with electric utilities and oil companies over regulations governing power plants and drilling.

Although Pruitt's calendar is dominated by interactions with industry representatives, it includes at least one meeting with a public health group, the American Academy of Pediatrics, and at least two sessions with environmental activists.

"The truth is: EPA has met with over 25 consumer protection, public health and environmental groups," said agency spokesman Jahan Wilcox in an email.

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EPA Opts for Pollution Trading Over Emissions Controls in Texas

Posted October 03, 2017, 02:31 P.M. ET

By Nushin Huq

Eight Texas coal-fired plants can join an air pollution trading program rather than installing expensive new sulfur dioxide controls, the EPA said as part of a rule aimed to improve visibility in the state.

Joining the trading program could prove to be a boon for utilities such as Luminant Generation that had said installing the required pollution controls would have been cost prohibitive and forced some of the power plants to close. The companies that own the eight affected coal-powered power plants include Luminant, Xcel Energy, and Dynegy.

Instead, the plants may participate in a newly created, yet-to-be-finalized, intrastate emissions trading program, the agency said in its final rule approving portions of Texas' plan to improve visibility in national parks and wilderness areas, including Big Bend National Park. The regulation, signed by EPA Administrator Scott Pruitt Sept. 29, was released by environmental advocates Oct. 3.

Many coal plants across the country already have updated their pollution controls, and the new trading program will not ensure a decrease in emissions, Elena Saxonhouse, senior attorney for the Sierra Club, told Bloomberg BNA. She expects that the environmental group will challenge the final rule in court.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, founder of Bloomberg L.P. Bloomberg BNA is an affiliate of Bloomberg L.P.

Luminant declined to comment.

New York City Climate Plan Calls for Efficient Buildings, Electric Cars

Posted October 03, 2017, 02:26 P.M. ET

By John Herzfeld

New building standards and more electric vehicle fast chargers are part of New York City's new three-year plan to meet Paris Agreement greenhouse gas reductions—even if the country as a whole does not.

Mayor Bill de Blasio (D) issued the plan Oct. 3, calling it "the first Paris Agreement-compliant plan from any city in the world."

Covering energy, transportation, buildings, and solid waste, the plan aligns with the international agreement's goal of pursuing policies to help limit warming to a 1.5 degree Celsius increase (2.7 degrees Fahrenheit) this century.

For new buildings, the city would work to set advanced energy codes in 2019, with energy-use targets growing stricter with each subsequent code cycle. In its procurement and purchasing, the city would aim to use 100 percent renewable electricity for municipal operations as soon as a sufficient supply becomes available.

The plan follows an executive order de Blasio issued in June committing the city to the Paris goals, in response to President Donald Trump's announcement that the U.S. would pull out of the international climate agreement. Advocates for action on climate change have turned to states, cities, and private companies and organizations to take leadership roles in the aftermath of Trump's withdrawal.

'Existential Threat to a Coastal City'

"In the Trump era, cities have to lead the way when it comes to fighting climate change," de Blasio said in a statement. "Hotter summers and powerful storms made worse by climate change are an existential threat to a coastal city like ours, which is why we need to act now."

Other components of the city's climate plan include a rollout of citywide single-stream recycling by 2020, which would do away with sorting recyclables from other trash. Composting of organic trash would be made available citywide by 2018, the mayor said, with some of the waste possibly destined for wastewater treatment plants.

The plan says increased recycling, reduced waste and removing organics from the waste stream will reduce truck traffic and associated emissions from waste collection.

The previously announced electrical vehicle expansion is meant to foster a goal of having those vehicles account for 20 percent of new car registrations by 2025. The city also plans to boost its infrastructure support for bicycles.

New Council Members

De Blasio rounded up statements of support from city council members and other elected officials, but it remains to be seen how the components of his plan requiring legislation will fare with a reconstituted council. Many term-limited council members, including Speaker Melissa Mark-Viverito (D), a de Blasio ally, are due to be replaced in the November election.

New York has had a long-term sustainability plan including carbon reduction goals since 2007, but de Blasio stepped up the city's targets soon after taking office in 2014 to call for an 80 percent reduction in greenhouse gases from 2005 levels by 2050.

Trump Isn't Acting on Verbal Attacks Against Wind, Dong Says

Posted October 03, 2017, 7:49 A.M. ET

By Peter Levring

President Donald Trump's threats against wind energy have so far proven empty, according to an industry giant that expects to grow in the U.S.

Thomas Thune Andersen, the chairman of Dong Energy A/S, says the world's biggest offshore wind developer hasn't seen any actions that have followed Trump's verbal attacks. In fact, he says there are signs that American commitment to the industry might even be growing.

"One thing is Trump getting up and commenting on this," Thune Andersen said in an Oct. 2 interview in Copenhagen. "But he hasn't acted on it. And many of the decisions are made at a state level. They're still pushing this agenda and they may even have accelerated it as part of the political game."

Trump, who has blamed wind turbines for killing bald eagles, has as a businessman unsuccessfully tried to stop offshore parks that spoil the view from his golf course in Scotland. As president, he has dragged the U.S. out of the Paris climate accord, and promoted coal in favor of wind energy, promising to bring back jobs in the process.

But before Trump took office in January, the U.S. congress extended a production tax credit, or PTC, that will give tax breaks to wind producers until 2020. Shares in Dong have risen 36 percent this year, more than four times the gain in the Stoxx Europe 600 index over the same period.

Dong, which is based in Denmark, this year sold its oil and gas business in order to focus entirely on

renewable energy. The company is changing its name —an acronym of Danish Oil and Natural Gas—to Orsted to mark the shift. (H.C. Orsted was a 19th century Danish physicist who discovered electromagnetism.)

Dong is focused on the east coast of the U.S., where it's using existing contacts to achieve growth, according to the chairman.

"It's very important we don't spread our focus too much," Thune Andersen said. "But although the U.S. east coast is a vast area, it's still very much the same people we're talking to."

The company sits on about one-quarter of the global market, "but the market is growing tremendously fast," he said. "We still have an ambition to remain the biggest player, but because the market's been successful, competition is growing."

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These Suburbanites May Have No Fracking Choice

Posted October 03, 2017, 8:59 A.M. ET

By Catherine Traywick

When Bill Young peers out the window of his $700,000 home in Broomfield, Colo., he drinks in a panoramic view of the Rocky Mountains. Starting next year, he may also glimpse one of the 99 drilling rigs that Extraction Oil & Gas Inc. wants to use to get at the oil beneath his home.

There's little that Young and his neighbors can do about the horizontal drilling. Residents of the Wildgrass neighborhood own their patches of paradise, but they don't control what's under them. An obscure Colorado law allows whole neighborhoods to be forced into leasing the minerals beneath their properties as long as one person in the area consents. The practice, called forced pooling, has been instrumental in developing oil and gas resources in Denver's rapidly growing suburbs. It's law in other states, too, but Colorado's is the most favorable to drilling.

Now fracking is coming to an upscale suburb, and the prospect of the Wildgrass homeowners being made by state law to do something they don't want to do has turned many of them into lawyered-up resisters. "It floors me that a private entity could take my property," says Young, an information security director.

Many states require 51 percent of owners in a drilling area to consent before the others have to join. Pennsylvania doesn't allow forced pooling at all in the Marcellus, one of the most prolific shale gas regions in the country. Texas, the center of the nation's oil production, has strict limits on the practice. Despite its founding cowboy ethos of rugged individualism, Colorado has one of the lowest thresholds. "There's a tension in oil and gas law between allowing private property owners to develop their mineral estates on their own and the state's desire to ensure that ultimate recovery of oil and gas is maximized," says Bret Wells, a law professor at the University of Houston.

The rise of horizontal drilling and hydraulic fracturing over the past decade has ushered in a modest oil boom on Colorado's Front Range by enabling companies to wring crude more cheaply from the stubborn shale that runs beneath Denver's northern suburbs. From 2010 to 2015, Colorado's crude output almost quadrupled. This year the state is pumping more than 300,000 barrels a day, most of it from the Wattenberg oil field beneath Wildgrass and beyond.

Colorado's population is booming, too. As Denver's suburbs bloom northward into oil and gas territory—Wildgrass is about 20 miles north of Denver, not far from Boulder—housing developments are erupting where once there were only drilling rigs and farmland. And because horizontal drilling can reach as far as 2 miles in all directions from a well, companies need underground access to more land to maximize production from each site. The Colorado Oil & Gas Conservation Commission issues hundreds of pooling orders every year. "It's an entirely new issue," says David Neslin, former director of the commission, now an attorney at Davis Graham & Stubbs in Denver. "That's creating some understandable friction with local governments and local communities."

Denver-based Extraction Oil & Gas is at the epicenter of that friction. Almost all its acreage is in populated areas. So the company, like others in the region, has put a lot of energy—and cash—into making its operations more palatable to suburbanites who fear the prospect of a drilling rig sprouting up within sight of their kiddie pools. Extraction almost exclusively uses electric drills, which are quieter than diesel-powered, and a new generation of hydraulic fracturing equipment that cuts noise. "It's incumbent upon us to learn to live with these communities," says Extraction spokesman Brian Cain. "Where we can go the extra mile to minimize impacts, we wish to do so."

The company's latest project involves drilling 99 horizontal wells in Broomfield. That means leasing mineral rights from Wildgrass residents. Letters went out to some of them last year offering a 15 percent royalty and a $500 signing bonus. Some signed, others demurred, and still others organized a campaign aimed at blocking the project. Extraction hasn't applied for a forced pooling order, but Young and his neighbors have come to believe it's inevitable.

The suburb's agitation prompted the city to create a special task force to evaluate Extraction's proposal. The company responded by taking members of the task force on a tour of oil and gas country. It wanted to show how its operations are less disruptive than traditional drill sites.

Ultimately, the company agreed to more stringent environmental standards than the state requires. It will move some wells 1,300 feet from neighborhoods, almost three times farther than the law mandates. It will reduce the number of wells per site, monitor air emissions as well as water and soil quality, and build pipelines to transport oil immediately off-site instead of storing it in the city. "I can see Broomfield turning out to be a new model for how large-scale development gets done," says Matt Lepore, director of the state commission, which will rule on Extraction's applications for siting the wells this month.

Such concessions have smoothed the path for development in many communities. But for some Wildgrass residents, any leasing is unacceptable. They say they fear accidents, such as the April pipeline explosion that killed two people and destroyed a home in Firestone, 20 miles away. Some simply find the terms of the initial lease offer laughable.

"The money is so negligible," says Elizabeth Lario, a health coach who's lived in Wildgrass since 2005. And then there are property values: Homes in Wildgrass range from $500,000 to more than $1 million. "The royalties won't offset the drop in property value," says Stephen Uhlhorn, an engineer who's lived in Wildgrass for four years. Oil development "is now hitting affluent neighborhoods where people have assets and livelihoods that exceed the value of any royalty they're offered."

The bedrock of Colorado's oil and gas policy is a 1951 law that says responsible fossil fuel development is in the public interest. The state, the law says, must protect the public from "waste"—industry parlance for oil that's left in the ground. While Colorado has some of the strictest environmental regulations of any oil-producing state, it gives companies latitude in choosing where

to drill. The Colorado Supreme Court has repeatedly held that the state's interest in developing mineral resources preempts any local law that would curb drilling.

Efforts to change the statute have fizzled. State Representative Mike Foote, a Democrat whose district is adjacent to Broomfield's, introduced a bill earlier this year to raise the pooling threshold to 51 percent. It passed the House by a slim margin but died in a Senate committee in a party-line vote, with Republicans opposed.

"The oil and gas industry pretty much controls the capital, particularly in the Senate," Foote says. "Operators can do whatever they want." Lepore, the head of the state oil commission, concedes the pooling threshold is low compared with other states. "I have no philosophical objection to a 51 percent requirement," he says. "There are intelligent changes that could be made to the forced pooling law."

Young, the Wildgrass resident, received a lease offer last year. Since then he's been working with a lawyer to consider his options, and so far he doesn't like them. "You couldn't put a Walmart where they're putting these wells—no one would approve that zoning," he says. "But for some reason, the industry is completely exempt from everything."

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Left Behind by the Shale Boom, Oklahoma Oilmen Fight to Survive

Posted October 03, 2017, 8:00 A.M. ET

By Meenal Vamburkar

Not every oilman is gaining from the U.S. shale boom. Just ask Joe Warren.

Warren, a partner at Brown & Borelli Inc., is caught in a historical hiccup, of sorts. More than a third of the 65 to 70 old-line vertical wells his company operates in Oklahoma are negatively affected by horizontal drilling, he says. The new-style wells can run sideways for miles in a shale play, carrying sand, water and chemicals that can leak into older wells, gumming up the works.

The cost: For Warren's company, it's about $250,000 a year in lost production and $150,000 in added operating expenses, he said. It's an issue spurring rising anxiety among small drillers. Already, several lawsuits are in the works while a group representing old-guard drillers is gathering data, aiming to force legislation guaranteeing compensation when damages occur.

"We should not be sacrificing our property to these guys for horizontal development," Warren said by telephone. "We don't want to stop horizontal development -- we just want to make the rules fair."

Some of Warren's wells saw a slight drop in output while others, hit multiple times, weren't salvageable, he said. Warren hasn't been involved in litigation himself but expects more legal action to occur in the region moving forward, even though cases can be costly and take several years to resolve.

51 Wells

Already, a study by the Oklahoma Energy Producers Alliance, the group representing conventional drillers, has found 451 vertical wells in one county that were negatively affected by horizontal

drilling, 80 percent of which were located outside of horizontal well unit boundaries.

The damage can add costs to replace equipment, clean out water or sand, or address environmental damage, according to Mike Cantrell, a board co-chair for the group. It can also kill a well outright, he said.

“I’m afraid when we look into further, we’re going to find out it’s much worse,” he said.

Horizontal drilling has allowed producers to tap into shale reserves more economically. When explorers tap shale, they are actually drilling into the rocks where the oil feeding those old-line vertical wells was created. Geologists refer to it as “source rock.” The technique allows drilling to continue laterally for up to two miles, replacing the need for multiple vertical wells. Kingfisher County, where Warren’s well are largely located, is part of the so-called Scoop and Stack region, where drilling has increased since the oil slump.

Oil rigs in that area’s Cana Woodford basin have climbed to 62 from 36, just since the start of the year.

Many of the vertical well most affected are so-called stripper wells, which produce a daily average of 15 barrels of oil or less. Though they may be inconsequential to large companies, for small operators, it’s a matter of their livelihood, Cantrell said.

In August, a district court ordered Devon Energy Corp. to pay $220,000 after two operators alleged negligence and “subsurface trespass” that led to two damaged wells. Devon inherited the wells in question from Felix Energy LLC, according to the company.

‘Safe and Reponsible’

“Devon always seeks to conduct its operations in a safe and responsible manner, with respect for the rights of other well operators,” spokesman John Porretto said in an emailed statement. “When evidence shows that Devon’s operations may have damaged an existing vertical well, Devon is proactive in attempting to negotiate fair compensation for the affected vertical well owner.“

The company also noted, “the jury awarded the vertical well owner an amount that was both significantly lower than what was demanded at trial and less than what Devon had previously offered the well owner as compensation to settle the claim.“

The case is indicative of a broader problem, said Matt Skinner, public information officer at the Oklahoma Corporation Commission, a regulatory body. The agency tried and failed to pass a rule to require operators to report incidents even if they didn’t cause environmental damage, he said, but couldn’t get support from bigger players in the industry.

The main obstacle has been a lack of data, according to Skinner. So now, the commission is focusing on encouraging vertical well operators to report problems. They’ve confirmed 20 incidents and have at least 55 more pending, Skinner said.

“We know it’s happening, we know it’s an issue,” he said. “We have every reason to think there are more incidents out there than we know of.“

Cantrell’s organization, meanwhile, is pushing to slow down further development of horizontal drilling until better data is gathered on their effect on existing wells.

"We need to slow this process down until we can get the regulatory regime to keep up with it," he said. "We've applied a vertical regulatory regime to a horizontal world."

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Costly Coal Ash Cleanup Order at Gallatin Spurs TVA Appeal

Posted October 03, 2017, 02:18 P.M. ET

By Andrew M. Ballard

The estimated $2 billion it could cost the Tennessee Valley Authority to dig up and move coal ash from its Gallatin, Tenn., site, as required by a federal court, has prompted the power authority to challenge a court order.

The TVA asked the U.S. Court of Appeals for the Sixth Circuit in Cincinnati to review an Aug. 4 order by Waverly D. Crenshaw Jr., chief judge of the U.S. District Court for the Middle District of Tennessee. Responding to a lawsuit filed by conservation groups in April 2015 alleging violations of the Clean Water act from the coal plant, the judge said that, although the "burden of closure by removal may be great, it is the only resolution" (Tenn. Clean Water Network v. Tenn. Valley Auth., M.D. Tenn., No. 3:15-cv-00424, notice of appeal 10/2/17).

Complying with the August 2017 order to remove the ash and dispose of it in a lined landfill "is a significant investment in time and resources on behalf of consumers of TVA power," Scott Brooks, a spokesman for the power authority, told Bloomberg BNA Oct. 3. "We feel it is important for TVA to exercise our legal option to appeal the ruling."

If TVA is forced to move the ash to a storage area offsite, it will cost about $2 billion, according to Brooks. Another potential option—lined storage at another onsite location—would cost some $550 million, he said.

The ultimate approach requires court approval and either option would take about 24 years to complete, Brooks said.

TVA Will Comply

Judge Crenshaw said the excavation is necessary because he said the storage ponds onsite were unlined and leaking and shouldn't have been located in "karst terrain immediately adjacent to a river."

Brooks said overturning Crenshaw's decision would allow the power authority to consider other approaches to comply with federal requirements including "closure in place" or removal.

"We have not studied a preference at Gallatin because of the pending litigation," he said.

While the appeal is pending, the power authority will continue to comply with the district court's order, Brooks told Bloomberg BNA.

"We are beginning an extensive site selection process which will look at locations both onsite and offsite as possible storage locations, pending approval from the court," Brooks said.

Federal regulations require some type of ash management at Gallatin and "capping and closure in place is our preferred option at our other coal sites," he added.

Cost, Time Estimates Questioned

Beth Alexander, an attorney with the Southern Environmental Law Center in Nashville who is representing conservation groups in the matter, questioned TVA's offsite storage cost and timeline estimates.

"Utilities in other states are accomplishing that for much less money and a much shorter time frame," Alexander told Bloomberg BNA.

TVA should "do the right thing" and excavate the coal ash for disposal in a lined landfill as leaks at Gallatin's storage ponds have and continue to cause water pollution, Alexander said.

Global Summit Warns Against Mercury Use in Small-Scale Mining

Posted October 03, 2017, 02:35 P.M. ET

By Bryce Baschuk

The first global meeting of countries devoted to stamping out mercury in the environment ended with incremental progress, but left unanswered questions about how to tackle one of the largest contributors to global mercury poisoning—artisanal and small-scale gold mining.

The conference of the parties to the Minamata Convention on Mercury, the world's first legally binding global treaty aimed at controlling mercury emissions in the environment, produced several new guidelines last week in Geneva, Switzerland, at a meeting of representatives from 165 countries.

United Nations officials said the conference brought greater attention to the difficulty of regulating a global industry that supports 15 million miners in poor and underdeveloped nations.

"It was really revealing to see the challenges that countries are having on the ground to handle the problem with respect to artisanal gold mining," said Rolph Payot, executive secretary of the joint secretariat of the Basel, Rotterdam, and Stockholm Conventions. "I think it provided more clarity on what priorities and which areas we need to work together to address the issue," and that will be taken up at a later meeting in 2018.

But the first annual conference made limited progress on implementing the agreement. And rather than imposing new restrictions on mercury use in artisanal gold mining, delegates argued over the procedural question of where the secretariat of the convention should be located.

Small-Scale Gold Mining

Miners in poor countries often use mercury to extract gold from ore in a process that can create toxic mercury vapors that are inhaled or leach into water sources.

Mercury can have toxic effects on the nervous, digestive, and immune systems, including the brain, according to the World Health Organization. WHO considers mercury one of the top 10 chemicals or

groups of chemicals of major public health concern.

Minamata parties agreed that any countries that have a "more than insignificant" artisanal and small-scale gold mining industry should notify the secretariat of the convention and develop a national action plan. The plan is to include a snapshot of the situation on the use of mercury in gold mining, and a plan for how to address the problem, according to a spokesperson from the United Nations Environment Program.

Switzerland to Host

Minamata parties agreed to locate the secretariat of the convention in Geneva following a robust debate over continuing Swiss exports of recycled mercury.

Switzerland is not a member of the European Union's mercury export ban and the alpine nation accepted imports of mercury in 2011 from the waste management company DELA GmbH in Germany, according to a recent U.N. report.

"There are Swiss industries that are currently exporting mercury and it seems to be getting more visibility for the mere fact that the Swiss would like to host the secretariat," said Bjorn Beeler, a general manager at the environmental advocacy group IPEN in San Francisco.

Doris Leuthard, president of the Swiss Confederation, said the country will soon ensure that all its mercury will be responsibly stored and exported "for only specific time-limited uses as required by the convention."

"We are strongly encouraging the Swiss government to find solutions to sourcing gold from illegal mining where mercury is used," Erik Solheim, executive director of the U.N. Environment Program, told Bloomberg BNA. "That is a critical issue."

Switzerland agreed to support the Minamata Convention with an annual contribution of 1 million Swiss francs ($1,026,000) that it said would help implement the treaty and host the secretariat.

Energy Agency Grid Resiliency Rule Gets Three-Week Comment Deadline

Posted October 03, 2017, 10:56 A.M. ET

By Rebecca Kern

Public comments are being taken for three weeks on an Energy Department proposal directing the Federal Energy Regulatory Commission to help coal and nuclear plants in the wholesale energy markets.

FERC said the initial public comments on the proposal are due Oct. 23, according to a Oct. 2 notice.

Separately, 11 energy industry groups, including renewables, oil and natural gas associations, filed a joint motion to FERC Oct. 2 urging the agency to deny the request for an interim final rule, initiate a technical conference, and allow for at least a 90-day comment period for initial comments in this proceeding.

On Sept. 29, the Energy Department invoked rarely used authority under Section 403 of the Department of Energy Organization Act to direct FERC to issue a final rule within 60 days that

would allow generators with a 90-day supply of fuel on site—which would include coal and nuclear facilities—to recover their operating costs at "a fair rate of return."

The proposed rule is the first concrete outcome from the Energy Department grid reliability study issued in August, which said that wholesale energy markets need to do more to compensate plants with on-site fuel supply for their ability to operate around-the-clock and in extreme weather.

Fortum's Bid for Uniper Stake Seen Spurred by Carbon Reform

Posted October 03, 2017, 10:42 A.M. ET

By Mathew Carr

Fortum Oyj's bid for a stake in German utility Uniper SE is partly a bet that the European Union will finally succeed in fixing its environmental policy.

A successful repair of the world's biggest climate trading program would probably see prices surge and boost the value of Uniper's power plants, according to Kari Kankaanpaa, Fortum's senior manager of climate affairs. The Espoo, Finland-based utility agrees with Barclays Plc estimates that a tripling of European emission allowances would add 18 percent, or 965 million euros ($1.1 billion), to the value of Uniper's generation assets by 2020, he said Monday.

Fortum is continuing to press lawmakers to improve their attempt to deal with a glut of EU emission allowances that's suppressed market prices for most of the past decade. One way to do so more quickly would be to require countries with overlapping policies that cut demand for permits to agree on reducing the volume they sell in daily auctions, Kankaanpaa said.

"It could rectify the impact of these other policies," such as renewable-energy subsidies and energy-efficiency rules, he said in an interview at the Carbon Forward conference in London. "It could establish the market balance sooner than otherwise would have happened."

By buying EON SE's 47 percent Uniper stake, Fortum is positioning itself as a utility that'll provide supply even when the sun doesn't shine and the wind has stopped. Should carbon prices surge, the increased value of the utility's cleaner hydro and natural gas plants would more than offset declines in Uniper's coal assets, Mark Lewis, an analyst in Paris at Barclays, said in a Sept. 19 note.

Under a scenario where EU carbon permit prices almost triple to 20 euros a metric ton, the value of Uniper's assets would jump to 6.5 billion euros, according to Lewis. Higher carbon contracts lift traded power prices because they are a cost of fossil-fuel generation.

Barclays is helping to finance Fortum's purchase of Uniper. Uniper shares rose 1.5 percent Monday to 23.54 euros, the highest since its initial public offering in September 2016. Fortum shares rose 0.4 percent to 17.12 euros on Tuesday at 5:04 p.m. in Helsinki, after settling Monday at their highest since July 2015.

For every 1-euro advance in the EU carbon price, Fortum's value increases about 50 euro cents a share, according to Peter Crampton, an analyst at Macquarie Group Ltd. in London. There's the possibility of a "significant rise in European carbon prices," and Fortum shares may advance should lawmakers seal a deal on Oct. 12 to remove a glut in the emissions market, Crampton said Monday in an emailed research note.

Getting the carbon price to 20 euros isn't certain. Renewable-energy incentives and efficiency policies have already hurt the carbon market and will probably reduce demand by another 1 billion tons in the 10 years through 2030, Kankaanpaa said. That's more than half of a full year's supply.

Fortum's latest push for higher carbon prices started before it embarked on the Uniper deal, Kankaanpaa said. The drive for EON's stake is linked to the direction of climate policy "to some extent," he said.

—With assistance from Ewa Krukowska, Jesper Starn and James Cone.

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Peru's Dream of Usurping Copper King Chile Faces Roadblocks

Posted October 03, 2017, 10:10 A.M. ET

By Laura Millan Lombrana

The biggest obstacle to Peru's dream of some day supplanting Chile as the world's biggest copper producer may be Peru itself.

Despite higher-grade ores and lower mining costs than neighboring Chile, the Peruvian government says the country's potential in copper is being restricted by too much bureaucracy. Mine owners also complain about weak infrastructure and strong opposition to projects from people who fear increased environmental risks and disruption to their communities.

President Pedro Pablo Kuczynski, who was elected last year, is pushing expansion of the mining industry as a key to stimulating growth and reducing poverty. His government wants to exploit ore reserves that are the third-largest in the world. While copper output has been rising in the past two years, it remains well below the amount produced in Chile.

"We are not saying it will be easy," Peru Mines and Energy Minister Cayetana Aljovin said in an interview, referring to matching Chile's output. "We can reach those levels if Peru keeps sending positive signals. We need to create the necessary conditions for mining to grow in our country so the government can invest in basic services, healthcare, education and infrastructure."

Peru already is the second-largest producer in the world. Last year it boosted output by 35 percent, driven by increases at the Las Bambas mine, run by Chinese-owned MMG Ltd., and by gains at Phoenix-based Freeport-McMoRan Inc.'s Cerro Verde, the largest copper mine in the Andean country. Based on data from the first eight months of 2017, Peru already has surpassed Chile as the largest supplier of mined copper to China, the world's No. 1 metals buyer.

The Peruvian government sees more growth ahead, with $51 billion of new projects slated to start in the next few years as demand from China grows and commodities prices recover. Copper on the London Metal Exchange has rallied 38 percent since the end of 2015, halting a three-year slide, though prices still remain well below their 2011 peak.

Peru's production last year of 2.3 million tons of refined copper lagged behind its southern neighbor Chile, which supplied 5.5 million tons. Plus Chile remains an "attractive" place to invest, said Erik Heimlich, a copper analyst at CRU Group.

But if Peru can overcome obstacles such as local antipathy to mining, its growth possibilities are huge. "Peru's potential in terms of resources is unquestionable," Heimlich said last week by phone.

Three-Pronged Plan

To get there, Minister Aljovin says the country has a three-pronged plan:

• Reduce regulations and the number of permits required to mine

• Create a single government department where companies can request all required mining permits at once

• Create a fund the government can use to invest in social programs in areas that may be affected by mining

At the moment, mining companies operating in Peru need to abide by 265 different rules and regulations, compared with 12 in 2001, the minister said. Of these, only 10 percent are under the Mines and Energy Ministry, with the rest under the aegis of a host of other governmental organizations, according to Luis Marchese, who runs the local assets held by Anglo American Plc and serves as head of Peru's mining association.

"This has an impact on the country's competitiveness and affects issues such as informal miners," Marchese said. "How are you going to bring them into the system if there's such a legal tangle?"

General Zeal

The bigger challenge, says Luis del Carpio, a professor at Pontificia Universidad Catolica del Peru's business school, will be getting the general populace to join in the government's zeal for mining.

"Bureaucracy doesn't stop projects," Del Carpio said by phone. "Community relations remain our Achilles' heel. That's the main reason why many projects are on the waiting list."

Peruvian citizens living close to mines tend to oppose them, while citizens living far away tend to favor them, according to research by the International Council on Mining and Metals.

"It's exactly the other way around in other mining countries," Tom Butler, ICMM's chief executive officer, said at the recent Perumin mining conference in Arequipa, Peru. "A high proportion of Peruvians reject mining, and the situation around the issue remains highly polarized because people living close to the operations don't feel empowered."

Road Blocks

MMG's Las Bambas was the latest mining operation to face disruptions because of community protests. The company has agreements with villages around the mine, but some communities along the road oppose the traffic of heavy trucks that transport copper concentrate to Pacific ports. Five people have died in protests since 2015 and supply has been interrupted three times in the past year.

"We have been engaging with each of those communities and we are involved with the government," Suresh Vadnagra, head of MMG's South American operations, said in an interview. "We have made some real advances, but this is a long-term game."

Infrastructure is a challenge in a country where road and rail links can be antiquated and some of the largest deposits are in the Andes, several thousands of meters above sea level and hundreds of kilometers from the sea. Despite government commitments to invest in remote regions, no projects have been made public yet.

"We are not seeing great changes in infrastructure investment that can lead us to think the situation will be different in five years' time," Del Carpio said. "Mining companies are developing their own infrastructure, but this means they need to invest more and projects become less competitive."

Still, the example of Las Bambas provides hope. The only copper mine to start operating in Latin America last year, it became Peru's second-largest mine within its first year of operation. MMG compared the deposit's potential with the world's largest copper mine, BHP Billiton Ltd.'s Escondida in Chile.

"To MMG, Peru is a strategic destination," Vadnagra said. "Las Bambas is a platform for growth for the company, and we want to use that to grow more locally and at a regional level."

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 8/17/2017 9:42:07 AM
Subject: Morning Energy: Desperately seeking Zinke's attention — Wyoming v. West Virginia in coal feud — More time for comments on WOTUS repeal

By Anthony Adragna | 08/17/2017 05:40 AM EDT

With help from Alex Guillén and Adam Behsudi

EVERYONE WANTS ZINKE'S EAR: It may be August recess for much of Washington, but Interior Secretary Ryan Zinke has a bunch of deadlines coming up in the next couple of weeks and lots of people looking to grab his attention. Today's the last day for public comments on BOEM's push to write a new five-year offshore drilling plan (submit yours here). Nearly 51,000 comments have already poured in as President Donald Trump's administration is expected to begin the two-to-three year process of writing a plan that would open parts of the Gulf of Mexico and Atlantic Ocean as well as Alaska's Chukchi Sea, Beaufort Sea and Cook Inlet areas to drilling opportunities.

A group of 69 House Democrats, led by Rep. Jared Huffman, urged Zinke in a letter Wednesday not to expand drilling opportunities in the Arctic and Atlantic saying "the risks are simply too high, and the consequences too severe." But more than 110 other House lawmakers, led by Natural Resources Chairman Rob Bishop, said in their own letter it was "imperative" to open as much of the Outer Continental Shelf as possible "to ensure opportunities are not missed" to expand U.S. energy independence. Meanwhile, the administration of Trump ally Gov. Chris Christie voiced opposition to including any of the area off the coast of New Jersey in the new plan in its own comments. And a coalition of environmental organizations warned opening Atlantic waters to drilling posed "a direct threat to the fragile and unique ecosystems of the southeast coast and to the millions of people whose livelihoods depend on our clean coastal resources."

Separately, Zinke is nearing the end of his national monument review, and more than 400 executives from the outdoor apparel, footwear and equipment sectors are urging him not to make any changes to nearly two dozen designations under the Antiquities Act currently being examined. "As business leaders, we simply ask that your final report remain true to the Teddy Roosevelt values we share with you — to maintain the national treasures Presidents of both parties have protected, to defend the integrity of the monument-making process and to assure these majestic places remain accessible for all Americans, sustaining healthy communities and a healthy economy," they wrote. Among those signing the letter are Adidas Outdoors, Burton, L.L. Bean, Orvis, The North Face, REI and YETI.

Monument backers got some good news Wednesday when Zinke announced he would recommend no changes to California's existing Sand to Snow National Monument. "The land of Sand to Snow National Monument is some of the most diverse terrain in the West, and the monument is home to incredible geographic, biologic, and archaeological history of our nation," he said in a statement. Former President Barack Obama created it back in February 2016.

MORE TIME GIVEN ON WOTUS REPEAL: Interested parties now have until Sept. 27 to comment on the EPA's efforts to repeal the previous administration's Waters of the U.S. regulation after the agency extended the public comment period by a month, Pro's Annie Snider reports . Administrator Scott Pruitt wants to author his own version of the rule defining which marshes, bogs and creeks are subject to regulation under the Clean Water Act, though backers of the Obama rule have criticized the length of time the Trump administration gave for public comment.

Speaking of WOTUS, Pruitt appeared in a video released Wednesday for the National Cattlemen's Beef Association urging farmers and ranchers to make sure they formally submitted comments before the deadline. "This record being made is so important because it helps us make informed decisions," Pruitt said, being careful not to specify what the comment should sound like.

IT'S THURSDAY! I'm your host Anthony Adragna, and Faegre Baker Daniels' Andrew Wheeler was first up to identify Wednesday as the 40th anniversary of Elvis' death. For today: What's the only country located in all four hemispheres? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

WELCOME TO THE GOP, GOV. JUSTICE! Wyoming's all-Republican congressional delegation is decidedly not a fan of West Virginia Gov. Jim Justice's proposed $15-per-ton subsidy for utilities to buy coal from Appalachian mines instead of those in Western states. "We strongly urge you not to take actions, such as adopting the subsidy policy proposed by Governor Justice, that would repeat the mistakes of the last eight years," Sens. John Barrasso and Mike Enzi, as well as Rep. Liz Cheney, wrote in a letter to Trump. "Now is the time to remove distortions in our energy markets. We should not be imposing new ones." Justice's proposal would have to go through Congress, where Barrasso chairs the Environment and Public Works Committee, and Enzi holds the Budget Committee gavel, and where the Freedom Caucus, which tends to oppose any overt energy subsidies, holds substantial sway in the House.

GREENS CONDEMN CHARLOTTESVILLE RALLY: A coalition of more than 110 environmental and public interest groups issued a statement Wednesday condemning the white nationalist rally and associated violence from last weekend in Charlottesville, Va. "President Trump and all political leaders, no matter their party affiliation, have an obligation to stand up against such hate groups immediately and unequivocally," they said. "Their voices and words — and lack thereof — matter." Among those signing the statement are Citizens Climate Lobby, Earthjustice, Natural Resources Defense Council, Sierra Club and Physicians for Social Responsibility.

HEITKAMP LANDS A CHALLENGER: Wealthy potato farmer and Republican state Sen. Tom Campbell threw his hat into the ring to face Democratic Sen. Heidi Heitkamp Wednesday, Campaign Pro's Kevin Robillard reports. He's given enough personal money to launch an advertising blitz , which heavily focuses on his potato farming business that employs hundreds of people in the state. His first ad includes this pretty witty line: "It's time for a leader who knows how to grow something besides government."

ADVISER NO MORE: A spokesman said Wednesday Daniel Yergin, vice chairman of consulting agency IHS Markit, "fully supports" the decision to disband Trump's Strategic and Policy Forum that he sat on, Pro's Ben Lefebvre reports. Yergin, who advises many of the country's largest energy companies and helps organize the industry's largest annual conference, sat on the White House forum with the heads of GM, JPMorgan Chase and other major companies. Dow Chemical's Andrew Liveris also voiced support for the decision to disband the Manufacturing Council. "In discussions I had with the White House earlier today, I indicated that in the current environment it was no longer possible to conduct productive discussions under the auspices of the Initiative," he said in a statement. "And so, as proud as I am of the efforts we were taking on behalf of the American worker, disbanding the Manufacturing Jobs Initiative was the right decision." More from POLITICO's Dan Diamond on the corporate revolt here.

Meanwhile, the American Technology Council, a government committee with advisers from the tech industry, will keep going, Pro Tech's Steven Overly and Nancy Scola report, citing a White House official. The group was distinct from the other business groups that disbanded in that it was designed to convene government officials such as the secretary of Defense and head of OMB, rather than business executives. But it convened a summit in June that included heavy-hitters like Apple's Tim Cook, Amazon's Jeff Bezos and venture capitalist John Doerr, a major greentech backer.

MAIL CALL! PROTECT CLEAN ENERGY IN NAFTA TALKS: The Business Council for Sustainable Energy sent a letter to U.S. Trade Representative Robert Lighthizer urging the protection of clean energy technologies as the Trump administration begins to renegotiate the North American Free Trade Agreement. "Giving attention to items such as a zero tariff for goods produced in North America, promoting U.S. codes and standards, and updating language to reflect the growing impact of information technology on all sectors, will ensure that NAFTA supports the continued growth of clean energy and the benefits it provides to the U.S. economy," Lisa Jacobson, the group's president, wrote. That comes as multiple environmental groups slammed the administration for kicking off negotiations in private.

BATHROOM BILLS OPPOSED BY ENERGY SECTOR KILLED: Texas lawmakers failed to pass several bills by the end of a special session that would have limited transgender individuals' access to bathrooms in public places and schools, BuzzFeed reports. The bills, which divided state Republicans and the business community, were opposed by leaders of major energy companies, including BP America, Chevron, Dow Chemical Co., Exxon Mobil and Halliburton.

TRADE REMEDY CORNER: BIODIESEL INDUSTRY SAYS AD EXTENSION NOT A BIG DEAL: The Commerce Department this week announced a delay in its preliminary antidumping duty determination on imports of biodiesel from Argentina and Indonesia. The U.S. industry which is seeking relief says it's no big deal. The National Biodiesel Board, which is petitioning for the duties, requested an extension to the anti-dumping probe last month. The Commerce investigation is expected to issue preliminary countervailing duties by Aug. 22, which is also an extended deadline.

"It is evident from market reaction that some in the industry are not familiar with this legal

process and the fact that nearly every trade case, from steel to cased pencils, includes these routine extensions," said Doug Whitehead, chief operating officer of the National Biodiesel Board. "This in no way impacts the schedule or the fact that unfairly traded imports are hurting American companies and the employees who serve this industry. We remain confident that both the DOC and ITC will find in American biodiesel producers' favor."

SEND IN REINFORCEMENTS: NYU School of Law is launching the State Energy and Environmental Impact Center, backed by a $6 million grant from Bloomberg Philanthropies, to help state attorneys general fight Trump administration efforts to roll back environmental regulations or climate change policies, the Washington Post reports. David J. Hayes, deputy Interior secretary under President Obama, will be executive director for the nascent group.

PARK BOTTLE BAN AXED: Amid news it removed a Bikeshare station installed during the Obama administration from White House grounds, the Trump administration on Wednesday also killed off its predecessors effort to stop the sale of disposable water bottles on National Park Service grounds. "While we will continue to encourage the use of free water bottle filling stations as appropriate, ultimately it should be up to our visitors to decide how best to keep themselves and their families hydrated during a visit to a national park," Acting National Park Service Director Michael T. Reynolds said. The change in policy, which axes a 2011 Interior memorandum, takes effect immediately.

NEW ENERGY INFRASTRUCTURE COALITION LAUNCHED: The Energy Equipment and Infrastructure Alliance launched a new campaign Wednesday to tout "the importance and benefits of energy infrastructure and its ongoing development." Entitled Energy Builders, the effort comes in response to expanding pipeline protest movement and aims to highlight local economic benefits and jobs that come from infrastructure projects. "The extremists pushing to 'keep it in the ground' don't appreciate what these projects mean to wage earners and their families, not to mention the power they provide for America's homes and businesses now and in the future," Terry O'Sullivan, general president of the Laborers' International Union of North America, said in a statement.

REPORT: YES WE CAN (LIMIT TEMPERATURE INCREASES): The Rocky Mountain Institute released a report Wednesday arguing limiting temperature increases to 2 degrees Celsius is both practical and possible. "Today, many experts doubt that energy systems can decarbonize fast enough to prevent this scenario," the report says. "But this belief is both dangerous and wrong." Among the shifts needed are rapid and economic scaling of clean energy technologies; foundational changes to emissions within agriculture, forestry and other land-use behaviors and coordinated market and policy incentives globally.

HOW TO TAKE AN AX TO EPA: Former Trump EPA transition leader Myron Ebell issued a report Wednesday offering suggestions for how to radically reduce the size of the agency. Among his recommendations: Eliminate the enforcement office; abolish the 10 regional offices and push their emergency response functions to FEMA; stop the environmental justice programs; and overhaul how the agency approaches its scientific work. Ebell also calls for greater disclosure from the agency on its discretionary spending on functions not formally designated by Congress.

BIG SALE! Exxon Mobil, Chevron, Total and two dozen other companies bid on 76 million Gulf of Mexico acres, drawing more than $121 million in winning bids Wednesday from oil and gas companies, Pro's Ben Lefebvre reports. The bidding comes up short of the $247 million generated from a Gulf of Mexico lease sale last March.

ENVIRONMENTAL JUSTICE TOOL UPDATED: EPA issued an annual update Wednesday to EJSCREEN, its geographic tool for exploring environmental justice issues. According to EPA, the update includes new data on public schools and housing; a new way to view surface water pollution; and the ability to view cities as distinct areas, like with states. EPA will host three training webinars in the coming weeks. Click here for a blog post on the update from Matthew Tejada, director of EPA's Office of Environmental Justice. The Trump administration's proposed 2018 budget sought to zero out EPA spending on environmental justice, though Hill appropriators have not taken that route.

QUICK HITS

— 'You can't hoodwink the EPA': Drinking-water protection a problem for cash-strapped Pa. Penn Live.

— Millions consumed potentially unsafe water in the past 10 years. Texas Tribune.

— Western Officials Support Possible BLM, Federal Agency Relocation To Denver. Western Wire.

— Missouri Utility Regulators Reject Proposed Massive Wind Power Line. AP.

— Oil dips despite steep draw in U.S. crude stocks. Reuters.

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Stories from POLITICO Pro

EPA extends public comment period for WOTUS repeal Back

By Annie Snider | 08/16/2017 04:05 PM EDT

EPA is giving the public another month to comment on its move to repeal the Obama

administration's Waters of the U.S. rule.

The agency announced today that it will extend the public comment period by 30 days, giving environmental groups, industry advocates and the public until Sept. 27 to weigh on its proposed rule to repeal the Obama-era regulation.

Supporters of the Obama rule, which increases the number of streams and wetlands that receive automatic federal protection, had criticized the length of time the Trump administration gave for public comment. The repeal rule was originally opened for 30 days of comment, although it was public for about a month before the comment period formally opened. The original Obama rule, also called the Clean Water Rule, was open for more than 200 days. Issues raised through the public comment process help lay the groundwork for future legal challenges.

EPA Administrator Scott Pruitt has pushed to swiftly repeal the contentious regulation and draft his own rewrite defining which marshes, bogs and creeks are subject to regulation under the Clean Water Act.

WHAT'S NEXT: Comments on the Trump administration's rule to repeal the WOTUS regulation are due by Sept. 27.

To view online click here.

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GOP state senator Campbell jumps in against Heitkamp Back

By Kevin Robillard | 08/16/2017 11:49 AM EDT

Republican Tom Campbell, a North Dakota state senator and wealthy potato farmer, officially launched a campaign against Democratic Sen. Heidi Heitkamp on Wednesday and is launching a major advertising buy to kick off his effort.

Campbell is the first entrant into the race against Heitkamp, who won her seat by just 3,000 votes over Republican Rick Berg in 2012. Heitkamp is considered one of the most vulnerable Democrats in the country in 2018, after President Donald Trump won the state by nearly 36 points in 2016.

"I'm going to be throwing my hat in the ring and running for United States Senate," Campbell said on a local radio show. "The next generation is losing the American Dream. Politicians in Washington right now have lost touch with what made America great."

Heitkamp has raised money at a brisk pace this year, bringing in more than $3 million for her campaign committee. Meanwhile, Campbell has given his campaign enough personal money to launch an early TV ad blitz, beginning with a 60-second biographical spot. The ad tells the story of Campbell starting a custom combine business when he was just 16 and later launching a

potato farming business, which employs hundreds of people in the state.

"Today, what Tom Campbell started with a combine and a prayer is a true North Dakota success story," the narrator says in the ad. "Hardworking. Conservative. Outsider. Exactly what North Dakota needs in Washington."

Watch the ad here.

Republican Rep. Kevin Cramer is also weighing a run against Heitkamp.

To view online click here.

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Yergin supports ending Trump policy advisory forum Back

By Ben Lefebvre | 08/16/2017 03:41 PM EDT

Daniel Yergin, an energy expert who sat on President Donald Trump's Strategic and Policy Forum, "fully supports" the forum's decision to disband, his spokesman told POLITICO.

"As our members have expressed individually over the past several days, intolerance, racism and violence have absolutely no place in this country and are an affront to core American values," forum members said in a prepared statement. "We believe the debate over forum participation has become a distraction from our well-intentioned and sincere desire to aid vital policy discussions on how to improve the lives of everyday Americans. As such, the president and we are disbanding the forum."

Yergin, vice chairman of consulting agency IHS Markit, advises many of the country's largest energy companies and helps organize the industry's largest annual conference. He sat on the White House forum with the heads of General Motors, JPMorgan Chase and other major companies. An IHS spokesman said he supported the forum's decision to disband.

A steady stream of CEOs and other executives had left the forum and a separate White House manufacturing council in recent days to protest Trump's claim that both sides were responsible for violence at a white supremacist march in Charlottesville, Va., last weekend that left three people dead.

As the defections mounted today, Trump said he was disbanding both groups of business advisers.

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Trump dumps CEOs before more could abandon him Back

By Dan Diamond | 08/16/2017 12:50 PM EDT

Some of America's top CEOs were preparing to issue a statement criticizing the president — so he effectively fired them from a White House council first.

President Donald Trump on Wednesday announced he was ending two business advisory councils amid a stampede of defections and after one of the groups had decided to disband over the president's much-criticized response to the weekend's violence in Charlottesville, Va.

A person close to Trump's Strategic and Policy Forum said the group had already told the White House it had resolved to disband and condemn the president's Tuesday claims that "both sides" were responsible for violence at a white supremacist and neo-Nazi gathering and that some "very fine people" were among the marchers defending a Confederate statue.

The group in a statement presented the decision as mutual with Trump, though EY CEO Mark Weinberger tweeted Wednesday that "we made the right call." Members of the separate Manufacturing Council — which had already lost eight members this week — were due to hold their own call Wednesday.

"Rather than putting pressure on the businesspeople of the Manufacturing Council & Strategy & Policy Forum, I am ending both. Thank you all!" Trump wrote on Twitter Wednesday afternoon, ending the debate.

The split likely won't change Trump's agenda — the long-time real estate developer still intends to slash corporate taxes and regulations. And the White House said a separate group of government officials called the American Technology Council, which met with top Sillicon Valley executives and Trump in June, will keep working. Still, the break-up of the two high-profile CEO groups shows increasing pressure on business leaders to distance themselves from the White House and could hurt Trump's standing with the pro-business, establishment wing of voters and donors in the Republican Party.

"There is no room for equivocation here: the evil on display by these perpetrators of hate should be condemned and has no place in a country that draws strength from our diversity and humanity," JPMorgan CEO Jamie Dimon said in a statement Wednesday after Trump disbanded the Strategic and Policy Forum to which he belonged. Dimon had weighed in on the events in Charlottesville over the weekend but had not criticized the president directly.

"It is a leader's role, in business or government, to bring people together, not tear them apart," he said.

Executives historically have clamored to belong to White House business councils, which give them an opportunity to pitch the president behind closed doors.

Merck's Kenneth Frazier — the first CEO to announce he was leaving Trump's manufacturing council this week — repeatedly pressed Trump in private on reforming tax laws. Dow Chemical CEO Andrew Liveris was initially granted a private sit-down with EPA head Scott Pruitt as the agency weighed a key regulation, though the meeting was trimmed down to a brief greeting.

In return, the executives served as surrogates for a White House trying to sell its pro-business message. Council members regularly flanked the president at a series of announcements and executive order signings. Executives like Campbell's Soup CEO Denise Morrison told reporters they were optimistic about Trump's effect on the economy. Dow donated about $1 million for the president's inauguration.

The corporate backlash started Monday with Merck's Frazier — the only African-American CEO on Trump's manufacturing council — who said he was quitting "to take a stand against intolerance and extremism." Within a day, the CEOs of Under Armour and Intel said they were leaving too.

The president on Tuesday called them "grandstanders" on Twitter and lashed out at Merck specifically. He claimed the defections wouldn't hurt him.

"For every CEO that drops out of the Manufacturing Council, I have many to take their place," Trump tweeted on Tuesday morning. However, no other CEOs publicly stepped forward to join the council, and five more leaders said they were leaving.

On Tuesday — before Trump's news conference but after he took heat Saturday for blaming "many sides" for violence in Charlottesville — Morrison of Campbell's said she planned to remain on the manufacturing council. Social media campaigns in response called the company a "Soup Nazi" in reference to the television show Seinfeld; another circulated altered photos of fake Campbell's products called "Cream of Complicity" and "Swastika Soup."

On Wednesday, Morrison said she couldn't serve on the council any longer. "Racism and murder are unequivocally reprehensible and are not morally equivalent to anything else that happened in Charlottesville," Morrison said in a statement.

Others also flipped their stances. "The President's most recent statements equating those who are motivated by race-based hate with those who stand up against hatred is unacceptable and has changed our decision to participate in the White House Manufacturing Advisory Council," Johnson & Johnson CEO Alex Gorsky said on Wednesday — less than 24 hours after telling reporters he planned to stay on the council so J&J would have a voice in high-level discussions.

Activists said the overnight campaigns and threats of boycotts motivated executives. Progressive groups have also pushed payment processing companies to cut ties with hate groups, collecting thousands of signatures on petitions, though Discover, Visa and Mastercard told POLITICO they had limited ability to force banks to cut off merchants conducting legal businesses.

"The collapse of the CEO councils is not due to an outbreak of conscience," said Robert Weissman, president of Public Citizen. "Instead, it is public pressure — pressure for the CEOs to

evidence a measure of decency — that is driving them off the councils. That's not exactly the most inspiring example of moral leadership. No profiles in courage here."

Silicon Valley executives such as Amazon's Jeff Bezos and Apple's Tim Cook also met with Trump in June through the administration's American Technology Council, which is technically made up of government employees. Still, activists like Weissman are calling on the affiliated executives to condemn Trump's comments too.

Until this week, Trump had spent months praising the same executives who are now rebuking him.

"I want to thank these great business leaders," Trump said in February, when Merck's Frazier, J&J's Gorsky, Campbell's Morrison and other CEO advisers joined him for a signing ceremony on an executive order on regulatory reform. "They're helping us sort out what's going on, because ... it's been disastrous for business. This is going to be a place for business to do well and to thrive."

Lorraine Woellert, Nancy Scola and Steven Overly contributed to this report.

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Trump fallout with business leaders could chill relations with tech industry Back

By Steven Overly and Nancy Scola | 08/16/2017 06:45 PM EDT

The fallout between President Donald Trump and business executives this week is likely to chill his already icy relationship with tech industry leaders, even as the White House pushes ahead with plans to enlist their help in modernizing federal technology.

A White House official said Wednesday that the American Technology Council, a government committee with advisers from the tech industry, plans to carry on despite the dissolution of two separate councils composed of CEOs. And while some firms that advise the American Technology Council signaled they would continue to assist the administration, those that were already wary of this administration are likely to be more so after the week's tumult, which included the president tweeting his anger at one of the executives who quit.

"Tech CEOs will remain engaged with policymakers on the Hill and executive branch as they always have, working through industry groups such as the Business Roundtable and Technology CEO Council rather than specific presidential councils and commissions," said Bruce Mehlman, a Republican lobbyist and executive director of the Technology CEO Council, which includes Oracle, Xerox, Dell and Intel.

The CEOs, some of whom met with Trump at Trump Tower during the presidential transition or

appeared with him at the White House to tout corporate announcements, could also avoid Trump's presidential photo ops that make their engagement so public, instead working with the federal government through agencies and lobbying the administration through associations and advocacy groups.

Oracle said Wednesday it will continue to advise the administration on technology issues.

Intel CEO Brian Krzanich was among those to depart the president's Manufacturing Jobs Initiative, saying that the political climate was not conducive to getting work done. "I hope this will change, and I remain willing to serve when it does," he wrote in a blog post. The company declined to say whether he would engage the administration in other capacities.

IBM CEO Ginni Rometty wrote in a memo to employees that CEOs on the president's Strategy and Policy Forum terminated the group because it "can no longer serve the purpose for which it was formed." She added, however, that IBM has a legacy of working with all administrations. "IBM will continue to work with all parts of the government for policies that support job growth, vocational education and global trade, as well as fair and informed policies on immigration and taxation," she wrote.

Other companies that have participated in American Technology Council activities — Alphabet, Microsoft, Apple, Qualcomm, Amazon and Adobe — either declined to comment or did not respond to questions.

Their silence isn't surprising. Most in the tech industry were already tempering talk about their engagement with the Trump administration. A parade of high-profile executives attended a White House summit in June, for example, but most declined to confirm their participation until the very last minute. Many have also insisted that their participation in such events is not an endorsement of Trump's policies — with some of those policies drawing the ire of Silicon Valley's liberal occupants.

It's reflective of the challenge that has persisted since their pick for president, Democrat Hillary Clinton, lost to Trump in November. The executives are pulled to assist the government and promote policies favorable to their businesses, but also want to keep distance from a president whose demeanor and political positions have galled many in the industry.

Trump's already precarious relationship with business leaders frayed quickly this week after he failed to place blame for a violent rally in Charlottesville, Va., squarely on white supremacists. Merck CEO Kenneth Frazier was the first to step down from Trump's manufacturing advisory council as a result, prompting a series of other business executives and labor leaders to follow suit.

Trump called them "grandstanders" and defiantly declared he could replace them easily. But on Wednesday, in a single tweet, Trump disbanded two CEO-level advisory committees that had been his most direct outreach to the nation's business leaders. "Rather than putting pressure on the businesspeople of the Manufacturing Council & Strategy & Policy Forum, I am ending both. Thank you all!" he wrote.

But the American Technology Council is different. Unlike those two groups, the ATC was created as a convening body of government officials — including the secretary of Defense, the director of OMB and the U.S. chief information officer — rather than of corporate leaders.

The council, though, has engaged with tech industry executives via a high-profile White House summit in June led by senior presidential adviser Jared Kushner that was attended by, among others, Apple's Tim Cook, Amazon's Jeff Bezos, Microsoft's Satya Nadella and Eric Schmidt of Alphabet (Google's parent company), as well as a follow-up call with corporate officials earlier this month.

"The American Technology Council is solely made up of government employees," a White House official said. "The council is full steam ahead on its work assisting the modernizing of government IT, which is primarily being done through internal government resources. The council will continue to occasionally consult with the private sector on specific issue areas like improving cloud rollout, cybersecurity and digital services for vets."

The official also pointed out that, aside from the June meeting, the group's consultation with corporate leaders is remote, via emails and calls, and that there are no plans for further in-person events or meetings.

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BOEM Gulf of Mexico offshore lease sale yields $121M Back

By Ben Lefebvre | 08/16/2017 05:23 PM EDT

BOEM's latest auction of offshore acreage in the Gulf of Mexico drew more than $121 million in winning bids today from oil and gas companies.

Exxon Mobil, Chevron, Total and two dozen other companies bid on 76 million acres, which Interior said was the largest amount of Gulf acreage ever offered in a single lease auction. The bidding fell short of the $247 million generated from a Gulf of Mexico lease sale last March, however.

President Donald Trump and Interior Secretary Ryan Zinke have touted offshore drilling as a way for the U.S. to achieve "energy dominance." But with oil prices hovering below $50 a barrel, oil and gas companies have been wary of committing to new offshore projects, which can take several years and billions of dollars to carry out.

Interior slashed the royalty rate that companies have to pay on the oil and gas they produce to 12.5 percent for leases in less than 200 meters of water depth, down from the 18.5 percent originally advertised for the sale.

WHAT'S NEXT: Public comments are due Thursday on Interior's review for a new five-year offshore lease plan.

To view online click here.

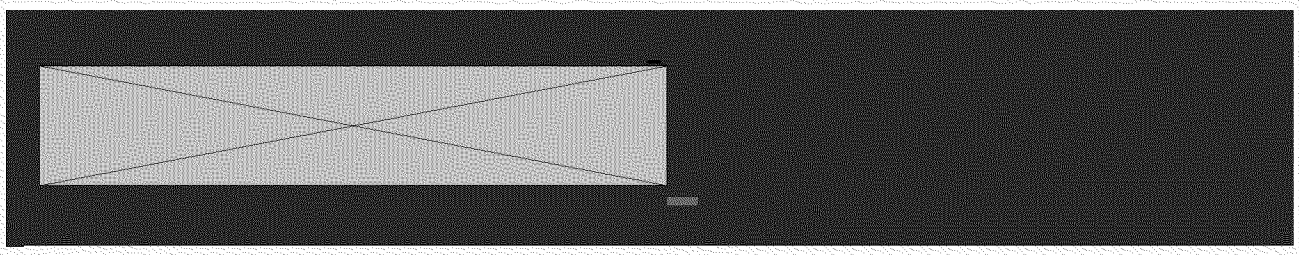
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Uncle Sam is a slacker in policing sexual misconduct in agencies

By Joe Davidson

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Rep. Trey Gowdy (R-S.C.), chairman of the House Oversight and Government Reform Committee. (Alex Brandon/AP)

Amid a growing number of scandals involving serial sexual misconduct cases comes word that Uncle Sam is a real slacker in policing his workforce.

The federal workplace might have a better record than a Hollywood casting couch — or it might not. It's hard to know the extent of sexual misconduct in the federal government because of Sam's poor and inconsistent disciplinary practices and record-keeping. Sometimes he even neglects to list sexual misconduct as an offense.

A House Oversight and Government Reform Committee report says eight agencies have no table of penalties at all, including the Office of Personnel Management (OPM), which should be the role model for a government that thinks itself a model employer. A table of penalties is a list of suggested disciplinary actions for various forms of staff misconduct. The government's

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largest federal employee union, however, argues against overuse of tables of penalties, likening them to rigid mandatory minimum sentences in the criminal justice area.

"Sexual misconduct is a challenge the federal government must aggressively and consistently address to ensure the well-being and safety of its workforce. Employees should feel safe and protected at work," said Rep. Trey Gowdy (R-S.C.), the oversight committee's chairman. "The American people deserve a workforce and a work environment reflective of the law, their high standards for appropriate conduct, and conducive with maximum productivity."

But that challenge is not specifically recognized by seven agencies that "have a Table of Penalties, but do not expressly mention sexual misconduct," according to the report, which was issued by the majority Republican staff.

Citing a Justice Department inspector general's study on "the dangers associated with the lack of a Table of Penalties," the House document said the department's "Civil Division's handling of sexual misconduct allegations was not consistent, penalties were not consistent for high-performing employees, and employees received performance awards even while the subject of ongoing sexual harassment or misconduct investigations or while disciplinary actions were in effect."

At the other end of the spectrum are the U.S. Agency for International Development and the Federal Aviation Administration (FAA), which has "the most developed list of sexual misconduct categories."

The FAA list has "10 distinct categories of sexual misconduct," said the House report, including:

- "Sexual teasing, jokes, remarks, questions;
- "Suggestive looks or gestures of a sexual nature; and
- "Threat or act of reprisal for refusal to provide sexual favors."

In some agencies, managers received harsher punishments for sexual misconduct, but sometimes the opposite is true. In the Civil Division, an upper level manager decided against suspending a senior official because that "would unnecessarily deprive the government" of the official's services.

Among other items, the House report recommended:

Kidder added that "what is missing from the entire labor workforce is the lack of agency ability for individuals committing acts of sexual misconduct and the OPM development and response to the agency's following one of these instances.

- Agencies without a table of penalties should create one.

The American Federation of Government Employees (AFGE) said it has "no reason to believe that sexual misconduct is any more common among the federal workforce than it is in the private sector."

When AFGE testimony, provided to Federal Employee News Watch (FEW), said the agencies "agree with the findings of the report that the lack of use of the Tables of Penalties and that agency tables of penalties often can contribute to the government's inability to hold employees accountable for misconduct." Enforcement is also difficult when supervisors are unaware of the actions that can be taken to prevent and eliminate sexual harassment; that is, they should publicize penalties and encourage assertive actions on the part of employees who are targets of unwanted sexual attention. Civil service protections weaken the fight against sexual harassment.

"Efforts underway in this Congress to roll back union rights and hamstring unions will make it more difficult for the union to help police workplace sexual misconduct," the union statement said. "This whole area is a prime example why workers' rights and union rights should be strengthened in the federal sector, not weakened."

Questions for Federal Insider readers: How pervasive is sexual harassment in the federal government? If you have been the target of sexual harassment, please tell us the circumstances, what form the harassment took, whether it was reported, what was done about it and whether the perpetrator was disciplined. We will use this information for a future column. In certain cases we can print your comments without identification. Please send your comments to joe.davidson@washpost.com with "sexual misconduct" in the subject line.

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By Eric Yoder • Read more »

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Today's POLITICO Playbook presented by American Bankers Association

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Listen to the Playbook Audio Briefing

Driving the Day

Good Wednesday morning. CONGRESSIONAL LEADERSHIP is going to the White House next Wednesday at 11 a.m. for a meeting with President Donald Trump. We hear this will be the Big Four: Paul Ryan, Nancy Pelosi, Mitch McConnell and Chuck Schumer.

REPUBLICANS say this will be a critical touch-the-gloves moment as they enter a brutal month. **DEMOCRATIC LEADERSHIP AIDE:** "The Republicans are in charge, from the White House to the Hill so the onus of governing is squarely on them. We expect to hear their proposal for getting done all that we have to get done in September." **IN OTHER WORDS:** Ball is in your court, guys.

NEW -- THE THROW-IT-ALL-TOGETHER STRATEGY: One of the new leading theories among Senate and House Republicans in Washington is that Congress will combine a three-month stopgap spending bill to keep the government open, the first installment of hurricane relief for Texas and Louisiana and an increase of the federal debt limit. The idea is this package would create an undefeatable constituency across the Capitol. Here are a few things to understand:

-- FEMA HAS ENOUGH MONEY right now for its immediate response to Harvey. We were told by multiple sources involved in the talks the agency has roughly $1.3 billion in its coffers. But Congress will need to act on disaster funding in September to give them more.

-- THE STATE OF TEXAS AND THE WHITE HOUSE have to work quickly to estimate how much more money they'll need. This will impact the contours of the debate. The damage in Texas is so extensive and unknown that no one knows how much money the

government will have to shell out. **THE LIKELIHOOD:** Congress will need to insert disaster relief money into a stopgap bill in September -- the CR, or continuing resolution -- and then appropriate more money as part of an omnibus spending bill in December. That omni would keep government open until Oct. 2018.

-- SMART MONEY IS ON -- NO SHUTDOWN IN SEPT., BUT POSSIBLE IN DECEMBER. The thinking is this will put off the shutdown debate until the last month of the year. Capitol Hill will be far more interested in figuring out how to get America's fourth-largest city out from underwater than in building a border wall, multiple sources told us. It's unclear whether President Donald Trump will force the issue.

-- ON THE DEBT LIMIT ... BULLET COULD BE DODGED. This package, if crafted carefully, could be just the mix of good and bad that it would get widespread bipartisan support in both chambers. Who could vote against helping the second-largest state in America rebound from a disaster? Key Republicans involved with planning told us they would be willing to lift the debt limit past the 2018 elections.

REMEMBER: THE FAA's authority needs to also be renewed in September.

A WORD OF CAUTION -- It makes sense that GOP leaders want to find a way to take care of all of the "must-pass" legislation in one package and tie it up neatly in a bow. Lawmakers haven't come back yet. Expect at least one or two hiccups along the way. Typically whatever leadership starts with isn't the package that ends up passing, particularly in the House.

BULLETIN at 4:59 a.m.: "CAMERON, La. (AP) - National Hurricane Center: Tropical Storm Harvey makes 2nd landfall just west of Cameron, Louisiana."

HOUSTON CHRONICLE A1 -- "EPIC FLOODING SHOWS NO MERCY"
http://bit.ly/2vryWIN

THE LATEST ON HARVEY -- HOUSTON CHRONICLE, story updated at 3:45 a.m. **-- "Harvey begins to push out of Houston as curfew set and new shelter opens,"** by Brooke A. Lewis, Brian Rogers, Margaret Kadifa, Susan Carroll, and Andrew Kragie: "Hordes of new shelters began to open up across the city as more residents were ordered to evacuate from their flooded homes. Harris County Judge Ed Emmett confirmed Tuesday evening that NRG Center [where the Texans play] will provide the next major shelter for area residents affected by Hurricane Harvey. ...

"Houston Mayor Sylvester Turner issued a curfew Tuesday in effect from midnight to 5 a.m. During a press conference late Tuesday, the mayor said it was necessary for public safety. He originally said the curfew would begin at 10 p.m., but an hour later he changed it to midnight, tweeting that moving it later would allow volunteers and others to continue doing their work." http://bit.ly/2wi6QbD

--NYT's JACK HEALY, RICHARD PEREZ-PENA and ALAN BLINDER: "Local officials

in Texas said at least 30 deaths were believed to have been caused by the storm through Tuesday, up from eight a day earlier. ... Parts of the Houston area broke the record for rainfall from a single storm anywhere in the continental United States, with a top reading on Tuesday afternoon, since the storm began, of 51.88 inches in Cedar Bayou, east of Houston, the National Weather Service reported. The previous record was 48 inches in Medina, Tex., from Tropical Storm Amelia in 1978, and with the rain still falling along the Gulf Coast, Harvey could top the 52 inches recorded in Kauai, Hawaii in 1950 from Hurricane Hiki." http://nyti.ms/2x4d13K

--"Photos: Trump visits hurricane-ravaged Texas" -- *19 pix* http://politi.co/2x38cHM

-- "Harvey triggers spike in hazardous chemical releases," by Ben Lefebvre: "Hobbled oil refineries and damaged fuel facilities along the Gulf Coast of Texas from Tropical storm Harvey have released more than two million pounds of dangerous chemicals into the air this week, adding new health threats to Houston's already considerable woes. The big spike in releases, which include carcinogenic benzene and nitrogen oxide, will add an environmental and long-term health risk to the region that's struggling with the massive flooding that Harvey has brought to the country's energy capital, according to environmental watchdogs. The jump in emissions has been noticed on the ground in Houston, where residents have taken to Twitter to report a stronger-than-normal chemical smell in some areas." http://politi.co/2xLcd0W

-- "Houston's 'Wild West' growth," by WaPo's Shawn Boburg and Beth Reinhard: "Houston calls itself 'the city with no limits' to convey the promise of boundless opportunity. But it also is the largest U.S. city to have no zoning laws, part of a hands-off approach to urban planning that may have contributed to catastrophic flooding from Hurricane Harvey and left thousands of residents in harm's way. Growth that is virtually unchecked, including in flood-prone areas, has diminished the land's already-limited natural ability to absorb water, according to environmentalists and experts in land use and natural disasters. And the city's drainage system -- a network of reservoirs, bayous and, as a last resort, roads that hold and drain water -- was not designed to handle the massive storms that are increasingly common." http://wapo.st/2iHTJvD

NEXT UP: "Western Louisiana in crosshairs as Harvey moves back to land," by AP's Jeff Amy and Michael Kunzelman in Lake Charles, Louisiana: "Western Louisiana residents braced for more wind and water Wednesday as Tropical Storm Harvey headed their way after dumping record rainfall on Texas. National Weather Service meteorologists expect the deadly storm to make another landfall early Wednesday in southwestern Louisiana, after it lingered over Texas for days before meandering back into the Gulf of Mexico.

"Forecasters say another 5 to 10 inches of rain could fall in western Louisiana. 'We are starting to get down to the end of the tunnel of all this rain,' Meteorologist Roger Erickson said. Erickson warns that some coastal rivers won't be able to drain effectively because Harvey's winds are pushing in storm surge, aggravating flooding in areas already drenched by more than 20 inches of rain. Gusts up to 50 mph are predicted for

coastal areas and up to 40 mph in Lake Charles and along the Interstate 10 corridor." http://bit.ly/2vljayo

GLENN THRUSH in the NYT, **"Harvey Gives Trump a Chance to Reclaim Power to Unify":** "Hurricane Harvey was the rarest of disasters to strike during the Trump presidency -- a maelstrom not of Mr. Trump's making, and one that offers him an opportunity to recapture some of the unifying power of his office he has squandered in recent weeks. ... [H]urricanes in the post-Katrina era are also political events, benchmarks by which a president's abilities are measured. Mr. Trump is behaving like a man whose future depends on getting this right. ...

"The president, who prefers to skim rather than delve, has seldom been more engaged in the details of any issue as he is with Harvey, according to several people involved in disaster response. Mr. Trump, one aide said, was fascinated by the long-term effect of water damage on structures in the Gulf Coast, peppering FEMA and National Security Council briefers with detailed questions about the flooding in Houston and Galveston. As the extent of the projected devastation became apparent over the weekend during a meeting at Camp David, he shook his head in disbelief and compared the situation to problems he experienced when managing his family's apartment buildings in New York. 'Water damage is the worst,' he told one staff member, 'tough, tough, tough.'" http://nyti.ms/2x2qHwn

JOSH DAWSEY in Corpus Christi: "It was a presidential trip to a deluged state where the president didn't meet a single storm victim, see an inch of rain or get near a flooded street. But the daylong visit, during which President Donald Trump spent far more time in the air than on the ground, gave the optics-obsessed president some of the visuals he wanted, as he checked in on the government apparatus working on relief efforts and was buoyed by a roaring crowd of locals.

"And it showed that the president, who often obsesses about crowd size and fame while speaking in hyperbolic superlatives, would not drop those traits even amid hurricane cleanup. He praised his [FEMA] administrator, Brock Long, for becoming 'famous' during his frequent TV appearances, talked repeatedly about the historic nature of the storm and marveled at adoring Texas residents who greeted him." http://politi.co/2vE6n0u

****** **A message from the American Bankers Association:** America's small businesses most often turn to banks when looking for financing. Banks have responded by increasing small business loans each of the past six years, reaching $331 billion in credit as of January. Learn more: http://politi.co/2wchpez ******

HEELGATE -- "Melania's stiletto sideshow: As the first lady departed to see storm fallout in Texas, Twitter erupted with critiques of her shoe choice," by Annie Karni: "The emblematic first image of the first lady heading off to visit a hurricane in heels -- a moment that the president has seized on as an opportunity to project strength and show off decisive leadership -- instead became another symbol of a White House that can

often seem out of touch. ... On board Air Force One to Corpus Christi, as the picture of the delicate heels ricocheted across the Internet, Melania Trump changed into a pair of bright, white sneakers, which looked fresh out of the box. She wasn't the only female member of the Trump delegation wearing questionably appropriate footwear -- two other women were spotted on Air Force One wearing pumps and suede heels." http://politi.co/2goqCN3

-- WAPO'S ROBIN GIVHAN: "There was no pretense about Melania Trump's heels. But sometimes, a little pretense helps": "Trump's fashionable ensemble was defined by its contradictions. She was wearing a working man's jacket but it was juxtaposed with sexy limousine shoes. The trousers and the top were basic black -- utilitarian. The oversize aviator sunglasses were Hollywood. It's an image that would have been at home in any fashion magazine, which is so often the case with the first lady. She knows fashion. She knows her angles. ...

"It was also an image that suggested that Trump is the kind of woman who refuses to pretend that her feet will, at any point, ever be immersed in cold, muddy, bacteria-infested Texas water. She is the kind of woman who may listen empathetically to your pain, but she knows that you know that she is not going to experience it. So why pretend?

"Well, sometimes pretense is everything. It's the reason for the first lady to go to Texas at all: to symbolize care and concern and camaraderie. To remind people that the government isn't merely doing its job, that the government is engaged with each and every individual. Washington hears its citizens. That's what the optics are all about. Sitting around a conference table and talking into a speaker phone are not good optics. A politician has to get on the ground in work boots and a windbreaker. Rolled-up sleeves. Galoshes. Baseball caps." http://wapo.st/2whj3x6

SNEAK PEEK -- NICK CONFESSORE'S NEW NYT MAGAZINE COVER STORY - "How to Get Rich in Trump's Washington: His presidency has changed the rules of influence in the nation's capital - and spawned a new breed of lobbyist on K Street" (print headline: **"I Can Teach YOU How to Influence the President:** The Art of Lobbying in Trump's Washington" with a pic of Corey Lewandowski): "Like virtually every other candidate for president, Trump campaigned against this thicket of money and influence, positioning himself as an outsider who would 'drain the swamp.' This pledge would soon prove more rhetorical than real, but it contained a grain of truth. Trump arrived in Washington with a relatively short baggage train of Beltway relationships and obligations. He didn't read policy briefs; he barely had policies.

"His inner circle was a hodgepodge of Breitbart alumni, nominally Democratic financiers, Trump Organization employees on loan, the odd reality-show star and Republicans who would have been unemployable in almost any other administration. The smart money in Washington - K Street and K Street's clients, the big corporations and trade associations - didn't quite know what to expect. But mostly, they didn't know whom to call." ***With cameos by Robert Stryk, Brad Gerstman, Brian Ballard, Bruce***

Mehlman, Stuart Jolly, and Barry Bennett http://nyti.ms/2gpGQFx ... ***The cover*** http://politi.co/2xw2Oe3

FOR YOUR RADAR -- "NKorea leader urges more missile launches targeting Pacific," by AP's Foster Klug and Kim Tong-Hyung in Seoul, South Korea: "North Korean leader Kim Jong Un called for more weapons launches targeting the Pacific Ocean to advance his country's ability to contain Guam, state media said Wednesday, a day after Pyongyang for the first time flew a ballistic missile designed to carry a nuclear payload over Japan. Tuesday's aggressive missile launch - likely the longest ever from North Korea - over a close U.S. ally sends a clear message of defiance as Washington and Seoul conduct annual military drills. The Korean Central News Agency said the launch was a 'muscle-flexing' countermeasure to the Ulchi Freedom Guardian joint exercises that conclude Thursday. Pyongyang views the drills as invasion rehearsals and often conducts weapons tests and escalates its rhetoric when they are held." http://bit.ly/2wnxZbH

-- REUTERS: "The Trump administration plans to name a former White House official, Victor Cha, as the next U.S. ambassador to South Korea, according to an administration official. Cha served as deputy head of the U.S. delegation in multilateral talks with North Korea over its nuclear programme during the administration of President George W. Bush." http://reut.rs/2wIoLcD

IMPORTANT STORY -- ANNIE KARNI -- "Trump's shrinking West Wing": "When President Donald Trump asked Hope Hicks to step into the role of communications director, his longtime aide hesitated before taking on a management position overseeing more than 40 staffers who work in White House media relations.

"It was Hicks who insisted on 'interim' being part of her new job title before accepting the post, according to a person familiar with the negotiations. But since her appointment on Aug. 16 - when Ivanka Trump went on Twitter to congratulate her 'talented friend & colleague Hope Hicks on being named WH Communications Director,' leaving out any mention of the 'interim' part - no active search has been launched to find a more permanent successor to the short-lived Anthony Scaramucci era. After a summer of distracting staff churn, the communications director job is just one of a number of top-level West Wing positions that has ultimately been filled by an existing staffer - or not filled at all - after an official has quit or been let go.

"Interviews with six White House staffers and people close to the president attribute Trump's shrinking West Wing to three factors: chief of staff John Kelly's careful review process, which has led to the paring down of an organization that many inside have complained was top-heavy; the chilling factor of five open-ended Russia investigations hanging over the White House, making it hard to attract new talent; and the president's own dark mood this summer, which has left him increasingly isolated and in the mood to hunker down, not hire up." http://politi.co/2vrydB5

NEW POLITICO/MORNING CONSULT POLL -- "Poll: Voters split on Afghanistan

troop increase, oppose shutdown for border wall," by Steven Shepard: "Voters are divided on President Donald Trump's plans to send more American troops to Afghanistan, according to a new POLITICO/Morning Consult poll. Forty-five percent of voters support increasing U.S. troop levels in Afghanistan, the poll shows - only slightly greater than the 41 percent who oppose the plan. The other 14 percent have no opinion.

"While support for Trump's plan marginally outpaces opposition, the 20 percent of voters strongly opposed to a troop increase are slightly greater than the 17 percent who strongly support it. Backing for a troop increase is greater among Republicans than Democrats or independents. Sixty-eight percent of self-identified GOP voters support increasing the number of troops in Afghanistan, but only 30 percent of Democratic voters and 35 percent of independents agree." http://politi.co/2gor7GI

WHAT TRUMP'S POLITICAL TEAM IS READING -- "Pittsburgh focus group tanks Trump," by Isaac Dovere: "'Outrageous,' 'disastrous,' 'abject disappointment,' 'unique,' 'off the scale,' 'contemptible,' 'crazy': Donald Trump seems to have lost Pittsburgh, at least based on a focus group, sponsored by Emory University, held in the city Tuesday night. The group, a mix of people who'd voted for Trump and Hillary Clinton (plus one Jill Stein voter), came down hard on the president and Vice President Mike Pence-three people called him a 'puppet,' and several used variations of 'waiting in the wings,' though he was also called 'quiet' and 'reasonable.'

"To a lesser degree, the voters also complained about Senate Majority Leader Mitch McConnell, House Speaker Paul Ryan and Senate Minority Leader Chuck Schumer. Asked to grade Congress, participants gave a collection of Cs, Ds and Fs, with most complaining that nothing is getting done. Not many knew much about special counsel Robert Mueller, who's leading the Russia investigation, but several singled out Jared Kushner, the president's son-in-law and senior adviser, as a problem due to his inexperience." http://politi.co/2vJ5Zgl

HAPPENING TODAY -- "Trump to seize populist mantle for pitching messy tax overhaul," by Ben White and Tara Palmeri: "President Donald Trump will launch a major push for a sweeping tax overhaul with a speech Wednesday in Missouri aimed at convincing his base - and the rest of the nation - that he has a fresh vision for 'unrigging' the American economy and isn't just repackaging the trickle-down economics of past Republican presidents.

"It could be a tough sell for the president as he fights with saturation coverage of Hurricane Harvey and as Democrats prepare to frame Trump's approach as a giveaway to corporate fat cats and the nation's richest taxpayers. Wednesday's speech in Springfield is being built around the sale of tax reform as a populist policy, according to five senior administration officials. The tax speech is being drafted by senior White House aide Stephen Miller, a leader of the nationalist wing of the administration. In Trumpian style, he'll try out new phrases for selling the policy like 'Jump-start America' and 'Win again.'" http://politi.co/2wQST5K

-- ATTENDING TODAY'S EVENT: Treasury Secretary Steven Mnuchin, Commerce Secretary Wilbur Ross, NEC Director Gary Cohn, SBA Administrator Linda McMahon, Missouri Sen. Roy Blunt, Gov. Eric Greitens, Lt. Gov. Mike Parson, Republican Reps. Ann Wagner, Blaine Luetkemeyer, Vicky Hartzler, Sam Graves, Billy Long and Jason Smith.

-- REPUBLICANS WE SPOKE TO YESTERDAY are happy Trump is going on the road, but worried that one off-topic comment will undermine anything positive he does.

-- KEVIN ROBILLARD in Branson, Missouri: "Why Claire McCaskill Is Holding Her Fire: President Trump has already taken shots at the vulnerable Democratic senator but she's determined not to anger the rural voters who put him in office": http://politi.co/2wh2xxa

THE JUICE ...

NOT BAD -- OBAMA LOOKING FOR MVY SPOT -- BOSTON GLOBE'S MARK SHANAHAN: "Chicago will always be President Obama's hometown -- that's where the Obama Presidential Center is being built -- but it looks like he may be spending a lot more time on Martha's Vineyard in the future. Word around the island is that the Obamas, who've rented a place on the Vineyard for the past several summers, are looking to buy ... The 44th president and his wife, Michelle, are believed to be focused 'up island,' looking at homes or buildable lots in the rural communities of Aquinnah, Chilmark, and West Tisbury. ...

"No one's talking, least of all realtors, but we're told that one property that may be getting a long look is a magnificent waterfront outpost in Aquinnah owned by Caroline Kennedy and her husband, Edwin Schlossberg. A few years ago, the couple, who inherited from Jacqueline Kennedy Onassis the 377-acre Red Gate Farm overlooking the Atlantic Ocean, subdivided the property and put two parcels on the market." http://bit.ly/2wQdaZg

-- **"Bill and Hillary Clinton's Hamptons Summer Rental Sells,"** by WSJ's Katy McLaughlin: "A Hamptons mansion that served as a summer vacation rental for Bill and Hillary Clinton has sold for $29 million. The Clintons stayed in the home for part of August in both 2011 and 2012, said Apolonia Baptiste, assistant to seller Elie Hirschfeld; she declined to say what the Clintons paid. Current listing agent Rebekah Baker of Sotheby's International Realty in the Hamptons said that in recent years the property has rented for between $350,000 and $500,000 for the summer, or for about $150,000 a month. ... The roughly 10,000-square-foot shingled house has 8 bedrooms, all of which have en suite bathrooms, a formal dining room and six fireplaces." http://on.wsj.com/2wHpavC

-- "Sean Spicer finally gets to meet Pope Francis," by America Magazine's Michael J. O'Loughlin: "A group of legislators and politicians from around the world gathered in Italy this week for a meeting of the International Catholic Legislators Network, where

they were received by Pope Francis at the Vatican. Among those gathered was Sean Spicer, the former White House press secretary who was ... left off the list of U.S. officials who accompanied the president to the Vatican. ... A photo posted to the Vatican Radio Facebook page shows Mr. Spicer using his cell phone to snap a photo of Pope Francis, who in an address to the group urged cooperation and bridge-building. Several other images posted to the Vatican's photo service page show Mr. Spicer greeting the pope personally." ***With a pic of Sean and the Pope*** http://bit.ly/2vCLWBd

Playbook Reads

PHOTO DU JOUR: Volunteer Elizabeth Hill, 8, plays with evacuee Skyler Smith, 7, at a shelter at St. Thomas Presbyterian Church in west Houston as Tropical Storm Harvey continues to affect the area on Aug. 29. | Jay Janner/Austin American-Statesman via AP

COMING ATTRACTIONS -- "Trump at war with himself over 'Dreamers,'" by Andrew Restucci and Eliana Johnson: "The president has waffled between his campaign pledge to kill the policy known as Deferred Action for Childhood Arrivals, or DACA, and his sympathy for the nearly 800,000 people whose lives could be upended if it's repealed, aides say.

"As an unofficial Sept. 5 deadline looms, there are growing signs that Trump will decide to phase out the program. But administration officials say he remains conflicted, trying to find a middle ground that balances his instinct to be tough on immigration and his personal feelings. Trump's final decision could drastically change the lives of the country's 'Dreamers.' Participants in the program -- which permits some people who were brought to the United States as children to live and work in the country temporarily -- worry they could lose their jobs or be subject to possible deportation if the program is suddenly ended." http://politi.co/2xxvLGz

-- MANY REPUBLICANS WE TALK TO say they believe there's a border wall/DACA deal to be made in the coming months.

POLITICO SCOOP -- "Virginia received DHS warning before Charlottesville rally," by Josh Meyer: "The Department of Homeland Security issued a confidential warning to law enforcement authorities three days before the deadly Aug. 12 Charlottesville protest rally, saying that an escalating series of clashes had created a powder keg that would likely make the event 'among the most violent to date' between white supremacists and anarchists. The 'law enforcement sensitive' assessment, obtained by POLITICO and reported for the first time, raises questions about whether Charlottesville city and Virginia state authorities dropped the ball before, and during, a public event that was widely expected to draw huge crowds of armed, emotional and antagonistic participants from around the country." http://politi.co/2gofe3R

BEYOND THE BELTWAY -- "Report: 'Anti-protester' bills gain traction in state legislatures," by USA Today's Heidi M. Przybyla: "Republican legislators in 20 U.S. statehouses have proposed -- and six legislatures approved -- new restrictions on the right to assemble and protest so far this year, according to a new report by the Democrat-aligned State Innovation Exchange. ... Among the states approving what SiX calls 'anti-protester' legislation were Arkansas, Oklahoma, North Dakota, Georgia and South Dakota. Arkansas, for instance, has passed a new 'anti-loitering' bill that makes it an offense if a person 'lingers, remains or prowls in a public place or the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of persons or property in the vicinity.'" https://usat.ly/2gnM5FL

THE RUSSIA PROBE -- "Special counsel subpoenas Manafort's former attorney and spokesman," by CNN's Evan Perez: "The subpoenas seeking documents and testimony were sent to Melissa Laurenza, an attorney with the Akin Gump law firm who until recently represented Manafort, and to Jason Maloni, who is Manafort's spokesman ... It's unclear what specific information the Mueller investigators believe Laurenza and Maloni may have. But issuing subpoenas to a lawyer of someone under investigation is unusual, in part because it raises potential attorney-client privilege issues that prosecutors tend to try to avoid. Maloni, as a public relations representative, doesn't have the same attorney-client privilege protections." http://cnn.it/2vHDQGx

-- "Donald Trump Jr. set to testify before Senate Judiciary panel," by Ali Watkins and Josh Dawsey: "The Senate Judiciary Committee has reached an agreement and set a date for Donald Trump Jr. to testify behind closed doors to the panel, the committee confirmed on Tuesday. The committee would not divulge the exact date, but another source familiar with the matter said the testimony would likely occur in the 'next few weeks' Trump Jr. is expected to be grilled about his meeting with a Kremlin-linked lawyer during his father's presidential campaign in which he was promised compromising information on Hillary Clinton. ... Sens. Chuck Grassley (R-Ia.) and Dianne Feinstein (D-Calif.), the panel leaders, said in July that they still intend to hold a public hearing with Trump Jr. after speaking with him privately, and would subpoena him to appear in open session if necessary." http://politi.co/2vpLfiK

****** **A message from the American Bankers Association:** America's banks play a critical role in generating economic growth while delivering safety and convenience for customers. The two million women and men who work for America's banks safeguard $12.9 trillion in deposits and originate $2.4 trillion in home loans. They provide $331 billion in loans to small businesses and $175 billion in loans to farmers and ranchers. Banks' fraud protection measures stop at least $11 billion in attempted fraud each year. And thousands of banker volunteers deliver financial literacy lessons annually to millions of young Americans to help them become financially successful adults. Find out more at www.aba.com/AmericasBanks, #AmericasBanks ******

IN THE BATTLEFIELD -- "Mattis allows transgender troops to serve as Pentagon studies Trump's ban," by Bob Hillman: "Defense Secretary Jim Mattis said Tuesday transgender troops will continue serving in the military while the Pentagon studies the

issue. Mattis said he'll establish a 'panel of experts serving within the Departments of Defense and Homeland Security' to provide advice and recommendations on the implementation of President Donald Trump's order to bar transgender individuals from serving in the military.

"In the interim, Mattis said, 'current policy with respect to currently serving members will remain in place' with interim guidance from him, including 'any necessary interim adjustments to procedures to ensure the continued combat readiness of the force until our final policy on this subject is issued.'" http://politi.co/2vqGPIp

VALLEY TALK - "Uber Faces Investigation of Possible Foreign-Bribery Law Violations," by WSJ's Douglas MacMillan and Aruna Viswanatha: "The Justice Department has taken preliminary steps to investigate whether managers at Uber Technologies Inc. violated a U.S. law against foreign bribery, according to people familiar with the matter. The agency has begun to review allegations that Uber may have violated the Foreign Corrupt Practices Act, which bans the use of bribes to foreign officials to get or keep business ... Based on what it finds, the Justice Department may or may not decide to open a full-fledged FCPA investigation into Uber. It is unclear whether U.S. authorities are focused on one country or examining activities in multiple countries where the company operates." http://on.wsj.com/2xLj1LQ

MEDIAWATCH -- "In the Trenches of Trump's Leak War: How the administration has changed the game between investigative reporters and their government sources," by Vanity Fair's Joe Pompeo: "On July 6, the Senate Committee on Homeland Security and Governmental Affairs issued a scathing report detailing what the Committee characterized as a seething epidemic of classified information making its way into the press. Titled, 'State Secrets: How an Avalanche of Media Leaks Is Harming National Security,' the 23-page document cites 'at least 125 stories' between Inauguration day and May 25 'with leaked information potentially damaging to national security.' ... Consternation about the report was particularly high in The Washington Post's newsroom, not only because 33 of its journalists' stories were in the crosshairs, but also because 'State Secrets' was being promoted on Twitter by one of their own.

"Jerry Markon was a longtime Post reporter who covered the Department of Homeland Security until February, when he left the paper to work for the Committee on Homeland Security as senior policy adviser to its chairman, Senator Ron Johnson. When the report landed, along with six retweets from Markon touting its findings, jaws hit the floor. At least one of Markon's former colleagues, according to people with knowledge of the matter, e-mailed him to ask if he'd written the report himself. Adam Goldman, who worked with Markon at the Post and even shared some bylines with him, was blunt in his assessment. 'Many former colleagues at the Post were disappointed,' Goldman told me. 'It was a betrayal.' (I reached out to Markon through the Committee's press office but he was not made available.) A Johnson aide emphasized that Johnson's 'concern is about the leakers and the national-security threats their leaks pose, not individual journalists.'" http://bit.ly/2iHDWgi

Playbookers

[redacted]

http://politi.co/2xKY0kr **SPOTTED:** Ian Sams and CadeAnn Smith, John Hammontree, Marc Rodriguez, Carl Holshouser and Andy Smith, Paul Jimenez and Regina Peña.

WELCOME TO THE WORLD -- Tony Lombardo, executive editor for Military Times, and **Jessica Coomes,** deputy news director for Bloomberg BNA, recently welcomed Leo Thomas Lombardo. Leo came in at 8 pound 4 ounces and join his two sisters. ***Pic*** http://politi.co/2w4VKVI

TRANSITIONS -- Ben Sparks has started as director of political affairs at Red Rock Strategies. He most recently was director for political and public affairs at digital ad firm Arena. ... Wilson Sonsini Goodrich & Rosati has hired **Beth George** in the San Francisco office for the firm's privacy and data protection practice. She previously served as deputy general counsel at the Defense Department in the Obama administration. ... **Geoffrey Baum** has started as director of media relations at the Milken Institute. He is a former C-SPAN Washington Journal executive producer and Sunnylands communications director.

BIRTHWEEK (was yesterday): WSJ DC bureau chief Paul Beckett. He celebrated his 50th with champagne with colleagues in the office. (hat tip: Brody Mullins)

BIRTHDAY OF THE DAY: LA Times' **Christi Parsons,** who's currently writing a "book about de-segregation of the Tuscaloosa, Alabama public schools in the 1980s." **How she's celebrating:** "This is Big Fifty, so I'm celebrating all year! Every day I do something special with someone dear." **Read her Playbook Plus Q&A:** http://politi.co/2goCtL0

BIRTHDAYS: Warren Buffett ... CNN's John King ... Sen. Thom Tillis (R-N.C.) ... Jordan Kauflin ... Ginny Hunt, principal for strategy and civic innovation at Google ... Kerri Collins ... Caitlin Girouard, comms. director for Sen. Klobuchar ... Patrick Kerley, managing director at Burson-Marsteller ... Corley Kenna, director of global comms and PR at Patagonia (h/ts Ben Chang) ... WaPo's Martine Powers (h/t Lauren Dezenski) ... Politico's analytics and search guru Mitch Schuler ... Politico's Jennifer Dreyer and Catherine Pritchard ... Elizabeth Harball, reporter for Alaska's Energy Desk ... Gary Ginsberg, EVP of Time Warner and founding editor of "George" together with JFK, Jr. (h/t Jewish Insider) ... Kimmy Railey, reporter at National Journal's Hotline (h/t Zach

Montellaro, filing from Chicago) ... Margy Levinson of BerlinRosen Public Affairs ... Fox News' Eldad Yaron ... Bradley Silverman ... Alex Cathcart of Federal Capital Partners ...

... Murray Weiss of CBS News' "48 Hours" ... John Donner of Glendale, CA (h/t son Jason Donner, ace Fox News producer roaming Capitol Hill) ... Ariana Berengaut ... Eric Pooley, SVP of strategy and comms at the Environmental Defense Fund ... Susan Holappa ... George Riccardo ... Christine Marlowe ... Karl Russo ... Minna Elias ... Bush SBA alum Cheryl Mills ... Sara Cooper ... Christine Mangi ... Heidi Aldrich ... Rob Dettbarn ... Jody Day ... Greg Spring, spending his BIG day dancing the night away in Minneapolis ... Ruthie Posekany ... Justin Paschal ... Jadyn Gilbert (h/ts Teresa Vilmain) ... Charlie Pope ... Terry Bish ... Sean Finnegan ... Andrey Che ... Cristine Russell ... Pam Gibson ... comedian Lewis Black ... Cameron Diaz ... Lisa Ling ... Andy Roddick (h/ts AP)

****** **A message from the American Bankers Association:** America's banks play a critical role in generating economic growth while delivering safety and convenience for customers. The two million women and men who work for America's banks safeguard $12.9 trillion in deposits and originate $2.4 trillion in home loans. They provide $331 billion in loans to small businesses and $175 billion in loans to farmers and ranchers. Banks' fraud protection measures stop at least $11 billion in attempted fraud each year. And thousands of banker volunteers deliver financial literacy lessons annually to millions of young Americans to help them become financially successful adults. Find out more at www.aba.com/AmericasBanks, #AmericasBanks ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 11/8/2017 3:59:15 AM
Subject: BREAKING NEWS: Curtis elected to replace Chaffetz in House

Republican John Curtis has won the special election to replace former Rep. Jason Chaffetz in the House.

Curtis, the mayor of Provo, Utah, had 59 percent of the vote to Democrat Kathie Allen's 26 percent when The Associated Press called the race. Third-party candidate Jim Bennett, the son of former Republican Sen. Bob Bennett, had 9 percent. Chaffetz resigned from Utah's heavily Republican 3rd District on June 30, triggering a special election.

See https://www.politico.com/story/2017/11/07/virginia-new-jersey-election-results-2017-244655 for full election coverage.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Fri 8/18/2017 2:02:31 PM
Subject: POLITICO's Morning Energy: Scott Pruitt's campaign in waiting? — Comments pour in on offshore drilling plan — Oregon lawmakers back Suniva solar petition

By Anthony Adragna | 08/18/2017 10:00 AM EDT

With help from Emily Holden

IS SCOTT PRUITT PLAYING THE LONG GAME? Ostensibly to gather feedback on rolling back an Obama-era water rule, EPA Administrator Scott Pruitt's 10-state trek this summer - jam-packed with local media hits - is raising eyebrows around the Beltway that the former Oklahoma attorney general is laying the groundwork for a political campaign once he leaves President Donald Trump's Cabinet, Pro's Emily Holden reports. "Whatever he may claim to be, he is a politician with campaign experience," one GOP strategist said, noting EPA likely won't be "his career culmination goal."

It's not immediately clear what office Pruitt, 49, could seek but speculation has focused on the Senate seat held by Jim Inhofe - should the 82-year old fifth-term senator decide to retire or not seek reelection in 2020. If he does seek elected office, Pruitt could be the first EPA chief to make that jump. His inner circle is dominated by key personnel with links back to Oklahoma, though state strategists say they haven't heard of any campaigns on the horizon: "I can tell you that I have not heard anybody in Oklahoma talk about a Senate run for Scott Pruitt," Oklahoma GOP political strategist Pat McFerron told Emily.

But what's clear to former Republican EPA chiefs is Pruitt has an entirely different focus than past administrators. Former George W. Bush EPA chief Christine Todd Whitman noted he's spending more time on television and away from headquarters. "You've got plenty on your plate. You really don't have a lot of time to go and do the kinds of stuff he's doing," said Whitman, a former New Jersey governor. EPA declined to comment on Pruitt's future plans but defended his trips. "Unlike the previous administration which imposed its regulatory regime from Washington, Administrator Pruitt is taking the conversations directly to the states," said EPA spokesman Jahan Wilcox.

History lesson: Former GOP-appointed EPA Administrator Bill Ruckelshaus said Pruitt "clearly has not bought into the mission of EPA," and is "more interested in reducing the regulatory impact." Though Pruitt's often compared to Anne Gorsuch, who Reagan appointed to EPA to ease environmental regulations, Ruckelshaus argued the Oklahoman might be more effective at shrinking the agency's profile than Gorsuch who didn't successfully dismantle much. "They weren't as knowledgeable about the laws ... the people they brought in were not very skilled," he said. "What this administration is doing is bringing in somebody who has been suing the agency for a long time, although never very successfully." He said Pruitt and his staff, comprised of Hill staffers, are familiar enough with the statute to be "skillful at unraveling the agency's system." Ruckelshaus added that other news from the administration is distracting from Pruitt's rollbacks.

TGIF AND WE MADE IT EVERYONE! I'm your host Anthony Adragna, and the Senate

Energy Committee's Sean Solie was first to identify Kiribati as the only country in all four hemispheres (though France may as well depending on how you count its land overseas). For today: What's the world's only remaining grand duchy? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

LIFELINE SOUGHT FOR GEORGIA NUCLEAR PROJECT: Southern Co. and Oglethorpe Power Corp. are in talks with the Energy Department to potentially increase the record $8.3 billion loan guarantee for the two troubled new reactors under construction at Plant Vogtle in Georgia, Bloomberg reports. "We have filed an application to potentially increase the amount of funds available for the Vogtle project under our DOE loan guarantee agreement to keep all options open for customers," Georgia Power spokesman Jacob Hawkins told the wire service. People familiar with the discussions say the project's growing costs may mean the companies can qualify for additional government support. DOE spokeswoman Shaylyn Hynes said the agency "continues to have daily conversations with our borrowers about the status of Plant Vogtle."

LET IT (CONTINUE TO) FLOW: Both the Trump administration and the company behind the Dakota Access pipeline argued in briefs filed late Thursday the pipeline should continue to operate while the Army Corps of Engineers revisits an environmental review a federal court ruled earlier this was inadequate. Dakota Access LLC said in its brief "the extremely low likelihood of any harm if the pipeline remains operational" and the "the certain disruption should the Court order otherwise" justified keeping the project running. A federal judge back in June found the Army Corps used flawed risk and environmental justice analysis when clearing the pipeline operator to finish construction.

LET THOSE DRILLING COMMENTS FLOW: Interior officials have plenty of information - 56,000 comments - to weigh as they begin the arduous process of crafting a new five-year offshore drilling plan after Thursday's comment deadline. Some input that caught ME's eyes:

-**Virginia Gov. Terry McAuliffe** asked for his state to not be included after previously expressing openness to the idea provided the state got a cut of drilling revenues. "The program as proposed does not adequately protect Virginia's interests and we hope you will heed our request to exclude our coastal areas," he wrote.

-**Major energy associations** called the drilling plan's expansion to also include new areas in the Atlantic, Eastern Gulf of Mexico, Beaufort and Chukchi seas of Alaska and Pacific. "The decisions made now will have long-lasting impacts on U.S. energy policy," nine trade groups, including the American Petroleum Institute, National Ocean Industries Association and Independent Petroleum Association of America, wrote. "To continue our march towards greater energy independence, bold, forward-looking decisions need to be made."

-**Thirty Democratic senators, led by Oregon's Jeff Merkley,** urged Interior Secretary Ryan Zinke in a letter to maintain existing protections and exclusions in the current 2017-2022 offshore drilling plan. "We believe the existing program correctly excludes areas from the leasing program that pose significant environmental, economic, and cultural risk, as well as face

strong community opposition. We urge you to maintain the protections and exclusions outlined in the current 2017-2022 Program," they wrote.

-**More than 1,500 veterans** wrote Zinke that expanding offshore drilling was not compatible with military readiness. And a coalition of green groups, including Natural Resources Defense Council, the Sierra Club, Earthjustice, Oceana, Greenpeace and the Center for Biological Diversity, said more than 370,000 people were opposed to any drilling expansion. "There are no new facts to consider," the groups said in a statement. "The public opposes this reckless step and there is no need in the United States for the limited energy that would be produced."

TRUMP, SCOTT TALK DIKE FUNDING: Maybe not your ordinary lunch chatter, but Trump and Florida Republican Gov. Rick Scott heavily focused on the state's push to get money to repair a federally operated dike around Lake Okeechobee while breaking bread Thursday, POLITICO Florida's Matt Dixon reports. Florida wants federal money to help repair the Herbert Hoover Dike around the lake. "Governor Scott wants to do all he can to protect Florida's environment and President Trump is very supportive," Scott communications director John Tupps said in a statement.

GORE TO TRUMP: TIME TO RESIGN: Former Vice President and environmental advocate Al Gore urged Trump to quit during an interview released Thursday, POLITICO's Darren Samuelsohn reports. Asked what single piece of advice he'd give Trump, Gore told the website LADbible: "Resign."

Speaking of: Gore will keynote the National Clean Energy Summit co-hosted by former Sen. Harry Reid and Nevada Gov. Brian Sandoval on Oct. 13. "Vice President Gore is the most prominent environmental activist in the world today, and I am pleased my friend is coming to Nevada for the National Clean Energy Summit," Reid said in a statement. More on the summit here.

MAIL CALL! OREGONIANS BACK SUNIVA SOLAR TARIFF PETITION: Five Oregon Democrats, including Senate Finance ranking member Ron Wyden, sent a letter to the International Trade Commission backing "appropriate remedies" to a surge in cheap solar imports that many argue have harmed domestic manufacturers. "Should the ITC make an affirmative finding, we support recommending a remedy that will save and strengthen this important American manufacturing industry," they wrote. The ITC held a public hearing earlier this week on petitions from Suniva and SolarWorld Americas seeking steep tariffs on imported solar cells and modules.

PUMP THE BREAKS ON WOTUS REPEAL: More than 100 House Democrats are out with a letter today to Pruitt urging him to reconsider plans to revamp the Obama administration's Waters of the U.S. rule. "We would be willing to work with an administration that wants to develop thoughtful changes that maintain protections for this life-sustaining resource, but this repeal is reckless," the letter, led by Rep. Don Beyer, says.

MORE LAWMAKERS WEIGH IN ON MONUMENTS: California senior Sen. Dianne Feinstein sent Zinke a letter urging him not to alter the boundaries of the six national monuments

from her state still under review. "I encourage you to visit these remarkable places and witness firsthand their inspirational beauty and significance to our nation," she wrote, thanking Zinke for recommending no changes to the Sand to Snow National Monument on Wednesday. In addition, Rep. Martha McSally (R-Ariz.) sent a somewhat bizarre letter urging Zinke to "carefully consider" the impact of his decisions but offering no recommendations for how he should approach the three other Arizona national monuments still under review.

DOJ sued for monument records: The Western Values Project filed a lawsuit Thursday after DOJ's Office of Legal Counsel didn't respond to FOIA requests seeking records related to any efforts to legally justify a roll back of national monument designations made under the Antiquities Act. "The Trump administration is stonewalling the release of public information as they try to fabricate legal loopholes to revoke or resize national monuments," Jayson O'Neill, Western Values Project's deputy director, said in a statement. In particular, the suit seeks records from DOJ communications with Pacific Legal Foundation and American Enterprise Institute staff, as well as two specific attorneys.

SETTING THE RECORD STRAIGHT: Paul Bailey, president of the American Coalition for Clean Coal Electricity, tells ME his group's paper urging the Department of Energy to rethink parts of its draft grid study was misunderstood by some. "The way this appeared in one trade press ... it sounded like we were being critical of natural gas and that's not really the purpose of the paper or in fact the tone of it," Bailey said. "I hope they would be fair about pointing out the shortcomings of natural gas, as well as the advantages. All electricity sources have pluses and minuses." That said, Bailey said he wants staff to distinguish between reliability and resiliency and note that gas can't always make its way to power plants in emergency situations.

OKLAHOMA REP POISED FOR NASA NOMINATION: Trump is getting ready to tap Oklahoma GOP Rep. Jim Bridenstine as NASA administrator, according to multiple reports this week. Bridenstine has been the rumored selection for months. His selection would likely spell trouble for the agency's Earth science program that studies, among other things, climate change. Back in 2013, Bridenstine demanded an apology from Obama on the House floor for what he called the " gross misallocation" of taxpayer dollars into the study of climate change.

KEEP ON TRUCKIN': EPA plans to reconsider parts of the Obama administration's 2016 Phase 2 emissions rule for heavy-duty trucks, which established new standards for model years 2021-2027 of tractor-trailers, school buses, delivery vans and other large workhorse vehicles, Pro's Alex Guillén reports. The agency may revise trailer standards and a part of the rule that classifies gliders - refurbished engines installed into a new tractor chassis - as a new motor vehicle. It plans to keep separate requirements for tractor engines.

GREENS GO BIG FOR NORTHAM: Virginia's League of Conservation Voters announced Wednesday it would spend $1.1 million on a field campaign boosting Democrat Ralph Northam's bid for governor. The effort will stress door-to-door campaigning in the Richmond area and also back Mark Herring for attorney general and Justin Fairfax for lieutenant governor. "We live in an era of unprecedented attacks on the environment from the federal level and Ralph is the only candidate in this race who will stand up to this radical agenda and do the right thing for the air we breathe, water we drink, and the special places we love," Michael Town, the group's

executive director, said in a statement.

WHILE ZINKE'S AWAY: Deputy Interior Secretary David Bernhardt was in Zinke's home state of Montana Thursday "at the dedication of a new wildlife corridor" at the site of a former mine, he tweeted. Kinross Gold U.S.A., Inc., Trout Unlimited and the Rocky Mountain Elk Foundation teamed up to protect the site near Yellowstone and top politicians, including Gov. Steve Bullock, Sens. Jon Tester and Steve Daines and Rep. Greg Gianforte all attended.

HAVE A LISTEN: DOE is out with a new podcast looking at what next week's solar eclipse might mean for the electric grid. Have a listen here. And the Third Way released a short video detailing how the agency helps develop and commercialize new energy technologies.

MOVER, SHAKER: Ramsey Kropf, former deputy solicitor for Interior's water resources division, has joined Somach Simmons & Dunn as a shareholder. She'll work out of the firm's Boulder, Colo. office in its western water practice.

CONGRATS! Jeff Grappone, who works in corporate communications at Siemens USA, proposed to Amy Graham, who works in public affairs at the EPA, on Tuesday. "Jeff proposed on Siasconset Beach in Nantucket and they celebrated at dinner in town with friends before finishing the night at the Club Car's piano bar." A picture of the couple here. (h/t Playbook)

QUICK HITS

- Henry Hub Emerges as Global Natural Gas Benchmark. Wall Street Journal.

- How did Trump wind up sharing a toast with Gov. Christie Whitman? NJ.com.

- NY sues feds over LI Sound dumping plan. Newsday.

- Pruitt assigns political appointee to vet grant requests. E&E News.

- July ranks 2nd for heat globally, hottest recorded on land. AP.

- Norway authorities stop Greenpeace protests at Arctic well. Reuters.

THAT'S ALL FOR ME!

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/08/18/scott-pruitts-campaign-in-waiting-221947

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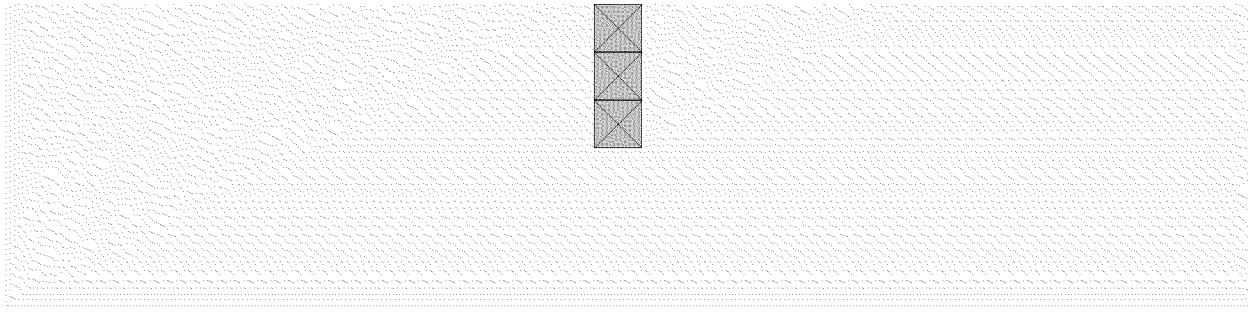
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From: American Security Today
Sent: Fri 8/4/2017 12:05:56 PM
Subject: SFO Tragic Near Miss, Manhunt for Univ Prof, New Firearm Record, Opioid Detect Unit, FBI Reward





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Fri 12/1/2017 11:28:43 AM
Subject: POLITICO Playbook, presented by PhRMA: TAX DEBATE scheduled to resume at 11 a.m. -- TRUMP says shutdown could be good for him -- KNOWING JOHN MCENTEE -- GOV'T SHUTDOWN is one week away -- TRUMP pressed Senate to end Russia probe -- B'DAY: Karen Tumulty

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Today's POLITICO Playbook presented by PhRMA

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Friday morning and welcome to December. THE SENATE IS SCHEDULED TO RESUME WORK ON THE TAX BILL this morning. Late yesterday, the process hit a snag.

SEUNG MIN KIM and **COLIN WILHELM:** "Multiple GOP senators leaving the chamber after a dramatic late afternoon vote said a key proposal for deficit hawks -- a trigger to raise tax rates if sufficient economic growth did not materialize -- would not pass procedural muster and would need to find something else to satisfy the bloc of deficit hawk holdouts, led by Sen. Bob Corker (R-Tenn.).

"'It doesn't look like the trigger is going to work, according to the parliamentarian,' Senate Majority Whip John Cornyn (R-Texas) said. 'So we have an alternative, frankly: a tax increase we don't want to do to try to address Sen. Corker's concerns.'" http://politi.co/2iqAOpU

-- **WAPO'S ERICA WERNER, MIKE DEBONIS** and **DAMIAN PALETTA:** "Now, Republican leaders may have to brace for an intraparty battle over how far to go to accommodate deficit concerns. Other Republicans are arguing strongly against reducing the size of the bill's tax cut, as may now be necessary to satisfy the deficit hawks. ...

"Thursday evening, senators were eyeing a wide range of options to move legislation forward. They are discussing adding higher taxes on upper-income Americans and modestly rolling back the bill's large corporate tax cut. But they did not have an obvious solution, given the need to add hundreds of billions of revenue back into the bill. ...

"The debate is now expected to spill into Friday night. Corker and Flake are both retiring from the Senate and are not up for reelection, giving Republican leaders little leverage over them. And Johnson has pushed his challenge of GOP leaders, some of whom he believes abandoned him during his reelection effort last year." http://wapo.st/2AKXE2N

-- WSJ'S RICH RUBIN, SIOBHAN HUGHES and **KRISTINA PETERSON:** "One possible outcome is that the corporate tax rate would start at 20% and rise in stair-step increments in later years. That move could shrink the size of the tax cut by at least $350 billion over a decade, making it about three-quarters of its previous size and potentially dampening some of the economic growth Republicans said they are trying to create.

"White House congressional liaison Marc Short, who was dashing between Republican leadership offices, said that Republicans were still on track and the legislation's goals would remain the same. Referring to the possible change on corporate taxes, Mr. Short said, 'Even if that happens, it provides record tax relief for the corporate side, and middle-income families.'" http://on.wsj.com/2Aii3v4

ALL EYES will be on Senate Majority Leader Mitch McConnell who still must convince the skeptical deficit hawks to vote for the bill. **WHO TO WATCH -- THE USUAL SUSPECTS:** Sens. Bob Corker (R-Tenn.), Jeff Flake (R-Ariz.) and Ron Johnson (R-Wis.).

UNDER THE RADAR -- "Tax bill could trigger historic spending cuts," by Adam Cancryn and Sarah Ferris: "Republicans are on the verge of a massive tax overhaul that would hand President Donald Trump his first major legislative victory. But the $1.5 trillion tax package could trigger eye-popping cuts to a slew of federal programs, including Medicare. Unless Congress acts swiftly to stop it, as much as $150 billion per year would be cut from initiatives ranging from farm subsidies to student loans to support services for crime victims. Medicare alone could see cuts of $25 billion a year. And the specter of those cuts has thrust Congress into a high-stakes game of political chicken.

"With so much attention focused on the tax bill itself neither lawmakers nor many of the advocacy groups had paid as much attention to the depth and breadth of the cuts that will ensue unless the House and Senate come up with a bipartisan deal to stop them. Some groups had run Medicare ads, but they were largely overshadowed by the tax debate itself." http://politi.co/2BvVzVz

A REMINDER of what's on Washington's radar this month: renewing a massive children's health program, government funding, a rewrite of the country's tax code, restoring subsidies for the health care law, working on a fix so hundreds of thousands of undocumented people do not get deported and a deal to lift spending caps.

ONE WEEK until the government runs out of money.

SHUTDOWN WATCH -- "Trump tells confidants that a government shutdown might be good for him," by WaPo's Josh Dawsey, Sean Sullivan and Ed O'Keefe: "President Trump has told confidants that a government shutdown could be good for him politically and is focusing on his hard-line immigration stance as a way to win back supporters unhappy with his outreach to Democrats this fall, according to people who have spoken with him recently. Over the past 10 days, the president has also told advisers that it is important that he is seen as tough on immigration and getting money for a wall along the U.S.-Mexico border, according to two people who have spoken with him. He has asked friends about how a shutdown would affect him politically and has told several people he would put the blame on Democrats." http://wapo.st/2j4xsFY

-- YOU WON'T FIND many Republicans on Capitol Hill who think that a shutdown is good for them.

THE NEW BOSS AT LANGLEY? -- "Cotton cements his rise under Trump: The Arkansas senator, under consideration as a potential successor to Mike Pompeo as CIA director, has chosen to shape the president rather than railing against him," by Eliana Johnson and Ali Watkins: "Cotton's appointment would cement his meteoric rise in Republican politics, the result of qualities that have taken him, in a matter of years, from freshman congressman to the youngest serving U.S. senator to, potentially, the youngest CIA director in American history: loyalty, brains and raw ambition.

"He also embodies one of the GOP's responses to Trump. Having already shared some of the president's populist leanings, he has worked to co-opt and shape the president rather than rail against him. An ideological conservative from the American heartland, Cotton came up through the Ivy League and was groomed by some of the country's leading conservative thinkers, from the Weekly Standard's Bill Kristol, one of Trump's leading critics, to the acolytes of Leo Strauss at the Claremont Institute who have been far more supportive of the president." http://politi.co/2zUjn8F

-- "White House wanted to publicly shame Tillerson, source says," by CNN's Michelle Kosinski and Sara Murray: "Reports that the White House has a tentative plan to replace Secretary of State Rex Tillerson that emerged Thursday were an effort to express President Donald Trump's deep displeasure and publicly shame his secretary of state, a source with direct knowledge of the White House's thinking said Thursday. The hope from the White House, the source said, is to push out the plan to replace Tillerson and then 'wait for him to punch out.'" http://cnn.it/2AK0WDn

-- "We'll take Pompeo over Tillerson, frustrated diplomats say: Even skeptics of the hawkish CIA director say they would welcome a change - and a solid Trump ally - at the helm of their beleaguered department," by Nahal Toosi: http://politi.co/2jzwIYM

-- NYT'S MARK LANDLER: "Replacing Tillerson With Pompeo Would Supplant a Moderate With a Hawk": "For all his political and bureaucratic stumbles, Secretary of State Rex W. Tillerson has been a steady voice of moderation in how the Trump

administration engages with the world.

"That voice will be lost if, as expected, President Trump replaces Mr. Tillerson at the State Department with Mike Pompeo, a hard-line former Republican congressman who has brought an avowedly political edge to the Central Intelligence Agency, where he is the director. Mr. Pompeo, a West Point graduate best known for savaging Hillary Clinton's response to the deadly attack in Benghazi, Libya, when she was secretary of state, has called for the Iran nuclear agreement to be ripped up, played down talk of Russia's interference in the 2016 election and suggested that regime change in North Korea would be a welcome development.

"Those views have put him in good stead with Mr. Trump, whom White House aides said has come to value Mr. Pompeo's pungent opinions and hard-charging style during his presidential daily briefings. Mr. Trump, by contrast, has publicly undermined Mr. Tillerson while the secretary of state has responded with thinly veiled contempt." http://nyti.ms/2jzZatP

****** **A message from PhRMA: How much are hospitals marking up medicine prices?** According to new Moran Company analysis, hospitals mark up medicine prices nearly 500 percent. The analysis of 20 medicines also found a hospital is paid 2.5 times what the biopharmaceutical company, who brought the medicine to market, receives. Read more: http://onphr.ma/2hSaqox ******

TRUMP'S FRIDAY -- Trump is meeting with Prime Minister Fayez al-Sarraj of Libya. He will have lunch with Secretary of State Rex Tillerson and Defense Secretary James Mattis. This afternoon, he will give a speech at a White House Christmas reception.

SAN FRANCISCO CHRONICLE -- "Kate Steinle trial: Garcia Zarate acquitted in San Francisco pier killing," by Vivian Ho: "A jury handed a stunning acquittal on murder and manslaughter charges to a homeless undocumented immigrant whose arrest in the killing of Kate Steinle on a San Francisco Bay pier intensified a national debate over sanctuary laws. ... [T]he Superior Court jury ... [found] credence in defense attorneys' argument that the shot that ricocheted off the concrete ground before piercing Steinle's heart was an accident, with the gun discharging after the defendant stumbled upon it on the waterfront on July 1, 2015.

"Garcia Zarate, a 45-year-old Mexican citizen who was released from County Jail before the killing despite a federal request that he be held for his sixth deportation, was convicted of a single lesser charge of being a felon in possession of a gun. He faces a sentence of 16 months, two years or three years in state prison. ... U.S. Attorney General Jeff Sessions blamed the killing on San Francisco's policy of refusing cooperation with immigration agents. Jim Steinle, who had been strolling on the pier with his daughter when she fell, told The Chronicle he was 'saddened and shocked,' adding, 'Justice was rendered, but it was not served.'" http://bit.ly/2BATsQt

--@realDonaldTrump at 10:30 p.m.: "A disgraceful verdict in the Kate Steinle case! No

wonder the people of our Country are so angry with Illegal Immigration." ... **at 6:03 a.m.:** "The Kate Steinle killer came back and back over the weakly protected Obama border, always committing crimes and being violent, and yet this info was not used in court. His exoneration is a complete travesty of justice. BUILD THE WALL!" ... **at 6:13 a.m.:** "The jury was not told the killer of Kate was a 7 time felon. The Schumer/Pelosi Democrats are so weak on Crime that they will pay a big price in the 2018 and 2020 Elections."

THE RUSSIA REPORT -- "Trump Pressed Top Republicans to End Senate Russia Inquiry," by NYT's Jonathan Martin, Maggie Haberman and Alex Burns: "President Trump over the summer repeatedly urged senior Senate Republicans, including the chairman of the Senate Intelligence Committee, to end the panel's investigation into Russia's interference in the 2016 election, according to a half dozen lawmakers and aides. Mr. Trump's requests were a highly unusual intervention from a president into a legislative inquiry involving his family and close aides.

"Senator Richard Burr of North Carolina, the intelligence committee chairman, said in an interview this week that Mr. Trump told him that he was eager to see an investigation that has overshadowed much of the first year of his presidency come to an end.

"'It was something along the lines of, 'I hope you can conclude this as quickly as possible," Mr. Burr said. He said he replied to Mr. Trump that 'when we have exhausted everybody we need to talk to, we will finish.' In addition, according to lawmakers and aides, Mr. Trump told Senator Mitch McConnell of Kentucky, the Republican leader, and Senator Roy Blunt, Republican of Missouri and a member of the intelligence committee, to end the investigation swiftly." http://nyti.ms/2jz8vSF

-- "Manafort strikes $11 million bail deal with prosecutors," by Josh Gerstein and Darren Samuelsohn: "Former Trump campaign chairman Paul Manafort has reached an $11 million bail agreement with prosecutors that could clear the way for him to be released from the house arrest he's been under for the past four weeks. In court filings released Thursday afternoon, Manafort's defense attorneys revealed 'an agreed-upon bail package' with lawyers from special counsel Robert Mueller's office, which obtained an indictment last month charging Manafort and business partner Rick Gates with money laundering and failing to register as foreign agents." http://politi.co/2zTwwik

-- "Russian trolls pushed graphic, racist tweets to American voters," by NBC News' Ben Popken: "A zealous band of Russian trolls flooded Twitter with hundreds of thousands of divisive posts in 2016 - accusing Democrats of satanic practices and supporting rape - in an attempt to influence the presidential election, according to a new analysis of a Twitter database by NBC News. The effort tricked thousands of users into spreading graphic racial epithets across social media, interweaving provocative content with disinformation and falsehoods. The tweets were uncovered in a database of over 202,000 deleted Russian troll tweets that NBC News compiled." http://nbcnews.to/2AlUakw

-- "Erik Prince details Seychelles meeting with Russian banker," by CNN's Manu

Raju, Jeremy Herb and Marshall Cohen: "Blackwater founder Erik Prince testified to House lawmakers that he met the head of a Russian investment fund earlier this year -- but he insisted it was not part of an effort to set up a Russian backchannel with the Trump administration, multiple sources told CNN. In private testimony Thursday, Prince informed the House Intelligence Committee that he met in the Seychelles with Kirill Dmitriev, who is the chief executive of the state-run Russian Direct Investment Fund, at the request of the United Arab Emirates to discuss business opportunities.

"The meeting on the island in the Indian Ocean, he said, lasted roughly 20 minutes after dinner over a beer. Prince insisted he did not have the meeting at the request of the Trump administration, according to multiple sources with direct knowledge of the situation. ... But Prince downplayed his ties to the Trump's team, merely saying he was a Trump donor and had met the President on only one occasion, the sources said." http://cnn.it/2ApsLxV

-- "Trump Associate Felix Sater Selling His $2.5M Long Island Manse," by Realtor.com's Becky Bracken: "Called one of the 'most colorful characters' in the ongoing Justice Department investigation into ties between President Donald Trump and Russia, real estate developer Felix Sater is now selling his home in Sands Point, NY, for just under $2.5 million. The four-bedroom, 3.5-bath, 3,600-square-foot home is surrounded by lush foliage, and walls of arborvitaes offer privacy for lounging by the pool. It's a pristine Long Island property on nearly 2 acres that any family would love to call home." ***With four pics*** http://bit.ly/2AoLZDX

SCOOP -- "The Trump Administration Is Mulling A Pitch For A Private 'Rendition' And Spy Network," by BuzzFeed's Aram Roston: "The White House and CIA have been considering a package of secret proposals to allow former U.S. intelligence officers to run privatized covert actions, intelligence gathering, and propaganda missions, according to three sources who've been briefed on or have direct knowledge of the proposals. One of the proposals would involve hiring a private company, Amyntor Group, for millions of dollars to set up a large intelligence network and run counterterrorist propaganda efforts, according to the sources.

"Amyntor's officials and employees include veterans of a variety of U.S. covert operations, ranging from the Reagan-era Iran-Contra affair to more recent actions in Iraq and Afghanistan. ... Another proposal presented to U.S. officials would allow individuals affiliated with the company to help capture wanted terrorists on behalf of the United States. In keeping with that proposal, people close to the company are tracking two specific suspects in a Middle Eastern country, the sources said, for possible 'rendition' to the United States." http://bzfd.it/2nkUfBR

WHAT RON DERMER IS READING -- "Trump inches toward moving U.S. Embassy to Jerusalem: The president promised during the campaign to support the move from Tel Aviv, but delayed it in June amid efforts to revive the Middle East peace process," by Andrew Restuccia and Eliana Johnson: "President Donald Trump and his senior aides are mulling a plan to eventually move the U.S. Embassy in Israel from Tel Aviv to

Jerusalem, a decision that could derail Trump's attempts to restart peace talks between the Israelis and the Palestinians.

"A leading option under consideration: temporarily keeping the U.S. embassy in Tel Aviv while also outlining a longer-term strategy to begin the process of moving the embassy to Jerusalem, according to two administration officials. The plan is meant to strike a middle ground on the politically treacherous issue. One of the officials also said the administration is weighing whether to officially recognize Jerusalem as the capital of Israel." http://politi.co/2zSjVeY

FIRST IN PLAYBOOK - WHAT JARED SAID LAST NIGHT -- JARED KUSHNER spoke at a dinner hosted by Egyptian Ambassador Yasser Reda and Nahla Reda in the Kennedy Caucus Room in the Senate to commemorate the 40th anniversary of former Egyptian President Anwar Sadat's visit to Jerusalem. "Forty years ago, President Anwar Sadat stood before the Knesset in Jerusalem, where his very presence, less than five years after the 1973 War, was something of a miracle. ... President Sadat demonstrated the courage that all great leaders need and too few possess. He took a risk for peace and earned a Nobel Prize for taking that risk. He also paid for that risk with his life. But the peace endures today, and the region is more stable and the opportunities for progress more plentiful as a result. Anwar Sadat understood that a country needed more than military strength to be great.

"His decision to chart Egypt on a course of peace and co-existence was an act of moral courage. ... President Sadat's dream -- a peaceful, thriving Egypt -- is a model for the world, but we should be under no illusions about the task facing us all as we continue to make that dream of peace and prosperity a reality. ... It is an honor to be here tonight, with the Former First Lady Jehan Sadat and Ambassador Yasser Reda as we stand together with America's close friend and partner in fighting terror. It is also great to have Israeli Ambassador Ron Dermer here this evening ... Tonight we remember a great man. His mission endures."

SPOTTED: Treasury Secretary Steven Mnuchin and Veterans Affairs Secretary David Shulkin, Sen. Ed Markey (D-Mass.), former Sen. Norm Coleman (R-Minn.), Reps. Mark Meadows (R-N.C.), Doug Lamborn (R-Colo.), Ed Royce (R-Calif.), and Darrell Issa (R-Calif.), Sergio Gor, Andy Westberry, Ezra Friedlander, Jacob Olidort.

COMING ATTRACTIONS -- "House GOP leaders preparing to bring gun measures to the floor," by Kyle Cheney and John Bresnahan: "House Republican leaders are preparing to move ahead with a package of gun legislation that would sharply expand concealed-carry rights but also address policies that came into play during two recent mass shootings. The proposal is expected to come to the floor as soon as next week. GOP leaders conducted a full whip count of the plan Thursday and sensed enough support from colleagues to bring up the measure, a combination of three proposals that would include a major policy win for gun rights advocates but also seek to placate those clamoring for policy changes following two of the worst shooting massacres in American history -- in Las Vegas and Sutherland Springs, Texas." http://politi.co/2kbVVwt

PIC DU JOUR -- @SteveRudinABC7: "The National Tree Lighting ceremony was beautiful this evening - but hard not to notice the empty seats. #Christmas #DMV #USA" http://bit.ly/2kdXIkl

YOU'RE INVITED -- Our first live podcast taping next Thursday night (Dec. 7) at 7 p.m. at Sixth and I. Our inaugural guests: **MICHAEL BARBARO**, host of the New York Times' hit podcast "The Daily," **DCCC EXECUTIVE DIRECTOR DAN SENA** and **NRCC EXECUTIVE DIRECTOR JOHN ROGERS**. And a panel of **POLITICO** stars: **RACHAEL BADE, SEUNG MIN KIM** and **ANNIE KARNI**. Get your tickets now! http://bit.ly/2hWK7tF

Playbook Reads

PHOTO DU JOUR: The National Christmas Tree is lit at the White House Ellipse on Nov. 30. | Astrid Riecken/Getty Images

JOHN MCENTEE PROFILE -- "The Trick-Shot QB Who Played His Way Into Trump's Inner Circle," by Nancy Cook and Ben Strauss: "At age 27, John McEntee, a former University of Connecticut quarterback and star of a viral YouTube trick-throw video, former low-level Fox News staffer and campaign official, now makes $115,000 a year as Trump's personal aide and body man. How he rose to this level of prominence is in some respects the quintessential tale of success within Trump's organization, where loyalty and looks often matter more than résumé. Athletically handsome and a sharp dresser-one former campaign official called him 'so pretty'-McEntee arrived at Trump's doorstep in August 2015 with no more qualifications than his determination to make the boss happy.

"[H]e has a conspicuously low profile -- McEntee's a 'lock box,' in the words of his father and one White House aide, who won't even dish to his own family. 'He literally loves the president. Not even to me, he would never say anything negative, not in a million years,' his father, John, says. 'He loves the president and that family. Jared and Ivanka, too.'" http://politi.co/2noAsBR

ALABAMA LATEST -- "Bannon-backed group makes six-figure ad buy in last-minute push for Moore," by CNN's Kaitlan Collins: "With less than two weeks to go in a volatile special election that has been rocked by allegations of sexual assault against the Republican front-runner, the group, Great America Alliance, is purchasing $150,000 worth of television, radio and digital ads to hit Moore's Democratic opponent, Doug Jones, for his positions on issues like abortion. ... One of the commercials that Great America Alliance will run, which the group initially released online, calls Jones' views on abortion 'deceptive and dangerous.'" http://cnn.it/2jzN1F6 ... ***The ad*** http://bit.ly/2BCoxDw

SEXUAL HARASSMENT FILES -- "Conyers vs. Franken: Black lawmakers suggest double standard," by Heather Caygle: "Black lawmakers are hearing growing calls for Rep. John Conyers to resign and wondering why Sen. Al Franken isn't getting the same treatment. Members of the Congressional Black Caucus have been privately airing concerns about a double standard within Democrats' ranks since sexual harassment allegations against Conyers, the longest serving House member and a founder of the CBC, first surfaced last week. Their concerns were thrust into the open Thursday when Conyers' lawyer hinted that Conyers was being treated differently than Franken because of race." http://politi.co/2AJ9udK

-- "Congress secretly paid nearly $100,000 to settle harassment claims against disgraced congressman," by ABC News' Justin Fishel: "The Congressional Office of Compliance secretly paid close to $100,000 in taxpayer funds to settle sexual harassment claims from at least two young male staffers who worked for disgraced former Congressman Eric Massa, multiple sources with direct knowledge of the matter told ABC News. The claims were settled after Massa, a Democrat from upstate New York, resigned in 2010 amid a pending ethics investigation into allegations he groped and sexually harassed members of his staff." http://abcn.ws/2j3MZWu

-- ELANA SCHOR and **HEATHER CAYGLE: "Lawmakers have carte blanche to cut secret harassment settlements"** http://politi.co/2jAKiv2

****** **A message from PhRMA:** According to new analysis from the Moran Company, hospitals mark up medicine prices, on average, nearly 500 percent. The analysis of 20 medicines also found a hospital is paid 2.5 times what the biopharmaceutical company, who brought the medicine to market, receives. While hospital markups lead to higher costs for patients, employers and payers, these markups are often overlooked in conversations about medicine costs. As the provider market continues to become more concentrated and the number of medicines being administered in hospital-owned facilities is growing, the amount hospitals mark up medicine prices needs greater scrutiny. http://onphr.ma/2Ba0TOa ******

DRIP, DRIP, DRIP -- "Matt Lauer's lawyers trying to get him $30M payout after firing," by N.Y. Post's Emily Smith: "Sources close to the disgraced newsman say his team is working on a plan to get him paid through the remainder of his $20 million a year contract - which still has a year and a half to run. A source close to Lauer's team said, 'They are currently looking at his contract and determining whether the claims against him, which clearly would affect any moral clause in his contract and his ensuing termination would cut off his contractual rights to be paid through to the end of his contract.' ... [M]oral clauses are often included in TV contracts and specify that talent could be fired without pay if they bring the company into any disrepute." http://pge.sx/2jBawgX

-- "Vice fires three employees amid investigations into sexual harassment," by CNN's Brian Stelter: "Vice Media fired three employees on Thursday amid a probe into

sexual harassment and improper workplace conduct, according to a memo obtained by CNNMoney. Vice did not name the employees. But the company said 'the conduct of these employees ranged from verbal and sexual harassment to other behavior that is inconsistent with our policies, our values, and the way in which we believe colleagues should work together.'" http://cnnmon.ie/2j5MRG1

-- BOSTON GLOBE: "Four men allege sexual misconduct by Senate president's husband," by Yvonne Abraham. http://bit.ly/2i8HHZ6

-- "It's Not Just the Matt Lauers and the Mark Halperins: The media's testosterone-fueled culture is driving talented and dedicated women out of journalism. I should know-TV news' sexist culture drove me away," by Shannon Van Sant in POLITICO Magazine: http://politi.co/2AKNIqi

MEDIAWATCH -- "White House extends special holiday-party welcome to behind-the-scenes CNN staffers," by WaPo's Erik Wemple: "CNN journalists, buffeted by brutal news cycles, are as festive as any other media types around this time of year. Yet the network decided that it wouldn't be spreading the joy at this year's White House Christmas party. ... The White House, however, is showing some disdain for top-down holiday-party invitation rejections. According to a CNN source, White House deputy press secretary Lindsay Walters on Thursday afternoon sent the following appeal to a dozen-plus CNN staffers who work behind the scenes to produce the network's coverage of news at the White House:

"'Good Afternoon, The President wanted you to know that while the rest of CNN will not be attending the Christmas reception, if you're able to he is still happy to have you - the cameramen, sound, and other technicians, who work so tirelessly behind the scenes - to come participate. You and your guest will be on the list at the entrance. Please note this invitation is nontransferable. Best, Lindsay.'" http://wapo.st/2BAIvyl

Playbookers

SPOTTED: Rick Perry in the Air France lounge yesterday at Dulles, sitting at the bar on the first class side. Jane Harman was separately in the lounge. ***Pic*** http://bit.ly/2jCgSwD ... Donald Trump Jr. and his wife and kids leaving BLT Prime at the Trump Hotel. Rep. Peter King (R-N.Y.) and Rep. French Hill (R-Ark.) were also in the lobby of the hotel last night. ... actor Dean Cain, "Superman," in the lobby bar of the Madison hotel yesterday. He and Kathie Lee Gifford later hosted the White House's National Christmas Tree Lighting Ceremony ... Rep. Jim Renacci (R-Ohio) yesterday flying from DCA to Columbus on American Airlines.

SPOTTED at a pre-holiday party for the Senate Press Secretaries Association hosted by Playbook, Edelman and the Wine and Spirits Wholesalers of America: Doug Andres, Rob Rehg, Luke Bolar, Becca Steele, Julia Krieger, Alex Moe, Sarah Swinehart, Katie

Waldman, David Lawder, Emily Teitelbaum, Peter Segall, Taylor Holgate, Patrick Temple-West, Ian Kullgren, Lynne Williams, Jillian Rogers, Alicia Amling, John Shinkle, Amy Harder, Steve Rebelliot, Todd Deutsch, Will Mauldin, Walter Suskind, Bennett Richardson, Sean Neary, Luke Bolar, Peter Cook, Alexa Papadopoulos, Katie Waldman, Jessica Brady, Olivia Beavers, Julia Manchester and Nihal Krishan.

SPOTTED at Hank's on the Hill last night at a Blue Dogs party: Reps. Kyrsten Sinema (D-Ariz.), Kurt Schrader (D-Ore.), Dan Lipinski (D-Ill.), David Scott (D-Ga.), Sanford Bishop (D-Ga.), Jim Costa (D-Calif.), Stephanie Murphy (D-Fla.), Brad Schneider (D-Ill.), Henry Cuellar (D-Texas), Vicente Gonzalez (D-Ga.), Tom O'Halleran (D-Ariz.), Jim Cooper (D-Tenn.) and Charlie Crist (D-Fla.).

FIRST IN PLAYBOOK -- AMY CHOZICK, who has been on book leave since February, will return to the New York Times today as a writer-at-large, doing features on business, politics, media and culture. Her memoir about covering both of Hillary Clinton's presidential campaigns is set to get published in the spring.

SUNDAY SO FAR -- CBS' "Face the Nation": Sens. Lindsey Graham (R-S.C.) and Angus King (I-Maine) ... OMB Director Mick Mulvaney. Political panel: Ron Brownstein, Ezra Klein, Julie Pace and Ramesh Ponnuru

-- "Fox News Sunday": Lt. Gen. H.R. McMaster ... Panel: Ret. Gen. Jack Keane, Michele Flournoy ... Panel: Karl Rove, Jennifer Griffin, Jason Chaffetz, Juan Williams ... Power Player: George Shultz

-- ABC's "This Week": Panel: Jen Psaki, Megan Murphy, Charles Blow, Alex Castellanos, Chris Ruddy

-- NBC's "Meet the Press": Corey Lewandowski and David Bossie. Panel: Eddie S. Glaude, Jr., Doris Kearns Goodwin, Mike Murphy and Danielle Pletka

-- CNN's "State of the Union": Sen. Tim Scott (R-S.C.)

-- CNN's "Inside Politics," hosted by John King: Julie Hirschfeld Davis, Julie Pace, Sahil Kapur, Michael Warren

BIRTHDAY OF THE DAY: Karen Tumulty, WaPo national political correspondent. **A fun fact about Karen:** "When I was 16, I was crowned queen of the Alamo Trail Ride. Rhinestone tiara, satin sash, purple suede chaps, the whole outfit. (I've got pictures, if you don't believe me.)" **Read her Playbook Plus Q&A:** http://politi.co/2Aguyr7

BIRTHDAYS: Natalie Wyeth Earnest, celebrating with dinner at Iron Gate and a "babysitter for the kids" (hubby tip: Josh) ... Jason Maloni of JadeRoq, celebrating by attending a fundraiser at his kids' pre-school ... Jen Psaki, VP at the Carnegie Endowment and a CNN contributor ... Florida Gov. Rick Scott is 65 ... POLITICO Magazine's Elizabeth Ralph ... Politico's Jacqueline Klimas and James Senkbeil ...

former CIA director Stansfield Turner is 94 ... Joel Miller ... Charlie Anderson, senior adviser for Sen. Michael Bennett ... Kyle Lierman, founder and CEO of Civic Advisors ... Wayne Ting ... Raul Alvillar ... Susan Stilts Collins ... Sen. Gary Peters (D-Mich.) is 59 ... Jared Scott Small ... Tim Purdon ... Ani Toumajan, LA for Sen. Debbie Stabenow (D-Mich.) ... Shin Inouye, director of communications and media relations at the Leadership Conference on Civil and Human Rights ... Marylouise Oates, former journalist, novelist and wife of Bob Shrum (h/t Tammy Haddad) ... Safra A. Catz, CEO of Oracle, is 56 ...

... Natalie Ravitz, SVP of comms for the NFL ... Josh Kraushaar, politics editor at National Journal, is 36 ... Sean Higgins, press secretary for Sen. Heidi Heitkamp (h/t Mitchell Rivard) ... Marty Chase is 77 ... Bush WH alum Jenny Lynn Buntin ... Bruce Kieloch is 52 ... NPR's Carrie Johnson ... Yochi Dreazen, foreign editor at Vox ... JS Kim of Credit Suisse ... Berry Kurland ... Jordan Lieberman of Audience Partners ... Mona Salama ... Brett Lieberman ... Jeri Henson Dies ... Reggie Smith ... Ryan Bell ... Hayley D'Antuono ... Terri New, founder and president of Capital Strategies, a political and philanthropic fundraising firm based in LA (h/t Jordan Markwith) ... Ed Fox ... Bill Manger ... Bruce Young ... Charlie Anderson ... Becky Weissman ... Stephanie Yousef ... Jake Kuitwaard ... David Seldin, partner at Brunswick Group ... Randy Bauer ... Dan McGuire ... Donnie Fowler ... Jamie Domini (h/ts Teresa Vilmain)

****** **A message from PhRMA:** According to new analysis from the Moran Company, hospitals mark up medicine prices, on average, nearly 500 percent. The analysis of 20 medicines also found a hospital is paid 2.5 times what the biopharmaceutical company, who brought the medicine to market, receives. While hospital markups lead to higher costs for patients, employers and payers, these markups are often overlooked in conversations about medicine costs. As the provider market continues to become more concentrated and the number of medicines being administered in hospital-owned facilities is growing, the amount hospitals mark up medicine prices needs greater scrutiny. http://onphr.ma/2Ba0TOa ******

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Subject: Morning Energy, presented by Chevron: Trump feuds as Puerto Rico struggles — Deregulatory push gets White House spotlight today — White House clamps down on non-commercial travel

By Anthony Adragna | 10/02/2017 05:41 AM EDT

DIRE SITUATION IN PUERTO RICO AMID TRUMP ATTACKS: President Donald Trump spent the weekend tweeting defenses of his administration's response to Hurricane Maria in Puerto Rico from his New Jersey golf resort but his words bear little resemblance to the dire situation on the ground. Just 5 percent of the island has electricity and more than half of people lack access to clean drinking water more than a week and a half after the hurricane.

View from the ground: Trump in a series of weekend tweets bashed the "poor leadership ability" of Puerto Rican officials, who he said "want everything to be done for them," POLITICO's Matthew Nussbaum and Marc Caputo report. But Lt. Gen. Jeffrey Buchanan, who the Defense Department tapped to lead its response efforts, told the PBS NewsHour "this is the worst I've ever seen" in terms of damage from the storm. And Carmen Yulín Cruz, San Juan's mayor and the target of a number of Trump's Twitter missives, told ABC's "This Week" of the federal officials responding: "Their heart is in the right place, but we have to cut the red tape. That's the one message."

Several relief officials told Matthew and Marc over the weekend that the administration's patting itself on the back over the response was not helping, especially as the conditions on the ground in no way matched the rhetoric. "We have to think of this as societal collapse: no power, no water, no food, no nothing," one relief official told them from Puerto Rico. "We came in thinking this would be a traditional model of disaster response ... It is up to us to keep everything moving. Civil society is pretty much gone, and we didn't realize that until like 36 or 48 hours ago. And who knows when it's going to end." Senate Minority Leader Chuck Schumer summed up his view of the response during an interview with CBS' "Face the Nation": "The bottom line is at least for the first week and a half the effort has been slow footed, disorganized, and not adequate," he said.

Administration mounts defense: FEMA Director Brock Long told "Fox News Sunday" the administration continued to make daily progress on improving the situation but added "absolutely" there was a long road ahead. "This is the most logistically challenging event the United States has ever seen and we have been moving and pushing as fast as the situation allows," Long said. "It's going to be multiple — multiple months before power is restored to many of these areas and that's just a reality." In an update obtained by Axios, Tom Bossert, Trump's homeland security adviser, wrote: "Lack of power and the persistent commodity distribution problems on the island are major focuses right now. This is still an urgent situation."

WELCOME TO MONDAY! I'm your host Anthony Adragna, and NOIA's Nicolette Nye was first up to name Rep. Dana Rohrabacher as the former Reagan speechwriter. For today: Which former congressperson joined the Green Party in 2008 and became their presidential candidate?

Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

WHITE HOUSE TIGHTENS REINS ON CABINET TRAVEL: After Tom Price's resignation Friday over hundreds of thousands in private flights, White House Chief of Staff John Kelly must now approve almost all travel on "government-owned, rented, leased, or chartered aircraft," POLITICO's Matthew Nussbaum reports. "Every penny we spend comes from the taxpayer," OMB Director Mick Mulvaney wrote in a memo shortly after Price's resignation. "We thus owe it to the taxpayer to work as hard managing that money wisely as the taxpayer must do to earn it in the first place." Officials should stick to commercial travel "with few exceptions," he wrote. Remember both EPA Administrator Scott Pruitt and Interior Secretary Ryan Zinke have faced scrutiny in recent days for non-commercial travel.

Key line from memo: "Put another way, just because something is legal doesn't make it right."

Questions for Zinke continue: The Campaign for Accountability on Friday asked Office of Special Counsel and Interior's inspector general to probe whether Zinke violated the Hatch Act by speaking to the NHL's Vegas Golden Knights. He spoke at the dinner organized by team owner Bill Foley, one of Zinke's biggest campaign donors. Then, as POLITICO first reported, he hopped a $12,000 charter flight to an airport 20 minutes away from his Montana residence.

Some argue Pruitt, Zinke deserve Price's fate: A number of green and progressive groups urged Trump to also fire Pruitt and Zinke due to their non-commercial travel. "Forcing Tom Price from office does not come close to answering questions in the Trump Administration about the abuse of taxpayer funds when Ryan Zinke and Scott Pruitt are unrepentantly wasting hundreds of thousands on their own luxurious travel and sticking hardworking Americans with the bill," Sierra Club executive director Michael Brune said in one statement. "They deserve Price's fate and should be removed from office immediately."

MORE PUSHBACK TO PERRY'S FERC ASK: Count the solar and wind industries among those concerned by Energy Secretary Rick Perry's push to throw a lifeline to the struggling coal and nuclear industries (ICYMI Pro's Darius Dixon dived deep into the proposal Perry launched Friday). "The best way to guarantee a resilient and reliable electric grid is through market-based compensation for performance, not guaranteed payments for some, based on a government-prescribed definition," Amy Farrell, senior vice president for the American Wind Energy Association, said in a statement.

Same worries for solar: Christopher Mansour, vice president of federal affairs for the Solar Energy Industries Association: "While we agree that wholesale markets should fully compensate generators for all the energy, capacity and ancillary services they provide, healthy competition should always promote the best, most innovative solutions," he said. The conservative R St. Institute called Perry's plan "an arbitrary backdoor subsidy to coal and nuclear plants."

DEREGULATORY PUSH GETS SPOTLIGHT TODAY: Trump is expected to deliver remarks today at 11 a.m. highlighting his administration's efforts to remove regulatory burdens across the federal government to drive economic growth. Don't expect any major new initiatives

to be announced, but ME would be shocked if the efforts of EPA to halt or delay a host of Obama-era regulations don't make a major appearance. That'll be followed by a series of breakout sessions with 10 agencies, including the Energy and Interior departments.

Not on the list? EPA, though the agency is doing its own event Tuesday to launch what it's calling Smart Sectors. EPA spokeswoman Liz Bowman said it's "a program that aims to facilitate meaningful collaboration with regulated sectors, sensible policies to improve environmental outcomes, and better EPA practices and streamlined operations." As Pro's learned last week, the event will designate staff liaisons for specific industries including oil and gas and utilities and power generation.

Pre-buttal: Public Citizen and Coalition for Sensible Safeguards put out their pre-buttal to the speech and say Trump's agenda is "premised on a series of demonstrably false claims about the costs of regulation, defies public opinion and major campaign promises, and represents a craven attempt at self-enrichment and payback to corporate donors." They'll host a press call at 1:30 p.m., along with Rep. David Cicilline, responding to his remarks.

A taste of today's remarks: Here's how Trump summed up his deregulatory efforts to the National Association of Manufacturers on Friday: "We are cutting regulations at a pace that has never even been thought of before — not even thought of. This is a groundbreaking campaign and involves every department and agency across our government."

A preview (via Playbook): A photo inside the White House from a tipster with the pages on the right showing "the number of pages in the [Code of Federal Regulations] today, which is a measure of all regs on the books (Fed Register are just new ones), versus the # about a half-century ago" on the left side. Click here.

** **A message from Chevron**: We're piloting a program that uses drones to keep an eye on Chevron wells, tanks, and pipelines—all to keep DOERS and what they're doin' safer. Watch the video: http://politi.co/2xO60oe **

ARKEMA UNDER INVESTIGATION: The Harris County District Attorney's Office announced Friday it was investigating the Houston-area Arkema plant whose volatile chemicals exploded in the aftermath of Hurricane Harvey, The Houston Chronicle reports. "Companies should be on notice that we care when they pollute our air, our water, our environment," District Attorney Kim Ogg said. "We are looking into exactly what happened at the plant. We are gathering facts and we will apply the law. Arkema is under criminal investigation."

MAIL CALL! LET'S DO IT, PRUITT: The Senate Environment and Public Works Committee Democrats, led by ranking member Tom Carper, sent Chairman John Barrasso a letter Friday urging him to schedule a hearing on EPA's budget request where Pruitt would testify. "We are concerned that this necessary hearing is long overdue," they wrote. Barrasso would only tell reporters last week he planned to have Pruitt appear before the committee "this year."

BORING BUT IMPORTANT: POLITICO's Danny Vinik looks at an important issue likely

floating under your radar: the federal government's workforce continues to get older and younger people aren't stepping in to fill in the gaps. "It's that smart agencies develop a plan for a pipeline. The federal government's biggest problem is it's not very good at pipeline planning," Don Kettl, a professor at the University of Maryland who has written extensively on government management, said.

TAKE A GLANCE! Interior released a report Friday finding it contributed 1.7 million jobs and $254 billion in economic output during fiscal 2016. Among the conclusions: Interior-managed lands and waters produced 768 million barrels of crude oil, 4.7 trillion cubic feet of natural gas, and 310 million tons of coal. Its lands and facilities also generated enough hydropower to power 3.4 million homes.

SOMETHING'S PHISHY HERE: EPA employees were targeted by a phishing scheme seeking to steal large amounts of office supplies from the U.S., according to a podcast released Friday by the agency's inspector general. Photos of some of the phishing messages posted here.

MOVER, SHAKER: Brandon VerVelde has joined the House Science, Space and Technology Committee as press secretary and as an on-the-record spokesperson. He was previously director of communications for the Asian American Hotel Owners Association.

LIGHTER CLICK: Count Senate Energy Chairman Lisa Murkowski as those sharing super awkward old pictures of themselves to help fundraise help for Puerto Rico (though she left out the key hashtag of #PuberMe). Anyways, pic here. Also, apparently you can catchy your super trendy energy chairman playing cornhole down by Nats Park during the weekend.

QUICK HITS

— Oil Prices Bounce Back in Third Quarter. Wall Street Journal.

— Ancient bristlecone pine forests are being overwhelmed by climate change. Los Angeles Times.

— Renewable energy investors see opportunity in Puerto Rico's demolished grid. Reuters.

— In a Warming World, Keeping the Planes Running. New York Times.

— A Labor of Love: Coal mining continues despite unsettling trends. Casper Star-Tribune.

— Activists in 4-state pipeline protest embrace unique defense. AP.

HAPPENING THIS WEEK

MONDAY

12:00 p.m. — "The Trump Administration and Federal Land," Women's Council on Energy and the Environment, Beveridge & Diamond PC, 1350 I Street NW

TUESDAY

9:00 a.m. — "Carbon Capture: A Business Opportunity in the Global Low-Carbon Economy," Global CCS Institute, National Press Club, 529 14th Street Northwest

10:00 a.m. — "Resiliency: The Electric Grid's Only Hope," House Science, Space and Technology Committee, Rayburn 2318

10:00 a.m. — Legislative hearing on H.R. 3400, House Natural Resources Committee, Longworth 1334

10:15 a.m. — Senate Energy and Natural Resources Committee holds hearing to consider various nominations, Dirksen 366

10:30 a.m. — "Full Committee Hearing to Examine Energy Storage Technologies," Senate Energy and Natural Resources Committee, Dirksen 366

2:00 p.m. — "Part II: Powering America: Defining Reliability in a Transforming Electricity Industry," House Energy and Commerce Energy Subcommittee, Rayburn 2123

2:30 p.m. — Senate Energy and Natural Resources Subcommittee hearing on various bills, 366 Dirksen

WEDNESDAY

9:30 a.m. — Natural Gas Supply Association holds its winter outlook media briefing for 2017-2018, RSVP: hinson.peters@ngsa.org

10:00 a.m. — Full committee markup on various bills, House Natural Resources Committee, Longworth 133

10:00 a.m. — Senate Environment and Public Works Committee holds hearing on various EPA, NRC nominees, Dirksen 406

10:00 a.m. — "Air Quality Impacts of Wildfires: Perspectives of Key Stakeholders," House Energy and Commerce Environment Subcommittee, Rayburn 2123

2:00 p.m. — House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs holds legislative hearing on three bills, Longworth 1334

3:00 p.m. — House Natural Resources Committee holds members forum to discuss rescue and recovery in Puerto Rico and the U.S. Virgin Islands, location: TBD

3:00 p.m. — Senate HELP Committee holds hearing on mine safety nominee, Dirksen 430

THURSDAY

9:30 a.m. — CSIS discussion on the future of electrification, Center for Strategic & International Studies, 1616 Rhode Island Ave NW

10:00 a.m. — "Powering America: Consumer-Oriented Perspectives on Improving the Nation's Electricity Markets," House Energy and Commerce Energy Subcommittee, Rayburn 2123

12:00 p.m. — "The Growing Role of Liquefied Natural Gas in Latin America," Atlantic Council, 1030 15th ST NW, 12th Floor

12:30 p.m. — "How Agencies Reverse Policy: Stays, Remands, and Reconsideration," Environmental Law Institute, 1101 K Street, NW, President's Room

FRIDAY

9:00 a.m. — 2017 Veterans In Energy Forum, NRECA, 4301 Wilson Blvd. Arlington, VA 22203

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Stories from POLITICO Pro

Trump picks risky Puerto Rico fight Back

By Matthew Nussbaum and Marc Caputo | 09/30/2017 07:50 AM EDT

The natural disaster in Puerto Rico has escalated into a firestorm for President Donald Trump, whose Saturday Twitter attack on the mayor of San Juan drew harsh condemnations, new charges of insensitivity, and warnings about political fallout.

In a series of Saturday morning tweets, Trump blasted the "poor leadership ability" of Puerto Rican officials, who he said "want everything to be done for them." Trump also said the island's leaders "are not able to get their workers to help," and accused the Democratic mayor of San Juan — who has publicly criticized his administration's response to Hurricane Maria — of scoring partisan political points.

Even Republicans were uncomfortable seeing television images of suffering Puerto Ricans

juxtaposed with Trump's fighting words, tweeted from his luxury golf course in Bedminster, New Jersey.

"He is definitely not helping," said Republican state Rep. Bob Cortes, a Puerto Rico native who lives in Central Florida, which has seen a huge influx of Puerto Rican families in recent years. Cortes added that the controversy "gives [Democrats] a platform to register new voters."

Other Republicans also worry that Trump's comments could be a godsend to Democrats in Florida—a swing state whose Puerto Rican population of more than 1 million is expected to swell as people flee the storm's aftermath.

Ten days after Maria ravaged the island, most of Puerto Rico is still without power and many of its 3.4 million residents, most of them U.S. citizens, lack basic supplies like food and water. Critics say the Trump administration has been slow to help, with some invoking the aftermath of Hurricane Katrina in New Orleans a decade ago.

The perception that George W. Bush oversaw an incompetent and insensitive response to Katrina dealt a crippling blow to his presidency from which he never recovered, helping to drive his approval ratings to the low 20s. Trump officials scoff at the comparison with Katrina, saying their response to Maria has been appropriate.

In Washington, Democrats were swift to condemn Trump's tweets Saturday.

Rep. Bennie Thompson of Mississippi, the top Democrat on the House Homeland Security Committee, released a statement calling Trump's tweets "abhorrent, baseless, and ... beneath the dignity of the office of the Presidency."

"Lives are on the line and people are dying," he added.

Trump's early morning broadsides, which began at 7:19 a.m., came after San Juan Mayor Carmen Yulín Cruz slammed the administration's response repeatedly on Friday amid growing media coverage of the devastation on her island.

"We are dying here," Cruz said in an emotional plea. "If anybody out there is listening to us, we are dying, and you are killing us with the inefficiency and the bureaucracy." Puerto Rican officials say Maria killed at least 16 people there — a number experts believe will grow significantly.

From Bedminster, Trump defended his response while dismissing Cruz as a partisan.

"The Mayor of San Juan, who was very complimentary only a few days ago, has now been told by the Democrats that you must be nasty to Trump," Trump wrote on Twitter. "Such poor leadership ability by the Mayor of San Juan, and others in Puerto Rico, who are not able to get their workers to help."

Trump added that the Puerto Ricans "want everything to be done for them when it should be a

community effort. 10,000 Federal workers now on Island doing a fantastic job."

But Republicans are anxious about the political effect the Puerto Rico crisis might have on Trump's national standing as well as their fortunes in Florida, where Gov. Rick Scott is mulling a bid against Democratic incumbent Sen. Bill Nelson next year. The past four top-of-the-ticket races in Florida were decided by 1.2 percentage points or less. Puerto Rican voters already tend to favor Democrats.

"It is a political nightmare for both Trump and Scott," a consultant associated with the Republican National Committee said in a text message. He said the disaster and Trump's "asinine response to criticism" have given Democrats "a way to 1) energize Puerto Rican voters in Florida and 2) motivate Puerto Rican residents who will be Florida residents after this disaster."

While echoing those concerns, Cortes also said Puerto Rico deserves its share of the blame, thanks to the commonwealth's endemic corruption and mismanagement. "It took a storm of this magnitude to show how underprepared they were," Cortes said.

Meanwhile, the White House is fighting against the narrative that it has been slow to act. Trump's Saturday schedule lists five phone calls to discuss the storm response, including one with Federal Emergency Management Agency administrator Brock Long.

Trump also reiterated his plan to visit the island on Tuesday, saying he would "hopefully" stop off in the U.S. Virgin Islands.

Trump's White House social media director, Dan Scavino, joined the fray on Twitter, calling Cruz a "hater" and "an opportunistic politician." Cruz denied that her criticism of Trump was fueled by personal animus.

"Actually, I was asking for help," she told MSNBC on Saturday morning. "I wasn't saying anything nasty about the president." Cruz noted that even Trump's point man for the disaster recovery effort, Army Lt. Gen. Jeff Buchanan, said on Friday that the number of U.S. troops assisting is "not enough." (Buchanan said more manpower and equipment like helicopters were headed to the island.)

Trump's tweets also targeted media outlets that have dedicated increasing amounts of air time to the suffering and chaos on the pummeled island.

"Fake News CNN and NBC are going out of their way to disparage our great First Responders as a way to 'get Trump.' Not fair to FR or effort!" he wrote.

Under mounting pressure, in recent days Trump officials have defended their relief effort as a success. On Thursday, acting Homeland Security Secretary Elaine Duke called the response "a good news story."

The comment only inflamed frustrations on an island where a sense of helplessness prevails, however.

"Damn it, this is not a good news story," Cruz told CNN on Friday. "This is a people are dying story. This is a life or death story. This is a there's a truckload of stuff that cannot be taken to people story. This is a story of a devastation that continues to worsen because people are not getting food and water."

Cruz, a liberal Trump critic, initially avoided tussling with the president for fear that it would become a distraction to relief efforts and "not productive."

But as the week unfolded, Puerto Rico officials felt their pleas for faster action and less red tape went unheeded. Then, on Thursday, Trump touted the recovery effort on Twitter, writing, "Governor said 'great job!'" That was an apparent reference to Cruz, who finally let loose with harsh criticism.

Sen. Marco Rubio (R-Fla.) also pointed to problems on the island in a Friday tweet, writing that criticism of the Trump administration response is "missing [the] main problem." FEMA "has sent lots of aid problem is distribution once it gets to #PuertoRico," Rubio wrote.

Rubio, though, warned the Trump administration privately and publicly that Puerto Rico could become a "Katrina-like" situation.

Behind the sharp debate over disaster response are internal political tensions on the island. Cruz is eyeing the job of Puerto Rico's Republican governor, Ricardo Rossello, who has taken pains to avoid publicly criticizing Trump. She is developing strong ties to Florida Democrats and met Wednesday with Miami Beach Mayor Philip Levine, a likely candidate for Florida governor, when he delivered 7,000 pounds of relief supplies to the island.

About 24 hours later, Florida's Republican governor met with Rossello in Puerto Rico, then debriefed Trump on the disaster response over lunch the following day.

"This is not a time for politics," Scott said on the White House lawn Friday, saying that Rossello is "going through an unbelievable crisis."

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Back

Trump's breaking point with Price Back

By Andrew Restuccia, Josh Dawsey and Dan Diamond | 09/29/2017 08:24 PM EDT

Tom Price's downfall was his penchant for pricey jets.

But his demise was months in the making, as the president continued to lose trust in the Health and Human Services secretary who rarely attended Oval Office strategy meetings, had little sway

or influence on Capitol Hill, and was associated in the president's mind with one of the administration's biggest defeats — the failure to repeal Obamacare.

Of particular notoriety: A picture of Price in March drinking at Bullfeathers, a famed Capitol Hill bar, as his colleagues tried to wrangle votes for the president's signature initiative.

Price's lack of goodwill with Trump and other senior administration officials ultimately doomed his chances of survival, even though many administration officials believed the furor would blow over when news first broke that Price spent hundreds of thousands of taxpayer dollars on private jets.

By early this week, however, it became clear that the growing firestorm over Price's travel was only getting worse. A number of officials in the White House said HHS had badly handled the response to the controversy — and was caught off guard by the facts. And it was hard to find a power player in the White House who would defend Price to the president.

POLITICO published five stories over the last 10 days that revealed Price had spent more than $1 million in taxpayer money on travel since May, including overseas flights on military aircrafts and more than two dozen domestic trips on private planes.

Other media outlets amplified the revelations, with cable news frequently running damaging chyrons and reporters peppering Trump and press secretary Sarah Huckabee Sanders about the growing scandal throughout the week.

The president grew more angry, fuming to West Wing aides about the optics of a member of the administration spending so lavishly. The almost daily drip of revelations — including that Price took a government-funded private jet in August to get to a Georgia resort where he and his wife own land — further incensed the president.

Meanwhile, Trump was intensely frustrated by his unsuccessful health care push and associated Price with the failure, several aides said. He joked at a rally in July he would fire Price if he didn't get the votes for the Obamacare repeal.

While the White House has weathered a steady stream of mini-scandals since Trump took office, this one was different, according to administration officials, because it made Price look like the kind of creature of Washington that the president had railed against on the campaign trail.

Trump himself blasted Price on Friday for what he suggested was frivolous spending in light of the administration's efforts to impose fiscal conservatism on the federal government.

"I've saved hundreds of millions of dollars," the president told reporters on Friday when he was asked if he had lost confidence in Price. "So I don't like the optics of what you just saw."

Administration officials grew increasingly certain on Friday that Price would be ousted, but the final decision happened quickly, according to aides, who had cautioned as late as Friday afternoon that Trump might change his mind.

Though he nurtured a reputation as a ruthless boss on The Apprentice, Trump often hesitates to fire people — and sometimes takes weeks to make a final decision. In this case though, the president was counseled that the travel stories had become a distraction from his policy agenda, especially his tax reform push, according to an administration official.

There was also little personal chemistry between the two men.

The president was initially attracted to Price because he was a doctor, a supporter and "looked the part," one adviser with direct knowledge said, plus he was given positive reviews from House Speaker Paul Ryan and others on Capitol Hill.

He soon became a bit player in the administration.

Price was often left out of senior level meetings in the Oval Office on Obamacare repeal, even as other top deputies attended, according to several people with knowledge of the matter.

The president and a number of top aides had little faith in his political instincts.

Leading the effort to negotiate with senators on the Hill was Seema Verma from the Centers for Medicare and Medicaid Services and Marc Short, head of legislative affairs. Two senior White House officials said Price's relationships at the Capitol were not as good as he promised — and that some members preferred not to deal with him. Many members saw him as prickly and not particularly likable, one senior GOP aide said, damaging his ability to negotiate.

Andrew Bremberg, the head of the White House's Domestic Policy Council, was more involved in policy decisions than Price, these people said.

Price was often out of town during key stretches of the presidency, and while several senior officials said they weren't aware of his private jet use, there was a general consensus that he was often nowhere to be found.

"I didn't know he was on private jets," one senior administration official said. "I knew he was never there."

Price's press office initially reassured the White House that the story would quickly pass and argued that Price needed charter jets to respond to public health emergencies like the recent hurricanes.

After POLITICO identified at least 17 charter flights that took place before the first storm — Hurricane Harvey — hit in late August, and included flights that did not appear to be for urgent public health priorities, HHS then changed its argument: Price needed charter aircraft "to accommodate his demanding schedule," a spokesperson allowed last week.

As he often does when making a big decision, the president began making calls on Thursday night and Friday morning to ask whether he should fire Price.

Trump also told aides that if Price had a defense, he would give it. "I don't think he has any defense for it," one person said, summarizing Trump's comments. "He is just taking it."

Price did make a last-ditch effort to save his job, announcing on Thursday that he would reimburse the federal government for the cost of his seat on the domestic flights, a figure that reportedly totals nearly $52,000 — just a fraction of the total cost of the trips. The president didn't like that Price was only offering to pay back some of the flights, and was struck by TV coverage that showed the total cost as more than $1 million, officials said.

The secretary also tried to go on Fox News and assuage the president. It didn't work.

Rumors began swirling in HHS early Friday that Price might be fired. But, in an apparent sign of how quickly the final decision was made, Price was conducting business as usual late Friday.

Just minutes before Price's resignation became official, the secretary sent an email to HHS officials outlining next steps on the "Reimagine HHS initiative," a broad reorganizational effort of the department that was expected to result in staff reductions. The email outlined senior HHS officials who will be spearheading the process.

"Thank you for all your dedication and support, and we look forward to being in touch soon," Price wrote, according to the email, which was obtained by POLITICO.

Across town at the White House, Trump's chief of staff John Kelly was calling Hill leadership to tell them Price was out.

One senior official said the tipping point was when the White House couldn't contain the scandal and it became an administration-wide story.

Other members of Trump's Cabinet were coming under increased criticism for their use of military and private aircraft, including Environmental Protection Agency Administrator Scott Pruitt, Interior Secretary Ryan Zinke and Treasury Secretary Steven Mnuchin.

"Got to the point he was causing problems for everybody," this person said. "He could have lasted maybe if it didn't just get worse every day."

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White House to Cabinet: No private air travel without Kelly's approval Back

By Matthew Nussbaum | 09/29/2017 06:57 PM EDT

The White House cracked down on Cabinet officials' use of private planes Friday, telling them

chief of staff John Kelly must approve almost all travel on "government-owned, rented, leased, or chartered aircraft," after Health and Human Services Secretary Tom Price resigned over his own taxpayer-funded flights.

Mick Mulvaney, the director of the Office of Management and Budget, sent out the memo soon after Price's resignation was made public. His exit came after a series of POLITICO reports about his frequent use of private planes to conduct government — and sometimes personal — business.

"In light of recent events, the President has asked me to remind the heads of all executive departments and agencies of Administration policies on travel," Mulvaney wrote.

He reminded the department and agency heads that, by regulation, "Government-owned, rented, leased, or chartered aircraft should not be used for travel by Government employees except with specific justification."

"However, beyond the law and formal policy, departments and agencies should recognize that we are public servants," Mulvaney wrote. "Every penny we spend comes from the taxpayer. We thus owe it to the taxpayer to work as hard managing that money wisely as the taxpayer must do to earn it in the first place."

Mulvaney added: "Put another way, just because something is legal doesn't make it right."

Officials should stick to commercial travel "with few exceptions," he wrote.

In the wake of the controversy, other administration officials' travels have come under scrutiny. Interior Secretary Ryan Zinke has used military planes for some trips, POLITICO reported, while EPA Administrator Scott Pruitt and Treasury Secretary Steven Mnuchin have also raised eyebrows with their travel itineraries.

President Donald Trump was livid over the Price scandal and accepted his resignation on Friday.

"We have great secretaries, and we have some that actually own their own planes, so that solves that," Trump told reporters earlier on Friday.

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Interior Secretary Zinke traveled on charter, military planes Back

By Ben Lefebvre | 09/28/2017 07:54 PM EDT

Interior Secretary Ryan Zinke and his aides have taken several flights on private or military aircraft, including a $12,000 charter plane to take him to events in his hometown in Montana and

private flights between two Caribbean islands, according to documents and a department spokeswoman.

Zinke is at least the fourth senior member of the Trump administration to have used non-commercial planes at taxpayer expense, along with Environmental Protection Agency Administrator Scott Pruitt, Treasury Secretary Steven Mnuchin and Health and Human Services Secretary Tom Price. President Donald Trump has fumed at Price's pricey travel, and Democrats say the revelations demonstrate a cavalier attitude by Cabinet members toward excessive spending.

Interior Department spokeswoman Heather Swift said Zinke's charter or military plane trips were booked only after officials were unable to find commercial flights that would accommodate Zinke's schedule and that all were "pre-cleared by career officials in the ethics office." Swift said she had not spoken to Zinke about whether he would reimburse the government for the cost of the flights, as Price plans to do for some of the $400,000 tab he racked up on charter flights.

On June 26, a Beechcraft King Air 200 carried Zinke and several staffers from Las Vegas to Glacier Park International Airport in Kalispell, Montana, about a 20-minute drive from Zinke's home in Whitefish, according to his official schedule. The flight cost $12,375, Swift said.

Zinke left after speaking at an event for the city's new professional hockey team, the Vegas Golden Knights Development Camp Dinner, according to his schedule. Earlier in the day, he had been in Pahrump, Nevada, for an announcement related to public lands.

Zinke's flight left Las Vegas at 8:30 p.m. PST and landed in Kalispell around 1:30 a.m. MST. The secretary stayed overnight at his residence, Interior documents show.

Las Vegas is one of the main connecting airports for commercial flights to Glacier International. Commercial flights between the two cities are available for several hundred dollars a ticket, according to travel planning websites.

In Whitefish, Zinke attended the Western Governors' Association's annual meeting, where he spoke for about 20 minutes without taking questions. He then had a private lunch with association members. In the afternoon Zinke was the subject of a photo shoot with GQ magazine at Lake McDonald and fished while being interviewed by Outside Magazine, the records show.

Zinke and staffers flew commercial back to Washington, D.C., the next day, according to the records.

The trip was not the first in which Interior booked a private jet for Zinke. On March 31, Interior chartered two flights to take Zinke and staff from St. Croix to St. Thomas in the U.S. Virgin Islands to attend the centennial of the Danish government turning the islands over to the United States. Another two flights were chartered to return to St. Croix later that night.

Swift said she did not know how much the flights cost but that no other arrangements were available.

Commercial flights between the two islands generally run a few hundred dollars, according to travel booking websites.

In May, Zinke and his wife, Lolita, used a military aircraft to travel to Norway. From there, they flew on a military plane to Alaska for events organized by the Senate Energy and Natural Resources Committee. The trip included charter planes to travel within Alaska, a common occurrence in the large, remote state. The Zinkes paid for Lolita's share of the trip, the full cost of which was not immediately available, Swift said.

Zinke also took a military helicopter from Fort Bliss to review the Organ Mountains-Desert Peaks National Monument in New Mexico in June, and he used a Bureau of Land Management helicopter to review the Basin and Range National Monument on July 30. "It is difficult to survey a half-million-acre piece of land with few roads by foot or car in an hour-and-a-half," Swift said.

Along with Agriculture Secretary Sonny Perdue, Zinke took a military plane to Ravalli County, Montana, to check on wildfires in the area in August. "The military plane was used because of a very tight travel window, with no viable commercial airline options to transport two secretaries, security details, and associated USDA, Forest Service and Interior staff to Missoula in the time required," said USDA spokesman Tim Murtaugh. The cost of the flight was not immediately available, but the two agencies plan to reimburse the Air Force, Murtaugh said.

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DOE's Perry pushes FERC to support coal power plants Back

By Darius Dixon | 09/29/2017 02:48 PM EDT

The Trump administration on Friday called on FERC to create new rules to protect coal-fired and nuclear power plants that are being squeezed by cheaper natural gas and renewable sources, saying they were "indispensable for economic and national security."

Energy Secretary Rick Perry, who told miners in Pennsylvania on Thursday that "it's time for coal in this country to be revived," pressed electricity regulators to alter power markets and protect the resilience of the power grid with payments to generators that keep fuel supplies on site, a clear reference to the coal-fired and nuclear power plants.

The proposal, which DOE said gave FERC 60 days to create a final or interim rule, comes just a month after Perry's agency issued a report saying FERC should "expedite" its work with grid operators to ensure the stability of the nation's power network.

"In terms of process, this is a pretty bold move," said Tony Clark, a Republican former FERC

commissioner. DOE often conducts studies on issues it believes need attention, he said, but "actually forwarding to the commission something specific for action is a pretty bold way of moving the issue right up the batting order at FERC."

The new proposal, directed at FERC under a rarely used Section 403 authority of the Department of Energy Organization Act, stops short of specifically seeking market incentives for coal. But it calls for full-cost recovery for power generating units that provide essential power and "ancillary" services — and have a 90-day fuel supply on site in case of natural or man-made disruptions. That would exclude most natural gas power plants, which do not typically keep large fuel inventories on hand and instead receive supplies via pipeline.

Perry's request represents a departure from the two decades of U.S. policy that has trended toward more market-based tools, which has helped natural gas to nearly double its power market share. Renewable energy sources like wind and solar, though still modest when compared to fossil fuels or nuclear power, have also grown quickly as federal incentives helped drive down their costs.

But the growth of renewables and natural gas — combined with tighter pollution controls and weak new demand for electricity — has forced hundreds of old coal-fired power plants into retirement. Nuclear power plants in some parts of the country are also under financial pressure, hurt by negative wholesale power market prices that sometimes require the plant owners to pay to deliver their power supplies.

"If this gets the debate started, then my hat's off," said former FERC Chairman Pat Wood, a friend of Perry and a strong advocate for market-based power systems. "But it's a pretty arresting [thing] to wake up and read. That would never have played in Texas. ... If there is a service to be valued, then a market can value that."

In the grid study ordered by Perry and released in August, DOE experts pointed to low power prices and cheap natural gas as the single biggest reason for coal ceding its position as the nation's biggest source of electricity. And that report also called for "reforms" to power markets that would help bolster the electricity network's resilience by easing the financial pressures on many power providers.

In its Friday proposal, DOE cited a spike in demand during the 2014 "polar vortex" that hit much of the U.S., which prompted utilities to run many coal plants that were slated for retirement. Without those plants, as many as 65 million people in the PJM market would have seen their power resources threatened, DOE said.

But the new regulatory pitch from the agency also fueled the growing feud between the gas and coal industries.

Paul Bailey, president and CEO American Coalition for Clean Coal Electricity, commended Perry for "initiating a rulemaking by FERC that will finally value the on-site fuel security provided by the coal fleet."

But the American Petroleum Institute, which also represents natural gas producers, said DOE drew the wrong conclusions from the 2014 event, and that forcing new mandates on the power market wasn't the solution.

"[A]s we review the proposal we are concerned the agency has mischaracterized the lessons learned from past weather-related events and appears to suggest that additional regulation is the answer where markets have already proven the ability to greatly benefit consumers and give our electric system the flexibility needed to meet constantly, and often rapidly, changing electricity demands," said API Executive Vice President and Chief Strategy Officer Marty Durbin in a statement.

FERC, which has struggled to integrate states' energy policies that aim to boost renewables or support aging nuclear power plants, has long maintained a fuel-neutral stance in the regional markets that it oversees. If it were to follow Perry's directive to create incentives for grid resilience to plants that maintain their own fuel inventories on site, it would be an implicit move at the national level to alter the electricity markets to support the fuels that both Perry and Trump have touted.

Montana regulator Travis Kavulla suggested on Twitter that rather than deal with the pressing issues facing the grid, "Instead, this reform is sort of the @ENERGY equivalent of the Oprah "you get a car, and you get a car. And you? A car!" approach."

However, FERC, whose members are appointed by the president and operate as an independent body, isn't obligated to implement the specific policy pushed by Perry. The commission will so be back to operating with a full five members in the coming weeks, with a Republican majority.

"FERC's going to follow its own procedures," said Marc Spitzer, a Republican former FERC commissioner. "It would be a mistake for people to assume that this is going to be some partisan Republican rubber stamp given the way FERC works."

FERC can spend months or years digging into complex issues that underpin the power markets, and its commissioners tend to seek common ground with each other to ensure that its rules are clear and ensure long-lasting regulations that give utilities stability to plan their operations.

"Is someone really going to invest [billions of dollars] when it's a 3-2 vote that partisans and the parties can flip next year? Is that a good forum for investment as opposed to a 5-0 order?" Spitzer said.

FERC declined to say when the agency last received a rulemaking from DOE using Section 403.

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Daily Environment Report

August 17, 2017 - Number 158

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Leading the News

Coal-Fired Power Plants
China Coal Capacity Cuts Parallel Nudge Toward Gas Production
China is more than halfway to its goal of cutting 800 million metric tons of coal production capacity by the end of 2020, signaling to investors the government isn't projecting coal production to grow much more.

Fossil Fuels
Court Provides Blueprint for Challenging Fossil Fuel Projects
A district court decision stopping the expansion of a Montana coal mine provides a blueprint for environmental advocates to block other coal, oil, and gas projects across the country.

Toxic Substances
Mercury Treaty Now in Force; Brings New Focus on Alternatives
The entry into force of the Minamata Convention on Mercury Aug. 16 will spur companies worldwide to restrict their use of mercury and pursue alternatives to mercury added products.

News

Bonds
Climate Bonds Pioneered by Goldman Lure Storm-Plagued Cities
As climate change pushes U.S. cities to build protections against stronger storms and more frequent floods, the Rockefeller Foundation is helping cities with a novel kind of financing, one that transfers some of the risk of innovative projects from cities to investors.

Energy

Mishap Triggers Taiwan Blackout as Power Policies Questioned

A blackout caused by a blunder at Taiwan's biggest gas-fired plant is the latest challenge to an electricity grid recently pushed to its limit and to President Tsai Ing-wen's efforts to reshape the island's power mix.

Energy

Scana Needs'Willing Partner' to Resume Nuclear Construction

Scana Corp. executives said the company would need to sign new contracts to revive construction on a South Carolina nuclear power plant—and that federal tax credits would be "an important factor."

Liable Parties

Feds Liable for Navajo Reservation Superfund Cleanup

El Paso Natural Gas can pursue the federal government for the cost of cleaning up uranium contamination from mines on the Navajo Reservation, the District of Arizona ruled (El Paso Nat. Gas Co. v. United States, 2017 BL 285617, D. Ariz., No. 14-cv-8165, 8/15/17).

Mining

Brazil Refuses to Waive Fines on Samarco for Mine Spill

The enforcement arm of Brazil's Environment Ministry (IBAMA) has refused to waive 150 million reais ($47.5 million) in fines it slapped on Samarco Mineracao for the 2015 rupture of a mining waste reservoir that the ministry has called the "country's worst environmental catastrophe."

Motor Vehicles

EU Automakers May Be Required to Produce Electric Vehicles

Making electric cars may become a regulatory requirement rather than a strategic choice for vehicle makers in the European Union as the bloc seeks to underpin a shift away from polluting combustion engines.

Oil & Gas

Offshore Drillers Shrug as U.S. Offers More Acreage, Lower Fees

Oil drillers are shrugging at President Donald Trump's pitch to invest in federal waters.

Renewable Energy

Arizona Utility to Replace Rooftop Solar Payments After Protests

Pinnacle West Capital Corp.'s Arizona Public Service will replace a program that required the state's largest utility to buy excess rooftop solar power at the same price that customers pay the utility.

Renewable Energy

Bird Charity Asked to Abandon Challenge to Scottish Wind Farm

Companies in the offshore wind energy supply chain asked a U.K. bird charity to abandon its legal battle against four giant projects planned off the coast of Scotland, which the environmentalists say could harm wildlife in the area if they were built.

Renewable Energy

State Nixes $2.5 Billion Line to Bring Wind Power to Midwest

A proposed $2.5 billion transmission line to bring cheap Kansas wind power to the Midwest was rejected by Missouri, which said the project failed to get all needed county approvals.

Solid Waste

Product Disposal Plan or Jail for India's Electronics Makers

India's electronics producers risk fines and possible imprisonment if they sell their goods without having an approved plan for their end-of-life disposal with authorized dismantlers or recyclers. The Central Pollution Control Board (CPCB) sent a notice reminding electronics producers of the potential for enforcement action in line with the Oct. 1, 2016, rules on managing electronic waste issued under the Environment Protection Act of 1986.

Sustainability

Tesla Skipping Green Bond Label Keeps Fledgling Market Limited

Investors are hungrier than ever for green bonds, yet companies known for their sustainable prowess—including Tesla Inc.—are choosing to sit out, raising questions about just how valuable the green bond label is.

Trump Push for Natural Gas Exports Opposed by Manufacturers

President Donald Trump's effort to boost U.S. energy is facing push back from manufacturers who say exporting more natural gas may undercut his "America First" jobs focus.

Practitioner Insights

Enforcement

Practitioner Insights: Environmental Fraud—New or Not?

"Fraud" is a term typically associated with Bernie Madoff, Ponzi schemes, and other situations where perpetrators have achieved financial gain. But fraud in the environmental area hasn't captured recent headlines until Volkswagen was found to have installed emissions cheating software in their diesel models, a decision that has cost VW more than $20 billion to date. One positive aspect of the VW scandal may be raised awareness of environmental fraud, and for environmental ...

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Wed 10/25/2017 3:01:02 PM
Subject: Top EPA Presidential Nominees Approved By Senate EPW Committee

Top EPA Presidential Nominees Approved By Senate EPW Committee

WASHINGTON (October 25, 2017) - Today, the U.S. Environmental Protection Agency (EPA) presidential nominees to head the Agency's air, water, chemical and legal offices were approved by the U.S. Senate Environment and Public Works Committee (EPW). The following nominations will soon be moved to the Senate chamber for a full vote:

Michael Dourson, nominee to be assistant administrator for the Office of Chemical Safety and Pollution Prevention.

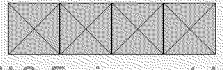
Matthew Leopold, nominee to be assistant administrator for the Office of General Counsel at the EPA.

David Ross, nominee to be assistant administrator for the Office of Water at the EPA.

Bill Wehrum, nominee to be assistant administrator for the Office of Air and Regulation.

"I want to thank Chairman John Barrasso and Members of the Senate Environment and Public Works Committee for granting our nominees a fair Hearing and approving their nominations," **said Administrator Scott Pruitt**. "These top leaders in their fields will bring positive change to EPA's mission to protect human health and the environment. We look forward to a full Senate vote on these highly-qualified leaders."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/31/2017 8:20:52 PM
Subject: Aug. 31 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

U.S. East Coast Drivers to Feel Harvey Fury at Gasoline Pump

Posted August 31, 2017, 02:15 P.M. ET

By Laura Blewitt

Motorists from Maine to Florida will soon feel the wrath of Hurricane Harvey without seeing a single raindrop.

Fuel prices at the pump are likely to climb after Colonial Pipeline Co.—the largest U.S. gasoline conduit—was forced to shut parts of its main diesel line late Aug. 30 and planned to halt a portion of its gasoline line Aug. 31 because about half of Gulf Coast refining capacity was offline. The company anticipates resuming some service late Sept. 3. Valero Energy Corp. and Royal Dutch Shell Plc, both major Gulf Coast refiners, told wholesale customers Aug. 30 they don't have enough gasoline and diesel to sell retail suppliers.

"It's one thing to not have refiners," Dan McTeague, an analyst at GasBuddy.com, a company which tracks retail prices and availability, said by phone. "It's quite another thing to not have pipelines."

Hurricane Harvey has potentially cut U.S. fuel-making capacity to the lowest level since 2008 after its initial strike on the Texas coast late last week. As Tropical Storm Harvey hit southeast Louisiana on Aug. 30, it brought torrential rains that shut the biggest U.S. refinery, owned by Motiva Enterprises LLC in Port Arthur, Texas, and one nearby held by Total SA. They join more than 12 other plants with almost a quarter of U.S. refining capacity.

As refineries along the Gulf Coast turned off the lights, Colonial, which carries fuel from Gulf Coast refineries to the East Coast, indicated that portions of its two main Lines 1 and 2 west of Lake Charles, Louisiana, would be offline and operating at reduced rates east of Lake Charles. Many smaller lines branching off from its main artery are also likely to shut.

Pace of Supply

"The issue is the pace of supply that we're getting from the origins," Buster Brown, Colonial's director of scheduling, said in a telephone interview. "It's not as much running out of supply as the timing—the speed at which supply gets to market."

Once shipments from the Houston area resume, Colonial will be able to ship fuels east, bypassing

shuttered terminals in the Port Arthur, Texas, area, Brown said, noting that "Houston supply and Port Arthur supply are independent, so to speak."

Harvey also submerged pump stations and terminals along the Gulf Coast with its days-long deluge, and operators such as Valero and Shell had no choice but to stop sending fuels.

Valero stopped supplying gasoline stations across the Northeast at stores that don't carry its logo, while Shell reduced supplies to some company-branded stations in the lower Atlantic, according to people familiar with the operations of both companies who asked not to be identified. Motiva Enterprises holds exclusive rights to distribute Shell fuels to the majority of the southeast, said Natalie Gunnell, a spokeswoman for Shell's U.S. products unit.

BP Plc was said to be moving a tanker authorized to carry fuels between U.S. ports to Florida from New York Harbor, according to a person familiar with the cargo.

Spokespeople from Valero and BP didn't return requests for comment.

Fuel Waivers

The Environmental Protection Agency, in an effort to stay ahead of potential shortages, has been issuing waivers exempting more and more southeastern states from requirements that they use fuel that meets clean-air quality standards.

Gasoline futures for September delivery at New York Harbor rose for an eighth session Aug. 31, the longest rally since 2013, and climbed above $2 a gallon.

As shortages ripple across the East Coast, the most likely suppliers left standing are refiners from Louisiana and Europe, according to Zachary Rogers, a refining and oil products analyst at Wood Mackenzie. The ongoing gasoline supply issues could reduce East Coast inventories to 3- to 5-year lows, he said by phone from Houston.

At least 20 tankers were booked to load European fuels for the U.S. since Harvey made landfall, a rate nearly double the average for August, shipping data compiled by Bloomberg show. Shipbrokers said cargo flows to New York are expected to be the highest since November, when Colonial Pipeline exploded and cut off supplies.

"Because of the shortage, you will likely see a price increase in the East Coast, which would incentivize the other refiners to shift gasoline yields," Rogers said.

While suppliers of gasoline stations from Georgia northward may have reason to be concerned, the Sunshine State has one key advantage: It's not winter yet.

"In Florida, we're not in the main season, so demand is not as high as it would be normally from November to May," said Ned Boman, executive director of the Florida Petroleum Marketers and Convenience Store Association. "We should be OK."

--With assistance from Bert Gilbert.

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New England, Canada Strive for Deeper Greenhouse Gas Cuts

Posted August 31, 2017, 02:56 P.M. ET

By Adrianne Appel

New England and eastern Canadian provinces will lean more heavily on renewable energy, electricity conservation, and zero-emissions vehicles as they aim for deeper greenhouse gas reductions.

The governors and premiers set a goal to reduce harmful carbon emissions 35 percent to 45 percent below 1990 levels by 2030 in a plan they released Aug. 31.

The region easily met the previous carbon-reduction goals in 2010 and 2015, the leaders of the six New England states and five Canadian provinces said during their annual meeting on Prince Edward Island, Canada.

In order to reach the 2030 target, however, the region has to be more aggressive in reducing greenhouse gas emissions, they said.

Harvey's Floods Could Delay 10 Percent of U.S. Fracking: Analyst

Posted August 31, 2017, 12:31 P.M. ET

By David Wethe

As much as 10 percent of U.S. fracking work could be delayed after Hurricane Harvey ripped through southeast Texas, home to one of the nation's busiest oilfields, according to Raymond James & Associates financial advisory.

More than half the rigs running in the Eagle Ford Shale are estimated to have suspended drilling because of the storm, Marshall Adkins, an analyst at Raymond James, wrote in an Aug. 31 note to clients. The muddy conditions left in Harvey's wake will add stress to the fracking services sector that has consistently lagged the faster drilling crews.

Given its location in far southeastern Texas, the Eagle Ford was the only major American shale formation in the cross hairs of Harvey when it slammed ashore as a Category 4 hurricane last week. Major explorers including EOG Resources Inc. and Marathon Oil Corp. halted drilling and evacuated crews in anticipation of the storm, crimping as much as 57 percent of daily production, according to the Texas Railroad Commission.

"Given that much of oil and gas activity occurs in areas only accessible via dirt roads, the heavy rainfall usually makes the movement of trucks and supplies much more difficult," Adkins wrote. "The trucking and rail of sand, chemicals, and personnel to the well site will all take more time given the likely nasty condition of many Eagle Ford access roads."

The Eagle Ford was the only shale basin of the big four to drop activity in recent days, as some in the industry start to look at shale as a more expensive option compared to other places.

The temporary drop in the rig count by as much as 45 rigs due to flooding could be a catalyst for higher oil prices, Adkins wrote.

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Harvey's Roar Rumbles Half a World Away as Propane in Asia Jumps

Posted August 31, 2017, 7:39 A.M. ET

By Ann Koh and Laura Blewitt

Asian buyers of liquefied petroleum gas are already paying for disruptions half a world away in Texas as record rainfall halted shipments of propane and butane from ports that handle more than 90 percent of U.S. exports to the region.

Marine export terminals operated by Enterprise Products Partners LP, Targa Resources Inc. and Phillips 66, all suppliers of the fuel, are shut because of closures at the Houston Ship Channel, Port of Beaumont, and Port of Freeport, according to Aug. 29 statements from the companies. Mont Belvieu, Texas, facilities belonging to Enterprise and Targa also have halted some fractionation operations, in which raw liquids are turned into products like propane and butane. There are no estimates yet for when the ports will reopen.

The U.S. Gulf Coast, home to the largest LPG storage caverns in the world, is a key global supplier, so events there can ricochet in markets around the world. As Hurricane Harvey made landfall near Corpus Christi, Texas, late last week, propane prices in Northeast Asia climbed. And as it approached the Louisiana coast before making a second strike Aug. 30 as a tropical storm, Middle Eastern producers said they're raising prices. Asian buyers, which import the fuel for heating and petrochemical production, were caught in the middle.

"Affected buyers will seek cargoes from elsewhere," said Ong Han Wee, a consultant with FGE in Singapore. "The prices jumped last Friday in Asia, just before or when the hurricane made landfall. The Middle East contract prices are also higher now, most likely because of sentiment from Harvey."

Middle Eastern producers Saudi Arabian Oil Co. and Kuwait Petroleum Corp. announced that they would increase September contract prices for propane and butane by $40 to $60 a metric ton amid bullish sentiment, traders said. The region's countries are the most likely alternative suppliers because they are nearest to Asia, Ong said.

While international LPG prices have soared since Harvey's landfall, propane traded at the Mont Belvieu Enterprise terminal hasn't kept pace, rising just 2 percent since Aug. 24, according to DTN Energy data. The lack of dramatic price action stateside will expand arbitrage opportunities to Asia once the exporters can finally use the Gulf Coast ports, said Peter Fasullo, co-founder at LPG consultancy En*Vantage Inc.

The U.S. is expected to export 28 million tons of propane and butane this year, half of which will go to Asian buyers in Japan, South Korea, and China, according to FGE.

But the U.S. hasn't sent a single LPG tanker from the Gulf Coast since Aug. 25, according to Bloomberg market specialist Bert Gilbert. The Ports of Houston and Freeport said they're still uncertain when they'll be able to reopen to vessel traffic.

Historic Rains

And supply concerns extend beyond the shutdown of the ports.

Cedar Bayou, a body of water just outside of the fractionation and storage hub in Mont Belvieu, recorded 51.88 inches (132 centimeters) of rain this week, setting a new record for the continental U.S., according to the National Weather Service.

That much water could signal weeks of trouble for the storage facilities there, Fasullo said. Underground storage of LPG uses brine ponds to pump highly salinated fluids into caverns. If heavy rains dilute the salty ponds, contamination, and containment issues that make it hard to get the fuel out of storage may occur.

Enterprise's "storage assets have remained operational," said Rick Rainey, a company spokesman in Houston. "We continue to manage our brine supplies."

But Targa's capacity to receive raw products was "negatively impacted" by flooding, according to a company statement.

"I don't think there's going to be any relief for many days, and if those many days turn into weeks, it could be a one- to three-week period" before normal exports resume, Fasullo said by telephone from Houston. "Propane prices could go off to the races because I think you're going to get strong storage draws when we will be able to get those export terminals up."

—With assistance from Tsuyoshi Inajima and Dan Murtaugh.

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Japan Environment Ministry Asks for $2.9B to Boost Clean Energy

Posted August 31, 2017, 9:16 A.M. ET

By Chisaki Watanabe

Japan's Ministry of Economy, Trade and Industry is seeking to allocate 323 billion yen ($2.9 billion) to expand the use of low-carbon energy sources for the year starting April 1, an increase of nearly 7 percent from the previous year.

The plan includes support for research and development for more efficient solar panels such as perovskite cells and cheaper floating offshore wind, according to a ministry document released on Aug. 31. The allocation will also be used to increase installations of hydrogen fuel cells and hydrogen stations for vehicles.

The ministry is increasing support for next-generation vehicles and self-driving technology by 31 percent to 45 billion yen, including 4.8 billion yen for the development of next-generation batteries, including solid-state lithium-ion batteries.

The ministry is also planning to set aside 78 billion yen to promote energy savings in factories, office buildings and homes with more energy-efficient light bulbs and insulating materials. That's up from 72 billion yen a year ago.

--With assistance from Tsuyoshi Inajima.

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Germany to Cut 2018 Onshore Wind Aid After Additions Exceed Cap

Posted August 31, 2017, 11:53 A.M. ET

By Brian Parkin

Germany will cut subsidies paid to onshore wind farm owners from January after additions surpassed an industry cap, the Bnetza power regulator said.

A record 5.03 gigawatts of new onshore wind power was added in Germany during the past 12 months, exceeding the gigawatt 3.5-gigawatt limit the government established to support sustainable growth, the Bonn-based regulator said Aug. 31 in an email.

Guaranteed subsidies for operational onshore wind plants will be cut 2.4 percent from Jan. 1, with payments starting at 7.49 euro cents (9 cents) a kilowatt-hour for new plants and 4.17 cents a kilowatt-hour for older plants, Bnetza said.

Should new wind or utility-scale solar additions fall below targets, subsidies would rise, according to the rules.

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Brazil Plans to Offer Up to 9 Gigawatts in Energy Auctions

Posted August 31, 2017, 8:49 A.M. ET

By Vanessa Dezem

Brazil is planning to award contracts for as much as 9 gigawatts of new generating capacity in a pair of power auctions scheduled for December, according to a person with knowledge of the process. The bulk is expected to go to wind farms.

The first event will feature contracts for 1.4 gigawatts to 2 gigawatts of capacity, and the second event will be bigger, with developers bidding for 5 gigawatts to 7 gigawatts, according to the person, who asked not to be identified because the information isn't public.

The scale of the two auctions will be welcome news to renewable energy developers and suppliers. Last December, the government canceled what would have been the year's only auction solely for wind and solar energy, and hasn't held any since. Companies seeking to build power plants have been hobbled by the lack of details regarding future demand, while turbine companies faced the prospect of halting production lines after their current crop of orders dries up.

The auctions this December will offer contracts to sell power from new plants that go into operation in 2021 and 2023. The first will be open only to renewable energy projects, and the other will accept bids from both clean and conventional sources. Power distributors in Brazil are expected to provide more details soon about the amount of capacity they expect to need, according to the person.

The decision to cancel last year's auction resulted from a growing electricity surplus as Brazil grappled with the worst recession in a century. With the economy now starting to improve, the government expects energy demand to increase next year, driving demand for power plants,

according to Paulo Pedrosa, executive secretary for the Ministry of Mines and Energy.

Two new auctions are also scheduled for 2018, with one penciled in for the start of the year, according to Pedrosa.

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Australia's Digital Currency Opens Avenues for Renewables Trading

Posted August 31, 2017, 03:11 P.M. ET

By Murray Griffin

An Australian company developed a digital currency designed for peer-to-peer trading among businesses and homeowners looking to sell surplus renewable energy.

Power Ledger's decentralized trading platform relies on its own version of bitcoin blockchain technology to instantaneously track transactions, making it possible for them to trade clean energy without the need for accountants, lawyers, or banks.

The blockchain encrypts, replicates, and shares multiple transaction records across a network of participants.

Power Ledger said a key benefit of its platform is that participating small and midsize businesses and homes with rooftop solar photovoltaic systems in Australia will no longer have to sell excess power back to electricity retailers at the low prices they offer.

The penetration rate for rooftop PV systems in Australia is now among the world's highest, according to the Australian Energy Regulator. While state governments are phasing out premium feed-in tariffs, the loss of these incentives is being largely offset by declining installation costs for solar systems, the regulator said.

Those using the peer-to-peer platform instead can sell their excess power to businesses or households prepared to buy it possibly at a higher price. The buyers also benefit because they still pay less than they would if they were purchasing from an electricity retailer. A $25,000 cap discourages large businesses and utilities from controlling the market.

Expanding Market

It's a large potential market, given Australia has more than 1.7 million small-scale solar PV systems on the rooftops of small businesses and homes, and there is a fast-growing number of slightly larger systems installed on commercial and industrial buildings, according to the federal Clean Energy Regulator.

The Power Ledger platform can accommodate various forms of peer-to-peer renewable energy trading, company co-founder and chairwoman Jemma Green told Bloomberg BNA by phone.

In addition to allowing trading among apartment block occupants or industrial park tenants that all use power behind the same main meter, developers of projects such as community solar farms could use it to secure funding, she said Aug. 28.

Developers "could sell shares in their solar farm via the platform," with the shareholders then receiving some of the income from the project. Power Ledger would in turn charge the developer a fee based on "a percentage of the capex [capital expenditure] of the project," she said.

For households, the digital currency enables owners to sell their excess energy, much in the same way Uber and AirBnb lets people make money from their cars and spare guestrooms.

Larger Networks

If partnerships are forged with electricity distribution businesses, then trading also could occur across larger electricity networks, according to Green.

The company already is testing its trading platform at a new housing development in the Western Australian city of Perth. Green said residents were paying at least 20 percent less for power than if they were buying it from the grid.

Power Ledger is currently piloting the platform in conjunction with New Zealand's largest electricity distributor, Vector Ltd. "Vector is looking at the potential for blockchain technology in peer-to-peer energy trading, and has been working since the start of the year with PowerLedger on a trial," said a Vector spokesman, adding that it's too early to comment on the trial.

It's also in discussions with Western Power, the distribution business owned by the Western Australian state government, regarding a trial that would involve some of the 11,000 homes—as well as TasNetworks, the electricity distribution network owned by the Tasmanian state government—Power Ledger managing director David Martin told Bloomberg BNA by phone Aug. 28.

In addition, discussions are underway with a large distribution business in the U.S. and another in Japan, although Green said neither could be named at this stage for reasons of commercial confidentiality.

The company started selling 100 million tokens that give those holding them rights to use its trading platform Aug. 27 and by Aug. 30 more than 90 percent had been sold at a fixed price of 8.8 cents.

Disruption?

Power Ledger has created 1 billion tokens and a follow offering will take place in September at an uncapped price.

Meanwhile, the federal government's Australian Renewable Energy Agency (ARENA) has separately been looking into using blockchain to enable peer-to-peer trading in renewable energy among businesses and households.

In May this year it contributed A$120,000 ($95,000) to an A$293,000 desktop trial by AGL Energy, one of Australia's largest electricity businesses.

"Australia has experienced a rooftop solar boom in the past decade and we are expecting a residential battery boom to follow in the coming years," ARENA chief executive Ivor Frischknecht said. "Ultimately, these investigations are about getting the most value out of solar and battery systems through a more flexible and modern marketplace."

A report on the findings of the ARENA-funded study is expected to be released soon.

China's Ex-Im Bank Backs Azerbaijan Wind With $460 Million Loan

Posted August 31, 2017, 9:05 A.M. ET

By Zulfugar Agayev

The Export-Import Bank of China will finance a 500 million-euro ($460 million) wind farm in the Caspian Sea off the coast of Azerbaijan as the third-biggest crude oil producer in the former Soviet Union taps clean energy to supply its domestic energy needs.

The Azeri government is working with the state-owned China Power Engineering Consulting Group Co., or CPECGC, which will build 40 to 60 wind turbines between the Caspian Sea islands of Pirallahi and Cilov, according to Camil Malikov, deputy head of the State Agency for Alternative and Renewable Energy Sources.

CPECGC agreed to finance the feasibility study of the project, which may be approved by the government in late January or early February, he said.

"The Export-Import Bank of China together with other Chinese state lenders will provide 90 percent to 95 percent of the funding," Malikov said in an interview in Baku, noting project costs will be about 450 million euros to 500 million euros in total. "The remaining part will be covered by the Azeri government."

'City of Winds'

CPECGC will conduct engineering, procurement and construction of the project together with domestic companies should the government approve the feasibility plan. The 200-megawatt project would provide enough power for 500,000 homes, he said.

"We'll operate the wind park and repay the debt within 12 to 15 years," Malikov said.

Azerbaijan seeks to substitute more clean energy for fossil fuel, which contributed 34 percent of gross domestic product and 43 percent of state budget revenues last year, according to Sberbank CIB. Oil production fell 8.9 percent in the first seven months of 2017 from the same period a year ago, and marketable natural gas output dropped 1.3 percent, according to a State Statistics Committee report on Aug. 15.

Azerbaijan's oil production is likely to drop another 20 percent from the current levels by 2025, according to the Organization of Petroleum Exporting Countries.

Wind farms are attractive to investors because of the strength of breezes in Baku and the Absheron Peninsula, Malikov said. Wind blows more than 270 days in Baku, which means "city of winds" in Persian, according to estimates from the Geography Institute of Azerbaijan's Academy of Sciences.

Hybrid Stations

The government also is working with Germany's KfW development bank to build two hybrid power stations in the Qaradag and Xizi districts west and northwest of the capital, Malikov said.

German experts are drawing up a feasibility plan for the projects, which will generate a combined 140 megawatts of wind and solar energy. That will include 120 megawatts of wind and 40 megawatts of solar energy. Those projects may cost about 200 million euros, Malikov said, adding that state guarantees would be required to secure financing from the German lender.

Azerbaijan currently generates 1,500 megawatts—or 10 percent of its annual electricity production, from clean sources—Malikov said. That includes 1,100 megawatts to 1,200 megawatts from hydroelectric dams, 60 megawatts from wind and 50 megawatts from solar farms.

The plan is to increase electricity production from renewable sources by 420 megawatts by 2020.

“By 2025, we’ll be generating 20 percent of our electricity from clean sources,” Malikov said.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Wed 8/23/2017 9:42:58 PM
Subject: Today on Climate Beat

August 23, 2017

Today on Climate Beat . . .

. . . we went to court, where appellate judges are formally implementing their June ruling that scrapped a requirement for EPA to conduct a sweeping review of the effect that its climate and air rules have had on coal sector employment, highlighting that coal firms that pursued the litigation did not seek to appeal the ruling.

Out in California, a clean energy group is finding that the state's transportation-related greenhouse gas emissions are rising due to relatively low gasoline prices and longer commutes, heightening the need for tougher vehicle regulations if the state is going to achieve its 2030 and 2050 GHG targets.

And our daily news roundup looked at what climate has to do with a reported leadership change at Chevron, as well as Democratic attorney generals using EPA chief Scott Pruitt's playbook against him.

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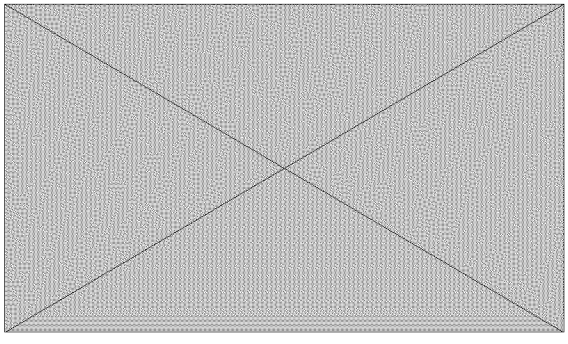
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Wed 8/30/2017 10:05:11 AM
Subject: AEI Today: The coming politicalization of the 25th Amendment

The medical profession and democracy would be ill served if a political determination, such as removing the President, were ever disguised as clinical judgment.

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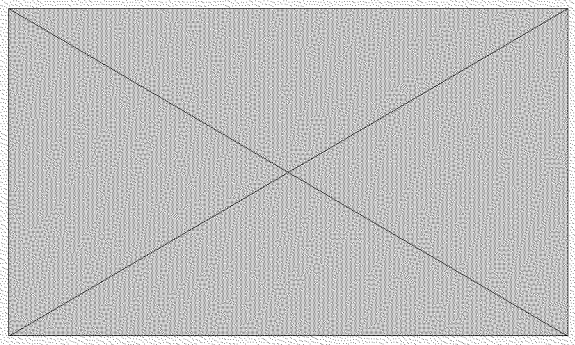
Reuters

The coming politicalization of the 25th Amendment

Sally Satel and Peter D. Kramer | The New York Times

Donald Trump's mental health has been under scrutiny since he began running for president. Now 28 Democratic members of Congress have signed on to a bill, introduced in April, that could lead to a formal evaluation of his fitness. The bill seeks to set in motion a part of the 25th Amendment that empowers Congress to

establish a body to assess the president's ability to govern. The role of psychiatry in this process would be problematic.

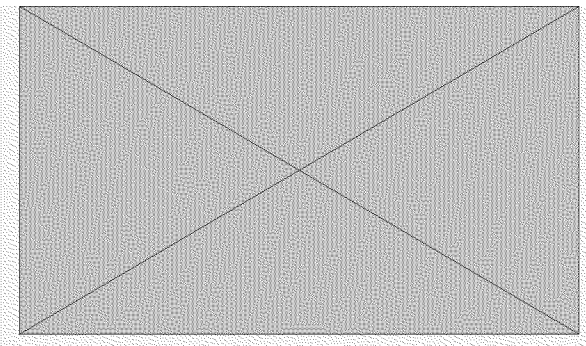


Reuters

You can be a pro-capitalist and a good Catholic

Michael R. Strain | Bloomberg View

At a nationally televised town hall last week, Paul Ryan was asked how he upholds the Catholic Church's teaching that we should help the poor. Ryan, a Catholic, answered that his emphasis on economic growth, upward mobility, and opportunity for all is how, as House speaker, he puts that teaching into practice. Not all Catholics liked this answer, but it is good to remind progressives that economic growth is the best antipoverty program the world has ever seen.



Reuters

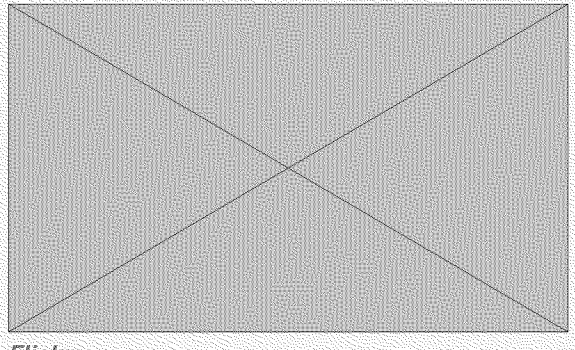
How to get out of the Iran nuclear deal

John R. Bolton | National Review Online

Although Donald Trump repeatedly criticized Barack Obama's Iran nuclear agreement, his administration has twice decided to remain in the deal. It so certified to Congress, most recently in July, as required by law. Before the second certification, Trump asked repeatedly for alternatives to acquiescing yet again to a policy he clearly disagreed with. But no such options were forthcoming, until now, with John R. Bolton presenting his straightforward plan to repeal the Iran deal.







Flickr

What jazz can teach us about freedom

Arthur C. Brooks | The New York Times

"They teach you there's a boundary line to

music. But man, there's no boundary line to art." Those are the words of Charlie Parker, the jazz saxophonist. You might be tempted to take his words literally when you hear his improvisational style. His freewheeling solos made up on the spot are pure freedom, right? Wrong. Jazz, like all serious art, is slavish in its adherence to boundaries and rules. And therein it achieves the nature of true freedom, in both art and life.



MORE FROM AEI

How Jeremy Corbyn revitalized the British left
Rebecca Burgess | National Review Online

The great global governance scare
Dalibor Rohac | The American Interest

The dangers of a jihadist Pakistan
John R. Bolton | The Wall Street Journal

Discussing education reform in Africa
Nat Malkus | AEI video

Is the media misleading readers on the Federal Communications Commission?
Roslyn Layton | AEIdeas

Putting pressure on Pakistan
Sadanand Dhume | The Wall Street Journal

The paradox of presidential responses to race and violence
Gerard Robison | AEIdeas

Protecting privacy in a data-driven world
Shane Tews | AEIdeas

Watch live: What can IRS data tell us about retirement incomes?

Andrew G. Biggs | AEI event today at 10:00 AM ET

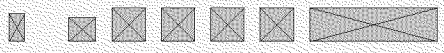
Around the web: The myth of the skills gap

Matt Winesett | AEIdeas

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Subject: Nov. 08 -- Daily Environment Report



Daily Environment Report

November 08, 2017 - Number 215

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Leading the News

Air Pollution
States With Ozone Problems Still Waiting on EPA to Act
States with significant ozone pollution problems are left hanging after the EPA released its list of regions that meet national air quality standards, but not the problem areas that don't.

EPA
EPA Air Chief Pick Could See Full Senate Vote This Week
Senate Democrats may allow the EPA's nominee for air chief to get an up-or-down vote by the end of the week, the Senate environment committee's top Democrat told Bloomberg Environment Nov. 7.

International Climate
Syria Joining Paris Deal Highlights Climate's Security Effects
Syria's announcement that the war-torn nation is formally joining the Paris climate pact highlighted concern among the agreement's backers that worsening climate impacts will aggravate global security and weaken U.S. diplomatic clout.

News

Agriculture
Trump Administration Drops Call for New WTO Pesticide Standards
The Trump administration dropped its bid for a World Trade Organization accord to harmonize international pesticide residue standards for food imports.

Air Pollution
Google Earth Has Cars Sniffing U.S. Cities to Guard Your Health

As firefighters fought to control deadly wildfires north of San Francisco last month, a small unit of Alphabet Inc.'s Google had a more modest goal. It had employees driving cars around loaded with air-monitoring equipment to measure how badly the smoke was polluting the air.

Asbestos

Wyeth Holdings Wins Reversal of Asbestos Jury Award

Pfizer subsidiary Wyeth Holdings won reversal of a jury award in favor of the widow of a man who allegedly contracted cancer from workplace exposure to asbestos dust from a Wyeth product.

Biofuels

Where Green Incentives Chop Down Palm Trees in Search for Fuel

What started as a way to cut Japan's dependence on imported fossil fuels has led to an expected surge in a different and equally controversial shipment: palm oil.

Books and Records Inspections

Shareholders Sue to Access GM Records on Emissions Compliance

Shareholders are suing General Motors Co. to access documents they say may shed light on whether directors allowed the company to illegally evade emissions standards.

California

Dow AgroSciences Wins Venue Battle in Cancer Warning Case

Claims that Dow AgroSciences LLC failed to warn California residents of a cancer-causing chemical in its soil fumigant will be tried where the alleged violation occurred, not in a county selected by the plaintiff, a California appeals court ruled Nov. 6.

Chemical Safety Board

Exxon Avoids Nearly Half of Safety Board Requests for Torrance Records

Exxon Mobil Corp. will avoid turning over to the U.S. Chemical Safety Board about 45 percent of the board's specific document requests on chemical operations at its former refinery in Torrance, Calif., where an explosion injured two workers in February 2015.

Chemical Testing

'Safe Harbor' Needed as Chemical Makers Use Fewer Lab Animals

Chemical manufacturers have invested millions to develop new tests that don't rely on laboratory animals, but they need a "safe harbor" to share that data from those tests with the EPA and each other.

Chemicals

Correction

A Nov. 6 article, "North Carolina Senators Decline to Back EPA Nominee Dourson," misstated Scott Faber's role in a coalition of groups opposing the nomination of Michael Dourson. Faber said he is a part of the coalition. The online version has been corrected.

Coal Mining

Wyoming Proposes Self-Bonding Limits for Coal Mine Cleanups

Coal companies operating in Wyoming would be able to self-bond only up to 70 percent of the cost of post-mining reclamation under rules the state proposed.

Coal-Fired Power Plants

Merkel's Green Party Coalition Hopefuls Drop Quick-Fix Coal Call

Germany's Green Party backed down on demands that the nation shutter its coal power plants by 2030, signaling a readiness to compromise as it struggles to become a member of

a new national coalition.

Energy
France Says Macron's Target to Cut Nuclear Power 'Unrealistic'
The French government said its objective of reducing nuclear to 50 percent of power generation by 2025 is "unrealistic" because it could endanger energy supplies unless carbon-emitting plants took up the slack.

Energy
Oil and Gas Development Bill Heads for House Committee Vote
Legislation that would shift some oil and gas permitting to states and limit the president's ability to bar energy development in some federal waters could sail through a House committee this week.

Energy
Restoring Electricity Top Priority for Puerto Rico Debt Board
Restoring electricity to hurricane-ravaged Puerto Rico is the top priority of the congressionally created financial oversight board seeking more control over the territory's bankrupt electricity authority.

Energy
South Africa's Gigaba Is Said to Meet World Bank on Nuclear Plan
South Africa's Finance Minister Malusi Gigaba met with representatives of the World Bank last week to discuss financing for development of a nuclear power program in the country, according to two people familiar with the meeting.

Insurance
Flood Insurance Reauthorization Stalls at House Rules Panel
House Rules Committee action on a bill to reauthorize the National Flood Insurance Program was postponed Nov. 7 and an aide told Bloomberg Government that the measure is now unlikely to be taken up this week.

International Climate
What's Behind the UN's Green Climate Fund
Climate finance is likely to be a hot topic at the United Nations climate talks in Bonn, which started yesterday and run until Nov. 17.

Oil & Gas
Offshore Safety Chief Wants 'Near-Miss' Reporting From Oil Rigs
Almost no U.S. oil and gas operators working in federal offshore waters have agreed to report "near misses"—the incidents that do not cause accidents but come close. The director of the Bureau of Safety and Environmental Enforcement says he intends to change that.

Oil & Gas
Williams Partners Wants Clarity on Court's Pipeline Stay
Williams Partners says a court order that temporarily stays government approval and halts construction of the Atlantic Sunrise natural gas pipeline expansion is putting 8,000 jobs at risk in Pennsylvania.

Pesticides
Olive Oil, Quinoa Among Repeat Offenders on Pesticide Watch List
The FDA is looking at more than two dozen imported foods that might warrant "special

attention" from inspectors because they contain pesticide residues in excess of U.S. limits, many of which have drawn agency scrutiny before.

Renewable Energy

GOP Senators Say Wind Tax Credit Is Safe in Their Tax Overhaul

Republican members of the Senate Finance Committee said they oppose a move by their colleagues in the House of Representatives to scale back the wind production tax credit, which provides subsidies to building wind turbines.

Renewable Energy

U.K. Seeks to Open Seabed for More New Wind Farms

The U.K.'s Crown Estate, which manages the seabed on behalf of the government, is seeking to lease new areas to energy companies building offshore wind farms.

Practitioner Insights

Energy

Practitioner Insights: Forward With Solar, Storage in Puerto Rico

Hurricane Maria hit Puerto Rico with almost inconceivable force: 155-mph winds tore down buildings and ripped apart large swaths of rainforest, while driving rains destroyed roads and breached dams. Parts of the island received more than 3 feet of rain in a single day—more rain than Seattle gets in the average year.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 8/8/2017 9:01:57 PM
Subject: Judges prod Trump administration over slow pace of Clean Power Plan review

By Alex Guillén

08/08/2017 04:58 PM EDT

Until it puts in place a replacement for the Clean Power Plan, EPA is avoiding its "statutory duty" to regulate greenhouse gas emissions, two federal court judges wrote today in an unusual warning shot at the Trump administration.

The D.C. Circuit agreed to keep a case challenging the Obama-era climate rule on hold for at least two more months, but a pair of judges appointed by Democratic presidents said that delay cannot continue forever. The Supreme Court in 2016 stayed the Clean Power Plan until the conclusion of the legal challenge, which has been suspended since the Trump administration began reviewing the rule.

"That in and of itself might not be a problem but for the fact that, in 2009, EPA promulgated an endangerment finding, which we have sustained," wrote judges David S. Tatel, a Clinton appointee, and Patricia A. Millett, an Obama appointee. The finding, which originally applied to vehicles but was expanded to power plants, requires EPA to take action on carbon dioxide emissions from power plants so long as it is in place.

"Combined with this court's abeyance, the stay has the effect of relieving EPA of its obligation to comply with that statutory duty for the indefinite future," they continued in an addendum to today's order keeping the case on hold.

Last week, environmentalists asked the court to issue its ruling on the Clean Power Plan because EPA has not provided an estimated date for proposing a repeal of the rule.

WHAT'S NEXT: The new 60-day hold on the litigation will place the court's next action shortly after the one-year anniversary of the Sept. 27, 2016, oral arguments over the Clean Power Plan, which took place before a panel of 10 of the D.C. Circuit's judges.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/judges-prod-trump-administration-over-slow-pace-of-clean-power-plan-review-091631

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Fri 8/18/2017 2:02:20 PM
Subject: POLITICO's Morning Score: Rokita's road rules — Campbell embraces Trump in new ad — Trump vs. Flake begins in earnest

By Kevin Robillard | 08/18/2017 10:00 AM EDT

With Zach Montellaro, Daniel Strauss and Elena Schneider

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

DRIVING MR. ROKITA - "The agonizing, 8-page memo on how to chauffeur a congressman," by John Bresnahan and Rachael Bade: "Who knew it could take eight pages of instructions on how to properly escort a member of Congress around his district? Yet there it is, laid out in mind-blowing detail, in a memo obtained by POLITICO that's sure to make any young, eager-beaver political aide shudder. Tasks listed in the document, entitled 'Instructions on Staffing and Driving - District Version,' include handing Rokita a cup of black coffee upon picking him up at his home, acting as a physical barrier between him and trackers looking to capture embarrassing footage of the congressman, and "avoid[ing] sudden acceleration or braking" while driving. 'The goal is to provide as smooth a ride as possible,' reads the instruction manual, co-authored by a former chief of staff to the congressman and Tim Edson, Rokita's ex-communications director turned campaign spokesman. ... Drivers are expected to transport not only Rokita's toothbrush and toothpaste but also stock and tote around the district a nearly 20-item supply box that Rokita's staffers call "the football." The contents include gum, hand sanitizer, business cards, bottled water, napkins and Kleenex, Lozenges-brand cough drops, a stapler and stapler remover, Post-it notes and Shout wipes, among other items. ... Asked about the memo, Rokita's campaign spokesman Tim Edson wrote in an email that 'there is nothing embarrassing about always being prepared.' Edson blamed the leaked memo on his boss' longtime nemesis, Rep. Luke Messer (R-Ind.), who he's running against for the GOP nomination to challenge Democratic incumbent Sen. Joe Donnelly (D-Ind.)." **Full story.**

FIRST IN SCORE - North Dakota's Campbell goes up with pro-Trump spot: North Dakota State Sen. Tom Campbell, a wealthy Republican potato farmer who announced a challenge to Democratic Sen. Heidi Heitkamp earlier this week, is out with his second television ad of the campaign. The 30-second spot features Campbell speaking directly to camera and linking himself to President Donald Trump. "America sent Washington a message. His name? Donald Trump," Campbell says. "The media may not like it, but it's exactly what Washington needs: Cut spending. Build the wall. Bold tax reform. And term limits to get rid of career politicians in both parties." **Watch the ad here.**

TRUMP VS. FLAKE - "Trump aides worry he hurt hopes of defeating Flake," by POLITICO's Alex Isenstadt: "President Donald Trump upended the Arizona Senate race on Thursday by signaling support for an underdog primary challenger - a move that went against the

wishes of his advisers and potentially undercut their efforts to unseat GOP Sen. Jeff Flake. ... Trump aides were taken aback by the tweet. Many of them are deeply skeptical about [Kelli] Ward's ability to defeat Flake. In 2016, Ward received 39 percent of the vote in an unsuccessful effort to unseat GOP Sen. John McCain . More recently, she came under fire for saying that McCain should step down from the Senate 'as quickly as possible' after he was diagnosed with brain cancer. The White House has met with two other prospective Flake opponents, Arizona state treasurer Jeff DeWit, who was a top official on Trump's campaign, and former state GOP chairman Robert Graham. Some in the administration, meanwhile, have set their sights on another Arizona Republican, former GOP Rep. Matt Salmon ...

In a brief telephone interview on Thursday afternoon, Salmon said he is currently abroad and not interested in joining the race. He declined to comment on his discussions with Bossie, who did not respond to a request for comment. ... Ward's aides said they hope to parlay Trump's tweet into financial backing from his donors. On Thursday, she reached out to Doug Deason, a Texas businessman and the son of billionaire Darwin Deason, though he hasn't committed. Her campaign announced the support of Bill Doddridge, a major GOP donor and jewelry company executive who funded a Trump 2016 super PAC." **Full story.**

-The tweet that started it all: "Great to see that Dr. Kelli Ward is running against Flake Jeff Flake, who is WEAK on borders, crime and a non-factor in Senate. He's toxic!"

-The NRSC and Senate Majority Leader Mitch McConnell are, predictably, standing by their man. "Jeff Flake is an excellent Senator and a tireless advocate for Arizona and our nation. He has my full support," McConnell said in a statement.

- BATTLING BOTS - "Russian network amplified Trump's Flake criticism," by USA Today's Oren Dorrell: "After President Trump criticized GOP Sen. Jeff Flake of Arizona on Twitter Thursday, a network of Russian propaganda tools amplified the message across the twitterverse, following a pattern of sowing division in the U.S. and in Europe. ... Later Thursday, 'Flake,' 'Phoenix' and 'Arizona' were among the top five trending topics under discussion by a network of 600 Twitter accounts that amplify messages developed by the Kremlin for the U.S. audience. The list of accounts is compiled and tracked by a new database created by the German Marshall Fund of the United States, a Washington, D.C., think tank that promotes cooperation between North America and Europe." **Full story.**

- REID WEIGHS IN - "Southwest Rises as 2018 Senate Battleground," by the New York Times' Alex Burns: "Harry Reid, the former Democratic leader in the Senate, said the growing prominence of these states in 2018 portended a longer-term shift. For all the concern about Midwestern states that shifted toward Mr. Trump, it is the Sun Belt and interior West that are expected to gain population, House seats and electoral votes over the coming decades. 'The power has shifted in our country, west of the Mississippi,' Mr. Reid said in an interview. 'It started a couple of cycles ago, but now it's in full force.' But Mr. Reid said it would take intensive financial investment and political organizing by Democrats to capture new states, like Arizona or Texas, where Representative Beto O'Rourke, a Democrat, is mounting a challenge to Mr. Cruz." **Full story.**

Days until the 2017 election: 81

Days until the 2018 election: 445.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

FOR YOUR RADAR - "Is Scott Pruitt on the campaign trail?" by Pro Energy's Emily Holden: "EPA Administrator Scott Pruitt has logged thousands of miles this summer touting his plans to rewrite the Obama administration's environmental regulations - and fueling speculation that he's laying the groundwork for a political campaign once he leaves his cabinet post. The former Oklahoma attorney general who made a name for himself by launching more than a dozen lawsuits against the Obama administration has visited 10 states in a few short weeks, hitting local media outlets along the way in a strategy that Beltway strategists say resembles more a candidate seeking political support than an EPA administrator pressing for regulatory changes. One conservative talk radio host in Iowa even joked about Pruitt's August trip to the state. 'If you're writing a book, you come to Iowa, or you must be running for the presidency,' WHO-AM's Simon Conway said to Pruitt. The trips, which have taken Pruitt mostly to Republican-led states, are ostensibly to highlight his efforts to loosen Obama-era water regulations. But he's also spending time with GOP leaders and influential industries and packing in as many media hits as possible, laying out well-rehearsed talking points to bash former President Barack Obama's EPA as part of his modern-day stump speech." **Full story.**

- "At Senator Menendez's Trial, Stakes Are High for Democrats," by the New York Times' Shane Goldmacher: "If Mr. Menendez, a Democrat, is convicted and then expelled from the United States Senate by early January, his replacement would be picked by Gov. Chris Christie, the Republican governor of New Jersey and an ally of President Trump. That scenario - where Mr. Menendez's interim replacement would more than likely be a Republican - would have immediate and far-reaching implications: The Republicans would be gifted a crucial extra vote just as the party remains a single vote shy in the Senate of advancing its bill to dismantle President Obama's signature health care law. Those potential consequences only heighten the drama around the first federal bribery charges leveled against a sitting senator in a generation. ... Even a bribery conviction would not automatically force Mr. Menendez from office, under the Senate rules. He would either have to voluntarily resign his seat, or two-thirds of his Senate colleagues - including at least 15 Democrats - would have to vote to expel him." **Full story.**

FOCUS ON FOCUS GROUPS - American Action Network tests tax reform arguments: American Action Network is out with the results of focus groups on tax reform in Orange County, Calif., and Omaha, Neb. Some of the takeaways: "The most popular messages on tax reform: more money in the pockets of the American people, bringing back the middle class, and paying your fair share. Least convincing message against tax reform: Any change to the tax system is just a cut for the rich and will not help relieve the tax burden on the middle class." The

memo also suggests "respondents recognized that Democrats will play on emotional fear mongering, yet all groups remained strongly in favor of tax reform." **Read the full memo here.**

MEMO MOMENT - Bridge questions McConnell: In a new memo, American Bridge argues "McConnell looks weaker than ever." "McConnell's humiliation is the culmination of eight disastrous months for Senate Republicans in which they have careened from crisis to crisis," the group's president, Jessica Mackler, writes. **Full memo here.**

GETTING THE NOD - End Citizens United endorsed first House candidates of 2018: End Citizens United endorsed three House challengers this week - Randy Bryce in Wisconsin's 1st District, Paul Davis in Kansas' 2nd District and Chrissy Houlahan in Pennsylvania's 6th District. The districts represent a diverse, both ideologically and demographically, slate of seats, which the group told McClatchy indicates that candidates who support getting money out of politics can run anywhere.

CODA - QUOTE OF THE DAY: "[Kid Rock] ain't running for jack squat. Okay? He never intended - he never thought about it. ... He ain't running. He never thought of running. Somebody literally pulled it out of their ass and said, 'Hey, what about Kid Rock?' Kid Rock didn't know anything about it. He's just having fun with it because it's so silly." - Ted Nugent, discussing Kid Rock's chances of running for Senate on a Michigan radio show.

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Daily Environment Report

October 18, 2017 - Number 200

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Leading the News

Air Pollution
Millions Breathing Dirty Air as California Wine Country Burns
The most destructive wildfires in California's history have exposed more than 7 million people in the San Francisco region to unhealthy levels of air pollution with 1 million facing air quality that the EPA would deem extremely unhealthy.

Drinking Water
CDC Sounds Alarm on Chemical Contamination in Drinking Water
A top environmental official at the Centers for Disease Control and Prevention said the scientific community is just beginning to grasp the scope of how much drinking water could be contaminated with a potentially toxic class of industrial chemicals.

EPA
Scientists Getting EPA Grants Can't Advise Agency, Pruitt Says
Scientists who have received EPA grants to the "tune of literally tens of millions of dollars" won't be allowed to serve on the agency's advisory boards, Administrator Scott Pruitt announced Oct. 17.

Pesticides
Developing World Still Struggling With Obsolete Pesticides
The cotton fields of sub-Saharan Africa hold a deadly secret—thousands of tons of obsolete pesticides are buried out of sight but slowly taking a toxic toll on the region's people and environment.

News

Agriculture

Conservation Program Would Get Boost Under Senate Bill

The existing Regional Conservation Partnership Program would receive more funds and flexible resources to expand projects under a bipartisan bill introduced by members of the Senate Agriculture Committee.

Agriculture

Next Farm Bill May Include Revamp of Sodsaver Provisions

A federal program designed to protect native grasslands may be added to the 2018 farm bill. It would expand to all 50 states and close what supporters characterize as a loophole in the existing statue giving farmers a crop insurance incentive to break native sod.

Biofuels

EPA Nominee's Committee Vote Postponed Amid Biofuel Dispute

Corn-state Republican senators who yield power over the EPA's nominees are raising concerns about the White House's pick to lead the agency's air office amid a dispute with Administrator Scott Pruitt over biofuels policy, prompting a delay in a scheduled committee vote.

Chemical Safety Board

Safety Board Makes Case for ExxonMobil Refinery Blast Records

Should the U.S. Chemical Safety Board have access to ExxonMobil Corp. records related to a risky near-miss incident at the company's one-time Torrance, Calif., refinery?

Disclosure

Most Companies' Financial Reports Don't Mention Climate Risks

Almost three-quarters of companies worldwide don't include in annual financial reports the risks that climate change could pose to their business, according to new research from KPMG International.

Energy

Australian Prime Minister's Clean Energy Plan Draws Criticism

Australian Prime Minister Malcolm Turnbull calls his new energy policy a "game changer," but his plan is drawing criticism from environmentalists and some industries and faces an uphill battle.

Energy

Democrats Urge Energy Regulator to Reject Pro-Coal Proposal

Sen. Maria Cantwell (D-Wash.) is pressing the Federal Energy Regulatory Commission to reject an Energy Department proposal aimed at propping up coal and nuclear plants in certain competitive energy markets, saying it's ultimately bad for consumers.

Energy

Energy Regulator Wants Faster Review of Gas Pipelines

The head of the Federal Energy Regulatory Commission wants to speed up federal review needed to build natural gas pipeline, but said he disagrees with another commissioner's suggestion to rely less on existing pipeline contracts.

Energy

Sacramento Nudges People to Use Less Electricity at Peak Hours

Electric utilities have a problem with peak demand. They need to build enough power plants to keep the lights on and the air conditioning running on the hottest days, even if many of those plants operate only a few days a year. Sacramento Municipal Utility District in

California calculated that it could build 44 percent fewer "peaking" plants if it could cut peak usage by charging more for power during periods of high demand. The problem for the utility was that most customers ...

Energy

Scana Gets SEC Subpoena After Canceled Nuclear Project

Scana Corp., already the target of federal and state investigations, said it received a subpoena from the U.S. Securities and Exchange Commission in connection with an abandoned nuclear power project.

Infrastructure

Senate Republicans Seek to Offer Input on Infrastructure Package

Senate Commerce Committee Republicans hope an Oct. 18 meeting with the White House infrastructure team will provide clarity and allow senators to offer input on a funding package, the committee chairman told Bloomberg Government Oct. 17.

Insurance

Flood Insurance Program May Be Reauthorized in Third Supplemental

The National Flood Insurance Program may be reauthorized in a third disaster aid supplemental, Sen. Mike Crapo (R-Idaho), Senate Banking Committee chairman, told reporters Oct. 17.

Mergers and Acquisitions

GE to Pay for Setback in Divesting Water Assets

General Electric Co., as part of its deal to merge with Baker Hughes Inc., must pay the U.S. government up to $12,000 a day beginning Jan. 1 for the delay in offloading its water and process technologies business.

Motor Vehicles

Bosch May Not Derail VW Dealers' $4 Billion Defeat Device Suit

A federal judge was skeptical of Robert Bosch GmbH's arguments that it shouldn't have to face racketeering and corruption claims by more than 600 Volkswagen AG dealerships over its role in the emissions-cheating scandal.

Oil & Gas

Colorado Tightens Pipeline Testing Rules After Fatal Explosion

A fatal explosion caused by a severed Anadarko Petroleum Co. natural gas flow line is driving tighter requirements to test oil and gas pipelines in Colorado.

Oil & Gas

Indian Energy Policy Advocate Tapped for Interior Post

An Inupiat Alaska native from Arctic oil country will be nominated to be assistant secretary of the Interior for Indian affairs.

Pesticides

With Brazil Ban Looming, Carbofuran Maker Shifts to Alternative Pesticides

The U.S. maker of the insecticide Furadan says it had been expecting its product would be banned in Brazil even before that country announced a six-month phaseout.

Sustainability

PODCAST: Will Corporations Save Us From Climate Change?

It's pretty clear that, under the Trump administration, regulating greenhouse gas emissions is no longer a priority for the federal government.

Water Infrastructure

Flint Must Choose Long-Term Water Source, Court Orders

A federal court in Michigan ordered the City of Flint to choose a long-term water source in the next seven days, likely meaning the city will remain on Detroit-area water.

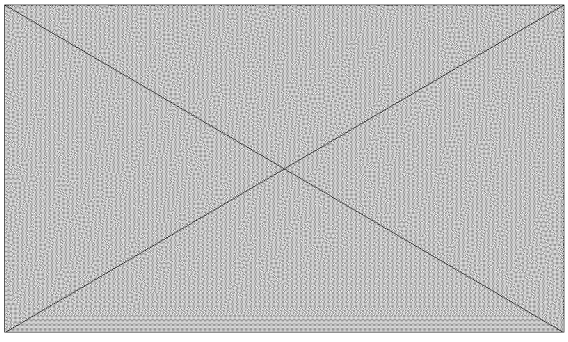
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Sent: Fri 12/1/2017 11:02:19 AM
Subject: AEI Today: Recommendations for a future national defense strategy

Since the end of the Cold War, the Pentagon's force-sizing construct has gradually become muddled and watered down at each iteration without enough substantive debate over the wisdom of the progressive abandonment of the two-war standard.

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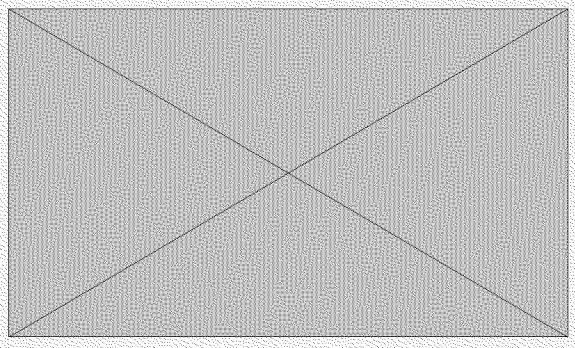
Marine Corps | Flickr

Recommendations for a future national defense strategy

Mackenzie Eaglen | Testimony before the Senate Committee on Armed Services

Since the end of the Cold War, the Pentagon's force-sizing construct has gradually become muddled and watered down at each iteration — from the aspirational objective of fighting two wars at once to the declinist "defeat-and-deny" approach — without enough substantive debate over the wisdom of the progressive

abandonment of the two-war standard.

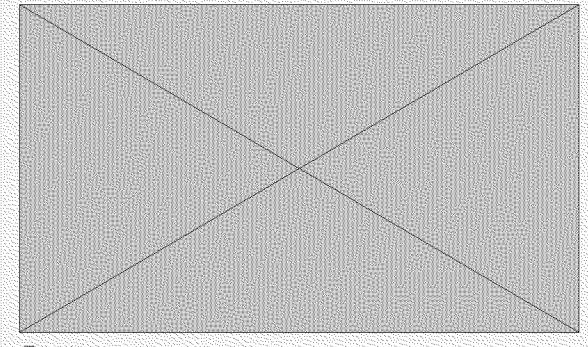


Twenty20

A GOP tax reform proposal that would help the working class

W. Bradford Wilcox and Samuel Hammond | The Atlantic

Republican leaders in Congress will say that there is simply no room in the budget to do more for working-class families, most of whom earn too little to owe federal taxes in the first place. But these same families lose roughly 15 cents of every hard-earned dollar to federal payroll taxes, directly diminishing their incentive to work and their ability to put their families on a firmer financial footing.

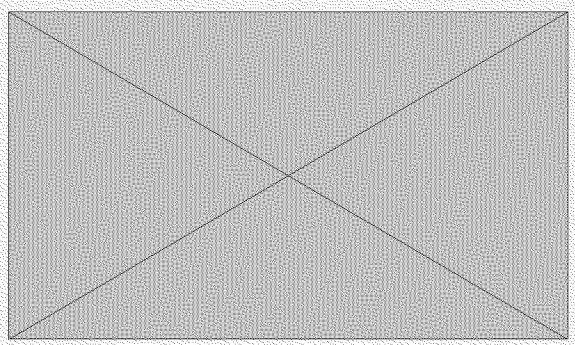


Reuters

Reviewing the polls: Hot topics in 2017

Karlyn Bowman and Eleanor O'Neil | Forbes

Most polls tend to reflect the national news cycle in terms of subject matter, and many of the hot topics this year related to national politics. But that does not mean other topics were less important to Americans. Besides politics, what were some of the other major issues registering in 2017?



Reuters

Farm subsidies: How effective are they?

Vincent H. Smith | AEI video

As Congress and the current administration seek to reduce poverty, policymakers should be wary of wasteful programs that do little to help poor Americans. Agricultural subsidies — especially popular with the largest and wealthiest farm business operations — largely fall into that category. Watch this minute-long video to learn more.

MORE FROM AEI

Why are Republicans raising taxes on millions of Americans?

Marc A. Thiessen | The Washington Post

Are liberals' sex scandals boosting Roy Moore?
Michael Barone | Washington Examiner

Never a sporting chance for AT&T/Time Warner merger either?
Bronwyn Howell | AEIdeas

Prison education and evidence-based criminal justice reform
Gerard Robinson and Grant Duwe | AEI Banter podcast

Are red or blue families more stable?
W. Bradford Wilcox and Vijay Menon | National Review Online

Things don't have to be terrible: An optimistic take on technology and jobs
James Pethokoukis | AEIdeas

RSVP: Military readiness and early childhood: What is the link?
Katharine B. Stevens | AEI event on December 5 at 9:30 AM ET

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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Subject: Sep. 19 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

September 19, 2017 - Number 180

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Maine SIP/Regional Haze
AIR

Final rule of the EPA approves a revision to the Maine SIP for regional haze. The revision includes a five-year progress report toward reasonable progress goals (RPGs) for regional haze and a determination of adequacy of the existing regional haze SIP. The progress report specifies that the state has implemented the necessary measures and that visibility in federal Class I areas affected by the state's emissions is improving and meets the applicable RPGs for 2018. The rule is effective Oct. 19, 2017. Contact: Anne McWilliams; EPA Region 1, Air Quality Unit; 617-918-1697; mcwilliams.anne@epa.gov. Citations: 40 CFR 52.1020

82 FR 43699 (09/19/2017)

Regulatory Update

AIR
Primary NAAQS for SOx/Draft External Review Documents
AIR

Notice of the EPA announces the availability of two external review draft documents concerning risk and exposure assessment for the review of the primary NAAQS for sulfur oxides (SOx) and the policy assessment for the review of the primary SOx NAAQS. The draft documents address quantitative exposure and risk analyses for the NAAQS review and, when finalized, the policy assessment is intended to connect currently available scientific information and the judgments required of the administrator in determining whether to retain or revise the existing primary SOx NAAQS. The agency will announce a meeting at a later date. Comments are due Oct. 18, 2017. Contact: Nicole Hagan; EPA, Office of Air Quality Planning and Standards; 919-541-3153; hagan.nicole@epa.gov

82 FR 43756 (09/19/2017)

Regulatory Update

ENDANGERED SPECIES
Maui Dolphin, South Island Hector's Dolphin Listing
ENDANGERED SPECIES

Final rule of the National Marine Fisheries Service lists the Maui dolphin as endangered and the South Island Hector's dolphin as threatened. The subspecies are endemic to New Zealand and do not occur within areas under U.S. jurisdiction, and therefore NMFS does not intend to propose any critical habitat designations. The rule is issued in response to a petition from WildEarth Guardians. The rule is effective Oct. 19, 2017. Contact: Lisa Manning; NMFS, Office of Protected Resources; 301-427-8466; lisa.manning@noaa.gov. Citations: 50 CFR 223.102, 224.101

82 FR 43701 (09/19/2017)

Regulatory Update

FOOD SAFETY
Listing of Manufacturers/Processors for Food Exports to China
FOOD SAFETY

Notice announces the intention of the FDA to seek OMB approval for a continuing information collection request regarding lists maintained by the agency identifying U.S. manufacturers/processors interested in exporting milk and milk products, seafood, infant formula, formula for young children, or other products regulated by the Center for Food Safety and Applied Nutrition (CFSAN) to China. The collection addresses requirements in FDA guidance for manufacturers/processors to provide evidence of third-party certification of compliance with applicable Chinese standards to be placed on the lists and to update information biennially to remain on the lists. Comments are due Nov. 20, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRAStaff@fda.hhs.gov

82 FR 43761 (09/19/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Cigarette Graphic Health Warnings
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a new information collection request to the OMB regarding warning statements for cigarette graphic health warnings. The collection concerns a study of consumer responses to potential textual warnings statements intended to promote greater public understanding of the negative health consequences of cigarette smoking. The study is being conducted due to a 2012 appeals court ruling that a June 22, 2011, final rule (76 FR 36628) requiring nine specified images to accompany textual warning statements for cigarettes violated the First Amendment. Comments are due Oct. 19, 2017. Contact: JonnaLynn Capezzuto; FDA, Office of Operations; 301-796-3794; PRAStaff@fda.hhs.gov. Citations: 21 CFR 1141

82 FR 43764 (09/19/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Generic Drug Policy
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces an extension of the comment period relating to a July 18, 2017, meeting (82 FR 28493; 06/22/2017) regarding implementation of the Hatch-Waxman Amendments and the appropriate balance between encouraging innovation in drug development and accelerating the availability to the public of lower cost alternatives to innovator drugs. The FDA seeks information regarding how the existing legal and regulatory framework and available incentives and marketplace practices impact consumer access to generic drugs. The previous notice listed several detailed questions on which the FDA would like specific input, including the impact of the Hatch-Waxman amendments on exclusivity periods, patents and patent listing procedures, innovator drug product labeling, post-approval changes to innovator drug products, and other regulatory processes such as the citizen petition process. Comments now are due Nov. 17, 2017. Contact: Philip Bonforte; FDA, Center for Drug Evaluation and Research; 240-402-6980; GenericDrugPolicy@fda.hhs.gov

82 FR 43767 (09/19/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Michigan, Wisconsin/Menominee and Park Mill Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC, Office of Energy Projects, announces the availability of an environmental assessment for the Menominee and Park Mill Hydroelectric Project on the Menominee River in Menominee County, Mich., and Marinette County, Wis. The project, proposed by North East Wisconsin Hydro LLC, of Neshkoro, Wis., consists of two developments with a total installed capacity of 4.348-megawatts. The EA concludes that issuing a new license for the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment. Comments are due Oct. 30, 2017. Contact: Chelsea Hudock; FERC; 202-502-8448; chelsea.hudock@ferc.gov

82 FR 43754 (09/19/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Registration of Tobacco Establishments, Product Listing
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a revised guidance for industry regarding registration and product listing for owners and operators of domestic tobacco product establishments. The guidance is intended to assist persons making establishment registration and product listing submissions to the FDA. The revisions specify a compliance policy for certain product listing labeling submissions. The revisions also update the compliance date concerning newly deemed products to specify that the agency does not intend to enforce such requirements if submissions are received by Sept. 30, 2017. Comments may be submitted at any time. Contact: Matthew Brenner; FDA, Center for Tobacco Products; 877-287-1373;

CTPRegulations@fda.hhs.gov

82 FR 43768 (09/19/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Tobacco Flavor Developer and Manufacturer Site Tours
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA, Center for Tobacco Products, announces an invitation for participation in its voluntary Flavor Developer and Manufacturer Site Tours Program. The program will provide agency staff an opportunity to visit companies that develop and/or manufacture flavors that are sold to tobacco product manufacturers to gain a better understanding of the development, testing, and production of flavors and flavor mixtures. A May 10, 2016, final rule (81 FR 28974) provided that all products that meet the statutory definition of "tobacco product," including components and parts, are subject to tobacco product manufacturing, distribution, and marketing regulations under the Federal Food, Drug, and Cosmetic Act. Company requests for participation in the program are due Nov. 20, 2017. Contact: Karla Price; FDA, Center for Tobacco Products; 877-287-1373; AskCTP@fda.hhs.gov

82 FR 43770 (09/19/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Chemical Transportation Advisory Committee Meeting
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the U.S. Coast Guard announces additional information concerning Oct. 3-5, 2017, meetings of the Chemical Transportation Advisory Committee and its subcommittees to discuss issues related to the marine transportation of hazardous materials (82 FR 41279; 08/30/2017). The meeting will address safety standards for the design of vessels carrying natural gas or using natural gas as fuel, marine vapor control system regulations implementation and guidance, hazardous substance response plans for tank vessels and facilities, and international maritime organization activities. The meeting also will address regulatory reform of Coast Guard regulations per executive orders 13771 (82 FR 9339; 02/03/2017) and 13783 (82 FR 16093; 03/31/2017). The notice announces a teleconference participation option for the full committee meeting scheduled for Oct. 5, 2017. Contact: Jake Lobb; USCG; 202-372-1428; jake.r.lobb@uscg.mil

82 FR 43778 (09/19/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Motor Carrier Safety Medical Review Board
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Motor Carrier Safety Administration announces a meeting of the Medical Review Board. The meeting agenda includes revisions to the handbook for medical examiners on

the National Registry of Certified Medical Examiners for use in evaluating interstate commercial motor vehicle drivers for a medical qualification determination. The meeting also includes review of the current advisory and exemption program criteria concerning individuals taking anti-seizure medication and identification of factors for consideration for potential regulatory actions to eliminate the need for granting exemptions. The meeting is scheduled Sept. 26-27, 2017, in Arlington, Va. Comments are due Sept. 20, 2017. Contact: Shannon Watson; FMCSA; 202-366-5221; mrb@dot.gov

82 FR 43809 (09/19/2017)

Regulatory Update

RADIATION
Georgia/Robins Air Force Base Decommissioning Plan
RADIATION

Notice of the NRC announces the availability of an environmental assessment and finding of no significant impact regarding an application from the Department of the Air Force for an amendment to its materials license (No. 42-23539-01AF) that authorizes the possession, storage, and use of radioactive materials around the U.S. The applicant seeks approval of a proposed decommissioning plan for Building 181 at Robins Air Force Base in Warner Robins, Ga., that would involve the cleanup of residual depleted uranium inside and underneath the building and partial demolition of the building. Contact: Vivian Campbell; NRC Region IV Office; 817-200-1455; Vivian.Campbell@nrc.gov

82 FR 43794 (09/19/2017)

Regulatory Update

RADIATION
NRC Fitness-for-Duty Programs
RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB regarding nuclear power fitness-for-duty programs. The collection addresses forms used by nuclear power plant licensees, strategic special nuclear material licensees, and other affected entities to report compliance with fitness-for-duty requirements related to drug and alcohol testing and fatigue reporting (NRC Forms 890, 891, and 892). Comments are due Oct. 19, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; INFOCOLLECTS.Resource@nrc.gov. Citations: 10 CFR 26

82 FR 43797 (09/19/2017)

Regulatory Update

TOXIC SUBSTANCES
Federal Explosives Licensing Center/Notification of Change of Address
TOXIC SUBSTANCES

Notice of the Bureau of Alcohol, Tobacco, Firearms, and Explosives announces the submission of a continuing information collection request to the OMB concerning notification requirements

for explosives permit and license holders of a change of mailing or premise address. The collection addresses requirements for notification of the chief of the Federal Explosives Licensing Center of a business or operations address change. Comments are due Oct. 19, 2017. Contact: Shawn Stevens; ATF, Federal Explosives Licensing Center; 304-616-4421; Shawn.Stevens@atf.gov. Citations: 27 CFR 555.54

82 FR 43791 (09/19/2017)

Regulatory Update

WATER
Advanced Notice of Vessel Arrival
WATER

Notice of the U.S. Coast Guard announces the submission of a continuing information collection request to the OMB concerning the requirement for prearrival messages from any vessel entering a port or place in the U.S. The collection facilitates the control of vessel traffic, development of contingency plans, and enforcement of agency regulations. Comments are due Oct. 19, 2017. Contact: Anthony Smith; USCG, Office of Information Management; 202-475-3532. Citations: 33 CFR 146; 160, Subpart C

82 FR 43779 (09/19/2017)

Regulatory Update

WATER
Waiver of Compliance with Navigation Laws/Hurricanes Harvey and Irma
WATER

Notice of the Department of Homeland Security, Office of the Secretary, announces the extension and modification of a Sept. 14, 2017, waiver (82 FR 43248) of provisions of the Jones Act through Sept. 22, 2017. The act requires certain vessels providing transportation of merchandise by water, or by water and land between points in the U.S., to have a coastwise endorsement or the vessel to have been built in and documented under U.S. laws and to be wholly owned by U.S. citizens. The waiver was provided due to severe disruptions in both the midstream and downstream sectors of the Gulf Cost oil supply system due to Hurricane Harvey and the potential imminent shortage of energy supply in areas affected by Hurricane Irma. The waiver is intended to facilitate movement of refined petroleum products, including gasoline, diesel, and jet fuel, to be shipped from Alabama, Arkansas, Delaware, Louisiana, Maryland, Mississippi, New Mexico, New Jersey, New York, Pennsylvania, and Texas to Florida, Georgia, North Carolina, Puerto Rico, South Carolina, Virginia, and West Virginia. The modification extends the waiver to several additional states. The extension is effective Sept. 12, 2017. Contact: DHS; 202-282-8010

82 FR 43782 (09/19/2017)

Regulatory Update

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Fri 7/28/2017 2:04:32 PM
Subject: POLITICO's Morning Score: Maryland congressman eyes 2020 — Senate Majority PAC raised $4.5 million — LePage says Collins is going to run for governor

By Elena Schneider | 07/28/2017 10:00 AM EDT

With Daniel Strauss and Zach Montellaro

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

THIS IS UNEXPECTED - "Delaney eyes 2020 presidential run," by Campaign Pro's Kevin Robillard and Heather Caygle: "Rep. John Delaney (D-Md.) plans on bypassing runs for governor and reelection and has told associates he is seriously considering a bid for president in 2020, according to two Democratic sources. Five Democratic sources in the state said buzz about the Delaney's intentions for 2018 and 2020 has been building for weeks, with increasing chatter about a presidential bid. Delaney, who could self-fund a run for governor, will skip a challenge against popular GOP Gov. Larry Hogan. He will also leave Democrats to defend his district, which he nearly lost in 2014. Democrats in the state believe he will announce his plans in a Washington Post op-ed on Friday. ... A presidential bid would seem quixotic: Delaney is little-known even among Democratic operatives, and his moderate stances and background in finance don't match a left-leaning Democratic primary electorate." **Full story.**

IN THE DETAILS - "Johnson Amendment changes moving through House, with all sides watching warily," by Campaign Pro's Maggie Severns: "Free speech proponents, campaign finance watchdogs and religious leaders are all closely watching an appropriations rider that would chip away at rules barring churches from participating in politics, divided not only by their politics but by whether the rider would have any effect at all. The language, tucked into a House appropriations bill that recently passed out of committee, strikes at the Johnson Amendment, which bars nonprofits from endorsing or opposing candidates and spending money in elections. President Donald Trump promised to undo the amendment on the campaign trail, but to do so would take an act of Congress. Trump signed an executive order this year that mostly symbolically addressed the issue by instructing the IRS to not take action against churches that take political positions. **Full story.**

CASH RACE - "Senate Majority PAC raised $4.5M in first half of 2017," by Campaign Pro's Kevin Robillard: "Senate Majority PAC, the Democratic super PAC controlled by allies of Senate Minority Leader Chuck Schumer, raised $4.6 million in the first six months of 2017, its fastest-ever fundraising start at the beginning of an election cycle. The super PAC has spent little, and ended June with $4.5 million in the bank. Senate Majority PAC is expected to play a major role in Senate Democrats' defensive effort in 2018, when ten Democratic senators are facing reelection in states President Donald Trump won last November. In five of those states - Indiana, West Virginia, Montana, North Dakota and Missouri - Trump won by more than 10

percentage points." **Full story.**

HMM ... - "Paul LePage says Susan Collins is going to run for governor," by the Maine Sun Journal's Steve Collins: "Gov. Paul LePage said Thursday he believes that Maine's senior senator, Republican Susan Collins, has her eye on the Blaine House. 'I think she knows what she's doing. She's planning to run for governor,' LePage told Portland radio station WGAN." **Full story.**

Days until the 2017 election: 101.

Days until the 2018 election: 465.

Thanks for joining us. You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

STAFFING UP - Buckeye Battle PAC adds top operatives: Buckeye Battle PAC, a pro-Mike Gibbons super PAC, has brought on a pair of veteran Republican operatives, Gentry Collins and Eric Woolson. According to the press release announcing the hires: "Gentry Collins joins as the senior political advisor, overseeing strategy and coalitions. During the 2010 election cycle, Collins served as the national political director at the Republican National Committee, tasked with building get-out-the-vote infrastructure nationwide. Under his direction the Republican Party made more volunteer voter contacts than any other cycle in history. The unprecedented ground game in 2010 played a major role in returning a Republican majority to Congress ... Eric Woolson joins Buckeye Battle PAC as the director of communications. Woolson is a former communications director for Iowa Gov. Terry Branstad, who was recently confirmed as U.S. Ambassador to China. Best known for managing former Arkansas Gov. Mike Huckabee's presidential campaign to a stunning victory in the 2008 Iowa caucuses, he has served in communications roles for six presidential candidates, numerous state and federal candidates and at three Republican National Conventions."

ON DEFENSE - "Pelosi defends Brady amid campaign investigation," by POLITICO's Heather Caygle: "House Minority Leader Nancy Pelosi is defending Rep. Bob Brady amid a federal probe into allegations his campaign illegally paid a primary challenger to drop out in 2012. The investigation came to light this week after Carolyn Cavaness, a former campaign manager and fiancé of Jimmie Moore, Brady's 2012 challenger, pleaded guilty for her role in helping illegally transfer $90,000 from the lawmaker's campaign coffers to Moore. Pelosi said she has confidence in Brady, who has served in the chamber for nearly two decades and is the top Democrat on the House Administration Committee." **Full story.**

CHANGE OF TUNE - "As Democrats Lay Into Trump, Cuomo Takes a Different Tack," by The New York Times' Shane Goldmacher: "Donald Trump may be the two most potent words in Democratic politics, but Andrew M. Cuomo, the Democratic governor of New York,

has spent much of the last six months going out of his way to avoid them. Nearly as soon as Mr. Trump was elected, Mr. Cuomo began dancing around invoking the president's name on the stump, skirting attacks in print and sidestepping reporters' questions about the president. As the Democratic Party's watchword in 2017 has become 'resist,' Mr. Cuomo, who has garnered attention as a possible presidential candidate in 2020, has instead opted to coexist." **Full story.**

POLLING DATA - Alabama Senate poll shows Strange with lead: A poll from the Raycom News Network and Strategy Research gives Sen. Luther Strange a narrow lead of likely registered voters in the Republican primary. Former Chief Justice Roy Moore is right on his heels with 33 percent and Rep. Mo Brooks has 16 percent, per WBRC. The IVR poll was in the field on July 34 and surveyed 3,000 registered voters with a margin of error of +/- 2 percent.

STEPPING UP - "Next Kansas governor would be a surgeon, Brownback loyalist," by the Associated Press's John Hanna: "Jeff Colyer is preparing to become Kansas' next governor after nearly a decade helping fellow conservative Republicans shape health care policy and serving as a loyal lieutenant governor and plastic surgeon, who squeezed in medical relief missions to disaster and war zones. Colyer would be elevated when his two-term running mate, GOP Gov. Sam Brownback, resigns to become President Donald Trump's ambassador-at-large for international religious freedom. ... Colyer would serve the remainder of Brownback's term, which ends in January 2019. The 57-year-old Colyer already was seen as a potential Republican candidate for governor next year because Brownback was term-limited. He was often the administration's spokesman on health issues and served in the Legislature before first running on Brownback's ticket in 2010." **Full story.**

ONLINE FUNDRAISING BONANZA - "Democratic 'nominee funds' top $100K in 12 districts," via Campaign Pro's Scott Bland: "Democratic small-dollar donors have already poured over $100,000 into escrow funds for the eventual nominee in 12 GOP-held battleground House districts, according to a new tool launched by Swing Left, one of the prominent groups raising money into such funds. Swing Left has launched a leaderboard tool to track district-by-district fundraising by its donors, and to give activists a platform to launch their own fundraising efforts. The tool includes the combined total with other groups, like ActBlue, that have also set up online 'nominee funds' that will flow to Democratic primary winners next year." **Full story.**

ADMINISTRATION SPEED READ - "Scaramucci declares war on Priebus, Bannon," via POLITICO's Josh Dawsey: "Anthony Scaramucci, the flashy and sometimes profane Wall Street financier, was brought on as White House communications director last Friday. It's already clear he's a lot more than that. In the span of six days, he has launched a brutally edged campaign to identify White House leakers, threatened to "fire everybody" in the communications shop, and has declared war on chief of staff Reince Priebus and chief strategist Steve Bannon. Scaramucci, who boasted that he reports directly to President Donald Trump, has described his role as "fixing the place," said one person who spoke with him this week. And he's wasting no time. In a vulgar interview with The New Yorker's Ryan Lizza on Wednesday night, Scaramucci laced into Priebus for trying to 'c--- block' him from a job in the White House, called him a 'f------ paranoid schizophrenic,' and questioned Bannon's loyalty. 'I'm not Steve Bannon, I'm not trying to suck my own c---,' he said." **Full story.**

CODA - QUOTE OF THE DAY: "Running mates don't matter. They do nothing to help you. All they can do is hurt you politically in terms of a race and who's voting for who." - New Jersey Gov. Chris Christie, talking about the selection by his running mate, Lt. Gov. Kim Guadagno, who is running for his job this year, via POLITICO New Jersey.

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http://www.politico.com/tipsheets/morning-score/2017/07/28/maryland-congressman-eyes-2020-221581

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Subject: Aug. 16 -- Energy and Climate Report



Energy and Climate Report

August 16, 2017 - Number 158

News

Bonds

Climate Bonds Pioneered by Goldman Lure Storm-Plagued Cities

As climate change pushes U.S. cities to build protections against stronger storms and more frequent floods, the Rockefeller Foundation is helping cities with a novel kind of financing, one that transfers some of the risk of innovative projects from cities to investors.

Coal-Fired Power Plants

China Coal Capacity Cuts Parallel Nudge Toward Gas Production

China is more than halfway to its goal of cutting 800 million metric tons of coal production capacity by the end of 2020, signaling to investors the government isn't projecting coal production to grow much more.

Energy

Mishap Triggers Taiwan Blackout as Power Policies Questioned

A blackout caused by a blunder at Taiwan's biggest gas-fired plant is the latest challenge to an electricity grid recently pushed to its limit and to President Tsai Ing-wen's efforts to reshape the island's power mix.

Energy

Scana Needs'Willing Partner' to Resume Nuclear Construction

Scana Corp. executives said the company would need to sign new contracts to revive construction on a South Carolina nuclear power plant—and that federal tax credits would be "an important factor."

Fossil Fuels

Court Provides Blueprint for Challenging Fossil Fuel Projects

A district court decision stopping the expansion of a Montana coal mine provides a blueprint for environmental advocates to block other coal, oil, and gas projects across the country.

Motor Vehicles

EU Automakers May Be Required to Produce Electric Vehicles

Making electric cars may become a regulatory requirement rather than a strategic choice for vehicle makers in the European Union as the bloc seeks to underpin a shift away from polluting combustion engines.

Oil & Gas

Offshore Drillers Shrug as U.S. Offers More Acreage, Lower Fees

Oil drillers are shrugging at President Donald Trump's pitch to invest in federal waters.

Renewable Energy

Arizona Utility to Replace Rooftop Solar Payments After Protests

Pinnacle West Capital Corp.'s Arizona Public Service will replace a program that required the state's largest utility to buy excess rooftop solar power at the same price that customers pay the utility.

Renewable Energy

Bird Charity Asked to Abandon Challenge to Scottish Wind Farm

Companies in the offshore wind energy supply chain asked a U.K. bird charity to abandon its legal battle against four giant projects planned off the coast of Scotland, which the environmentalists say could harm wildlife in the area if they were built.

Renewable Energy

State Nixes $2.5 Billion Line to Bring Wind Power to Midwest

A proposed $2.5 billion transmission line to bring cheap Kansas wind power to the Midwest was rejected by Missouri, which said the project failed to get all needed county approvals.

Sustainability

Tesla Skipping Green Bond Label Keeps Fledgling Market Limited

Investors are hungrier than ever for green bonds, yet companies known for their sustainable prowess—including Tesla Inc.—are choosing to sit out, raising questions about just how valuable the green bond label is.

Trump Push for Natural Gas Exports Opposed by Manufacturers

President Donald Trump's effort to boost U.S. energy is facing push back from manufacturers who say exporting more natural gas may undercut his "America First" jobs focus.

Practitioner Insights

Enforcement

Practitioner Insights: Environmental Fraud—New or Not?

"Fraud" is a term typically associated with Bernie Madoff, Ponzi schemes, and other situations where perpetrators have achieved financial gain. But fraud in the environmental area hasn't captured recent headlines until Volkswagen was found to have installed emissions cheating software in their diesel models, a decision that has cost VW more than $20 billion to date. One positive aspect of the VW scandal may be raised awareness of environmental fraud, and for environmental ...

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/31/2017 8:03:27 PM
Subject: Aug. 31 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

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Under Water, Houston Superfund Sites Spread Unease

Posted August 31, 2017, 12:35 P.M. ET

By Sylvia Carignan

At two Superfund sites in Houston, contaminants have likely spread outside secured perimeters, into communities and bodies of water, community advocates said.

"There are these massive pools of water sitting on the actual site," said Yvette Arellano, spokeswoman for Texas Environmental Justice Advocacy Services, which is tracking progress at the Many Diversified Interests Inc. Superfund site in Houston. Arellano and other community advocates worry that lead-contaminated soil has mixed with floodwater at the site.

The Environmental Protection Agency is taking stock of flooded Superfund sites in the aftermath of Hurricane Harvey, but community groups worry that the agency's cleanup policies aren't enough to protect human health.

The EPA started assessing storm damage at affected Superfund sites Aug. 30, but has not specified which properties it has reviewed. There are 13 federal Superfund sites in Harris County, Texas, which includes the city of Houston. The San Jacinto River Waste Pits Superfund site outside Houston has impounded paper-mill waste. In the early 2000s, the Texas Commission on Environmental Quality found dioxins and furans in sediment, fish, and crabs.

"The original way they found out the pits were leaking was through a similar storm many years ago," Lois Gibbs, founder of Center for Health, Environment & Justice, told Bloomberg BNA, adding that "the dioxin washed up into the properties there."

The EPA's proposed remediation plan for the site acknowledges the potential for flooding and changes in the river's path, making containment options unreliable. An armored cap placed on some of the waste in 2011 has been deteriorating, even with periodic repairs.

The San Jacinto River site is one of nine where EPA Administrator Scott Pruitt will decide on the

final remedial plan. The proposed plan, to ultimately remove the contaminants from the site, was estimated to cost nearly $100 million.

Harvey's Floods Could Delay 10 Percent of U.S. Fracking: Analyst

Posted August 31, 2017, 12:31 P.M. ET

By David Wethe

As much as 10 percent of U.S. fracking work could be delayed after Hurricane Harvey ripped through southeast Texas, home to one of the nation's busiest oilfields, according to Raymond James & Associates financial advisory.

More than half the rigs running in the Eagle Ford Shale are estimated to have suspended drilling because of the storm, Marshall Adkins, an analyst at Raymond James, wrote in an Aug. 31 note to clients. The muddy conditions left in Harvey's wake will add stress to the fracking services sector that has consistently lagged the faster drilling crews.

Given its location in far southeastern Texas, the Eagle Ford was the only major American shale formation in the cross hairs of Harvey when it slammed ashore as a Category 4 hurricane last week. Major explorers including EOG Resources Inc. and Marathon Oil Corp. halted drilling and evacuated crews in anticipation of the storm, crimping as much as 57 percent of daily production, according to the Texas Railroad Commission.

"Given that much of oil and gas activity occurs in areas only accessible via dirt roads, the heavy rainfall usually makes the movement of trucks and supplies much more difficult," Adkins wrote. "The trucking and rail of sand, chemicals, and personnel to the well site will all take more time given the likely nasty condition of many Eagle Ford access roads."

The Eagle Ford was the only shale basin of the big four to drop activity in recent days, as some in the industry start to look at shale as a more expensive option compared to other places.

The temporary drop in the rig count by as much as 45 rigs due to flooding could be a catalyst for higher oil prices, Adkins wrote.

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Concerns Over Houston Landfills Rise as Floodwaters Recede

Posted August 31, 2017, 02:50 P.M. ET

By Adam Allington

Tens of thousands of hurricane-ravaged houses will be gutted or bulldozed when the floodwaters in Texas eventually recede and cleanup begins. Where all of that garbage ends up is a looming question, with potential long-term environmental consequences.

While state officials say it is still too early to determine how much debris will remain, they know that in the aftermath of Hurricane Katrina in 2005, the city of New Orleans—which is one-sixth the size of Houston—had to dispose of 55 million cubic yards of waste, enough to fill the Superdome 40 times over. Simple math indicates that the size and scope of the Houston cleanup will be much greater,

raising questions about whether area landfills are equipped to sort and dispose of that much garbage.

Toxic Waste Headed to Landfills

In the aftermath of a hurricane, getting people safely back into their homes is the first priority. In an effort to speed that process, the Texas Commission on Environmental Quality has waived certain environmental regulations, including several pertaining to the disposal of solid waste.

According to the federal Resource Conservation and Recovery Act, all debris headed to landfills first must be sorted into five categories: woody debris; construction and demolition debris; "white goods," such as refrigerators, air conditioners, and water heaters; household hazardous waste; and electronic waste.

Many environmentalists worry that with thousands of truckloads of debris coming in such a rapid succession, sorting won't actually happen to the extent it should.

"We're about to put hundreds of thousands of tons of toxic materials into landfills," Andrew Dobbs, program director with the Texas Campaign for the Environment, told Bloomberg BNA. "Based on what we've seen from other recent floods in Texas, they probably aren't going to segregate out toxic materials, it's just going to end up in the landfill."

Dobbs said he and other environmentalists are not wagging their fingers at people who want the cleanup to go as quickly as possible. Instead, he says Houston should use this as an opportunity to plan for the next disaster, and properly prioritize hazardous waste cleanup.

A Very Long Cleanup

The trash and debris Harvey will leave behind is likely to take years to clean up, according to the Federal Emergency Management Agency. If disasters such as Harvey become more frequent, as climate scientists say they will, landfills will become increasingly important to the recovery process.

In the case of Houston, a lack of space in landfills might not be the immediate concern. The Houston-Galveston region has 27 landfills, with a total of 34 years of capacity under normal disposal rates, according to the Houston-Galveston Area Council.

"As things dry out, most cities and counties do have disaster debris management programs in place," Anne Germain, director of waste and recycling technology at the National Waste and Recycling Association, told Bloomberg BNA.

With the full cleanup likely to take a long time, the impact to neighborhoods could be minimized by having the material removed and managed at temporary locations, like the ones used in the aftermath of Katrina, Germain said.

Construction and demolition (C and D) landfills, so-called "sticks and bricks" sites, for example, could be used to take on extra capacity that might otherwise end up in municipal solid waste landfills.

"For instance, there will be lots of cars," Germain said. "Cars don't normally go to landfills, but they could be stored and processed at one off-site location.

Typically, the liner requirements for C and D landfills are not as robust to protect groundwater and each state regulates what materials those landfills can accept.

In Texas, Germain said, small amounts of household hazardous waste such as compact fluorescent light bulbs and batteries are permitted to go into the regular municipal solid waste landfill. More hazardous materials like propane tanks, pesticide containers, and household cleaners will need to be separated and taken to special disposal sites.

Lessons From Katrina

One of the factors contributing to the lengthy cleanup process after Katrina was the unprecedented scale of the operation and the complexity of the waste stream. Lessons learned from that cleanup have become integral to other disaster recovery plans.

"We authorized 409 sites for debris management—things like storage, grinding up waste to reduce volume," Chuck Carr Brown, the secretary of the Louisiana Department of Environmental Quality, told Bloomberg BNA. Brown was the assistant secretary during Hurricane Katrina and said he has shared his post-disaster playbook with his counterparts in Texas

His main piece of advice for Texas was to distribute the waste and debris segregation protocols as quickly as possible.

"Once the water recedes, the first thing you'll have is folks will go back home and start gutting houses—sheet rock, carpet, refrigerator, it will all go out to the curb," he said.

Brown told Bloomberg BNA that the list of materials that could be dumped in landfills was expanded in the aftermath of Katrina, but residents have not been exposed to a greater risk of point-source pollution.

"We didn't relax environmental" regulations, Brown said. "However, we did use a common sense approach to questions like, 'How can we create additional landfill space?'"

Louisiana extended the kinds of materials that could be taken to C and D landfills to include things like carpet and furniture, which frequently include chemicals and plastics, Brown said.

Synthetic carpets biodegrade very slowly and are known contributor to methane emissions. They can leach dangerous chemicals into the water supply, according to the anti-incineration group GAIA.

Brown said that waste collected during the Katrina cleanup is still being tested and has not been a problem. "We're 12 years out and not one environmental issue," he said.

He also said New Orleans was able to recycle 39 percent of the debris the city collected.

"If the people in Houston are able to do that, they'll be fine."

U.S. East Coast Drivers to Feel Harvey Fury at Gasoline Pump

Posted August 31, 2017, 02:15 P.M. ET

By Laura Blewitt

Motorists from Maine to Florida will soon feel the wrath of Hurricane Harvey without seeing a single raindrop.

Fuel prices at the pump are likely to climb after Colonial Pipeline Co.—the largest U.S. gasoline conduit—was forced to shut parts of its main diesel line late Aug. 30 and planned to halt a portion of its gasoline line Aug. 31 because about half of Gulf Coast refining capacity was offline. The company anticipates resuming some service late Sept. 3. Valero Energy Corp. and Royal Dutch Shell Plc, both major Gulf Coast refiners, told wholesale customers Aug. 30 they don't have enough gasoline and diesel to sell retail suppliers.

"It's one thing to not have refiners," Dan McTeague, an analyst at GasBuddy.com, a company which tracks retail prices and availability, said by phone. "It's quite another thing to not have pipelines."

Hurricane Harvey has potentially cut U.S. fuel-making capacity to the lowest level since 2008 after its initial strike on the Texas coast late last week. As Tropical Storm Harvey hit southeast Louisiana on Aug. 30, it brought torrential rains that shut the biggest U.S. refinery, owned by Motiva Enterprises LLC in Port Arthur, Texas, and one nearby held by Total SA. They join more than 12 other plants with almost a quarter of U.S. refining capacity.

As refineries along the Gulf Coast turned off the lights, Colonial, which carries fuel from Gulf Coast refineries to the East Coast, indicated that portions of its two main Lines 1 and 2 west of Lake Charles, Louisiana, would be offline and operating at reduced rates east of Lake Charles. Many smaller lines branching off from its main artery are also likely to shut.

Pace of Supply

"The issue is the pace of supply that we're getting from the origins," Buster Brown, Colonial's director of scheduling, said in a telephone interview. "It's not as much running out of supply as the timing—the speed at which supply gets to market."

Once shipments from the Houston area resume, Colonial will be able to ship fuels east, bypassing shuttered terminals in the Port Arthur, Texas, area, Brown said, noting that "Houston supply and Port Arthur supply are independent, so to speak."

Harvey also submerged pump stations and terminals along the Gulf Coast with its days-long deluge, and operators such as Valero and Shell had no choice but to stop sending fuels.

Valero stopped supplying gasoline stations across the Northeast at stores that don't carry its logo, while Shell reduced supplies to some company-branded stations in the lower Atlantic, according to people familiar with the operations of both companies who asked not to be identified. Motiva Enterprises holds exclusive rights to distribute Shell fuels to the majority of the southeast, said Natalie Gunnell, a spokeswoman for Shell's U.S. products unit.

BP Plc was said to be moving a tanker authorized to carry fuels between U.S. ports to Florida from New York Harbor, according to a person familiar with the cargo.

Spokespeople from Valero and BP didn't return requests for comment.

Fuel Waivers

The Environmental Protection Agency, in an effort to stay ahead of potential shortages, has been

issuing waivers exempting more and more southeastern states from requirements that they use fuel that meets clean-air quality standards.

Gasoline futures for September delivery at New York Harbor rose for an eighth session Aug. 31, the longest rally since 2013, and climbed above $2 a gallon.

As shortages ripple across the East Coast, the most likely suppliers left standing are refiners from Louisiana and Europe, according to Zachary Rogers, a refining and oil products analyst at Wood Mackenzie. The ongoing gasoline supply issues could reduce East Coast inventories to 3- to 5-year lows, he said by phone from Houston.

At least 20 tankers were booked to load European fuels for the U.S. since Harvey made landfall, a rate nearly double the average for August, shipping data compiled by Bloomberg show. Shipbrokers said cargo flows to New York are expected to be the highest since November, when Colonial Pipeline exploded and cut off supplies.

“Because of the shortage, you will likely see a price increase in the East Coast, which would incentivize the other refiners to shift gasoline yields,” Rogers said.

While suppliers of gasoline stations from Georgia northward may have reason to be concerned, the Sunshine State has one key advantage: It’s not winter yet.

“In Florida, we’re not in the main season, so demand is not as high as it would be normally from November to May,” said Ned Boman, executive director of the Florida Petroleum Marketers and Convenience Store Association. “We should be OK.”

--With assistance from Bert Gilbert.

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Arkema Chemical Plant in Texas Explodes After Hurricane Damage

Posted August 31, 2017, 9:46 A.M. ET

By Ania Nussbaum and Jack Kaskey

A Texas chemical plant was hit by explosions after floods caused by Hurricane Harvey knocked out power supplies needed to refrigerate volatile chemicals. The plant, owned by French chemical company Arkema SA, was evacuated and the local area cleared prior to the blow.

Two explosions and black smoke were reported at 2:00 a.m. local time, after the plant in Crosby, Texas, lost its electricity supply and backup generators, the company said in an Aug. 31 statement. Arkema stores organic peroxides at several locations on the site and the threat of additional explosions remains, it said.

“It is not anything toxic. It is not anything we think is a danger to the community at all,” Harris County Sheriff Ed Gonzales said in a press conference streamed on the internet Aug. 31. Harvey made landfall on Aug. 26 and has brought torrential rain and the collapse of levees, dams and drains while knocking out almost a quarter of U.S. refining capacity, of which more than half is in the Gulf of Mexico region. While Harvey’s closure of U.S. crude processing capacity has grabbed headlines and led to spiking gasoline prices, less known is the storm’s outsize impact on chemical production.

"It seems like Harvey came with a plan to follow the chemical industry on the Gulf Coast," said Sam Mannan, director of the Mary Kay O'Connor Process Safety Center at Texas A&M University. "This whole thing is testing how well we have thought through our safety systems and programs and how robust the plants are."

Uncharted Territory

About 61 percent of U.S. ethylene production has been shut due to Harvey as of Aug. 30 afternoon, according to PetroChemwire.

While Gulf Coast chemical plants are designed to withstand hurricane force winds and floods, Harvey has put the industry into uncharted territory, according to Mannan.

"I don't know if anybody is ready for this level of flooding," he said. Arkema's site in Crosby, which is about 25 miles from downtown Houston, is situated in an area with no hospitals, schools, correctional facilities, recreational areas, or industrial and commercial areas in the vicinity, according to the Colombes, France-based company.

The best course of action is to let the fire burn itself out, it said. The chemicals made at the plant are used in a variety of products from drugs to construction materials.

"At Crosby, we prepared for what we recognized could be a worst-case scenario," Rich Rowe, who overseas Arkema's U.S. operation, said in a statement. "We had redundant contingency plans in place. Right now, we have an unprecedented six feet of water at the plant."

One complicating factor post-Harvey is the urban sprawl gradually engulfing chemical plants, according to Andrea Sella, a professor of inorganic chemistry at UCL university in London.

"Because accidents are unusual, planners can come to underestimate the severity of what are likely to be quite rare events," she said in an e-mailed statement.

—With assistance from Jessica Shankleman.

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Texas Explosions Signal Chemical Plants Pushed to Limits by Storm

Posted August 31, 2017, 12:28 P.M. ET

By Jack Kaskey and Ania Nussbaum

In its devastatingly slow crawl up the industrial Gulf Coast, Hurricane Harvey is proving to be the biggest test yet of the safety and vulnerabilities of the U.S. chemicals industry.

A Houston-area chemical plant was hit by explosions overnight after floods caused by Harvey knocked out power supplies needed to refrigerate volatile peroxides. Fifteen police officers were treated at the hospital for smoke irritation from the plant, though earlier evacuations of the site and surrounding community prevented more serious injuries. The plant is owned by French chemical company Arkema SA.

The remaining chemicals will eventually burn, Richard Rennard, an Arkema division president, told reporters Aug. 31. “It is not anything we think is a danger to the community at all,” Harris County Sheriff Ed Gonzalez said in a news conference early in the day.

The incident underscored the risks confronting the industry after dozens of chemical plants shut down in the path of the storm from South Texas to Louisiana, knocking out more than half of U.S. production of some of the most-used chemicals and plastics.

With its crucial access to ports for shipping and receiving, the Gulf Coast is the epicenter of the nation’s chemical industry, where many of the materials indispensable to modern society are produced. The plants provide the basic building blocks for making everything from cars and computers to household furnishings and appliances.

The massive industrial centers also deal with complex chemical processes that pose hazards from lethal explosions to toxic spills when things go wrong. The danger is greatest when plants are shutting down and starting up.

“That is when bad things happen,” said Ramanan Krishnamoorti, the chief energy officer at the University of Houston.

Uncharted Territory

Gulf Coast chemical plants are designed to withstand hurricane force winds and floods, but Harvey has put the industry into uncharted territory, Sam Mannan, director of the Mary Kay O’Connor Process Safety Center at Texas A&M University, which studies plant safety.

Though plants have been dealing with a multitude of problems and there have been no serious injuries, the crisis is far from over. It will take weeks, if not months, for all the plants to assess damage, make repairs and restart operations in the wake of the floods.

“This whole thing is testing how well we have thought through our safety systems and programs and how robust the plants are,” said Mannan. “I don’t know if anybody is ready for this level of flooding.“

Harvey made landfall on Aug. 26 and has brought torrential rain and historic flooding along the Gulf Coast, knocking out almost a quarter of U.S. refining capacity. While Harvey’s shut down of U.S. crude processing capacity has grabbed headlines and led to spiking gasoline prices, less known is the storm’s outsize impact on chemical production.

“It seems like Harvey came with a plan to follow the chemical industry on the Gulf Coast,” Mannan said.

Production Halted

About 61 percent of U.S. ethylene production has been shut due to Harvey, according to PetroChemwire. The storm has closed about 51 percent of U.S. capacity for making polyethylene, the world’s most used plastic resin, according to Kevin McCarthy, an equity analyst at Vertical Research Partners. As much as 65 percent of polypropylene production and one-third of chlorine output may shut or running at reduced rates, according to IHS Markit. Prices already have been rising.

“The combination of Harvey’s path, duration and rainfall total is wreaking havoc with the supply side

of the U.S. chemicals industry on an unprecedented scale," McCarthy said. "We certainly haven't seen anything quite like it in our 18 years of following chemical stocks on Wall Street."

One complicating factor post-Harvey is the urban sprawl gradually engulfing chemical plants, according to Andrea Sella, a professor of inorganic chemistry at UCL university in London. "Because accidents are unusual, planners can come to underestimate the severity of what are likely to be quite rare events," he said by email.

Arkema's site in Crosby, which is about 25 miles from downtown Houston, is situated in an area with no hospitals, schools, correctional facilities, recreational areas or industrial and commercial areas in the vicinity, according to the Colombes, France-based company.

Explosions, Smoke

Two explosions and black smoke were reported at 2 a.m. local time, after the plant lost power and backup generators in the storm's flood, the company said in a statement on Thursday. Arkema stores organic peroxides at several locations on the site. Sheriff Gonzalez said 13 of the 15 deputies treated for smoke exposure had been released from the hospital.

The best course of action is to let the fire burn itself out, the company said. The chemicals made at the plant are used to make plastics.

"At Crosby, we prepared for what we recognized could be a worst-case scenario," Rich Rowe, who overseas Arkema's U.S. operations, said in a statement. "We had redundant contingency plans in place." The flood waters, which reached 6 feet inside the plant, have begun to recede, Rennard, the company president, said Aug. 31.

—With assistance from Jessica Shankleman.

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Harvey Cleanup Tests Trump's Plan to Shrink EPA Staff by 8%

Posted August 31, 2017, 12:24 P.M. ET

By Abby Smith

The EPA has a team in Texas to lead the environmental response to Hurricane Harvey, which could pose a severe test for an agency the Trump administration is moving to shrink as early as this weekend.

The hurricane struck as the Environmental Protection Agency could buy out as many as 1,228 employees, or roughly 8 percent of its workforce.

"I've got to hope there has been a sudden and drastic culture change within the agency, and the political appointees from [EPA Administrator Scott] Pruitt down I hope and pray are listening to the EPA career staff," Judith Enck, who served as EPA Region 2 administrator during the Obama administration, told Bloomberg BNA. Enck led the agency's response to Hurricane Sandy, which swept across the Northeast in 2012 leaving areas of the New York and New Jersey coastline devastated.

The Trump administration's plans to shrink EPA staff pose a significant concern to the agency's Harvey response, she said. The first round of early buyouts for staff is Sept. 2.

"If a large number of EPA staff are walking out the door then, that is a huge problem," Enck said, suggesting the EPA should freeze that round of buyouts.

"The Trump administration wants to cut the EPA budget by 31 percent. Imagine responding to the current situation with only two-thirds of the staff on board," she said, adding that the people who would be leaving due to buyouts are the "ones most experienced, the people who worked on the Katrina and Sandy responses."

The Category 4 storm that ripped through the Houston area late last week and is now making its way through southeast Texas and Louisiana has caused historic flooding, but it is also leaving behind environmental hazards—from flood waters littered with chemicals, sewage, bacteria, and debris to large releases of toxic gas and pollutants into the air from the heavy concentration of refineries and chemical plants in the area.

While the Federal Emergency Management Agency serves as the lead agency in emergency response, the EPA will work to address environmental threats caused by the storm—a recovery effort that is likely to take months, if not years.

EPA Teams in Texas

To respond to Harvey, the EPA has activated its Emergency Operations Center, as well as the National Incident Management Team composed of response personnel from EPA Regions 3, 4, and 5. That team arrived in Dallas on Aug. 30, according to David Gray, acting deputy regional administrator for EPA Region 6, which covers Texas and Louisiana.

"EPA has an organized emergency response program and is positioned to support FEMA, state, local and tribal partners," Gray said in a statement to Bloomberg BNA. "Helping to manage response efforts and focusing on the safety of those affected are our highest priorities."

Typically, the EPA serves as the lead agency for cleanup of hazardous materials in the aftermath of an environmental disaster, though it also coordinates with other federal and local agencies to assess and respond to other potential environmental impacts.

Gray said the EPA is working with the Texas Commission on Environmental Quality, Texas General Land Office, and the Coast Guard, with seven teams in the field. The EPA Aug. 30 sent teams to inspect two Superfund sites near Corpus Christi that are on the agency's National Priorities List, according to Gray. The agency will also send teams to two drinking water and waste water systems, as well as aircraft to assess pollution in the impacted area.

In June, the union covering EPA employees said as many as 1,228 EPA employees would be eligible for buyout offers that would need to take effect by Sept. 2.

Fate of Chemical Makers' Trade Secrets Rests With EPA

Posted August 31, 2017, 7:31 A.M. ET

By Pat Rizzuto

The EPA is preparing to receive requests from potentially hundreds of chemical manufacturers, importers, and processors who want to keep thousands of chemical details out of the public eye.

However, with a looming Sept. 19 deadline for companies to justify past requests to the EPA, a sense of confusion remains over what companies need to do to keep their trade secrets confidential, according to industry officials and consultants. That confusion is the result of a complex web of deadlines and requirements for different types of information and some initial missteps following the 2016 update to the nation's chemicals law.

At issue is confidential business information, facts such as a company's identity as the manufacturer of a chemical, which could be mined by competitors to gain market share.

"Protection of confidential business information is critical to enable innovation," Jarrod Erpelding, a Dow Chemical Co. spokesman, told Bloomberg BNA.

Chemical companies frequently ask the EPA to keep some details about chemicals private. The 2016 update to the Toxic Substances Control Act added a new requirement that manufacturers routinely justify their need for that chemical information to be kept confidential.

Three 'Buckets'

The statute requires the EPA to review all claims that a chemical's identity should be kept confidential and 25 percent of any other proprietary business information claims.

The updated chemicals law, along with a Jan. 19 Federal Register notice and an Aug. 11 rule (RIN 2070-AK24), established three general groups, or "buckets," of CBI claims the EPA must review, Richard Engler, a senior chemist with Bergeson & Campbell, P.C. and 17-year veteran of the EPA chemicals office, told Bloomberg BNA.

Those "buckets" of claims are:

• "retrospective substantiations" for claims that companies made on TSCA documents submitted between June 22, 2016, when the law was updated, and March 21, 2017, when the EPA issued guidance;

• ongoing substantiations that provided a company's rationale to keep confidential information on any TSCA document filed since March 21; and

• justifications for CBI claims made in response to an August regulation known as the "Inventory Reset" rule, which requires chemical manufacturers and importers, and allows chemical processors to, notify the EPA about any chemical they made or used since June 21, 2006. Those submissions are due by Feb. 7, 2018.

Confidential business information isn't just a big issue for chemical companies. Environmental advocates say that workers, industrial hygienists, ecologists, state and environmental officials, and the public generally have the right to know about chemicals that are in people's bodies and the environment. The ability to figure out whether that exposure could cause harm depends on chemical information being publicly available, they said.

The Environmental Defense Fund and Safer Chemicals Healthy Families were unable to respond to a request for comment on the EPA's review of confidential business information claims, while the Natural Resources Defense Council didn't reply to repeated requests. In a Jan. 18 blog, Richard Dension, lead senior scientist with the Environmental Defense Fund, described the EPA's decision

to give chemical companies until Sept. 19 to substantiate previously submitted confidential business information claims as "exceedingly generous."

EPA Prepping for Deluge

The most imminent deadline companies face is the Sept. 19 deadline for justifying claims made in the nine months after TSCA was updated. A single TSCA document filed during that period could include multiple CBI claims.

The universe of claims companies made during those nine months could include thousands of requests stemming from the Chemical Data Reporting rule submissions they submitted to the EPA in 2016. Bloomberg BNA reviewed 43,095 submissions from last year: 6,554 of them, or about 15.2 percent, came from manufacturing sites claiming their identity as confidential.

Realizing a deluge of confidential business information justifications may be submitted by that deadline, the EPA boosted by 20 percent the number of staff that will review company claims, Pam Myrick, director of the chemical office's Information Management Division, told Bloomberg BNA. The agency may seek additional, temporary help due to the volume expected, she said.

The amended chemicals law gives the EPA 90 days to complete its reviews of confidential business information claims.

"We will do our best," Ryan Wallace, acting information access chief of the Information Management Division in the EPA chemicals office, told Bloomberg BNA.

If a company fails to substantiate information it claimed needed trade secret protection, the agency will notify the company. The business have 30 additional days to substantiate the information, he said. The agency also will provide its final decisions and the rationale behind them to companies, which would then have 30 days to appeal that decision in a U.S. district court, Wallace said.

That 30 day time limit to sue means chemical manufacturers must take seriously any letter they receive from the agency and decide promptly if they want to challenge it, Irene Hantman, an attorney in the Washington office of Verdant Law, PLLC, told Bloomberg BNA. If not, the company loses its ability to prevent the information from being made public, she said.

Confusing Context

With just weeks to go before the Sept. 19 deadline, some chemical makers don't realize how many confidentiality claims may need to be substantiated, or re-substantiated, because they were made during the June 2016 to March 2017 window, Brianna Scherffius, a consultant with Ramboll Environ, Inc., and other chemical policy professionals told Bloomberg BNA.

Companies submitted thousands of Chemical Data Reporting rule forms—each form having many potentially confidential details—from June 1 through Oct. 31, 2016. Confidential business information claims also could have been made between June 22, 2016, and March 21, 2017, on:

- new chemical notices and related documents (TSCA Section 5);

- substantial risk notices (TSCA Section 8(e)); and

- documents such as chemical information submitted due to a rule or enforceable consent agreement (TSCA Section 4).

The context in which these claims were filed makes them particularly complex and potentially confusing for chemical manufacturers, Scherffius and Christina Franz, senior director of regulatory and technical affairs at the American Chemistry Council, told Bloomberg BNA.

The requirement to justify confidentiality claims was effective as soon as the TSCA amendments became law in June 2016. Yet, the electronic database companies use to submit chemical information to the EPA wasn't updated for several months, Scherffius, Franz, and Wallace said.

The delay meant the software companies use didn't automatically trigger the substantiation requirement for many confidentiality claims they could make.

It also took the EPA until January to prepare guidance to help companies substantiate confidentiality requests, Wallace said. The EPA had developed guidance and updated its electronic filing system by Jan. 19 when it announced the retrospective substantiation window, he said.

Mistakes Made Early On

Prior to that January guidance, companies had some painful experiences with confidential business information requests.

Chemical manufacturers were getting letters "fast and furious" from the EPA saying confidential information had not been adequately substantiated, yet those letters weren't clear about what the agency needed, Franz said.

In at least one case, a company's CBI was unintentionally disclosed, Franz said. The company's competitive position wasn't harmed as a result of that disclosure, Franz said, but the EPA took the security breach seriously.

"We were making mistakes in the haste to get them [the letters] out," Wallace said.

After chemical manufacturers alerted officials to the problems, the agency temporarily stopped sending letters saying claims had not been sufficiently substantiated, Wallace said. The EPA focused on setting up a clearer review and communication process and developing guidance, he added.

Those efforts included regular meetings between EPA and the American Chemistry Council to ensure that companies understand the agency's expectations, Franz said. In addition the EPA hosted two webinars in March on its updated electronic filing system and had agency staff speak during Chemistry Council webinars this summer to further explain expectations and the law's requirements.

"During the start-up of EPA's CBI review program, many companies, including Dow, encountered errors," Erpelding told Bloomberg BNA by email. "The agency responded, and appears to have resolved those issues."

Lack of Awareness Persists

Notwithstanding the EPA's "very constructive" efforts to clarify its expectations, some chemical manufacturers still don't realize they have to substantiate or re-substantiate confidentiality claims made soon after TSCA was amended, Franz said.

The EPA developed three CBI substantiation templates to help companies understand what information can be claimed confidential and what questions they would be able to answer to explain why.

Yet, Scherffius said, some chemical manufacturers do not know these templates exist or understand how to substantiate their claims.

Nor do manufacturers fully realize different substantiation requirements may or may not apply to different types of claims, Engler said.

The amended chemicals law presumes certain types of information to be confidential, which means companies don't have to justify the need to keep that information confidential when its provided to the EPA, Engler said. That includes information like a company's suppliers and customers, as well as the specific ingredients and percentage of those ingredients in chemical mixtures is confidential.

More Justifications Possible

There's another reason the EPA may contact a chemical manufacturer or processor and ask it to justify a confidential business information claim—if a Freedom of Information Act (FOIA) request seeks a document that contains protected information.

The EPA could ask the company to clarify inconsistencies about the amount of information that needs to be protected, the agency said. For example, if a manufacturer claimed its identity as confidential, but failed to claim its address too, the EPA would ask whether it sought protection for all aspects of its identity, the agency said.

"In general however, EPA only protects information that is claimed as CBI," it said.

FOIA-triggered confidential business reviews do not count toward the 25 percent of examinations TSCA requires the EPA to make, the agency told Bloomberg BNA.

Companies only have 10 days to challenge an EPA determination on CBI triggered by a Freedom of Information Act request, according to Hantman, who has handled such substantiation requests for clients.

EPA Notices Common Problems

EPA's Wallace and Myrick discussed common problems staff have observed as they've reviewed substantiations. Primarily they referred to problems that arise when companies claim the specific identity of a chemical to be a trade secret.

Chemical companies are allowed to keep a chemical's identity secret in some circumstances. For example, if it's a new molecule that a company spent thousands of dollars developing. In such cases, the updated TSCA directs companies to use a "structurally descriptive generic name" for public documents about the chemical.

One mistake some companies have made is claiming that a specific chemical's identity needs to be kept confidential, even though that information is already available to the public via a safety data sheet posted on the company's website, Wallace said.

"We've encouraged industry to contact staff with questions," Wallace said. Often, when companies do, they realize they don't need the agency to keep certain information out of the public eye, he said.

Industry representatives told Bloomberg BNA that another common problem is that companies are sometimes asking the EPA to shield their identity as a manufacturer of a specific chemical, but forgetting to claim its address or the name of its "technical contact" as confidential information. Internet searches can easily link the address or technical contact with the manufacturer.

Companies Urged to Provide Facts

Franz encouraged chemical makers to look at the EPA's CBI substantiation templates, frequently asked questions, and other information it has prepared.

Companies will have to provide facts and a clear rationale to show the agency why its release of confidential business information would harm them financially, she said.

"Companies need to help EPA understand, so it will make an educated decision," Franz said.

Information that could help the EPA decide trade secret protection was warranted could include details showing that one company is the only business to have discovered a particular use for a chemical. For example, if a processor discovered that a chemical not known for being used in a particular type of formulation—like a paint, floor wax, or cleaner—was useful, the company might want to keep its use of that chemical confidential.

Too often, Scherffius said, CBI justifications are a last minute effort as a company finishes providing technical details on another TSCA form.

"Companies do not understand how to fill out the CBI form and the fact that this is their opportunity to support why each piece of data needs to be maintained as confidential," she said.

Chemical Identity

One thing companies won't need to worry about yet is justifying their need for continued CBI protection for the specific identity of chemicals on the agency's confidential TSCA inventory. Those types of claims need not be substantiated now, Engler said.

Amended TSCA requires the EPA to propose a "review plan" rule describing the process it will use to review companies' assertions that an existing chemical's specific identity must continue to be kept secret, he said. Once that plan is released, which could happen in 2019, the EPA would have five years to review all claims companies make to keep a chemical's specific identity confidential.

Given all the other statutory deadlines the agency faces, it may be a few years before the EPA begins to require and review chemical identity substantiations, Engler said.

Judge With 'Healthy Skepticism' of Regulation Exits D.C. Circuit

Posted August 31, 2017, 7:45 A.M. ET

By Rebecca Wilhelm

The nation's second-most-powerful court is losing a "unique" voice that is skeptical of administrative agency power, with Judge Janice Rogers Brown set to retire Aug. 31 after 12 years serving on the U.S. Court of Appeals for the District of Columbia Circuit.

Brown's retirement hands President Donald Trump his first opportunity to fill a seat on the court, which frequently hears administrative law cases, including challenges to EPA regulations.

While Brown generally votes with the conservative bloc, she often reaches the same outcome in a different way from her conservative colleagues, Christopher J. Walker, an associate professor of law at The Ohio State University Moritz College of Law, told Bloomberg BNA.

"When you're just counting votes on the D.C. Circuit, you might not see much of a difference" after Trump appoints Brown's replacement, Walker said. "But when you're looking at the reasoning that's given, I doubt you'll have a judge like Janice Rogers Brown, with that kind of libertarian bent."

Walker said in that respect, she's comparable to Supreme Court Justice Clarence Thomas: they might reach the same conclusion as their conservative colleagues, but for different reasons.

'Healthy Skepticism'

Former President George W. Bush first nominated Brown to the federal judiciary in 2003, but she wasn't confirmed until 2005 because of opposition from Senate Democrats.

Originally from Alabama, Brown previously served as an associate justice of the California Supreme Court. She received her juris doctorate from UCLA School of Law and her master of laws from the University of Virginia School of Law.

Brown has a "healthy skepticism of the administrative state," Walker said. She falls within the libertarian camp that believes courts should more aggressively review government action.

The D.C. Circuit declined to make Brown available for an interview. However, the opinions she has authored illustrate her skepticism of certain agency actions , including those of the EPA.

In 2009, the D.C. Circuit denied a petition seeking review of a Drug Enforcement Agency order revoking a company's authority to distribute certain chemical products under the Controlled Substances Act. Brown dissented from that decision.

"I close with a few words on how easily the administrative state can slip its leash," Brown wrote in Novelty, Inc. v. DEA.

"A familiar argument for enhanced administrative authority (and hence diminished judicial review) is the need for 'flexibility,' as old-fashioned courts are ill-suited to deal with the complexities of the modern world," Brown wrote. "That may be true. But the flipside of flexibility is certainty, consistency, evenhandedness, and predictability—those Rule of Law values that mark a free society."

Jonathan H. Adler, a professor of law at Case Western Reserve University School of Law, told Bloomberg BNA: "Judge Brown is more openly skeptical of assertions of agency power than most judges are and certainly has a distinct voice in that regard."

Not Subject to Judicial Review

But Brown doesn't always think that an agency's action is judicially reviewable.

In Clean Air Council v. Pruitt, the D.C. Circuit recently rebuked the Environmental Protection Agency for suspending methane emissions regulations imposed under the Obama administration. The court held that the EPA decision to stay enforcement of the Clean Air Act rule for three months while the agency reconsidered it was unauthorized and unreasonable.

Brown dissented, arguing that the court lacked jurisdiction to hear the case because the EPA decision wasn't final agency action subject to judicial review.

"That Petitioners are anxious to see their victory implemented and impatient with delay does not make EPA's action final," she wrote. "It may be annoying, disappointing, ill-advised, even unlawful, but that does not transform a stay to facilitate reconsideration into 'final agency action.' "

'Unique Perspective'

"Judge Brown has a unique perspective on things," Aaron Nielson, an associate professor of law at J. Reuben Clark Law School at Brigham Young University, told Bloomberg BNA. "She comes from a distinct place and brings a deep fountain of knowledge to these cases that isn't the same background and knowledge that a lot of other judges have."

She's wary of federal agency overreach and is very mindful of things like how much something costs and who's paying for it, said Nielson, who clerked for Brown. "She is in D.C., but not of D.C."

Brown also is concerned about retroactivity, according to Nielson. "She doesn't think it's fair to change the rules in the middle of the game," he said.

She authored the majority opinion in Arkema Inc. v. EPA, which found an EPA rule modifying the cap-and-trade market for hydrochlorofluorocarbons "impermissibly retroactive" because it no longer included companies' inter-pollutant transfers in their baseline allowances, which were recognized under an earlier rule.

The EPA interpretation of the Clean Air Act "contradicts its past practice, narrowing the range of options and altering the legal landscape" for companies participating in the cap-and-trade market, Brown wrote. "Prospectively, the EPA can limit inter-pollutant trades to a single year and can prohibit inter-pollutant baseline transfers. But the Final Rule cannot have retroactive effect."

No Replacement Yet

Trump has not yet announced Brown's successor.

"It's possible we could get a replacement that is similarly outspoken and has similar views," Adler said, "but she certainly has a distinctive voice on the federal judiciary."

The D.C. Circuit is an important court, and Democrats in Congress could try to delay the confirmation process, Adler said. But Democrats won't be able to block the nomination on their own because the Senate moved to a 51-vote threshold for appellate court nominees in 2013.

Recently, the D.C. Circuit has "been the source of a disproportionate percentage of Supreme Court nominees," Adler said. "But I wouldn't assume that anyone he appoints is a Supreme Court short-lister."

Number of Chemicals in Products is Underestimated, EPA Says

Posted August 31, 2017, 02:26 P.M. ET

By Pat Rizzuto

The number of chemicals in products people use at home, at their worksite, and in schools is typically underestimated, an EPA exposure researcher said Aug. 31.

Anyone trying to estimate the number and concentration of chemicals in products has to go beyond safety data sheets, ingredient labels, and other listings, according to Katherine Phillips, a research chemist at the Environmental Protection Agency's National Exposure Research Laboratory. During an EPA webinar, Phillips described research the agency is doing to help regulatory staff and other decision-makers decide when a chemical has the potential to harm people or the environment.

The research is designed to help the agency address the multitude of chemicals in everyday life and answer a few central questions, like which ones should the EPA worry about? Or which ones should the agency evaluate for health and ecological risks?

There are tens of thousands of chemicals in products people spray, touch, sit on, slather on, and otherwise come into contact with.

Choosing to focus on chemicals unlikely to cause problems could waste taxpayers' and companies' money as the companies invest time and research to provide the agency with chemical use, exposure, and other data. The EPA also must analyze information from academia, unions, advocacy organizations, and other groups. Choosing chemicals that do put people's health at risk or hurt the environment could prevent disease, fish kills, and other problems that also cost people, farmers, and others harm.

The research Phillips and her colleagues are doing could influence how the agency picks chemicals and pesticides for further evaluation and regulation. For example, the research office is examining ways it can help the EPA's chemicals office determine which chemicals are priorities for risk evaluations that could lead to chemical use restrictions or other regulations.

EPA Enforcement Nominee to Start Work Ahead of Confirmation

Posted August 31, 2017, 03:48 P.M. ET

By Renee Schoof

Susan Parker Bodine, the president's pick for EPA enforcement chief, will start work at the agency Sept. 5 ahead of her Senate confirmation vote.

Bodine will work as special counsel to the administrator on enforcement, agency spokeswoman Amy Graham said Aug. 31. Bodine is the nominee to become assistant administrator for enforcement and compliance.

The move raised questions from one advocacy group about whether the Trump administration was getting around the Senate's role to advise and consent on the agency's leadership, even temporarily.

The nonprofit group Public Employees for Environmental Responsibility said in a news release Aug. 31 that Bodine's early start "appears to fly in the face of the spirit, if not the letter, of a 2017 U.S. Supreme Court decision that the Federal Vacancies Reform Act bars unconfirmed presidential nominees from performing the duties of that office in an acting capacity or from serving as `first assistants who automatically assume acting duties.'"

Graham, asked about this, said by email, "This is a usual practice done in many administrations."

Ryan Jackson, the EPA chief of staff, told staffers in an email obtained and released by PEER that the acting head of the Office of Enforcement and Compliance Assurance, career official Larry Starfield, would remain in that role until Bodine is confirmed.

New England, Canada Strive for Deeper Greenhouse Gas Cuts

Posted August 31, 2017, 02:56 P.M. ET

By Adrianne Appel

New England and eastern Canadian provinces will lean more heavily on renewable energy, electricity conservation, and zero-emissions vehicles as they aim for deeper greenhouse gas reductions.

The governors and premiers set a goal to reduce harmful carbon emissions 35 percent to 45 percent below 1990 levels by 2030 in a plan they released Aug. 31.

The region easily met the previous carbon-reduction goals in 2010 and 2015, the leaders of the six New England states and five Canadian provinces said during their annual meeting on Prince Edward Island, Canada.

In order to reach the 2030 target, however, the region has to be more aggressive in reducing greenhouse gas emissions, they said.

Chemours Told to Stop Discharging Two Chemicals in N.C.

Posted August 31, 2017, 03:43 P.M. ET

By Andrew M. Ballard

North Carolina regulators are asking The Chemours Co., to stop discharging two more chemical compounds of concern into the Cape Fear River from its Fayetteville, N.C., facility.

The two compounds, both perfluoroethersulfonic acid byproducts, were uncovered in the company's waste stream by the U.S. Environmental Protection Agency during its investigation into the facility's discharges of GenX, a substitute for the widely used Teflon chemical perfluorooctanoic acid (PFOA). The compounds are sometimes used to make stain resistant coatings for carpets, rain gear, fast food wrappers, and frying pans.

Sufficient exposure to PFOA has been linked to thyroid disease, high cholesterol, early signs of liver damage, and testicular and kidney cancer, among other health effects according to a 2012 paper in the journal Environmental Health Perspectives.

Chemours already voluntarily stopped discharging GenX due to concerns about its potential health effects. Sampling has found concentrations of GenX and three other perfluorinated compounds in the Cape Fear River—a drinking water source to tens of thousands of North Carolina residents—to have dropped since that release was stopped.

Details Sought

In addition to asking Chemours to cease discharging the two newly discovered compounds, the state Department of Environmental Quality (DEQ) said Aug. 31 that it was still demanding that the company provide it with a "complete inventory, sampling data and test results for all chemicals included in the company's waste stream." The request to stop releasing the two byproducts was made in an Aug. 29 letter sent to Chemours, the state agency said.

"DEQ is looking at all legal options including going to court to get the company to stop the discharge" of the newly discovered compounds, the agency said in its Aug. 31 announcement.

In a statement, the company said it "was made aware of these sampling results on Tuesday, Aug. 29. In response, we are now investigating the potential that these two substances are byproducts of the IXM production unit at Chemours Fayetteville manufacturing site. We are working with the North Carolina Department of Environmental Quality to understand their data and gain additional clarity regarding these samples. As we gather this additional information, we are also working to determine the appropriate next steps."

The technical name of one byproduct is perfluoro-3,6-dioxa-4-methyl-7-octene-1-sulfonic acid. The second is called ethanesulfonic acid, 2-[1-(difluoro(1,2,2,2-tetrafluoroethoxy]-1,1,2,2-tetrafluoro.

Limited Funding

The announcement that the two additional chemicals of concern were found came on the same day that state lawmakers approved a bill (H.B. 56) that, among other things, provides $435,000 to local utilities and the University of North Carolina at Wilmington for water testing and treatment efforts related to GenX.

Critics of the GenX provisions in the bill said it was too narrowly focused and provided insufficient funding, while supporters argued it was a necessary and immediate response to the issue.

H.B. 56, which now goes to Gov. Roy Cooper (D) for his consideration, also would lift a ban on the sale of plastic bags in three coastal counties in place since 2009, ease certain solid waste "flow control" requirements, and consolidate water quality reports, among other changes.

Harvey's Roar Rumbles Half a World Away as Propane in Asia Jumps

Posted August 31, 2017, 7:39 A.M. ET

By Ann Koh and Laura Blewitt

Asian buyers of liquefied petroleum gas are already paying for disruptions half a world away in Texas as record rainfall halted shipments of propane and butane from ports that handle more than 90 percent of U.S. exports to the region.

Marine export terminals operated by Enterprise Products Partners LP, Targa Resources Inc. and Phillips 66, all suppliers of the fuel, are shut because of closures at the Houston Ship Channel, Port of Beaumont, and Port of Freeport, according to Aug. 29 statements from the companies. Mont Belvieu, Texas, facilities belonging to Enterprise and Targa also have halted some fractionation operations, in which raw liquids are turned into products like propane and butane. There are no estimates yet for when the ports will reopen.

The U.S. Gulf Coast, home to the largest LPG storage caverns in the world, is a key global supplier, so events there can ricochet in markets around the world. As Hurricane Harvey made landfall near Corpus Christi, Texas, late last week, propane prices in Northeast Asia climbed. And as it approached the Louisiana coast before making a second strike Aug. 30 as a tropical storm, Middle Eastern producers said they're raising prices. Asian buyers, which import the fuel for heating and petrochemical production, were caught in the middle.

"Affected buyers will seek cargoes from elsewhere," said Ong Han Wee, a consultant with FGE in Singapore. "The prices jumped last Friday in Asia, just before or when the hurricane made landfall. The Middle East contract prices are also higher now, most likely because of sentiment from Harvey."

Middle Eastern producers Saudi Arabian Oil Co. and Kuwait Petroleum Corp. announced that they would increase September contract prices for propane and butane by $40 to $60 a metric ton amid bullish sentiment, traders said. The region's countries are the most likely alternative suppliers because they are nearest to Asia, Ong said.

While international LPG prices have soared since Harvey's landfall, propane traded at the Mont Belvieu Enterprise terminal hasn't kept pace, rising just 2 percent since Aug. 24, according to DTN Energy data. The lack of dramatic price action stateside will expand arbitrage opportunities to Asia once the exporters can finally use the Gulf Coast ports, said Peter Fasullo, co-founder at LPG consultancy En*Vantage Inc.

The U.S. is expected to export 28 million tons of propane and butane this year, half of which will go to Asian buyers in Japan, South Korea, and China, according to FGE.

But the U.S. hasn't sent a single LPG tanker from the Gulf Coast since Aug. 25, according to Bloomberg market specialist Bert Gilbert. The Ports of Houston and Freeport said they're still uncertain when they'll be able to reopen to vessel traffic.

Historic Rains

And supply concerns extend beyond the shutdown of the ports.

Cedar Bayou, a body of water just outside of the fractionation and storage hub in Mont Belvieu, recorded 51.88 inches (132 centimeters) of rain this week, setting a new record for the continental U.S., according to the National Weather Service.

That much water could signal weeks of trouble for the storage facilities there, Fasullo said. Underground storage of LPG uses brine ponds to pump highly salinated fluids into caverns. If heavy rains dilute the salty ponds, contamination, and containment issues that make it hard to get the fuel out of storage may occur.

Enterprise's "storage assets have remained operational," said Rick Rainey, a company spokesman in Houston. "We continue to manage our brine supplies."

But Targa's capacity to receive raw products was "negatively impacted" by flooding, according to a company statement.

"I don't think there's going to be any relief for many days, and if those many days turn into weeks, it could be a one- to three-week period" before normal exports resume, Fasullo said by telephone from Houston. "Propane prices could go off to the races because I think you're going to get strong storage draws when we will be able to get those export terminals up."

—With assistance from Tsuyoshi Inajima and Dan Murtaugh.

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Germany to Cut 2018 Onshore Wind Aid After Additions Exceed Cap

Posted August 31, 2017, 11:53 A.M. ET

By Brian Parkin

Germany will cut subsidies paid to onshore wind farm owners from January after additions surpassed an industry cap, the Bnetza power regulator said.

A record 5.03 gigawatts of new onshore wind power was added in Germany during the past 12 months, exceeding the gigawatt 3.5-gigawatt limit the government established to support sustainable growth, the Bonn-based regulator said Aug. 31 in an email.

Guaranteed subsidies for operational onshore wind plants will be cut 2.4 percent from Jan. 1, with payments starting at 7.49 euro cents (9 cents) a kilowatt-hour for new plants and 4.17 cents a kilowatt-hour for older plants, Bnetza said.

Should new wind or utility-scale solar additions fall below targets, subsidies would rise, according to the rules.

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Brazil Judge Reinstates Ban on Mining in Copper-Rich Amazon Area

Posted August 31, 2017, 12:10 P.M. ET

By Michael Kepp

A federal judge in Brazil suspended a presidential decree that had reopened the gold-and-copper-rich eastern Amazon to mining.

President Michel Temer exceeded his authority in issuing the decree on the National Reserve of Copper and Associated Minerals (RENCA) because lifting the ban on mining requires a law that Congress must pass, Judge Rolando Valcir Spanholo of the Twenty-First Regional Federal Court in Brasilia said in his Aug. 29 ruling.

"The suspension of President Temer's unilateral decree with its severe threats to vast Amazonian forest offers a welcome and temporary reprieve," said Christian Poirier, program director for

Amazon Watch. "Today's ruling upholds constitutional guarantees and puts the brakes on this drastic regression, but is ultimately vulnerable to being overruled by higher courts."

Temer's Aug. 22 decree lifted the ban on mining in RENCA, which spans a 17,930-square-mile (46,450-square kilometer) expanse of the eastern Amazon in Amapa and Para states. In 1984 the government set up RENCA, an area larger than Denmark, to temporarily suspend exploration for, and extraction of, copper and other ores there to allow it to extract the minerals at a future date. Subsequent governments had maintained the ban.

"The judge's decision to suspend the decree makes no sense because if a 1984 presidential decree created RENCA, a 2017 presidential decree can end it," Elmer Prata Salomao, president of the advisory council of the Brazilian Association of Mining Research Companies, whose members are major domestic and foreign private-sector mining companies, told Bloomberg BNA Aug. 30.

The judge's decision to reinstate the ban is provisional and his definitive ruling on the merits of the case could take at least six months to decide, Claudia Franco, an assistant to Valcir Spanholo, told Bloomberg BNA.

Temer's legal office will challenge the decision with either in the court where the decision was issued or in a federal appeals court, a spokesman for his legal office told Bloomberg BNA Aug. 31.

Brazil Plans to Offer Up to 9 Gigawatts in Energy Auctions

Posted August 31, 2017, 8:49 A.M. ET

By Vanessa Dezem

Brazil is planning to award contracts for as much as 9 gigawatts of new generating capacity in a pair of power auctions scheduled for December, according to a person with knowledge of the process. The bulk is expected to go to wind farms.

The first event will feature contracts for 1.4 gigawatts to 2 gigawatts of capacity, and the second event will be bigger, with developers bidding for 5 gigawatts to 7 gigawatts, according to the person, who asked not to be identified because the information isn't public.

The scale of the two auctions will be welcome news to renewable energy developers and suppliers. Last December, the government canceled what would have been the year's only auction solely for wind and solar energy, and hasn't held any since. Companies seeking to build power plants have been hobbled by the lack of details regarding future demand, while turbine companies faced the prospect of halting production lines after their current crop of orders dries up.

The auctions this December will offer contracts to sell power from new plants that go into operation in 2021 and 2023. The first will be open only to renewable energy projects, and the other will accept bids from both clean and conventional sources. Power distributors in Brazil are expected to provide more details soon about the amount of capacity they expect to need, according to the person.

The decision to cancel last year's auction resulted from a growing electricity surplus as Brazil grappled with the worst recession in a century. With the economy now starting to improve, the government expects energy demand to increase next year, driving demand for power plants, according to Paulo Pedrosa, executive secretary for the Ministry of Mines and Energy.

Two new auctions are also scheduled for 2018, with one penciled in for the start of the year, according to Pedrosa.

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Australia's Digital Currency Opens Avenues for Renewables Trading

Posted August 31, 2017, 03:11 P.M. ET

By Murray Griffin

An Australian company developed a digital currency designed for peer-to-peer trading among businesses and homeowners looking to sell surplus renewable energy.

Power Ledger's decentralized trading platform relies on its own version of bitcoin blockchain technology to instantaneously track transactions, making it possible for them to trade clean energy without the need for accountants, lawyers, or banks.

The blockchain encrypts, replicates, and shares multiple transaction records across a network of participants.

Power Ledger said a key benefit of its platform is that participating small and midsize businesses and homes with rooftop solar photovoltaic systems in Australia will no longer have to sell excess power back to electricity retailers at the low prices they offer.

The penetration rate for rooftop PV systems in Australia is now among the world's highest, according to the Australian Energy Regulator. While state governments are phasing out premium feed-in tariffs, the loss of these incentives is being largely offset by declining installation costs for solar systems, the regulator said.

Those using the peer-to-peer platform instead can sell their excess power to businesses or households prepared to buy it possibly at a higher price. The buyers also benefit because they still pay less than they would if they were purchasing from an electricity retailer. A $25,000 cap discourages large businesses and utilities from controlling the market.

Expanding Market

It's a large potential market, given Australia has more than 1.7 million small-scale solar PV systems on the rooftops of small businesses and homes, and there is a fast-growing number of slightly larger systems installed on commercial and industrial buildings, according to the federal Clean Energy Regulator.

The Power Ledger platform can accommodate various forms of peer-to-peer renewable energy trading, company co-founder and chairwoman Jemma Green told Bloomberg BNA by phone.

In addition to allowing trading among apartment block occupants or industrial park tenants that all use power behind the same main meter, developers of projects such as community solar farms could use it to secure funding, she said Aug. 28.

Developers "could sell shares in their solar farm via the platform," with the shareholders then receiving some of the income from the project. Power Ledger would in turn charge the developer a fee based on "a percentage of the capex [capital expenditure] of the project," she said.

For households, the digital currency enables owners to sell their excess energy, much in the same way Uber and AirBnb lets people make money from their cars and spare guestrooms.

Larger Networks

If partnerships are forged with electricity distribution businesses, then trading also could occur across larger electricity networks, according to Green.

The company already is testing its trading platform at a new housing development in the Western Australian city of Perth. Green said residents were paying at least 20 percent less for power than if they were buying it from the grid.

Power Ledger is currently piloting the platform in conjunction with New Zealand's largest electricity distributor, Vector Ltd. "Vector is looking at the potential for blockchain technology in peer-to-peer energy trading, and has been working since the start of the year with PowerLedger on a trial," said a Vector spokesman, adding that it's too early to comment on the trial.

It's also in discussions with Western Power, the distribution business owned by the Western Australian state government, regarding a trial that would involve some of the 11,000 homes—as well as TasNetworks, the electricity distribution network owned by the Tasmanian state government—Power Ledger managing director David Martin told Bloomberg BNA by phone Aug. 28.

In addition, discussions are underway with a large distribution business in the U.S. and another in Japan, although Green said neither could be named at this stage for reasons of commercial confidentiality.

The company started selling 100 million tokens that give those holding them rights to use its trading platform Aug. 27 and by Aug. 30 more than 90 percent had been sold at a fixed price of 8.8 cents.

Disruption?

Power Ledger has created 1 billion tokens and a follow offering will take place in September at an uncapped price.

Meanwhile, the federal government's Australian Renewable Energy Agency (ARENA) has separately been looking into using blockchain to enable peer-to-peer trading in renewable energy among businesses and households.

In May this year it contributed A$120,000 ($95,000) to an A$293,000 desktop trial by AGL Energy, one of Australia's largest electricity businesses.

"Australia has experienced a rooftop solar boom in the past decade and we are expecting a residential battery boom to follow in the coming years," ARENA chief executive Ivor Frischknecht said. "Ultimately, these investigations are about getting the most value out of solar and battery systems through a more flexible and modern marketplace."

A report on the findings of the ARENA-funded study is expected to be released soon.

Japan Environment Ministry Asks for $2.9B to Boost Clean Energy

Posted August 31, 2017, 9:16 A.M. ET

By Chisaki Watanabe

Japan's Ministry of Economy, Trade and Industry is seeking to allocate 323 billion yen ($2.9 billion) to expand the use of low-carbon energy sources for the year starting April 1, an increase of nearly 7

percent from the previous year.

The plan includes support for research and development for more efficient solar panels such as perovskite cells and cheaper floating offshore wind, according to a ministry document released on Aug. 31. The allocation will also be used to increase installations of hydrogen fuel cells and hydrogen stations for vehicles.

The ministry is increasing support for next-generation vehicles and self-driving technology by 31 percent to 45 billion yen, including 4.8 billion yen for the development of next-generation batteries, including solid-state lithium-ion batteries.

The ministry is also planning to set aside 78 billion yen to promote energy savings in factories, office buildings and homes with more energy-efficient light bulbs and insulating materials. That's up from 72 billion yen a year ago.

--With assistance from Tsuyoshi Inajima.

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China's Ex-Im Bank Backs Azerbaijan Wind With $460 Million Loan

Posted August 31, 2017, 9:05 A.M. ET

By Zulfugar Agayev

The Export-Import Bank of China will finance a 500 million-euro ($460 million) wind farm in the Caspian Sea off the coast of Azerbaijan as the third-biggest crude oil producer in the former Soviet Union taps clean energy to supply its domestic energy needs.

The Azeri government is working with the state-owned China Power Engineering Consulting Group Co., or CPECGC, which will build 40 to 60 wind turbines between the Caspian Sea islands of Pirallahi and Cilov, according to Camil Malikov, deputy head of the State Agency for Alternative and Renewable Energy Sources.

CPECGC agreed to finance the feasibility study of the project, which may be approved by the government in late January or early February, he said.

"The Export-Import Bank of China together with other Chinese state lenders will provide 90 percent to 95 percent of the funding," Malikov said in an interview in Baku, noting project costs will be about 450 million euros to 500 million euros in total. "The remaining part will be covered by the Azeri government."

'City of Winds'

CPECGC will conduct engineering, procurement and construction of the project together with domestic companies should the government approve the feasibility plan. The 200-megawatt project would provide enough power for 500,000 homes, he said.

"We'll operate the wind park and repay the debt within 12 to 15 years," Malikov said.

Azerbaijan seeks to substitute more clean energy for fossil fuel, which contributed 34 percent of gross domestic product and 43 percent of state budget revenues last year, according to Sberbank CIB. Oil production fell 8.9 percent in the first seven months of 2017 from the same period a year ago, and marketable natural gas output dropped 1.3 percent, according to a State Statistics

Committee report on Aug. 15.

Azerbaijan's oil production is likely to drop another 20 percent from the current levels by 2025, according to the Organization of Petroleum Exporting Countries.

Wind farms are attractive to investors because of the strength of breezes in Baku and the Absheron Peninsula, Malikov said. Wind blows more than 270 days in Baku, which means "city of winds" in Persian, according to estimates from the Geography Institute of Azerbaijan's Academy of Sciences.

Hybrid Stations

The government also is working with Germany's KfW development bank to build two hybrid power stations in the Qaradag and Xizi districts west and northwest of the capital, Malikov said.

German experts are drawing up a feasibility plan for the projects, which will generate a combined 140 megawatts of wind and solar energy. That will include 120 megawatts of wind and 40 megawatts of solar energy. Those projects may cost about 200 million euros, Malikov said, adding that state guarantees would be required to secure financing from the German lender.

Azerbaijan currently generates 1,500 megawatts—or 10 percent of its annual electricity production, from clean sources—Malikov said. That includes 1,100 megawatts to 1,200 megawatts from hydroelectric dams, 60 megawatts from wind and 50 megawatts from solar farms.

The plan is to increase electricity production from renewable sources by 420 megawatts by 2020.

"By 2025, we'll be generating 20 percent of our electricity from clean sources," Malikov said.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 11/8/2017 1:21:15 AM
Subject: Northam wins Virginia governor's race

By POLITICO Pro Staff

11/07/2017 08:19 PM EDT

Democrat Ralph Northam has won the Virginia governor's race, defeating Republican Ed Gillespie.

Northam, the lieutenant governor, had 51 percent of the vote to Gillespie's 48 percent when the Associated Press called the race with 60 percent of precincts reporting.

See results here.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/northam-wins-virginia-governors-race-095327

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/8/2017 8:30:42 PM
Subject: Aug. 8 -- Daily Environment Report - Afternoon Briefing



Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Water Rule Analysis Broader Than Critics Contend, EPA Says

Posted August 08, 2017, 9:16 A.M. ET

By Amena H. Saiyid

The EPA's economic analysis of the Obama-era Clean Water Rule relied on permitting data from years after the economic recession ended, the agency said countering accusations its analysis was limited to when the downturn occurred.

The Environmental Protection Agency study of the 2015 rule's costs and benefits was more comprehensive than critics claimed, Al McGartland, head of the agency's National Center for Environmental Economics, told Bloomberg BNA in an email.

Critics contended the EPA relied on permitting data from two years during the economic recession, when construction and manufacturing would have been at their lowest, to inform its study of costs and benefits of the rule, which determines the reach of federal water permitting requirements. The EPA used that same data when it issued the rule in 2015 and again this year as the administration proposed to roll it back (RIN:2040-AF74).

McGartland acknowledged that the EPA did use the permitting data from fiscal years 2009 and 2010 when it initially proposed the rule, also known as waters of the U.S. rule, or WOTUS. But the agency relied on five years of data for the economic analysis of the final rule. The updated analysis for the 2015 final rule came in response to criticism from the Waters Advocacy Coalition, an industry-led coalition of manufacturers, farmers, miners, road builders, and businesses that had hired David Sunding, of the University of California, Berkeley, to critique the analysis of the proposal.

"In fact, to ensure EPA did not understate permit activity, EPA looked at the range of permitting activity from 2009 through 2014 and used the maximum number of permits in any given year," McGartland said.

Specifically, the analysis calculated the overall impact by using the maximum number of individual permits to dredge and fill wetlands and streams that the U.S. Army Corps of Engineers issued in

fiscal year 2009 and the maximum number of general permits issued in 2013, McGartland added.

Analysis Still Said to Lack Rigor

Despite the EPA's defense, skeptics of the agencies' analysis remained unpersuaded.

The use of the recession-era data as an economic baseline was one of a number of problems with the original study and the more recent analysis, William Yeatman, a senior fellow with the Competitive Enterprise Institute, said.

"It doesn't change the fact that both of these studies were driven by assumptions to control the results," Yeatman told Bloomberg BNA Aug. 7.

James Goodwin, a senior fellow with the Center for Progressive Reform, said the Trump and Obama administrations "cherry picked" assumptions to reach their respective conclusions. The "cost benefit analyses are nothing more than administration tools to justify their actions," he said.

Goodwin noted that permits are a lagging indicator of economic activity because the corps doesn't issue the permits right when the applicants seek them.

Yeatman, who was opposed to the 2015 rulemaking and supports the Trump administration's proposal to withdraw the rule, reiterated that the EPA and the corps are missing an opportunity to do this analysis properly.

At the end of the day, "It's all politics," Yeatman said.

Commonwealth Bank of Australia Shareholders Sue Over Climate Risk

Posted August 08, 2017, 03:55 P.M. ET

By Murray Griffin and Chuck McCutcheon

An Aug. 8 lawsuit in Australia against one of the country's largest banks alleging it failed to adequately disclose climate change risks is being seen as a wake-up call for other global financial institutions.

The action against Commonwealth Bank of Australia was filed in Federal Court by Environmental Justice Australia on behalf of Guy and Kim Abrahams, who have held shares in the bank for years. The couple says the bank knew—or should have known—that climate change risks might have a material or major impact on the bank's operations, financial position, and prospects. They allege the bank did not report on these risks or its management of them in its 2016 annual report.

"There's a hope this kind of suit will raise a red flag to the larger banking sector to look at the merits and take action before they have litigation facing them as well," Lauren Compere, managing director of Boston Common Asset Management, a firm that focuses on socially responsible investing, told Bloomberg BNA.

Financial sector shareholders have a reasonable expectation to know of the growing risks that climate change poses, Daniel Kreeger, director of the Association of Climate Change Officers, told Bloomberg BNA.

"There has to be information [to investors] that's somewhere between 'there's nothing happening' and 'the sky is falling,'" said Kreeger, whose organization works with public and private employees who focus on climate issues. The institution "needs to be responsible and to have identified meaningful and tangible and plausible risks—to not just articulate them but address them strategically and convey they are addressing them strategically. That will make investors feel a lot better than pretending that nothing's happening."

Kreeger said he was unaware of any similar litigation involving another bank, though he noted similar shareholder pressures have arisen regarding climate change. In May, investors holding 62 percent of Exxon Mobil's shares voted at the company's annual meeting in favor of greater disclosure around the effects of global policies that seek to limit global warming to 2 degrees Celsius (3.6 degrees Fahrenheit).

'Deeply Concerned' About Climate Risk

In their lawsuit, the Commonwealth Bank shareholders argued that the bank's omission of climate change information constituted a breach of the Corporations Act of 2001, which requires companies to give a true and fair view of their financial position and performance. They also said the bank breached a provision of the Corporations Act requiring companies to provide investors with information allowing them to make informed assessments.

"We are deeply concerned about the serious risks that climate change poses to the environment and society," Guy Abrahams said in a statement. "The bank should tell investors about the risks climate change will have on its business."

Commonwealth Bank rejected the lawsuit's allegations, saying in a statement it takes its statutory reporting obligations "very seriously."

"Commonwealth Bank understands that climate change is a topic of public and shareholder interest and we are committed to playing our part in limiting climate change to well below 2 degrees in line with the Paris Agreement and supporting the responsible global transition to net zero emissions by 2050," the bank's statement said.

Commonwealth 'Not the Worst'

Compere said her firm did outreach to 62 banks globally in 2014 in connection with research into whether banks had yet incorporated climate considerations into their risk management practices or developed long-term climate strategies. She said Commonwealth Bank was found to have taken the issue more seriously than some other large banks.

"They were not the worst," she said.

The firm is now doing followup research with those banks in the hope of "tying up the conversation and the dialogue," she told Bloomberg BNA.

Barrier Reef Coal Export Route

Also in their suit, the Abrahamses refer to the prospect that the bank might fund a large proposed coal mine in Queensland state that would export coal through the Great Barrier Reef. The Adani Group's Carmichael coal mine has faced repeated questions about potential climate risks from environmental activists as well as politicians.

The suit says the prospect of the bank financing the mine was "a matter of substantial controversy and concern" during the 2015-2016 financial year, and that the bank should have known it constituted a risk to the bank. Yet, it says, the annual report did not mention the risks that Carmichael presents to the climate.

The suit seeks an order from the Federal Court of Australia that the bank breached the Corporations Act. It seeks an injunction restraining the bank from "continuing to fail to report" on climate risks.

Trump's UN Diplomat Pledges No Interference in Climate Study

Posted August 08, 2017, 03:15 P.M. ET

By Dean Scott

The Trump administration won't interfere in a broad climate study focusing on how rising sea level, increasing temperatures, and other climate impacts are already affecting the U.S., the president's United Nations ambassador pledged today.

"I haven't seen the report, but I don't see any reason why they wouldn't" back the study, Nikki Haley, U.S. Ambassador to the U.N., said on NBC's "Today" show. Haley pushed back against reports suggesting scientists are worried Trump will torpedo the draft report—known as the Fourth National Climate Assessment and slated for completion in late 2018—given Trump's June withdrawal from the Paris climate pact.

"First of all … just because we pulled out of the Paris accord doesn't mean we don't believe in climate protection," Haley said.

The report, compiled by the U.S. Global Change Research Program, is required under a 1990 law to be provided to Congress. One draft portion of the report, known as the climate science special report, said even "stronger evidence" has emerged of "continuing, rapid, human-caused warming of the global atmosphere and ocean" since the last report in 2014.

Sessions Wants Data on Settlement Payments to Third Parties

Posted August 08, 2017, 03:50 P.M. ET

By Renee Schoof

Attorney General Jeff Sessions is calling for a list of all criminal and civil settlements reached by the EPA and other agencies in the past 10 years that include payments to third parties in lawsuits after he banned the practice in June.

The latest directive from Sessions, in a July 28 memo, gives Justice Department office heads and U.S. attorneys until Aug. 31 to provide the information. The memo says the purpose of the review is "to assist the Department in implementing the new policy," which bars payments to nongovernmental third-party groups in settlement agreements.

Among other things, it asks them to identify any such payments that "are still outstanding or have not been fully satisfied."

The Justice Department in July said Harley-Davidson Inc. would not have to pay $3 million to an

American Lung Association effort to replace conventional wood stoves with cleaner-burning ones to reduce air pollution. It was part of a $15 million settlement the motorcycle maker reached with the Justice Department in 2016 over accusations that Harley was selling tuners that allowed motorcycles to be tweaked to emit more pollution than is certified by the Environmental Protection Agency.

The case raised interest because Harley got to keep the $3 million.

Harley said the tuners were meant for off-road and closed-course competition and that it did nothing wrong by selling them. The settlement had not yet been approved by a judge.

The ban on third-party payments also raised questions about how it would affect the EPA's Supplemental Environmental Projects (SEPs) policy. Companies involved in settlements can voluntarily agree to undertake environmentally beneficial projects in exchange for a reduced penalty.

The Justice Department told Bloomberg BNA that the new policy does not address settlements that are consistent with the EPA's 2015 SEP Policy, which already prohibits third-party payments. The policy says there must be a relationship between the violation and the health or environmental benefits the project will provide. It also specifies types of projects that are not acceptable as SEPs, including cash donations to community groups, environmental organizations, or other third parties, and projects by individuals or groups who are not a party to the settlement or hired by the defendant in a settlement case.

House Oversight Committee Advances Cancer Institute Probe

Posted August 08, 2017, 04:21 P.M. ET

By Tiffany Stecker

House Oversight and Government Reform Chairman Trey Gowdy (R-S.C.) is pushing further an investigation into U.S. funding of an international institution criticized for labeling a widely used herbicide as carcinogenic.

Gowdy sent a letter to Francis Collins, director of the National Institutes of Health, Aug. 8 asking for additional documents for an ongoing probe into the International Agency for Research on Cancer. The Lyon, France-based agency in 2015 found that glyphosate, the main ingredient in Monsanto Co.'s Roundup, was a "probable" carcinogen.

Gowdy wants NIH to provide documents relating to recent news that retired National Cancer Institute scientist Aaron Blair withheld study results that could have changed IARC's conclusion on glyphosate. Blair, who oversaw a large population study on farmers and their spouses exposed to pesticides, did not hand over to IARC the latest data in the study because it had not been published in a scientific peer-reviewed journal. That data could have influenced the final report from IARC, Blair said in a court deposition.

The National Institutes of Health did not respond to a request for comment. Sen. Jim Inhofe (R-Okla.) sent a similar letter last week.

EPA's Coolant Chemicals Ban Struck Down by Court

Posted August 08, 2017, 11:22 A.M. ET

By David Schultz

The EPA's ban on certain refrigerant chemicals that are potent greenhouse gasses overstepped its legal authority, a federal appeals court said in a victory for Arkema, Mexichem Fluor Inc., and other companies that manufacture them.

A three judge panel in the U.S. Court of Appeals for the D.C. Circuit ruled that the agency overstepped its authority when it forbade the use of hydrofluorocarbons, or HFCs, which can trap heat in the atmosphere thousands of times more efficiently than an equivalent amount of carbon dioxide. HFCs were originally created as a substitute for other refrigerants that harmed the ozone layer, and the Environmental Protection Agency tried to use the same ozone depletion law that spurred the chemicals' introduction to also remove HFCs from the marketplace.

However, in a 2-1 decision issued today, the judges ruled that the law only allows the EPA to ban ozone-harming chemicals, not chemicals that cause other environmental problems.

The decision dealt a blow to Honeywell International and Chemours, which have developed chemicals meant to replace HFCs.

Groundwater Cleanup Could Overwhelm Pentagon Budget

Posted August 08, 2017, 9:57 A.M. ET

By David Schultz

The $2 billion the Pentagon may need to clean up contaminated groundwater near military bases could blow a hole in the Defense Department's remediation budget, an official said.

That estimate could grow because the Defense Department is only 80 percent of the way through testing the groundwater at its bases for toxic perfluorinated chemicals, which can collect in the body and biodegrade very slowly, Maureen Sullivan, the Pentagon's top official overseeing environmental issues on its installations, said at an Aug. 8 conference of scientists, engineers and others who work on groundwater issues.

The Pentagon currently has a total of $25 billion in cleanup liability across all other environmental contaminants, including munitions. But that doesn't include cleaning up perfluorinated chemicals, which were used as fire suppressors.

Lenny Siegel, executive director of the Center for Public Environmental Oversight, said this $2 billion figure may actually be too low, especially if the military can't figure out how to clean up the groundwater at its source and must instead filter water at wells or at taps.

Spending more than $2 billion is "within the realm of possibility," Siegel, whose group focuses on contamination issues at military bases, told Bloomberg BNA. "There are some significant unknowns."

Funding Not Keeping Up

The military will soon have to make difficult choices about which cleanup projects to prioritize,

Sullivan told Bloomberg BNA. For the coming fiscal year, the White House asked Congress to cut the Pentagon's environmental restoration budget across its services by more than $53 million, a 5 percent reduction from its current levels.

A funding bill that passed the House last month restored most of these cuts, however. The bill was amended on the House floor to give $30 million to the Navy and Air Force specifically for cleaning up perfluorinated chemicals.

But keeping restoration funding flat won't be able to keep up with the growing list of contaminants that the military will need to address, as scientists learn more about the health effects of the chemicals it uses, Sullivan said.

She said the Pentagon doesn't even know the full extent to which perfluorinated chemicals have seeped into aquifers because it is only 80 percent of the way through testing the drinking water at its bases.

Tax Breaks Powered Wind Energy Growth in 2016

Posted August 08, 2017, 02:06 P.M. ET

By Rebecca Kern

Wind energy installations in the U.S. continued to grow in 2016 thanks in part to the production tax credit that went into effect in late 2015, the Energy Department said in reports out today.

"A combination of federal subsidies, state mandates, and technological advancements continue to help drive new wind capacity additions," Daniel Simmons, acting assistant secretary at the Energy Department's Office of Energy Efficiency and Renewable Energy, said in a Aug. 8 statement.

The Energy Department's 2016 Wind Technologies Market Report found the U.S. wind industry added 8,203 megawatts of new wind power capacity, or 27 percent of total capacity additions, in 2016.

This continues the growth of new installations that included 8,598 megawatts of new wind capacity in 2015, which made up even more of total U.S. capacity additions—40 percent—in that year.

Congress passed the production tax credit in December 2015, encouraging new wind installation through phased-down tax credits that last until 2019. The tax credits have helped spur new wind installations, with 102,000 wind energy jobs in 2016, up 32 percent from 2015, according to the report.

The report notes, however, that forecasts from 2021-2025 show a downturn in expected new wind energy capacity installations as the production tax credit phases out.

The Energy Department also released offshore wind and distributed wind market reports documenting growth in these areas as well.

Keystone XL's Path Up for Grabs as Nebraska Commission Weighs In

Posted August 08, 2017, 11:40 A.M. ET

By Andrew Harris

The future of TransCanada Corp.'s Keystone XL pipeline could hinge on whether a Nebraska commission believes the project is in the public's interest or is a private land grab as property owners claim.

More than 90 percent of TransCanada's preferred 270-mile route through the state would cut across privately owned land, as would an alternate route, company project manager Paul Fuhrer testified Aug. 7 during the first day of a hearing in Lincoln, Neb.

To gain approval for one of its proposed paths, Keystone lawyers will need to convince the Public Service Commission--made up of four Republicans and one Democrat--and overcome vehement opposition from dozens of landowners, environmental conservation groups, and Native American tribes.

The elected commission, created under the state's constitution, began hearing testimony in what is scheduled to be a week-long hearing. Much of the Aug. 7 hearing was dominated by testimony from company executives on the pipeline's maintenance details, including responsibility for cleanup, restoration, and removal once the conduit reaches its life expectancy.

A ruling from the panel is due no later than Nov. 23. Whether the pipeline gets built, however, may ultimately rest upon what the state's seven-member Supreme Court decides, as the loser is likely to appeal.

"The pipeline is not in the public interest," activist Jane Kleeb, president of the environmental advocacy group Bold Alliance who was elected last year as the state's Democratic Party chair, said in an interview prior to the Aug. 7 hearing. "This will be a private, foreign corporation that would be using eminent domain for private gain."

$8 Billion Project

Keystone XL has been in the planning stages for nearly 10 years. The conduit would carry heavy crude from Canada's oil sands region in Alberta to a terminal more than 1,100 miles away in Steele City, Neb., where it would connect with an already existing network leading to Gulf Coast refineries.

Labor unions are backing the $8 billion project for its promise of jobs.

TransCanada and President Donald Trump have promoted the project as one that will provide employment and boost the state's economy. Nebraska will benefit from as many as 4,500 jobs during the two-year construction period, and $12 million in property tax revenues, according to the Calgary-based company.

Environmental groups sued over its original path through the state because it would have traversed Nebraska's environmentally sensitive Sand Hills region. That route was soon abandoned for one charted by the state's now-former governor, Dave Heineman, and TransCanada, provoking lawsuits contending only the commission could approve its path.

While the pipeline company ultimately agreed to apply to the Public Service Commission, the Obama administration rejected TransCanada's request for permission to cross the U.S.-Canada border, effectively killing the project until Trump revived it earlier this year.

Despite the delays, during which crude oil prices have tumbled, TransCanada maintains that the pipeline still has commercial support.

Eminent Domain

Some landowners who fought the previous pipeline battle have returned for this one. The commission allowed 94 landowners to intervene in the hearing without limitations, ruling in March that they "have real property interests that will be directly impacted" by the pipeline's route.

Kleeb, alongside groups such as the Sierra Club and 350.org, have been working with landowners, highlighting the issue of eminent domain. They argue that it's unnecessary and unfair to take private property for the pipeline using eminent domain, particularly given certain liability provisions the company is putting into landowner easements. TransCanada says 91 percent of landowners in the state have agreed to allow the project on their land.

David Domina, a lawyer for landowners, questioned TransCanada executive Tony Palmer during Monday's hearing about the pipeline's complex corporate ownership structure. Palmer said he's the president of an intermediate entity called TransCanada Keystone General Partner LLC, which holds less than 1 percent of the company seeking the permit. Domina also questioned Palmer on who bears responsibility for maintenance or removal should the conduit become obsolete.

TransCanada still hasn't made a final decision on whether to push ahead with the Keystone XL project. Domina asked Palmer whether that meant the company would use the commission's ruling to "make better investment decisions?"

"No sir," Palmer replied. Asked if selling the route was an option if the commission approves the application but TransCanada scraps the project, he said, "I don't think that I could fulsomely respond with a yes or no answer."

—With assistance from Meenal Vamburkar and Kevin Orland.

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Nuclear Regulator Moves to Restart Yucca Mountain Review

Posted August 08, 2017, 02:30 P.M. ET

By Jennifer A. Dlouhy

The Nuclear Regulatory Commission ordered staff to gather information tied to a review of the Energy Department's proposal to build a radioactive waste repository at Nevada's Yucca Mountain.

NRC directed staff to gather input and share information with the public regarding the possible reconstitution of a database of nearly 4 million documents tied to the Yucca Mountain application. NRC allotted $110,000 from the Nuclear Waste Fund for the work.

Chairman Kristine Svinicki and Commissioner Stephen Burns voted in favor, while Commissioner Jeff Baran voted against. Baran said in written comments that information gathering is based on a potentially faulty assumption that Congress will appropriate funds for the Yucca Mountain site.

"We should not presume that Congress will take this step in fiscal year 2018," Baran said.

Svinicki said the activities would develop the agency's readiness in case Congress appropriates money for Yucca in fiscal 2018.

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Warren Buffett Likes Solar, But Not the Price Tag

Posted August 08, 2017, 9:23 A.M. ET

By Brian Eckhouse and Noah Buhayar

Warren Buffett has called global warming a "major problem" and put his company's money where his mouth is, spending billions to develop solar and wind power, yet he's no hero to some renewable energy proponents.

Their beef: They say the utility arm of Berkshire Hathaway Inc., his conglomerate, has been trying to undermine an almost 40-year-old law intended in part to promote the growth of cleaner energy. Berkshire, they say, is effectively stifling solar projects to protect utilities it owns, such as PacifiCorp, based in Portland, Ore.

"I'm sympathetic to reasons that the law is difficult for utilities, but PacifiCorp speaks out of both sides of its mouth," says David Brown, co-founder of solar developer Obsidian Renewables LLC in Lake Oswego, Ore.

Berkshire Hathaway Energy says it's not so simple. The company, which owns several utilities using conventional and renewable power sources, is the second-largest owner of clean-energy assets in the U.S. But along with other utilities, it argues that the law is outdated, often raises costs for its customers, and forces utilities to buy more electricity than needed.

The law is called the Public Utility Regulatory Policies Act, or PURPA. Congress enacted it after the 1970s OPEC oil embargo to draw new players into the utility-dominated business of generating power. It required some utilities to buy power from certain power providers if doing so was less expensive than building new plants themselves. The idea was to boost the then-emerging natural gas industry—and perhaps spur renewables including solar.

Prices Locked In

The act worked—too well, from the standpoint of the utilities. As solar panel prices plunged in recent years, developers deluged utilities with projects to sell them power. Utilities complain the law is producing a surplus of power. Moreover, utilities say the contracts with developers, whose terms are generally set by state utilities regulators, often lock them in for years at high prices that don't necessarily reflect the current market.

"Why should our customers be saddled with billions and billions of dollars of above-market prices?" asks Kathy Steckelberg, vice president for government relations at the Edison Electric Institute, which represents U.S. investor-owned electric companies.

"The fact that renewables are increasing in our market we don't see as a problem," Steckelberg says. Utilities would rather build or buy solar and wind farms themselves so they can pass on the development cost to ratepayers, rather than pay outsiders for the power. Yet under PURPA, they

often can't refuse an eligible deal.

Solar developers have proposed plans to generate about 3.5 gigawatts of power in Berkshire Hathaway's territories, the second most among regulated utilities in the U.S., according to Bloomberg New Energy Finance.

A spokeswoman for Berkshire's utilities unit wrote in a statement that PURPA "is no longer the key driver for renewable energy development." She cited rising corporate demand for renewables, falling costs, and government initiatives, such as state and federal tax incentives.

Utility Seeks Price Cut

In Wyoming, the company's Rocky Mountain Power, a division of PacifiCorp, is seeking a 40 percent cut to what it must pay small PURPA-eligible projects. PacifiCorp, which serves 1.8 million customers throughout the western U.S., has estimated the long-term contracts will cost consumers $1.1 billion above market prices in the 10 years through 2025.

In Oregon, PacifiCorp asked regulators to reduce the size of any renewable deal it's forced to take, as well as the length of the contract during which it must buy power. The utility won a partial victory last year: Regulators said certain facilities of up to 3 megawatts would qualify, down from a threshold of 10 megawatts, but left the required contract term at 20 years.

"There's no project that I can imagine that I would do for PacifiCorp," says Brown, whose Obsidian has developed multiple solar farms that provide power to the utility. "The prices are too low, and they say they don't have any interest or need for renewable energy."

States including Idaho and Montana have sided with the utilities by reducing the length of power-purchase contracts. In Idaho's case, the term went to 2 years from 20, according to EnerKnol, a research firm. Contracts of such short duration make it almost impossible to get financing for new projects, solar developers say.

Long-term contracts are important for renewable providers because lenders prefer companies that can project a steady cash flow for many years.

"You cannot raise capital against a two-year contract," says Matthew McGovern, chief executive officer of Santa Monica, Calif.-based Cypress Creek Renewables LLC, one of the most active PURPA developers. "Utilities are now saying, 'Well, why not?' They know the answer."

Utilities may have a friend in President Donald Trump, who's said climate change is a hoax and who's keen to tip the scale from renewables to coal and other fossil fuels. Trump is in a position to reshape the Federal Energy Regulatory Commission, an agency with some authority over PURPA.

Then there's Congress, where some members are eager to strip away much of PURPA. Berkshire Hathaway Energy has proposed altering the law by, among other things, making it so utilities wouldn't be obligated to buy power from PURPA projects when states determine the extra electricity isn't needed. Its Rocky Mountain Power unit recently announced a plan to invest an additional $3.5 billion in wind generation and transmission lines to bring the energy to customers.

Solar companies are resisting the changes. Many utilities are saying, " 'we need to take this back,' " says Adam Foodman, chief operating officer of solar developer O2 Energies Inc. "But that's not in the interest of the public."

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China Nails Down New Environmental Guidelines for Construction

Posted August 08, 2017, 10:30 A.M. ET

By Michael Standaert

China's State Council has amended regulations on construction projects' requirements for the first time since 1998, a move it hopes will spur more environmental protection.

The simplified policy, which will take effect on Oct. 1, is being made to align with updates to the 2015 Environmental Protection Law and the 2016 Environmental Impact Assessment Law, as well as the forthcoming Environmental Tax Law in 2018 and a pollutant discharge licensing system being developed that puts the onus on companies to self-monitor and self-report their emissions.

The updated policy removes several duplications related to environmental impact assessment (EIA) procedures, putting more legal responsibility directly with construction companies and operators of completed projects. The updated construction guidelines increase penalties on builders who fail to get proper assessments, as well as those failing to or fraudulently reporting emissions after the project is completed.

Central government authorities have been working to reduce corruption and fraudulent activity related to the EIA system as well as penalize faked or under-reported emissions. This has included new qualifications and certifications for companies that conduct assessments as well as orders from the Supreme People's Court for courts to push for criminal prosecutions of those falsifying emissions.

"Under the previous regulation, punishment for illegal acts was too soft," Li Min, an official from the environmental engineering assessment center of the Ministry of Environmental Protection, said in an Aug. 2 commentary on the State Council Legislative Affairs office website. "Due to the low legal cost, implementation [of the policy] was not in place, resulting in construction projects that did not get assessment before starting construction."

Fines Increased

Under the old system, Li said, a company that started construction before an EIA was conducted would be ordered to get the assessment and pay a maximum fine of 100,000 yuan ($15,000).

Now, under the updated rules, if a builder does not get the proper EIA the project could be permanently halted, with fines ranging from 1 percent to 5 percent of the expected investment cost, or no less than 100,000 yuan ($15,000) to as high as 2 million yuan ($300,000). Executives of the company could be liable for fines between 50,000 yuan to 200,000 yuan ($7,500 to $30,000).

The updated guidelines also include specific reasons that environmental authorities could block pending construction projects when reviewing the environmental impact assessment. They include if the project location, scale, and layout do not conform to environmental protection laws and regulations as well as area development plans and if a project is in an area that has not met environmental quality standards or regional emissions targets.

"These tools for not approving projects will be the law, and environmental protection departments can take advantage of this effective weapon," Liu Lei, an official from the environmental engineering assessment center of the Ministry of Environmental Protection, stated in separate commentary on the State Council Legislative Affairs office website on Aug. 2.

Post-construction requirements for reporting emissions and other environmental issues will largely fall under the environmental tax and the pollutant licensing system, both which are still in the process of being rolled out.

Under the new rules, projects will have to have their monitoring systems and any technology that reduces emissions checked for compliance by local environmental authorities before final approval for full production.

Removed from the old requirement is a limit of three months to get checks on environmental protection technology [emissions reduction and monitoring technology, for example] during trial production, when companies could start some production to see if there were any issues they needed to address before going to full production. Now facilities will have to have that technology approved before starting any production.

According to a brief by Chen Guoqiang of the Sunshine Law Firm in Hangzhou published Aug. 2, this change could cause problems because it may be necessary for some facilities to "work out the bugs" before going to full production.

Chen said builders need to focus on getting acceptance from environmental authorities and not commit fraud in the process, otherwise both the company and executives could "face a large amount of fines." Bloomberg BNA attempts to ask Chen for an interview were unsuccessful.

Builders will need to pay for the environmental impact statements, but will not be charged for the technical assessment by the government after they submit the EIAs, company environmental impact reports, and other required forms.

Bloomberg BNA attempts to get comment from several major construction companies were unsuccessful.

Gas Sellers Sidestep China State Giants to Ride Demand Surge

Posted August 08, 2017, 10:08 A.M. ET

By Bloomberg News

China's independent energy firms are seeking to circumvent its state-backed giants as they cash in on swelling natural gas use, buoyed by President Xi Jinping's drive for cleaner fuels and nimbler companies.

New import facilities developed by firms including Guanghui Energy Co. and ENN Group offer direct access to cheap liquefied natural gas and cut their reliance on supply and infrastructure controlled by the the country's national oil companies. That may help new players tap China's booming gas demand, up 15 percent in the first half of the year.

"The key thing about having your own terminal is that you can take advantage of potentially lower pricing in the market," said Neil Beveridge, an analyst at Sanford C. Bernstein & Co. in Hong Kong.

"Also, it's very difficult to get supply through the infrastructure of the Chinese oil majors because the access rules and regulations are not terribly transparent and not terribly well enforced."

Smaller gas distributors and importers have found an opening as Xi's government seeks alternatives to coal and encourages private competition in the energy sector. They're poised to follow a similar trend in the oil industry, where independent refiners known as "teapots" have been allowed greater freedom to import crude, helping push China ahead of the U.S. this year as the world's biggest importer.

Guanghuai Energy last month received the second LNG cargo at its Qidong terminal, about 100 kilometers (62 miles) north of Shanghai. At least three more terminals are under construction or proposed including a port by ENN Group that's scheduled to start next year. Guangzhou Development Group Inc. has proposed a new import terminal, as has China Huadian Corp., one of the nation's biggest power generators, according to Bloomberg New Energy Finance.

New private ports enhance the bargaining power for distributors, which will lower downstream sales prices and boost China's consumption, ENN Energy Holdings Ltd., the listed unit of ENN Group, said in an emailed response to questions. It declined to comment specifically on the Zhoushan LNG terminal owned by its parent, which didn't respond to a separate request for comment.

Xinjiang-based Guanghui, which was one of the first non-state companies to receive a license to import crude, plans to allow third parties to deliver and store LNG at the Qidong site, chief engineer Xue Wenting said last month. The terminal's annual capacity will be expanded to 3 million metric tons by 2019 from 650,000 tons now, he said.

Jovo Energy Co., which was the first private Chinese company to begin importing LNG, began operating its Dongguan facility in Guangdong in 2012. The company also stores and sells liquefied petroleum gas and has an oil and chemicals business, according to its website.

China, which is forecast to more than double LNG purchases by 2022, has more than a dozen import terminals owned by its three state energy giants, which buy most of their cargoes on long-term contracts. But given the current global gas glut, new buyers can pick up cheaper shipments on the spot market, where analysts at SCI International estimate costs are about 50 percent less than average rates under the country's existing term contracts.

"Those companies can get cheaper LNG prices from the spot market on a more flexible basis and they can meet demand from their widespread distribution networks," said Maggie Kuang, an analyst with BNEF in Singapore.

China's LNG demand will expand by 5 million to 6 million tons annually over the next few years and private investors may account for about 20 percent of that growth, according to Michal Meidan, an analyst with Energy Aspects Ltd. in London. Bernstein's Beveridge estimates that share to be less than 10 percent of the 60 million tons of LNG he forecasts the country will be importing annually by the end of the decade.

China's national oil companies account for about 92 percent of the country's long-term contracts and "still firmly dominate the LNG import market," said BNEF analyst Nannan Kou. While Guanghui Energy has been buying spot LNG, it's seeking to sign long-term contracts with suppliers, including Malaysia's Petroliam Nasional Bhd, chief engineer Xue said.

The Chinese government is encouraging private capital to help construct LNG receiving facilities and pipelines, according to guidelines published last month by the country's National Development

and Reform Commission. China's top economic planner also said LNG import capacity and natural gas pipeline length will more than double in the 10 years to 2025.

Opening Up

"This is part of the government's efforts to open up the sector to non-state actors and increase efficiencies through greater competition," said Meidan at Energy Aspects.

China National Offshore Oil Corp. and China National Petroleum Corp., the country's first and second-largest LNG importers, didn't respond to calls seeking comment. A spokesman for China Petrochemical Corp., known as Sinopec Group, said Monday he couldn't immediately respond to questions.

LNG imports in June hit the highest on record for that month, in line with the country's booming demand, offering a boost for gas distributors. China Gas Holdings Ltd. has gained 85 percent this year while ENN Energy has climbed 69 percent. That compares with a 27 percent gain for the benchmark Hong Kong Hang Seng Index.

The Chinese government has set a goal of getting as much as 10 percent of its energy from gas by 2020 and 15 percent by 2030, up from 6 percent in 2015. To meet these goals, demand will grow by an average of 15 percent annually between 2016 and 2020, according to Macquarie Group Ltd.

Enough Supply?

The country's natural gas production, which is dominated by CNPC and Sinopec Group, rose 8 percent in the first half of 2017 compared to the same period a year ago. Meanwhile, imports have jumped 21 percent in the first seven months of the year, according to data released Tuesday.

Fast-growing supply may be needed, as Sinopec Group has already flagged a possible "big" increase in gas demand this coming winter compared to last year, particularly in the country's north, Shanghai Securities News reported Tuesday, citing a company meeting.

Even after independent gas distributors build LNG facilities, they're often still reliant on pipeline networks operated by the state-backed giants, according to Bernstein's Beveridge.

"It's still all about access with the majors" for an independent distributor, he said. "There are still more regulatory rules that are needed, so these companies are very much pioneers."

—With assistance from Dan Murtaugh, Aibing Guo and Adrian Leung.

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China Importing Less Coal Amid New Import Rules

Posted August 08, 2017, 8:38 A.M. ET

By Bloomberg News

China's coal imports in July declined to the lowest in more than a year as a new import rule may have delayed some shipments.

Imports by the world's largest energy user dropped 13 percent from the previous month to the equivalent of 627,742 metric tons a day, according to Bloomberg calculations based on data from the General Administration of Customs on Aug. 8. That's the least since May 2016.

The nation started to ban coal shipments from July 1 at ports that were set up through approvals by provincial authorities. Some imports have been diverted to enter China through ports approved under the authority of the State Council, which may have created delays, according to Deng Shun, an analyst with GF Futures Co.

"Coal demand was very robust last month, but the shipment volumes reported by customs could have been affected by the new import rule," Deng said before the data were released.

On a monthly basis, China's coal imports were 19.46 million tons in July, according to the data released Aug. 8. They totaled 152.71 million tons during the first seven months of the year, up 18 percent from the same period a year earlier.

Imports also declined as China's coal production rose in June to the highest since November 2015 after the government lifted restrictions on output to boost supplies amid higher demand.

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VW Offers Incentives In Germany for Trade In of Dirty Diesels

Posted August 08, 2017, 9:37 A.M. ET

By Christoph Rauwald

Volkswagen AG's namesake brand and its upscale sister marque Audi are offering as much as 10,000 euros ($11,800) per car in incentives in Germany to trade in older diesel models for new ones that spew out fewer emissions as political pressure to fight pollution intensifies ahead of general elections.

The incentives depend on which model is purchased and the offer is open for owners of cars from rival manufacturers, VW and Audi said Aug. 8 in an emailed statements.

"Volkswagen is convinced that clean and efficient diesel engines with modern emission-reduction systems are an indispensable engine technology to reach CO2 emissions targets," while the manufacturer will still "strongly support" the shift to electric cars, Juergen Stackmann, head of the VW brand, said in the division's statement. VW's incentives start at 2,000 euros for the purchase of a new Up! city car and reach 10,000 euros for a Touareg sport utility vehicle.

The Wolfsburg, Germany-based automaker is still struggling to draw a line under the diesel-emissions scandal that erupted almost two years ago and triggered the worldwide recall of some 11 million cars with rigged software. Volkswagen Chief Executive Officer Matthias Mueller last week confirmed the manufacturer is offering software fixes for as many as 4 million diesel cars in Germany across all of the group's nameplates, including about 2.5 million VW-brand cars that were part of a mandatory recall.

Demand for cars with diesel engines is declining in several European markets as regulators stepped up scrutiny of emission rules to improve air quality. Environmental advocacy group Deutsche Umwelthilfe, a fierce critic of diesel cars, last month won a case at a Stuttgart administrative court

seeking broad diesel bans in the hometown of VW's German peer Daimler AG.

The trade-in offers are valid through the end of the year. Volkswagen's commercial-van division and Czech unit Skoda also said they're providing incentives.

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European Oil Producer Considers Bet on Electric Car Boom

Posted August 08, 2017, 8:24 A.M. ET

By Francois de Beaupuy

The boss of Europe's second-largest oil and gas producer is considering whether to double down on its $1.1 billion purchase of battery maker Saft by betting on an electric-car boom.

Total SA Chief Executive Officer Patrick Pouyanne said in May that 12 months of owning Saft had helped him understand the case for gigafactories -- the giant lithium-ion battery plants being pioneered by Elon Musk's Tesla Inc. While Pouyanne views Saft as the company's "spearhead in electricity storage," he's so far stopped short of saying Total would get into the battery business for cars.

A mass auto market for power packs would offer Total a hedge against a looming peak in oil demand as the U.K. and France ban sales of diesel- and gasoline-fueled vehicles from 2040. Despite that attraction, the industry is getting more crowded and, according to Canaccord Genuity, Pouyanne may seek partners to leverage Saft's expertise as a niche maker of high-tech batteries for planes, satellites and military vehicles.

"Of all the battery applications, this is the one that's going to be the biggest," said Colin McKerracher, head of advanced-transport analysis at Bloomberg New Energy Finance in London. "The flipside of that is that it's going to become increasingly commoditized and very, very competitive."

The significance of the burgeoning industry isn't lost on oil majors. Royal Dutch Shell Plc, whose CEO Ben Van Beurden last month said his next car will be electric, plans to spend as much as $1 billion a year on its New Energies division as the transition toward renewable power and electric cars accelerates. The Shell boss sees demand for liquids peaking in "the early 2030s."

"Electric vehicles are progressing quickly these days, notably as urban vehicles," Pouyanne said in Aix-en-Provence on July 7. "Which is why we've decided to install charging stations in our network, because we know there will be an evolution, and that we've bought a battery maker called Saft."

Electric Potential

The emergence of light electric vehicles in large urban areas will become a reality in the next 20 years, a Total spokesman wrote in an email. "We are convinced that the use of Saft's high-performance batteries will be key for a reduction of CO2 emissions by 40 percent by 2030," he said.

With most major automakers planning plug-in models by the middle of the next decade, demand for lithium-ion batteries for electric vehicles will rise more than 60-fold by 2030 to 1,300 gigawatts-hours, according to a July report from Bloomberg New Energy Finance. Electric cars will outsell

fossil-fuel powered vehicles within two decades as battery prices plunge, and displace about 8 million barrels a day of oil production by 2040, BNEF said.

That will progressively dent the filling-station business of Total and its peers.

"It could be that in 15 years, the only fuels that you can sell in those stations are heavy truck diesel," said Alex Brooks, an analyst at Canaccord. "They have to have some way of responding."

Total's solar-panel subsidiary, SunPower Corp., demonstrates the challenges of finding a response in a rapidly evolving industry. While installation of solar farms has grown rapidly, competition from Chinese manufacturers has squeezed margins. Batteries for electric vehicles may follow a similar path as production volumes soar with investment in more gigafactories.

To adapt, Pouyanne last year created a division tying up the company's gas, renewables and power businesses, harnessing offerings spanning solar panels and batteries to gas and electricity distribution to households and businesses.

In its November magazine, Saft said it's looking for "joint opportunities" with SunPower "to develop the role of batteries in the intermittency" of renewables. Saft already supplies large batteries to utilities, grid operators and oil producers, as well as backup energy-storage systems for solar and wind farms.

Investment Strategy

When the French government announced plans on July 6 to end the sale of gasoline- and diesel-powered vehicles by 2040 in a bid to become a carbon-neutral nation, it also said it will support investment in batteries for electric cars.

"What you need is scale and tolerance for low margins, at least in the short term, as everyone jostles for position," said BNEF's McKerracher. "That's kind of the big risk, and in my view, probably why Saft may end up sticking with some of the higher-value applications that it's already involved in."

To limit its investment, Total may choose to license Saft's technology to carmakers and auto suppliers, or partner with them to share the cost of a megaplant, according to Canaccord analyst Brooks.

"If Total announced tomorrow plans to put down $10 billion to build a factory, I think investors would hate it, because people would say: 'you don't know anything about it, this is not your business,"' said Brooks. "You can be the guy who licenses the chemistry without having to put down a huge amount of the capital for the build. Let Daimler do that."

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Egypt Moves to End State Monopoly of Natural Gas Market

Posted August 08, 2017, 8:52 A.M. ET

By Salma El Wardany, Mirette Magdy and Tamim Elyan

Egypt is opening the door to private participation in its natural gas sector, moving to end the state's

monopoly as it pushes ahead with reforms meant to encourage investment and revive the economy.

A new law signed by President Abdel-Fattah El-Sisi sets up a natural gas regulatory authority charged with licensing and devising a plan to open the gas market to competition. It also allows for the eventual import of natural gas by private companies, a move that could help end supply shortages that have hampered businesses.

The measure, which had been more than two years in the making, is the government's latest push to spur investment in an economy that has struggled to revive since the 2011 uprising against President Hosni Mubarak. Over the past year, authorities have instituted sweeping reforms, backed by the International Monetary Fund, that have included floating the currency, sharp subsidy cuts and enacting legislation aimed at drawing in sorely needed foreign money.

The new legislation also advances Egypt's objective to achieve energy self-sufficiency by 2019, largely through eventual output from the giant Zohr natural gas field.

The law would allow the private sector to directly ship, transport, store, market and trade natural gas using the pipeline and network infrastructure. Its executive regulations are to be issued within six months of the legislation's enactment, according to the Official Gazette.

"This law effectively relieves the government from the burden of providing for the rapidly growing natural-gas consumption and turns it into a regulator," said Radwa El-Swaify, head of research at Cairo-based Pharos Holding. "It's all part of the same direction of having freer markets in Egypt."

In July, the government said it will stop subsidizing bread flour and raised household electricity prices by as much as 42 percent, just a week after it increased fuel prices.

The move to liberalize the gas market will bring in greater transparency and flexibility, said Haitham Abdul Moneim, investor relations manager at Egypt Kuwait Holding, which partially owns and manages fertilizer producer AlexFert. "This will give us more options for sources of gas and maybe better prices," he said.

—With assistance from Tarek El-Tablawy, Ahmed Feteha and Tamim Elyan.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Mon 8/7/2017 4:02:50 PM
Subject: POLITICO SPECIAL REPORT: Trump's TPP trade pullout roils rural America

In moves that strike hard at President Donald Trump's rural base, the 11 other nations that participated in the now-defunct Trans-Pacific Partnership are pursuing 27 separate negotiations aimed at undercutting U.S. exporters, according to a POLITICO analysis.

The TPP, which Trump scuttled immediately after taking office, was a suspect deal to many factory workers. But for already struggling farmers, it was a chance to erase the punishing tariffs that prevented them from selling more beef, pork and dairy to such massive importers as Japan and Vietnam.

Now, POLITICO reports, the United States is already losing market share in exports of some agricultural products, while top competitors like the EU and Australia are looking forward to enormous cost advantages. Meanwhile, Trump has been slow to develop a trade strategy of his own. That has farming communities like Wright County, Iowa, which backed Trump by a 2-1 margin, reconsidering their faith in the president.

Read more here.

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 3, 2017

Latest News

In Sudden Reversal, EPA Withdraws Plan To Delay Ozone Designations

In a sudden reversal, EPA Administrator Scott Pruitt has withdrawn his decision to delay by one year agency designations for whether areas are attaining strict Obama-era ozone air quality standards, saying that "information gaps" justifying the delay no longer appear to be as extensive as initially believed and that EPA might be able to issue the designations this year.

DOJ, EPA Revising Pending Deals To Comply With Sessions' Funding Ban

EPA and the Justice Department (DOJ) are revising a series of pending settlement agreements to ensure they comply with Attorney General Jeff Sessions' recent memo barring legal settlements from including payments to third parties, lawyers involved in the talks say.

Environmentalists Urge Court To Reject Methane NSPS En Banc Petitions

Environmentalists and their state allies are urging an appellate court to reject separate petitions filed by oil and gas industry groups and their state supporters that asked the court to reconsider its ruling that vacated EPA's administrative pause of its methane standards for new equipment, arguing that the ruling was correctly decided and that critics do not raise any compelling reasons for full court review.

Biofuels Group Warns EPA Not To Weaken RFS With 'Reset,' Import Limits

Biofuels supporters are warning EPA not to "gut" its renewable fuel standard (RFS) program in its upcoming rule to "reset" statutory blending targets for renewable and alternative fuels, and also cautioning against creating any extra barriers to biofuel imports as its crafts its final version of RFS targets for the 2018 compliance year.

Environmentalists Seek Formal EPA Rule On Coal Ash Permit Programs

Environmentalists in a recent meeting with White House and EPA officials urged the agency to craft a formal rule on how it will review states' coal ash disposal permit programs to ensure they comply with EPA's ash waste rule, saying draft permit

guidance under White House review is not enough to guarantee states' policies will be adequate.

Utility's Appeal May Set Precedent On CWA Liability For Coal Ash Disposal

A Virginia power company is again appealing a closely watched Clean Water Act (CWA) suit over coal ash disposal, hoping to win a precedential ruling that would avert any CWA liability for groundwater contamination from ash sites, even as environmentalists have begun a fresh case in the same circuit over alleged groundwater harms.

EPA Retains Reliance On Audits In RMP Pacts Despite Doubts Over Rule

EPA's latest proposed settlement with a company for alleged violations of the Risk Management Plan (RMP) facility safety program includes strict mandates for independent audits to prevent future violations, suggesting the agency will retain reliance on audits in such pacts despite delaying an Obama-era rule to mandate audits as part of RMP.

Daily Feed

EPA hails states' role in air quality progress

EPA sees air quality improvements but also more work to be done.

D.C. Circuit grants states' bid to defend ozone NAAQS

Six Democratic-led states and the District of Columbia can now defend EPA's 2015 ozone standard in a pending suit, over the Trump administration's objections.

EPA forgives Flint's SRF debt

EPA formalizes plans to forgive more than $20 million the Michigan city owed to the agency's drinking water loan fund, aiding efforts to shore up its infrastructure.

Quote-Unquote: Talking about EPA's new directions

. . . including CWA effluent rules, the Superfund strategy and Clean Power Plan symbolism.

Science groups question Pruitt's 'red team' climate review

"The integrity of the scientific process cannot thrive when policymakers regardless of party affiliation -- use policy disagreements as a pretext to challenge scientific conclusions," say officials from 16 scientific groups.

Ewire: Pruitt cleared in inquiry over climate science claim

In today's Ewire: The administrator's comments were not “made in a decisional context” and did not violate EPA's integrity policy. Plus: Scientists fear Trump EPA input on a key climate study.

IG cites WaterSense as model voluntary program

The Inspector General's praise of EPA's WaterSense Program comes as House appropriators are rejecting the Trump administration's plan to eliminate funding for the voluntary program.

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Sent: Fri 8/4/2017 11:14:38 AM
Subject: The Morning Headlines from InsideEPA.com -- August 4, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 4, 2017

Latest News

Pruitt's Critics Say Ozone Reversal Shows EPA 'Chaos,' Limits On Power

Environmentalists and other critics of EPA Administrator Scott Pruitt say his sudden decision to scrap a one-year delay he had announced for issuing ozone air standard attainment designations suggests an agency in "chaos," and shows that there are limits to his discretionary authority for postponing Obama-era rulemakings.

Seeking En Banc Review, Industry Doubts Jurisdiction Over NSPS Stay

A coalition of oil and gas groups is renewing its call for the full U.S. Court of Appeals for the District of Columbia Circuit to reconsider a three-judge panel's ruling that vacated EPA's administrative pause of its methane standards for new drilling equipment, arguing the panel incorrectly reviewed an agency action that was "not final."

Pending 4th Circuit Cases Could Set Standard For Coal Ash Liability

An array of citizen enforcement suits, centered in the states governed by the U.S. Court of Appeals for the 4th Circuit, are testing Clean Water Act (CWA) and Resource Conservation & Recovery Act (RCRA) limits on water contamination from coal ash disposal sites -- with the potential for rulings that would have nationwide influence on those issues going forward.

EPA Weighs New Credits, Consumer Data That Could Ease Vehicle GHG Rules

EPA is weighing new incentives for ride-sharing services that use electric vehicles and cars designed to run in "eco" mode, while also soliciting data on consumers' preference for fuel efficient cars, according to remarks from a top EPA transportation official cited in multiple press reports.

Industry Sectors Split Over EPA Formaldehyde Emissions Standard Rule

Industry sectors affected by EPA regulation of formaldehyde emissions from pressed wood products are split in their reaction to the agency's latest direct final rule to alter or delay the emissions standards, with a consumer electronics association seeking

another extension of compliance deadlines while other industry groups support the rule.

EPA Issues Best Practices Report To Prevent Sudden Mine Waste Releases

EPA has issued a best practices technical report aimed at aiding the agency in preventing sudden, uncontrolled mine waste releases during cleanups at abandoned hardrock mining sites, prompted by the mine wastewater "blowout" that EPA contractors caused at the Gold King Mine in Colorado in 2015 which drew national attention.

Daily Feed

Alumni group launches job center for exiting EPA employees

"We are not encouraging our former colleagues at EPA to leave," a top official said. "However, if they do decide to leave, or have that decision forced on them, we want to help them find another good job."

EPA backs Sierra Club's Title V objections

A Sierra Club attorney says Pruitt's decision is not a surprise because "the law and the regulations are so clear . . . I don't think they really had any other choice."

Opinion: A pessimistic view on Trump's federalism

"Striking the right balance between federal and state power requires careful attention to context and the costs and benefits of decentralization," says Micheal Livermore, an associate professor of law at the University of Virginia.

D.C. Circuit sets argument in coal ash rule challenge

The appeals court will hear argument Oct. 17, which could be the Trump administration's first chance to weigh in on the substance of the Obama-era ash disposal rule.

Ewire: Is ozone reversal strike two in Pruitt's deregulatory agenda?

Is EPA Administrator Scott Pruitt's sudden decision to designate areas attainment with Obama-era ozone standards this October the latest setback in his efforts to roll back the previous administration's policies?

Environmentalists seek bolstered injection rules for EOR

"EOR technologies and the dangers they pose to the environment are largely unknown to the public. EOR presents real threats to drinking water, yet oversight of these practices has lagged," their report says.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Tue 10/17/2017 11:27:33 PM
Subject: EPW postpones votes on EPA, NRC, FHWA picks

By Anthony Adragna

10/17/2017 07:25 PM EDT

The Senate Environment and Public Works Committee has postponed votes that had been scheduled for Wednesday on the nominations of various EPA, NRC and federal highway picks.

No reason was provided and the committee didn't respond to requests for comment.

The uncertain fate of Bill Wehrum's selection to run EPA's air office may be partially to blame for the delay. Sen. Joni Ernst pointedly declined to state she'd vote in support of his nomination even after Administrator Scott Pruitt's efforts this afternoon to reassure corn-state senators about how he'd implement the Renewable Fuel Standard. With just an an 11-10 majority on the panel, Republicans could afford no defections.

Other nominations now delayed: Michael Dourson's to be EPA chemicals chief; David Ross' to head the EPA water office; Matthew Leopold's to be EPA general counsel; Jeff Baran's re-nomination to the NRC and Paul Trombino's selection to be administrator of the FHWA.

WHAT'S NEXT: The committee said the hearing is postponed "until further notice."

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By Anthony Adragna | 12/01/2017 05:42 AM EDT

With help from Alex Guillén and Eric Wolff

ANOTHER TAX BILL WARNING OVER ANWR? Even as Senate Republicans scrambled Thursday evening to rewrite their tax package H.R. 1 (115), a small bloc of House Republicans objected to including ANWR drilling in the package — adding a new potential complication for the bill's passage once the chambers head to conference. A dozen House Republicans, six of whom voted for their chamber's bill previously, sent a letter to their party's leaders raising "concerns with any proposal that would implement an oil and gas leasing program" in ANWR though they stopped short of threatening to pull their support for the bill if it was not removed, Pro's Nick Juliano reports.

GOP Reps. Dave Reichert, Brian Fitzpatrick, Carlos Curbelo, Ryan Costello, Pat Meehan and Mark Sanford all backed the tax package on the floor, but are now expressing unease with the ANWR provision, along with six colleagues who opposed the initial bill over issues such as the state and local tax deduction. Remember Speaker Paul Ryan can only afford 10 additional defections from the original November vote tally for the final package to pass, meaning the small bloc holds some juice in the negotiations.

Other former Republican leaders oppose: A group of seven former Republican officials, including the first EPA Administrator William Ruckelshaus and former Interior Deputy Secretary Lynn Scarlett, sent their own letter to congressional leaders warning there's "simply no need to reverse protections" for ANWR and that fiscal projections for revenue are "highly speculative." They added that tacking the provision into the package would "complicate passage of important and vitally needed tax reform."

ICYMI, Senate Republicans tweaked drilling language in their bill to propose selling more oil from the Strategic Petroleum Reserve. What's interesting is the lack of criticism from Republicans who previously been outspoken against such efforts. (EPW Chairman John Barrasso said in 2012 tapping the SPR is "for emergencies — not political disasters.") Sen. Bill Cassidy summed up the party's thinking to ME: "I'm okay with that, because obviously the Strategic Petroleum Reserve is about energy security, and if ANWR is developed that is far more important to energy security than two days of SPR."

WELCOME TO DECEMBER! I'm your host Anthony Adragna, and the State Energy & Environmental Impact Center's Chris Moyer correctly identified Michelle Lujan Grisham as the niece of former Interior Secretary Manuel Lujan now running for office. For today: Which senator once ran the public schools of his state's largest city? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

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MURRAY LABELS OIL GIANTS 'ENEMIES' OF FOSSIL FUELS: Three of the major oil and gas corporations are "enemies" of fossil fuels because of their past advocacy for climate action, including a carbon tax, coal executive Robert Murray said Thursday at a conference hosted by the Heritage Foundation and the Texas Public Policy Foundation. Prompted by comments from TPPF's Brooke Rollins calling their carbon tax advocacy "so disingenuous," Murray declared BP, Shell and Exxon Mobil "our enemies," citing politics and shareholders. "They're not doing our grandchildren justice, those three companies. The other oil and gas companies, they realize that once our enemies get rid of coal, they're next," Murray said. "But those three companies are all about politics and shareholders and I don't buy those products." Oil and gas executive Bud Brigham agreed: "It's cronyism that they chose to have a seat at the table with the government and collusion with special interests a la Elon Musk, etc. It's very disappointing."

Murray math: The coal magnate dropped some eyebrow-raising stats during his appearance, including that he has met with EPA Administrator Scott Pruitt a whopping seven times so far this year. Murray also said he has received 71 death threats, "some serious," although he did not specify over what period those were received.

MORE THAN A LITTLE SHAVE: During his swing to Utah next Monday, President Donald Trump is expected to cut the 1.353-million-acre Bears Ears National Monument down to about 201,400 acres and break it into two new monuments called Indian Creek National Monument and Shash Jaa National Monument, Pro's Esther Whieldon reports, citing proclamations . He'll also divide the existing Grand Staircase-Escalante monument into three parts — Grand Staircase National Monument, Kaiparowits National Monument and the Escalante Canyons National Monument. The action is certain to set off a fierce legal battle almost immediately.

House Natural Resources Chairman Rob Bishop welcomed the move and pledged to attend the ceremony. "The president has stood against prior abuses of executive power and his administration has demonstrated a commitment to work in concert with local communities to protect unique public antiquities and objects the right way," he said in a statement. But Sen. Tom Udall, joined by Native American and environmental groups, will discuss what they're calling an "illegal abuse of power" during an 11 a.m. telephone press conference today.

ZINKE HEADS TO LOUISIANA: This Saturday Interior Secretary Ryan Zinke heads to Louisiana for events on coastal restoration and the state's plan for addressing it along with Sen. John Neely Kennedy, Cassidy and Rep. Garret Graves. They'll participate in events in Baton Rouge, Thibodaux, and Ama, La.

But faces ads in Washington: The Western Values Project is out with a six-figure ad this

morning on Fox News and up digitally in Utah urging Trump to reject Zinke's recommendations on national monuments. "One Cabinet member in Washington has become one embarrassment after another for President Trump," it starts. The final line: "Don't let this wannabe cowboy embarrass you once again."

LAST CALL! Today's your last chance to weigh in Interior's vows to redo sage grouse conservation plans. Advocates, including the Audubon Society and the National Wildlife Federation, say they've submitted at least 163,000 already in support of the existing plans. And a group of fish, wildlife and natural resources professionals urged Interior to ensure any changes made to sage grouse management plans are backed up by appropriate science.

PRUITT PROMISES FINAL WOTUS BY MID-2018: Pruitt is due to make remarks to farmers and biofuels groups today in Nevada, Iowa, today fresh off his agency's biofuels decision on Thursday and a swing through Kentucky. During a speech to the Kentucky Farm Bureau Thursday, Pruitt promised a final replacement to the Waters of the U.S. regulation by mid-2018 that he said would focus on "navigability," according to video posted by WHAS. He also met with Kentucky Gov. Matt Bevin.

On his relationship with Trump: "It is a blessing to serve him and my desire each and every day is to bless him as he makes decisions."

GREENS DEMAND DOURSON DOCS: American Oversight and the Environmental Working Group are beginning a joint investigation this morning into EPA chemicals office nominee Michael Dourson's early work at the agency prior to his Senate confirmation. They're sending out six FOIA requests seeking copies of his communication with senior political staff; ethics and recusal documentation; calendar and telephone logs; records of political appointees discussions about Dourson; contacts with outside groups like Koch Industries and DuPont; and interactions with anyone helping Dourson on his confirmation. "Michael Dourson has been at the EPA for more than a month, and if he's been using his position to help his old clients in the chemical industry, the public needs to know before the Senate votes on his confirmation," Austin Evers, executive director of American Oversight, said. Reminder: Dourson appears to be short the votes needed for Senate confirmation.

FROM FARM TO CAR: EPA issued its rule Thursday making official the Renewable Fuel Standard requirements for 2018 and 2019. Cellulosic ethanol got a 50 million gallon increase because, EPA said in the rule, the agency received updated data that suggested greater production capacity. The requirement is still lower than it was this year.

Biodiesel doesn't lose: Biodiesel producers wished for a larger target, but EPA also abandoned its October threat to make deep cuts. EPA had said that it was concerned about import tariffs, feedstock problems, and the expiration of a biodiesel tax credit crimping supply, and so it wanted to make big reductions. The agency is still concerned about those forces, but, it said, "We find it unnecessary to resolve whether to adopt such interpretations at this point in time because under any approach we would find exercise of these waiver authorities not appropriate based on the record before us."

QUICK SENATE ACTION ON BROWNFIELDS EYED: The House passed legislation H.R. 3017 (115) reauthorizing EPA's Brownfields program Thursday afternoon and Sen. Jim Inhofe said he thought it could pass by unanimous consent in the Senate in the near future. "There's no one opposed to it that I know of," he told reporters. The bill cleared the House by an overwhelming 409-8 tally with eight Republicans voting no.

CRITICISM OF PUERTO RICO CONTRACTS: Two former Obama administration officials are out with an op-ed this morning in POLITICO urging the Trump administration to stop its practice of awarding massive reconstruction contracts in Puerto Rico to single companies, such as Whitefish Energy. And that comes as the top Homeland Security Democrat Claire McCaskill sent a letter to FEMA asking questions about why it awarded $30 million in contracts to a newly-formed Florida company that was unable in the end to complete the work on the hurricane-ravaged island.

WEST VIRGINIA'S SENATORS ON BLANKENSHIP BID: Even as convicted coal baron Don Blankenship released his first ad in his Senate bid, his possible opponent Sen. Joe Manchin didn't seem perturbed by his entry "I'd just say, 'jump in, the water's fine," he told ME. Republican Sen. Shelley Moore Capito told ME she expected a lively primary campaign and added: "I was surprised and I said, 'It's a free country.'"

MAIL CALL! DO YOU REMEMBER? Top House Energy and Commerce Democrat Frank Pallone sent a letter to Chairman Greg Walden demanding oversight hearings and investigations into the use of private planes by Trump Cabinet officials. "It is critical that we ensure there are effective Agency controls that exist to prevent the risk of fraud, waste, and abuse related to leadership and staff travel," he wrote. Both Perry and Pruitt used non-commercial aircraft, and their agencies fall under the committee's jurisdiction.

INHOFE ON ENDANGERMENT FINDING: NOW OR NEVER: Though it hasn't come up in his conversations with Pruitt, Inhofe wants his fellow Oklahoman to make a push to overturn the endangerment finding now. "If there's a chance of getting it done, I don't see a downside," he told reporters. "I would recommend he do that."

Inhofe spoke with Pruitt on Tuesday and said he was upbeat. "He's warding off the harassment, the opposition, the death threats and these things," Inhofe said. "He's just real happy in his job."

LOOKING FOR WEEKEND PLANS? Hundreds of faith leaders, environmental activists, native tribes, business owners and others gather on Saturday to encircle the Virginia State Capitol on Saturday in protest of the Atlantic Coast and Mountain Valley pipelines. More information here.

TAKE A GLANCE! Resources for the Future released a study Thursday examining multiple potential alternative versions of Perry's proposed grid resiliency rule and their corresponding impacts to human health, the environment, consumers' cost of electricity and power plant owners' profits. Read it here.

COOL NEW TOOL: ProPublica released an application documenting the military's 40,000 hazardous waste sites across the country. Check it out here.

QUICK HITS

— From Yarn Bunnies to Amazon, Tech Fights Trump Coal Plan. Bloomberg.

— Climate activists delay U.S. gas pipeline approvals: regulator. Reuters.

— Traces of petroleum, lead found in water at Rover Pipeline work site. MLive.

— Workers Finish Cleaning up Nuclear Burial Ground. AP.

— A New Study Offers Further Proof That North Texas Earthquakes Are Drilling- and Fracking-Related. Texas Monthly.

— Citgo formally announces Chavez as new CEO. Houston Chronicle.

HAPPENING TODAY

11:00 a.m. — Sen. Tom Udall, Native American and sportsmen representatives hold call on Trump's national monuments decision, RSVP: Ahenderson@nndoj.org

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To view online:
https://www.politicopro.com/newsletters/morning-energy/2017/12/another-anwr-wrinkle-in-tax-revamp-battle-037561

Stories from POLITICO Pro

Republicans rewriting tax bill — with fight pushed into Friday Back

By Seung Min Kim and Colin Wilhelm | 11/30/2017 10:59 AM EDT

Senate Republicans are still scrambling to win over enough votes to pass their massive tax code overhaul, with major changes to the bill still up in the air and debate pushed into Friday.

Senate Majority Leader Mitch McConnell (R-Ky.) said the next vote in the tax debate will come at 11 a.m. Friday, as work continues behind the scenes to win over skeptical deficit hawks and other swing votes.

Multiple GOP senators leaving the chamber after a dramatic late afternoon vote said a key proposal for deficit hawks — a trigger to raise tax rates if sufficient economic growth did not materialize — would not pass procedural muster and would need to find something else to satisfy the bloc of deficit hawk holdouts, led by Sen. Bob Corker (R-Tenn.).

"It doesn't look like the trigger is going to work, according to the parliamentarian," Senate Majority Whip John Cornyn (R-Texas) said. "So we have an alternative, frankly: a tax increase we don't want to do to try to address Sen. Corker's concerns."

Corker told reporters: "My understanding is, that the parliamentarian has ruled against it so they're just going to automatically put [tax increases] in, period." Corker and Sen. Jeff Flake (R-Ariz.) said the revenue raised with tax increases — which senators say would kick in six years after the enactment of the tax legislation — would total about $350 billion, although Cornyn suggested that figure may need to go higher.

Late Thursday, Republicans huddled with leadership and tax policy staff to work on a solution.

Sen. Thom Tillis (R-N.C.), who supports the current package, estimated that Republicans needed to find an additional $370 billion to $400 billion within their package to placate concerns about increased deficits.

"What we're trying to do right now is get to the point where nobody's going to get exactly what they want but enough for us to get the bill passed," he told reporters.

The sudden need to regroup came after extended drama on the Senate floor Thursday during an otherwise mundane procedural vote, when Corker, Flake and Ron Johnson (R-Wis.) initially withheld their support on a vote to move forward with the bill. Ultimately they aligned with their party, but it suggested real concerns remained, including friction among Republicans over whether to stick to the 20 percent corporate tax rate rate insisted on by the White House.

Johnson withheld his vote during the standoff in exchange for votes on his amendments, including one that would further increase a tax deduction for pass-through businesses to around 25 percent.

The legislation would slash the corporate tax rate and lower rates for many, though not all, individuals. Senate Republicans have said their plan would boost the economy but not by nearly as much as some lawmakers hope, a new official analysis shows.

The nonpartisan Joint Committee on Taxation said Thursday that the GOP plan would fall well short of covering its $1.5 trillion cost through additional economic growth; it predicted $407 billion in additional revenue would come in by boosting the economy by 0.8 percent over the next decade.

That would mean a $1 trillion deficit increase, which is problematic for lawmakers like Corker, who has said he would vote against a tax bill that increased the deficit. A Senate Finance Committee aide noted that the analysis was "incomplete" since the bill text has yet to be finalized.

Democrats have blasted Republicans for rushing the bill to the floor while considering significant eleventh-hour changes to the sprawling tax code rewrite.

"This is tax, one of the most complicated issues before us," Senate Minority Leader Chuck Schumer said on the floor Thursday. "These changes and the way the majority leader is handling this make it impossible for any independent analyst to get a good look at the bill and how it would impact our country."

Yet, Sen. John McCain, who gave Republicans a boost earlier in the day when he broke his long silence and said he would back the legislation, signaled he was satisfied with the process, noting the bill went through "a thorough mark-up in the Senate Finance Committee."

The Arizona Republican, who helped tank the party's Obamacare repeal efforts earlier this year, had said going through a regular legislative process was one of his major concerns.

But it was clear Senate Republicans still have myriad issues to resolve in order to lock down at least 50 votes to ensure final passage of the tax bill on the floor. Republicans are using powerful budget procedures to evade a Democratic filibuster.

Other key GOP votes such as Corker, Flake and Susan Collins of Maine have yet to commit to the bill, for varying reasons. And Johnson and Steve Daines of Montana are trying to secure even more generous treatment of small businesses after extracting a boost in an earlier round of negotiations.

Collins plans to offer a half-dozen amendments, including one that would hike the proposed corporate tax rate of 20 percent to restore a deduction for up to $10,000 for property taxes. She is among a handful of Republican senators who say they are open to raising the proposed corporate rate in order to fund other tax provisions in the bill.

The moderate senator is also seeking to extract some health care assurances because the current tax bill repeals Obamacare's requirement that everyone carry insurance or pay a penalty. She has pushed for two separate health care bills — one to stabilize the markets and another to protect pre-existing conditions and use high-risk pools — to be grafted to a short-term spending bill that would need to pass before government funding expires Dec. 8.

Conservatives in the House Freedom Caucus, a group of about 40 Republicans that frequently buck their party's leadership, rejected the notion of supporting those health care bills.

Members of the group also said they opposed amendments that would raise the proposed corporate income tax rate above 20 percent, and bristled at the idea of a delayed cut, which the Senate's bill does largely due to budgetary rules.

"It's a great strategy if you're looking to put the Democrats in the majority and give them credit for what we did," Rep. Louie Gohmert (R-Texas) said of the Senate's proposed one-year delay to a corporate tax cut.

Brian Faler, Bernie Becker and Elana Schor contributed to this report.

To view online click here.

Back

ANWR drilling in tax bill draws opposition from a dozen House Republicans Back

By Nick Juliano | 11/30/2017 06:33 PM EDT

A dozen House Republicans raised concerns today about a rider in the Senate tax bill that would allow drilling in the Arctic National Wildlife Refuge.

The lawmakers did not mention the tax bill by name in their letter, and they stopped short of promising to pull their support if ANWR drilling is included. But they said they had "concerns with any proposal that would implement an oil and gas leasing program in the Refuge" and questioned whether new drilling there was necessary.

"Further, the resources beneath the Refuge's Coastal Plain simply are not necessary for our nation's energy independence," wrote Reps. Brian Fitzpatrick, Dave Reichert and 10 of their GOP colleagues.

Six of the 12 lawmakers already voted against the House tax bill earlier this month, citing objections such as its elimination of the state and local tax deduction.

Opening ANWR is a priority for Sen. Lisa Murkowski, a key swing vote in the upper chamber, which hopes to pass its version of the bill as soon as this week.

To view online click here.

Back

GOP tweaks Arctic drilling language to bump up revenue Back

By Sarah Ferris | 11/30/2017 11:51 AM EDT

Senate Republicans have reworked language on Arctic drilling in their tax bill to further boost revenue, hoping to resolve a procedural hiccup before the impending passage vote.

Senate Budget Committee leaders have tweaked provisions that would authorize drilling in the Arctic National Wildlife Refuge, altering the language in a way they believe will comply with so-called Byrd rule requirements, a GOP committee aide confirmed today.

The budget panel had expected to raise $1 billion over a decade by opening up ANWR for drilling. But a report from the CBO, shared internally with budget staffers, estimated it would fall short by about $366 million, according to a Senate Democratic aide.

The GOP's revised drilling language would propose selling more oil from the Strategic Petroleum Reserve, potentially producing hundreds of millions of dollars in additional revenue, the aide said.

If approved by the Senate parliamentarian today, the new language will be formally added before the high-stakes Senate floor vote on the tax plan, H.R. 1 (115).

The fate of the provision — championed by swing vote Sen. Lisa Murkowski (R-Alaska) — was called into question Wednesday after a warning from the parliamentarian.

Each part of the GOP's tax plan must comply with a complex set of budget reconciliation rules that allow the legislation to avoid a Democratic filibuster.

To view online click here.

Back

Documents show Trump set to shrink Bears Ears, Grand Staircase monuments Back

By Esther Whieldon | 11/30/2017 04:35 PM EDT

President Donald Trump will shrink Utah's Bears Ears National Monument by 85 percent and Grand Staircase-Escalante National Monument by about 41 percent, according to copies of the proclamations and maps obtained by POLITICO.

Trump is expected to travel to Utah on Monday to make the announcement about the monuments that were established by former presidents Barack Obama and Bill Clinton, and which Utah lawmakers and conservative groups have complained were created over their objections. Trump has called Obama's creation of Bears Ears in the waning days of his presidency an "egregious abuse of federal power."

Both of the Utah monuments contain fossil fuel resources and Trump's move is sure to touch off a legal battle over the president's authority to dramatically alter his predecessors' actions under the Antiquities Act, which environmental groups view as one of the nation's bedrock conservation laws.

Trump's proclamations, which were first reported by The Washington Post, would cut the 1.353-million-acre Bears Ears down to about 201,400 acres and break it into two new monuments called Indian Creek National Monument and Shash Jaa National Monument. In addition to oil and gas resources, the area also holds uranium deposits.

Trump would divvy the Grand Staircase-Escalante monument into three parts — Grand Staircase National Monument, Kaiparowits National Monument and the Escalante Canyons National Monument — ending protections over swatches of areas high in mineral resources. The land will

remain under federal control.

The newly drawn monuments are "confined to the smallest area compatible with the proper care and management of objects," the proclamations state.

The move will be welcomed by Utah's congressional delegation and other Republican lawmakers who had accused Obama of federal overreach by creating monuments despite local opposition and using the Antiquities Act to head off commercial activity. Obama created dozens of land and marine monuments, protecting more than 5.7 million acres — the most any president has set aside under the century-old Antiquities Act.

Trump's expected order is the latest move in his effort to roll back Obama's regulations and federal decisions that he has said hinder the economy and fossil fuel development.

But Trump's order on the Bears Ears monument, which was created to protect thousands of sensitive archaeological sites, is certain to spark a court fight with tribes and conservation groups that have complained the Native American ruins there were being damaged and would be threatened by oil and gas development in the area.

Environmental groups and tribal organizations are planning a protest at the Utah state capitol this weekend over Trump's planned visit.

Democrats have criticized Interior Secretary Ryan Zinke's review of more than two dozen monuments for being conducted in secrecy, and they have chided Zinke for not releasing copies of his full report to the White House. Senate Minority Whip Dick Durbin had put holds on four of Trump's Interior nominees in order to force Zinke to brief him on the monument plans. He lifted two of those holds after a meeting with Zinke.

Rob Bishop's House Natural Resources Committee in October reported out a bill, H.R. 3390, that would amend the Antiquities Act to more clearly define a president's authority to change monuments. Previous legislative attempts by the Utah delegation to curb federal monuments have failed.

The White House and Interior Department did not immediately respond to requests for comment.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 8/21/2017 7:56:48 PM
Subject: California grid emerges from solar eclipse unscathed

By Esther Whieldon

08/21/2017 03:53 PM EDT

The California grid survived today's total solar eclipse without a hitch, California Independent System Operator officials said.

About 3,000 megawatts to 3,500 megawatts of solar generation stopped producing power during the eclipse, and the grid operator was able to cover that loss with hydropower and natural gas power supplies, Eric Schmitt, ISO vice president of operations, told reporters.

The grid operator had expected to lose up to 4,600 megawatts of utility scale solar during the eclipse and about 1,300 megawatts of residential rooftop solar.

Schmitt said months of planning had enabled the grid operator to accommodate the solar event.

"We didn't have any major challenges on the system, even minor challenges," he said. "We're very pleased with how smooth it went. All the resources performed the way they were supposed to perform."

Electricity prices were normal, peaking in the low $20s per megawatt-hour. But as the eclipse abated, they then went negative — meaning generators would need to pay to ship their power — as the solar power plants began to come online, Schmitt said.

WHAT'S NEXT: The ISO expects to release more details about how the grid performed during the solar eclipse, such as how much battery storage was used and how much rooftop solar went offline, at a later time.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/california-grid-emerges-from-solar-eclipse-unscathed-091977

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 9/19/2017 11:50:20 AM
Subject: Sep. 19 -- EHS State Regulatory Alert

EHS State Regulatory Alert

September 19, 2017 - Number 180

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Arizona

WATER
Water Infrastructure Finance Authority
Arizona WATER

Proposed rule of the Water Infrastructure Finance Authority (WIFA) amends regulations under R18-15-101 through -701 (nonconsecutive) and amends and renumbers regulations under R18-15-402 through -408 to reflect that governance of the authority and its related funds and programs are now under the Arizona Finance Authority. The rule also revises eligibility criteria for the Clean Water Revolving Fund to allow WIFA to provide assistance to private and nonprofit entities for certain types of projects, in response to changes to the Clean Water Act. A hearing is scheduled for Nov. 6, 2017, in Phoenix. Comments are due Nov. 7, 2017. Contact: Trish Incognito; WIFA; 602-364-1310; pincognito@azwifa.gov

—Arizona Administrative Register (09/15/2017)

Regulatory Update

California

AIR
Mandatory Reporting of Greenhouse Gas Emissions
California AIR

Final rule of the Air Resources Board amends regulations under 17 CCR 95101 through 95157 (nonconsecutive) and Appendices A and B and adopts regulations under 22 CCR 95160, 95161, 95162, and 95163 regarding mandatory reporting of greenhouse gas emissions. The rule clarifies procedures for changing calculation methods, revises reporting and verification cessation criteria, and clarifies recordkeeping and retention times. The rule also updates global warming potential values to be used beginning with 2021 data reported in 2022, requires facilities to

provide a facility schematic diagram indicating fuel flows and metering locations as part of monitoring plans, and updates calibration requirements for differential pressure devices at refineries. In addition, the rule revises reporting requirements for liquefied petroleum gas and natural gas importers and processing plants, electric generators, petroleum and natural gas systems, and biomethane transporters. Finally, the rule addresses emissions from imported electricity under the Energy Imbalance Market, revises the verification deadline, and requires product data reporting. The rule is effective Jan. 1, 2018. Contact: Bradley Bechtold; ARB; 916-322-6533; bradleybechtold@arb.ca.gov

—California Regulatory Notice Register (09/15/2017)

Regulatory Update

District of Columbia

WATER
Water and Sanitation
District of Columbia WATER

Proposed rule of the Department of Energy and Environment amends regulations under 21 DCMR 1104 and 1199 regarding water and sanitation. The rule updates aquatic life criteria for ammonia and cadmium and human health criteria for 94 constituents to align with federal standards. The rule also updates E. coli recreational water quality criteria to establish a measurement of statistical threshold value and a unit of measurement of colony forming unit. In addition, the rule increases the duration for the geometric mean criteria to 90 days. Comments are due Oct. 16, 2017. Contact: DOEE, Water Quality Division; 202-535-2600; WQS@dc.gov

—District of Columbia Register (09/15/2017)

Regulatory Update

Florida

COASTAL ZONE
General Permits for Activities Seaward of the Coastal Construction Control Line
Florida COASTAL ZONE

Notice of the Department of Environmental Protection, Division of Beaches and Coastal Systems, announces a workshop on July 19, 2017, proposed amendments to regulations under FAC 62B-34.010 through .090 (nonconsecutive) regarding general permits for activities seaward of the coastal construction control line. The rule adds general permits for swimming pools associated with single-family homes, dune restoration, and minor reconstruction of existing coastal armoring. The rule also clarifies siting criteria for major structures, revises the application fee schedule to include general permits, and adds general conditions applicable to all general permits concerning beach walkovers and sand fencing. In addition, the rule adds a definition for "registered professional" and a new general permit for certain minor structures. The workshop

also will include discussion on a concurrent proposed rule under FAC 62B-33 regarding coastal construction and excavation permits. The workshop is scheduled for Oct. 9, 2017, in Tallahassee and via webinar. Contact: Nicole Todd; DEP; 850-245-7535; Nicole.Todd@dep.state.fl.us

—Florida Administrative Weekly (09/15/2017)

Regulatory Update

COASTAL ZONE
General Permits for Coastal Construction and Excavation
Florida COASTAL ZONE

Notice announces the intention of the Department of Environmental Protection, Division of Beaches and Coastal Systems, to amend regulations under FAC 62B-33.002 through .024 (nonconsecutive) regarding permits for construction seaward of the coastal construction control line and 50-foot setback. The rule provides exemptions from permitting for certain minor activities, deletes obsolete references to the Florida Building Code, and establishes criteria for fill material. The rule also clarifies criteria for siting of major and minor structures, establishes criteria for rebuilt pipelines and ocean outfalls crossing the beach, and clarifies requirements for geotechnical data required in the application process. In addition, the rule removes the requirement to submit multiple copies of certain documents to the department, revises fee calculations, eliminates the permit fee for exemption determinations and permit transfers, reduces the permit fee for reissued permits, and provides for electronic submission of applications and related documents. Finally, the rule provides success criteria for site revegetation, removes a requirement for construction progress reports, and clarifies the methodology used to establish the 30-year erosion projection line. A workshop is scheduled for Oct. 9, 2017, in Tallahassee and via webinar. A comment due date is not specified. Contact: Nicole Todd; DEP; 850-245-7535; Nicole.Todd@dep.state.fl.us

—Florida Administrative Weekly (09/15/2017)

Regulatory Update

Oklahoma

AIR
Air Pollution Control Permits/Gasoline Dispensing Facilities
Oklahoma AIR

Proposed rule of the Department of Environmental Quality amends regulations under OAC 252:100-2-3, -7-1.1, -7-2, and -8-35; adopts regulations under OAC 252:100-7-60.7; and revokes and readopts regulations under OAC 252:100, Appendix Q, regarding permits for minor facilities and major sources. The rule adds a new permit-by-rule for facilities that are obligated to obtain a permit due to the presence of a gasoline dispensing facility or facility with an emergency engine subject to a federal standard. The rule also defines "gasoline dispensing facilities" and exempts from permit requirements facilities with less than 100,000 gallons of monthly throughput. In addition, the rule updates and incorporates by reference federal regulations, including the national emission standards for hazardous air pollutants and new source performance standards, as of June 30, 2017. Hearings are scheduled for Oct. 18 and Nov. 7, 2017, in Oklahoma City and Tahlequah, respectively. Comments are due Oct. 16, 2017. Contact: Melanie Foster; DEQ; 405-702-

4100; aqdrulecomments@deq.ok.gov

—Oklahoma Register (09/15/2017)

Regulatory Update

Virginia

WATER
Chesapeake/State Water Control Law Enforcement Action
Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with Elling Enterprises Inc., doing business as Baldwin Auto Disposal, for alleged State Water Control Law violations at its automobile salvage yard facility in Chesapeake. The alleged violations include noncompliance with monitoring and stormwater pollution prevention plan requirements of its permit for discharge of stormwater associated with industrial activity at the facility. The order requires payment of a $5,175 civil penalty and performance of actions specified in a schedule of compliance. Comments are due Oct. 18, 2017. Contact: Jennifer Coleman; DEQ, Tidewater Regional Office; 757-518-2000; jennifer.coleman@deq.virginia.gov

—Virginia Register (09/18/2017)

Regulatory Update

WATER
James City County and Suffolk/State Water Control Law Enforcement Action
Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with Empire Services Inc. for alleged State Water Control Law violations in connection with stormwater discharges from its James City County and Suffolk recycling facilities to Edwards Swamp and Shingle Creek. The alleged violations include failure to conduct benchmark and Chesapeake Bay total maximum daily load monitoring, an outdated stormwater pollution prevention plan, and failure to prevent oil discharges. The order requires payment of a $14,394 civil penalty and performance of actions specified in a schedule of compliance. Comments are due Oct. 18, 2017. Contact: Jennifer Coleman; DEQ, Tidewater Regional Office; 757-518-2000; jennifer.coleman@deq.virginia.gov

—Virginia Register (09/18/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Fri 7/28/2017 2:04:38 PM
Subject: POLITICO's Morning Transportation, presented by American Public Transportation Association: Trump's budget requests land with a THUD — Winter is coming — (Self-)driving the day

By Stephanie Beasley and Lauren Gardner | 07/28/2017 10:00 AM EDT

With help from Brianna Gurciullo and Tanya Snyder

TRUMP'S BUDGET REQUESTS LAND WITH A THUD: The Senate Appropriations Committee on Thursday approved its fiscal 2018 spending bill for all things transportation. In doing so, Congress dismissed President Donald Trump's requests to get rid of federal funding for Essential Air Service and Amtrak's long-distance routes, and phase out the Capital Investment Grant program. The House's spending bill, which was approved by committee last week, also shoots down those proposals, but it would cut off federal funding for TIGER grants as Trump requested.

No love for Gateway: Unlike the House's legislation, the Senate version doesn't throw a chunk of grant money at projects like the ones that make up the Gateway program. Instead, the Senate Appropriations Committee just says in its report that it "encourages Amtrak to use funding provided to continue the Northeast Corridor Gateway Project."

You would now be free to move up your PFCs: As airports expected, the Senate bill would bump up the Passenger Facility Charge cap from $4.50 to $8.50 at the point of origin. The House's bill contains no such increase, and airlines are sure to loudly oppose the provision.

Got trucks? The Senate committee also adopted amendments offered by Sens. John Hoeven (R-N.D.) and Jeanne Shaheen (D-N.H.) related to exemptions for their states from federal limits on truck weight. "My amendment would not put heavier trucks on New Hampshire's roads," Shaheen said during the markup. "It would simply fix an error that has come to light that the Federal Highway Administration has raised concerns about." Read Hoeven's amendment here and Shaheen's here.

SMH: Senate appropriators said in their bill report that the panel "strongly disagrees with the administration's assertion that providing federal dollars for infrastructure has created, 'an unhealthy dynamic in which state and local governments delay projects in the hope of receiving federal funds.'" The committee quoted from a fact sheet that the White House released about Trump's infrastructure vision. Appropriators also think it's "troubling" that the president's budget "assumes that after fiscal year 2020, Highway Trust Fund outlays will be at levels that are supported with existing tax receipts," which would lead to a $95 billion drop in outlays from fiscal 2021 to 2027. "The administration's approach is dangerously close to support for devolution of federal funding provided by the Highway Trust Fund, an idea the committee strongly opposes," they said.

WINTER IS COMING: Does that mean an infrastructure bill is, too? It's still early (congressional leaders are only just starting to pivot toward priority No. 2 of the Trump

administration's policy agenda, which is of course a tax code overhaul), but a small group of senators were invited to the White House on Thursday to discuss just that. "The ball is starting to roll," Sen. Jim Inhofe gleefully told our Lauren Gardner. GOP Sens. Deb Fischer of Nebraska and Roger Wicker of Mississippi were also on hand at the meeting with DJ Gribbin, one of Trump's infrastructure advisers, and Reed Cordish, assistant to the president for intergovernmental and technology initiatives.

Not quite there yet: Inhofe characterized the confab as a general discussion to assess lawmakers' priorities and compare how they line up with the administration's. While he wouldn't get into the thorny issue of how to cover the $1 trillion price tag the administration is shooting for, Inhofe did say he would be talking with EPW Committee Democrats during the health care "vote-a-rama" Thursday to get their input on a package. "They are just as anxious to get into an infrastructure bill as I am," said Inhofe, who was sporting a snazzy orthopedic sandal Thursday just like your MT co-author. (The Oklahoma Republican, fortunately, didn't break anything. Leave that to me, folks.)

AND THEN THERE'S THE HOUSE FAA BILL: House Transportation Chairman Bill Shuster acknowledged Thursday what we had long expected: his FAA reauthorization bill, H.R. 2997 (115), won't get any floor time until September, if ever. Meanwhile, the Senate's FAA bill is just as much in limbo with its controversial changes to the 1,500-hour co-pilot training rule. An extension is all but assured now, folks.

IT'S FRIDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Lauren and Steph are sailing the MT boat into the weekend, so please send along tips, feedback and lyrics to lgardner@politico.com or @Gardner_LM and sbeasley@politico.com or @Steph_Beasley. (And send birthday wishes to our Tanya Snyder at tsnyder@politico.com or @TSnyderDC while you're at it.)

"So grab your friends/Get the train comin' through/Climb on board/Where you leave's up to you" (h/t APTA's Mantill Williams)

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with tunes (picked by us and readers) that are all about flying, driving, commuting and sailing?

(SELF-)DRIVING THE DAY: The House Energy and Commerce Committee on Thursday unanimously approved Congress' first bill, H.R. 3388 (115) , to deal with driverless cars. In the week since a subcommittee marked up a draft bill that was still full of placeholder text, Democrats and Republicans worked out significant compromises in an act of bipartisanship that, these days, could almost bring you to tears. One of those compromises accepted the Republican cap of 100,000 exemptions per year per manufacturer from old-school safety standards - but layered on some Democrat conditions, like ramping up to 100,000 over the course of several years, with DOT rulemakings in between and public reporting of crash data. (Carmakers don't love that part, by the way.)

States of play: Another big wrinkle the committee ironed out involved the latitude states and cities have to come up with their own rules for self-driving cars. Industry wants one consistent

standard nationwide, but governors and mayors want to be able to weigh in, and they worry that NHTSA is too lax (and too understaffed) to be an effective enforcer. The agreement maintains traditional divisions between state and federal responsibilities but eliminated some ambiguities in order to carve out a little more space for state action. The bill also requires manufacturers to sign off on a vehicle safety assessment that NHTSA designed but left optional in its guidance.

Hurry up and wait: Members and staff worked at breakneck speed over the past couple of weeks to get to a deal - and it's now going to sit on the shelf till September since the House heads out today for a monthlong recess (barring Senate action on the health care bill, but that's a whole 'nother Pro vertical). Meanwhile, Sen. Gary Peters (D-Mich.) hinted strongly this week that the upper chamber's driverless car bill would be released imminently, but we haven't seen it yet. Tanya's got more for Pros.

DELANEY 2020? Longtime infrastructure bank advocate Rep. John Delaney (D-Md.) is contemplating a 2020 presidential run. Former MT scribe Heather Caygle and Kevin Robillard write that Delaney is "seriously considering" a plan where he would skip challenging GOP Gov. Larry Hogan and instead aim straight for the White House. Democrats in the state say they expect he will announce his plans today in a Washington Post op-ed. Delaney has established a reputation among infrastructure groups because of his various proposals to establish public-private partnerships for highway projects, but he is largely unknown outside of those circles. So this could be a very long shot.

** **A message from American Public Transportation Association:** Public transportation is a vital part of an integrated transportation network that drives our economy forward, creating 50,000 jobs for every $1 billion invested. Without public transit, America simply can't move forward. And in order to improve our public transportation systems, states and localities need continued federal investment. Learn more at APTA.com/InvestNow. **

NOT SO FAST: House Democrats said DOT's plan to prioritize consideration of projects that would require minimal federal funding when it hands out $1.5 billion in INFRA (formerly FASTLANE) grants "does not align with the impetus of the program" created by President Barack Obama, POLITICO's Mary Lee reports. Thirteen Democrats, including Transportation Committee ranking member Peter DeFazio (D-Ore.), signed off on a letter sent to Transportation Secretary Elaine Chao urging her against altering the program before the agency distributes fiscal 2017 grants for highway and freight projects.

ALMOST THERE: FMCSA is working faster to bring high-risk carriers into compliance by tackling the cases that need immediate intervention first, but the agency isn't effectively keeping track of compliance review results or making sure that the quality-assurance tools used by its inspectors are actually effective, according to an audit report from DOT's Office of Inspector General. The report was requested by Sen.Dick Durbin (D-Ill.) following a fatal commercial truck crash on an Illinois highway in 2014. FMCSA previously flagged the carrier as high-risk but had not conducted an investigation.

METRO BOARD SHAKE-UP: DOT's two new appointees to the WMATA board of directors made their debut Thursday at the group's last meeting for the summer. Neither David Horner nor

Steve McMillin would opine on whether they believe the federal government should help cover Metro's expenses, a major question that Congress has yet to tackle outside of the $150 million that's been authorized annually for the system's capital expenses through fiscal 2019. But the appointees - both of whom served in the George W. Bush administration - said they're eager to apply the Trump administration's infrastructure principles to their roles, though McMillin noted they don't have specific "marching orders" they're expected to fulfill. "Their policies, our policies, concerning infrastructure are bold, they've innovative," Horner said. "They recognize that the status quo doesn't cut it any longer, and we need to shake things up in order to deliver better service to the riding public."

MT MAILBAG: The Owner-Operator Independent Drivers Association wrote a letter to FMCSA encouraging the agency to work with lawmakers to delay implementation of a congressional mandate for truckers to use electronic logging devices despite the American Trucking Associations urging FMCSA to do the opposite. "Despite being the self-proclaimed 'most authoritative voice in the trucking industry,' ATA by no means represents the hundreds of thousands of crucial owner-operators and independent drivers working within our industry," Todd Spencer, OOIDA's executive vice president, wrote to Deputy FMCSA Administrator Daphne Jefferson. Separately, the group signed on to a letter to Rep. Brian Babin (R-Texas) in support of legislation that would extend the deadline for the ELD mandate.

ARRIVALS AND DEPARTURES: Lauren Huston will be leaving her position as press secretary and digital director at the Senate Commerce Committee to pursue a J.D. at Catholic University. Huston will be replaced by Brianna Manzelli, a former member of the RNC press team.

THE AUTOBAHN:

- "Cuomo on Trump's infrastructure plan: 'Where is it?'" POLITICO.

- "The boycott that wasn't: How United weathered a media firestorm." The New York Times.

- "Robert Moses and the decline of the NYC subway system." Curbed NY.

- "GE to cut 575 jobs at century-old locomotive plant." Bloomberg.

- "Demand overseas keeps Mustang on top despite lower U.S. sales." The Associated Press.

- "TSA gains popular following on Instagram." CBS News.

- "Candidate for DHS job withdraws because of transgender ban." POLITICO.

THE COUNTDOWN: DOT appropriations run out in 64 days. The FAA reauthorization expires in 64 days. Highway and transit policy is up for renewal in 1,160 days.

**** A message from American Public Transportation Association:** Our nation's public transit systems do more than carry Americans to work-they're a critical part of an integrated

transportation network that drives our economy forward. That's why states and localities have partnered with the federal government for more than 35 years to repair and expand services. But President Trump's budget would eliminate funding for vital public transportation projects-and put 800,000 jobs at risk, including more than 500,000 construction-related jobs. Communities can't improve public transportation alone. To protect our future, we need continued federal investment in public transportation. Congress: Fully fund the FAST Act, and include public transportation in any infrastructure bill. Visit APTA.com/InvestNow to learn more. **

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August 16, 2017

Today on Climate Beat . . .

. . . we went overseas, noting that a manufacturer group is asking the Department of Energy to issue a moratorium on exporting liquified natural gas (LNG) to countries that do not have a free-trade agreement with the United States, after a court rejected environmentalists' challenge to an LNG export terminal over climate concerns.

Playing the numbers game, one group estimates that a court's vacatur of Obama EPA limits on hydrofluorocarbons (HFCs) could allow more than 3.6 billion metric tons of greenhouse gas emissions by 2050 that would have been avoided under the regulations.

And on the science front, our daily news roundup looked at the "broad power" that the White House has to undercut a major federal climate science report that is required to be published next year.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 11/8/2017 1:18:28 AM
Subject: Breaking News: Northam wins Virginia governor's race

Democrat Ralph Northam has won the Virginia governor's race, defeating Republican Ed Gillespie.

Northam, the lieutenant governor, had 51 percent of the vote to Gillespie's 48 percent when The Associated Press called the race with 60 percent of precincts reporting.

See results here: https://www.politico.com/interactives/elections/2017/virginia/governor/

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Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Trump's UN Diplomat Pledges No Interference in Climate Study

Posted August 08, 2017, 03:15 P.M. ET

By Dean Scott

The Trump administration won't interfere in a broad climate study focusing on how rising sea level, increasing temperatures, and other climate impacts are already affecting the U.S., the president's United Nations ambassador pledged today.

"I haven't seen the report, but I don't see any reason why they wouldn't" back the study, Nikki Haley, U.S. Ambassador to the U.N., said on NBC's "Today" show. Haley pushed back against reports suggesting scientists are worried Trump will torpedo the draft report—known as the Fourth National Climate Assessment and slated for completion in late 2018—given Trump's June withdrawal from the Paris climate pact.

"First of all … just because we pulled out of the Paris accord doesn't mean we don't believe in climate protection," Haley said.

The report, compiled by the U.S. Global Change Research Program, is required under a 1990 law to be provided to Congress. One draft portion of the report, known as the climate science special report, said even "stronger evidence" has emerged of "continuing, rapid, human-caused warming of the global atmosphere and ocean" since the last report in 2014.

Tax Breaks Powered Wind Energy Growth in 2016

Posted August 08, 2017, 02:06 P.M. ET

By Rebecca Kern

Wind energy installations in the U.S. continued to grow in 2016 thanks in part to the production tax credit that went into effect in late 2015, the Energy Department said in reports out today.

"A combination of federal subsidies, state mandates, and technological advancements continue to help drive new wind capacity additions," Daniel Simmons, acting assistant secretary at the Energy Department's Office of Energy Efficiency and Renewable Energy, said in a Aug. 8 statement.

The Energy Department's 2016 Wind Technologies Market Report found the U.S. wind industry added 8,203 megawatts of new wind power capacity, or 27 percent of total capacity additions, in 2016.

This continues the growth of new installations that included 8,598 megawatts of new wind capacity in 2015, which made up even more of total U.S. capacity additions—40 percent—in that year.

Congress passed the production tax credit in December 2015, encouraging new wind installation through phased-down tax credits that last until 2019. The tax credits have helped spur new wind installations, with 102,000 wind energy jobs in 2016, up 32 percent from 2015, according to the report.

The report notes, however, that forecasts from 2021-2025 show a downturn in expected new wind energy capacity installations as the production tax credit phases out.

The Energy Department also released offshore wind and distributed wind market reports documenting growth in these areas as well.

Keystone XL's Path Up for Grabs as Nebraska Commission Weighs In

Posted August 08, 2017, 11:40 A.M. ET

By Andrew Harris

The future of TransCanada Corp.'s Keystone XL pipeline could hinge on whether a Nebraska commission believes the project is in the public's interest or is a private land grab as property owners claim.

More than 90 percent of TransCanada's preferred 270-mile route through the state would cut across privately owned land, as would an alternate route, company project manager Paul Fuhrer testified Aug. 7 during the first day of a hearing in Lincoln, Neb.

To gain approval for one of its proposed paths, Keystone lawyers will need to convince the Public Service Commission--made up of four Republicans and one Democrat--and overcome vehement opposition from dozens of landowners, environmental conservation groups, and Native American tribes.

The elected commission, created under the state's constitution, began hearing testimony in what is scheduled to be a week-long hearing. Much of the Aug. 7 hearing was dominated by testimony from company executives on the pipeline's maintenance details, including responsibility for cleanup, restoration, and removal once the conduit reaches its life expectancy.

A ruling from the panel is due no later than Nov. 23. Whether the pipeline gets built, however, may ultimately rest upon what the state's seven-member Supreme Court decides, as the loser is likely to appeal.

"The pipeline is not in the public interest," activist Jane Kleeb, president of the environmental advocacy group Bold Alliance who was elected last year as the state's Democratic Party chair, said in an interview prior to the Aug. 7 hearing. "This will be a private, foreign corporation that would be using eminent domain for private gain."

$8 Billion Project

Keystone XL has been in the planning stages for nearly 10 years. The conduit would carry heavy crude from Canada's oil sands region in Alberta to a terminal more than 1,100 miles away in Steele City, Neb., where it would connect with an already existing network leading to Gulf Coast refineries.

Labor unions are backing the $8 billion project for its promise of jobs.

TransCanada and President Donald Trump have promoted the project as one that will provide employment and boost the state's economy. Nebraska will benefit from as many as 4,500 jobs during the two-year construction period, and $12 million in property tax revenues, according to the Calgary-based company.

Environmental groups sued over its original path through the state because it would have traversed Nebraska's environmentally sensitive Sand Hills region. That route was soon abandoned for one charted by the state's now-former governor, Dave Heineman, and TransCanada, provoking lawsuits contending only the commission could approve its path.

While the pipeline company ultimately agreed to apply to the Public Service Commission, the Obama administration rejected TransCanada's request for permission to cross the U.S.-Canada border, effectively killing the project until Trump revived it earlier this year.

Despite the delays, during which crude oil prices have tumbled, TransCanada maintains that the pipeline still has commercial support.

Eminent Domain

Some landowners who fought the previous pipeline battle have returned for this one. The commission allowed 94 landowners to intervene in the hearing without limitations, ruling in March that they "have real property interests that will be directly impacted" by the pipeline's route.

Kleeb, alongside groups such as the Sierra Club and 350.org, have been working with landowners, highlighting the issue of eminent domain. They argue that it's unnecessary and unfair to take private property for the pipeline using eminent domain, particularly given certain liability provisions the company is putting into landowner easements. TransCanada says 91 percent of landowners in the state have agreed to allow the project on their land.

David Domina, a lawyer for landowners, questioned TransCanada executive Tony Palmer during Monday's hearing about the pipeline's complex corporate ownership structure. Palmer said he's the president of an intermediate entity called TransCanada Keystone General Partner LLC, which holds less than 1 percent of the company seeking the permit. Domina also questioned Palmer on who bears responsibility for maintenance or removal should the conduit become obsolete.

TransCanada still hasn't made a final decision on whether to push ahead with the Keystone XL project. Domina asked Palmer whether that meant the company would use the commission's ruling to "make better investment decisions?"

"No sir," Palmer replied. Asked if selling the route was an option if the commission approves the application but TransCanada scraps the project, he said, "I don't think that I could fulsomely respond with a yes or no answer."

—With assistance from Meenal Vamburkar and Kevin Orland.

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Warren Buffett Likes Solar, But Not the Price Tag

Posted August 08, 2017, 9:23 A.M. ET

By Brian Eckhouse and Noah Buhayar

Warren Buffett has called global warming a "major problem" and put his company's money where his mouth is, spending billions to develop solar and wind power, yet he's no hero to some renewable energy proponents.

Their beef: They say the utility arm of Berkshire Hathaway Inc., his conglomerate, has been trying to undermine an almost 40-year-old law intended in part to promote the growth of cleaner energy. Berkshire, they say, is effectively stifling solar projects to protect utilities it owns, such as PacifiCorp, based in Portland, Ore.

"I'm sympathetic to reasons that the law is difficult for utilities, but PacifiCorp speaks out of both sides of its mouth," says David Brown, co-founder of solar developer Obsidian Renewables LLC in Lake Oswego, Ore.

Berkshire Hathaway Energy says it's not so simple. The company, which owns several utilities using conventional and renewable power sources, is the second-largest owner of clean-energy assets in the U.S. But along with other utilities, it argues that the law is outdated, often raises costs for its customers, and forces utilities to buy more electricity than needed.

The law is called the Public Utility Regulatory Policies Act, or PURPA. Congress enacted it after the 1970s OPEC oil embargo to draw new players into the utility-dominated business of generating power. It required some utilities to buy power from certain power providers if doing so was less expensive than building new plants themselves. The idea was to boost the then-emerging natural gas industry—and perhaps spur renewables including solar.

Prices Locked In

The act worked—too well, from the standpoint of the utilities. As solar panel prices plunged in recent years, developers deluged utilities with projects to sell them power. Utilities complain the law is producing a surplus of power. Moreover, utilities say the contracts with developers, whose terms are generally set by state utilities regulators, often lock them in for years at high prices that don't necessarily reflect the current market.

"Why should our customers be saddled with billions and billions of dollars of above-market prices?" asks Kathy Steckelberg, vice president for government relations at the Edison Electric Institute, which represents U.S. investor-owned electric companies.

"The fact that renewables are increasing in our market we don't see as a problem," Steckelberg says. Utilities would rather build or buy solar and wind farms themselves so they can pass on the development cost to ratepayers, rather than pay outsiders for the power. Yet under PURPA, they often can't refuse an eligible deal.

Solar developers have proposed plans to generate about 3.5 gigawatts of power in Berkshire Hathaway's territories, the second most among regulated utilities in the U.S., according to Bloomberg New Energy Finance.

A spokeswoman for Berkshire's utilities unit wrote in a statement that PURPA "is no longer the key driver for renewable energy development." She cited rising corporate demand for renewables, falling costs, and government initiatives, such as state and federal tax incentives.

Utility Seeks Price Cut

In Wyoming, the company's Rocky Mountain Power, a division of PacifiCorp, is seeking a 40 percent cut to what it must pay small PURPA-eligible projects. PacifiCorp, which serves 1.8 million customers throughout the western U.S., has estimated the long-term contracts will cost consumers $1.1 billion above market prices in the 10 years through 2025.

In Oregon, PacifiCorp asked regulators to reduce the size of any renewable deal it's forced to take, as well as the length of the contract during which it must buy power. The utility won a partial victory last year: Regulators said certain facilities of up to 3 megawatts would qualify, down from a threshold of 10 megawatts, but left the required contract term at 20 years.

"There's no project that I can imagine that I would do for PacifiCorp," says Brown, whose Obsidian has developed multiple solar farms that provide power to the utility. "The prices are too low, and they say they don't have any interest or need for renewable energy."

States including Idaho and Montana have sided with the utilities by reducing the length of power-purchase contracts. In Idaho's case, the term went to 2 years from 20, according to EnerKnol, a research firm. Contracts of such short duration make it almost impossible to get financing for new projects, solar developers say.

Long-term contracts are important for renewable providers because lenders prefer companies that can project a steady cash flow for many years.

"You cannot raise capital against a two-year contract," says Matthew McGovern, chief executive officer of Santa Monica, Calif.-based Cypress Creek Renewables LLC, one of the most active PURPA developers. "Utilities are now saying, 'Well, why not?' They know the answer."

Utilities may have a friend in President Donald Trump, who's said climate change is a hoax and who's keen to tip the scale from renewables to coal and other fossil fuels. Trump is in a position to reshape the Federal Energy Regulatory Commission, an agency with some authority over PURPA.

Then there's Congress, where some members are eager to strip away much of PURPA. Berkshire Hathaway Energy has proposed altering the law by, among other things, making it so utilities wouldn't be obligated to buy power from PURPA projects when states determine the extra electricity isn't needed. Its Rocky Mountain Power unit recently announced a plan to invest an additional $3.5 billion in wind generation and transmission lines to bring the energy to customers.

Solar companies are resisting the changes. Many utilities are saying, " 'we need to take this back,' " says Adam Foodman, chief operating officer of solar developer O2 Energies Inc. "But that's not in the interest of the public."

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Gas Sellers Sidestep China State Giants to Ride Demand Surge

Posted August 08, 2017, 10:08 A.M. ET

By Bloomberg News

China's independent energy firms are seeking to circumvent its state-backed giants as they cash in on swelling natural gas use, buoyed by President Xi Jinping's drive for cleaner fuels and nimbler companies.

New import facilities developed by firms including Guanghui Energy Co. and ENN Group offer direct access to cheap liquefied natural gas and cut their reliance on supply and infrastructure controlled by the the country's national oil companies. That may help new players tap China's booming gas demand, up 15 percent in the first half of the year.

"The key thing about having your own terminal is that you can take advantage of potentially lower pricing in the market," said Neil Beveridge, an analyst at Sanford C. Bernstein & Co. in Hong Kong. "Also, it's very difficult to get supply through the infrastructure of the Chinese oil majors because the access rules and regulations are not terribly transparent and not terribly well enforced."

Smaller gas distributors and importers have found an opening as Xi's government seeks alternatives to coal and encourages private competition in the energy sector. They're poised to follow a similar trend in the oil industry, where independent refiners known as "teapots" have been allowed greater freedom to import crude, helping push China ahead of the U.S. this year as the world's biggest importer.

Guanghuai Energy last month received the second LNG cargo at its Qidong terminal, about 100 kilometers (62 miles) north of Shanghai. At least three more terminals are under construction or proposed including a port by ENN Group that's scheduled to start next year. Guangzhou Development Group Inc. has proposed a new import terminal, as has China Huadian Corp., one of the nation's biggest power generators, according to Bloomberg New Energy Finance.

New private ports enhance the bargaining power for distributors, which will lower downstream sales prices and boost China's consumption, ENN Energy Holdings Ltd., the listed unit of ENN Group, said in an emailed response to questions. It declined to comment specifically on the Zhoushan LNG terminal owned by its parent, which didn't respond to a separate request for comment.

Xinjiang-based Guanghui, which was one of the first non-state companies to receive a license to import crude, plans to allow third parties to deliver and store LNG at the Qidong site, chief engineer Xue Wenting said last month. The terminal's annual capacity will be expanded to 3 million metric tons by 2019 from 650,000 tons now, he said.

Jovo Energy Co., which was the first private Chinese company to begin importing LNG, began operating its Dongguan facility in Guangdong in 2012. The company also stores and sells liquefied petroleum gas and has an oil and chemicals business, according to its website.

China, which is forecast to more than double LNG purchases by 2022, has more than a dozen import terminals owned by its three state energy giants, which buy most of their cargoes on long-term contracts. But given the current global gas glut, new buyers can pick up cheaper shipments on the spot market, where analysts at SCI International estimate costs are about 50 percent less than average rates under the country's existing term contracts.

"Those companies can get cheaper LNG prices from the spot market on a more flexible basis and they can meet demand from their widespread distribution networks," said Maggie Kuang, an analyst with BNEF in Singapore.

China's LNG demand will expand by 5 million to 6 million tons annually over the next few years and private investors may account for about 20 percent of that growth, according to Michal Meidan, an analyst with Energy Aspects Ltd. in London. Bernstein's Beveridge estimates that share to be less than 10 percent of the 60 million tons of LNG he forecasts the country will be importing annually by the end of the decade.

China's national oil companies account for about 92 percent of the country's long-term contracts and "still firmly dominate the LNG import market," said BNEF analyst Nannan Kou. While Guanghui Energy has been buying spot LNG, it's seeking to sign long-term contracts with suppliers, including Malaysia's Petroliam Nasional Bhd, chief engineer Xue said.

The Chinese government is encouraging private capital to help construct LNG receiving facilities and pipelines, according to guidelines published last month by the country's National Development and Reform Commission. China's top economic planner also said LNG import capacity and natural gas pipeline length will more than double in the 10 years to 2025.

Opening Up

"This is part of the government's efforts to open up the sector to non-state actors and increase efficiencies through greater competition," said Meidan at Energy Aspects.

China National Offshore Oil Corp. and China National Petroleum Corp., the country's first and second-largest LNG importers, didn't respond to calls seeking comment. A spokesman for China Petrochemical Corp., known as Sinopec Group, said Monday he couldn't immediately respond to questions.

LNG imports in June hit the highest on record for that month, in line with the country's booming demand, offering a boost for gas distributors. China Gas Holdings Ltd. has gained 85 percent this year while ENN Energy has climbed 69 percent. That compares with a 27 percent gain for the benchmark Hong Kong Hang Seng Index.

The Chinese government has set a goal of getting as much as 10 percent of its energy from gas by 2020 and 15 percent by 2030, up from 6 percent in 2015. To meet these goals, demand will grow by an average of 15 percent annually between 2016 and 2020, according to Macquarie Group Ltd.

Enough Supply?

The country's natural gas production, which is dominated by CNPC and Sinopec Group, rose 8 percent in the first half of 2017 compared to the same period a year ago. Meanwhile, imports have jumped 21 percent in the first seven months of the year, according to data released Tuesday.

Fast-growing supply may be needed, as Sinopec Group has already flagged a possible "big" increase in gas demand this coming winter compared to last year, particularly in the country's north, Shanghai Securities News reported Tuesday, citing a company meeting.

Even after independent gas distributors build LNG facilities, they're often still reliant on pipeline

networks operated by the state-backed giants, according to Bernstein's Beveridge.

"It's still all about access with the majors" for an independent distributor, he said. "There are still more regulatory rules that are needed, so these companies are very much pioneers."

—With assistance from Dan Murtaugh, Aibing Guo and Adrian Leung.

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China Importing Less Coal Amid New Import Rules

Posted August 08, 2017, 8:38 A.M. ET

By Bloomberg News

China's coal imports in July declined to the lowest in more than a year as a new import rule may have delayed some shipments.

Imports by the world's largest energy user dropped 13 percent from the previous month to the equivalent of 627,742 metric tons a day, according to Bloomberg calculations based on data from the General Administration of Customs on Aug. 8. That's the least since May 2016.

The nation started to ban coal shipments from July 1 at ports that were set up through approvals by provincial authorities. Some imports have been diverted to enter China through ports approved under the authority of the State Council, which may have created delays, according to Deng Shun, an analyst with GF Futures Co.

"Coal demand was very robust last month, but the shipment volumes reported by customs could have been affected by the new import rule," Deng said before the data were released.

On a monthly basis, China's coal imports were 19.46 million tons in July, according to the data released Aug. 8. They totaled 152.71 million tons during the first seven months of the year, up 18 percent from the same period a year earlier.

Imports also declined as China's coal production rose in June to the highest since November 2015 after the government lifted restrictions on output to boost supplies amid higher demand.

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Egypt Moves to End State Monopoly of Natural Gas Market

Posted August 08, 2017, 8:52 A.M. ET

By Salma El Wardany, Mirette Magdy and Tamim Elyan

Egypt is opening the door to private participation in its natural gas sector, moving to end the state's monopoly as it pushes ahead with reforms meant to encourage investment and revive the economy.

A new law signed by President Abdel-Fattah El-Sisi sets up a natural gas regulatory authority charged with licensing and devising a plan to open the gas market to competition. It also allows for the eventual import of natural gas by private companies, a move that could help end supply

shortages that have hampered businesses.

The measure, which had been more than two years in the making, is the government's latest push to spur investment in an economy that has struggled to revive since the 2011 uprising against President Hosni Mubarak. Over the past year, authorities have instituted sweeping reforms, backed by the International Monetary Fund, that have included floating the currency, sharp subsidy cuts and enacting legislation aimed at drawing in sorely needed foreign money.

The new legislation also advances Egypt's objective to achieve energy self-sufficiency by 2019, largely through eventual output from the giant Zohr natural gas field.

The law would allow the private sector to directly ship, transport, store, market and trade natural gas using the pipeline and network infrastructure. Its executive regulations are to be issued within six months of the legislation's enactment, according to the Official Gazette.

"This law effectively relieves the government from the burden of providing for the rapidly growing natural-gas consumption and turns it into a regulator," said Radwa El-Swaify, head of research at Cairo-based Pharos Holding. "It's all part of the same direction of having freer markets in Egypt."

In July, the government said it will stop subsidizing bread flour and raised household electricity prices by as much as 42 percent, just a week after it increased fuel prices.

The move to liberalize the gas market will bring in greater transparency and flexibility, said Haitham Abdul Moneim, investor relations manager at Egypt Kuwait Holding, which partially owns and manages fertilizer producer AlexFert. "This will give us more options for sources of gas and maybe better prices," he said.

—With assistance from Tarek El-Tablawy, Ahmed Feteha and Tamim Elyan.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 10/25/2017 10:37:40 AM
Subject: POLITICO Playbook, presented by Chevron: What FLAKE and CORKER mean for Washington, and TRUMP -- SCOOP: Trump admin. wants THIRD disaster relief bill, offset with spending cuts -- SCOTT BROWN in hot water in NEW ZEALAND -- B'DAY: Rob Porter

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Today's POLITICO Playbook presented by Chevron

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Wednesday morning. BREAKING: "Scott Brown: US ambassador to New Zealand investigated over inappropriate comments: Complaints against Brown, who was Donald Trump's first ambassadorial appointment after coming into office, surfaced after a trip to Samoa," by The Guardian's Eleanor Ainge Roy in Dunedin, New Zealand: "Brown told New Zealand media on Wednesday he wanted to address 'innuendo and rumour' about his visit to Samoa in July to celebrate 50 years of the peace corps in the country.

"Brown -- speaking with his wife, Gail Huff, by his side -- confirmed he was the subject of an official administration inquiry by the US state department, which sent investigators to Wellington to look into what took place on the trip. Brown said the official complaints related to comments he had made at a party in the Samoan capital, Apia, where he told attendees they looked 'beautiful' and could make hundreds of dollars working in the hospitality industry in the US. Brown and Huff said they had 'no idea' the comments would be regarded as offensive.

"'I was told by my people that you're not Scott Brown from New Hampshire any more, you're an ambassador, and you have to be culturally aware of different cultures and sensitivities,' Brown said. 'We are in a different culture: even though we all speak English, sometimes when we say one thing it means the complete different thing.'" http://bit.ly/2yLFQ3P

BACK IN THE U.S., THE 30K-FOOT VIEW, from WaPo's Bob Costa, Phil Rucker and Sean Sullivan: "A pair of Republican senators sounded an alarm Tuesday about President Trump's fitness for office and warned that his actions were degrading and dangerous to the country - an extraordinary breach that threatens his legislative agenda

and further escalates the civil war tearing apart the Republican Party." http://wapo.st/2zO2rwC

AN AMAZING QUOTE IN AN AMAZING MOMENT: Sen. Jeff Flake's (R-Ariz.) floor speech yesterday afternoon in the Capitol grabbed all the attention (***video:*** http://bit.ly/2yIzIvB ... ***transcript:*** http://bit.ly/2h6mEpR). But this quote from the Arizona Republican, in many ways, is even more stunning.

-- CLIP AND SAVE: "[Flake] told The Arizona Republic ahead of his announcement that he had become convinced 'there may not be a place for a Republican like me in the current Republican climate or the current Republican Party.' ... 'Here's the bottom line: The path that I would have to travel to get the Republican nomination is a path I'm not willing to take, and that I can't in good conscience take,' ... 'It would require me to believe in positions I don't hold on such issues as trade and immigration, and it would require me to condone behavior that I cannot condone.'" http://bit.ly/2gGP8cR

FLAKE is saying the political environment is so toxic that it is unconscionable what he would have to do to win. That's the first time we've heard anything like that.

SEUNG MIN KIM and **BURGESS EVERETT** interviewed Flake last week, and asked him about rumors he would resign. "Well, if I weren't planning to run I think I wouldn't be having fundraisers every day and making calls. I had Marco Rubio in last week, we have Condi Rice in Thursday, coming into town. Doesn't sound like a campaign winding down."

-- SPOTTED: FLAKE walking into Joe's Seafood, a Washington hotspot near the White House, last night. He headed directly upstairs.

FLAKE WAPO OP-ED, "Enough": "There is a sickness in our system -- and it is contagious. How many more disgraceful public feuds with Gold Star families can we witness in silence before we ourselves are disgraced? How many more times will we see moral ambiguity in the face of shocking bigotry and shrug it off? How many more childish insults do we need to see hurled at a hostile foreign power before we acknowledge the senseless danger of it? How much more damage to our democracy and to the institutions of American liberty do we need to witness in silence before we count ourselves as complicit in that damage?" http://wapo.st/2yOKAYB

THE BIG PICTURE -- "Trump purges his critics, but the cost could be steep," by Alex Isenstadt: "President Donald Trump is squeezing out his enemies in the Republican Party - diminishing the power of the GOP establishment and reshaping his party in his own image. With the looming exits of Arizona Sen. Jeff Flake and Tennessee Sen. Bob Corker, come 2019 Trump will have rid himself of his two most outspoken Republican detractors. What happens in the meantime -- Corker and Flake demonstrated Tuesday they are fully emboldened now to take on the president without fear of consequences - could determine the success or failure of the GOP-controlled Congress through the 2018 midterms.

"But in the short-term, there is no question: Trump, and his former strategist and now-Breitbart chief Steve Bannon, are winning. The casualty list of Trump critics is bleeding over to the House, where a swelling group of anti-Trump lawmakers from the mainstream wing of the GOP -- including Washington Rep. Dave Reichert, Pennsylvania Rep. Charlie Dent, and Florida Rep. Ileana Ros-Lehtinen -- are ditching their reelection plans. While the circumstances of each departure are unique, the end result is the same. With other establishment-aligned members of Congress eyeing the exits, the president's backers are envisioning 2018 as an opportunity for Trump to steamroll the party establishment, much as he did in 2016." http://politi.co/2yQOy2M

THE LEGISLATIVE AND POLITICAL REALITIES ...

-- INDEPENDENT-MINDED CONSERVATIVES ARE OUT. Sens. Bob Corker (R-Tenn.) and Jeff Flake (R-Ariz.) are retiring. Here's a dose of reality: these two men do not have to worry about immediate political and electoral considerations. That could be very dangerous for Trump.

-- THE BIG QUESTION SENATE REPUBLICAN LEADERSHIP IS ASKING: WILL THE MIC DROPPING SPREAD? What will other Republican senators take away from Flake's mic drop moment? Will this be the start of more senators willing to break with Trump and potentially stymie the entire GOP agenda? Or, will it be business as usual as Republicans concerned with their own self-preservation try to cobble together legislative victories on taxes and DREAMers, while keeping government open before facing the electorate in 2018.

A SIGN OF HOW MUCH THINGS HAVE CHANGED: Flake has been among the most conservative Republicans in Congress for years. He votes with the president the vast majority of the time. He sailed into the Senate in 2012, clearing his primary with 69 percent of the vote, and winning the general election by three points. Most expected him to go unchallenged by Republicans for years. But people involved in the race tell us Flake's support completely disappeared after he released his book, "Conscience of a Conservative: A Rejection of Destructive Politics and a Return to Principle." Republicans say they and Flake, himself, knew he was going to lose.

WHAT'S NEXT -- THE POLITICS: Republican operatives quickly pivoted to figuring out who can beat Kelli Ward, Steve Bannon's favored candidate, in a primary. Ward has been branded an unhinged conspiracy theorist by many Republicans. Top prospects include Arizona Rep. Martha McSally; former Arizona Rep. Matt Salmon, who retired from politics in 2016; and state treasurer Jeff DeWit, who has said he won't run for reelection in 2018. The NRSC will lead recruitment, but GOP outside groups, including Senate Leadership Fund has already begun touching base with benefactors in Arizona to take their temperature on possible Flake alternatives.

-- FROM THE ARIZONA REPUBLIC: "Other names being talked up as possible contenders included former U.S. Rep. Matt Salmon, R-Ariz.; former U.S. Rep. John

Shadegg, R-Ariz.; Jay Heiler, a member of the Arizona Board of Regents; former Arizona Republican Party Chairman Robert Graham; and Maricopa County Attorney Bill Montgomery." http://bit.ly/2y34joe

****** **A message from Chevron:** Advanced technology is helping us find safer ways to deliver energy. We're piloting a program that uses drones to monitor tanks and pipelines. Watch the video: http://politi.co/2zKhpnk ******

A TRULY REMARKABLE WORLD -- IN JUST ONE DAY, Sen. Bob Corker (R-Tenn.), the chairman of the Foreign Relations Committee, told CNN's Manu Raju (a POLITICO alum) the president has "great difficulty with the truth," and "world leaders are very aware that much of what he says is untrue." He said he was not a role model for children, he would not support him in the next election and he is "debasing" the nation. And that wasn't even the most momentous event of the day. (Big kudos to Manu, who showed how he's one of the best reporters in Washington.)

SPEAKING OF TRUMP -- NEW POLITICO/MORNING CONSULT POLL: "Poll: Voters see Trump as reckless, not honest," by Steven Shepard: "Reckless. Thin-skinned. Not honest. Not compassionate. Not stable. Those aren't just the extraordinary, harsh judgments of President Donald Trump by two retiring, Republican senators on Tuesday - they are also shared by majorities of voters in a new POLITICO/Morning Consult poll. Voters' negative views of Trump's character aren't new. They date back to last year's presidential campaign. And Trump's overall approval rating in the new survey - 42 percent approve, 53 percent disapprove - is roughly unchanged over the past few months.

"More than three-quarters of Republican voters, 77 percent, approve of the job Trump is doing as president. Indeed, on most of the character questions in this week's POLITICO/Morning Consult poll, majorities of GOP voters side with Trump, even as the broader pool of voters takes a more critical view. The new survey was conducted before Sens. Bob Corker (R-Tenn.) and Jeff Flake (R-Ariz.) sharply criticized Trump on Tuesday for his persona conduct as president.

"Still, after a week in which Trump has sparred with the wife and family of an Army sergeant killed in action and been denounced by two high-profile senators in his own party, Trump's negative scores on these questions raise questions about his ability to overcome voter perceptions and turn his presidency around." http://politi.co/2zOLOAX

SCOOP -- THE WHITE HOUSE has asked agencies to begin assessing their long-term hurricane rebuilding and recovery needs, and expects Congress to pass a **THIRD** disaster spending bill before the year is out. The price tag: in the tens of billions, the administration says. Remember: the Senate cleared a $36.5 billion disaster spending bill yesterday! Here's the catch: this time, OMB wants Congress to provide spending offsets as part of the disaster relief bill -- a sign that spending billions of dollars constantly is getting expensive, and perhaps politically exhausting. That's going to make this next phase of the process a lot harder.

BREAKING LATE LAST NIGHT -- "Wall Street wins big as Senate votes to roll back regulation allowing consumers to sue their banks," by WaPo's Renae Merle: "Vice President Pence cast a tie-breaking vote late Tuesday to block new regulations allowing U.S. consumers to sue their banks, handing Wall Street and other big financial institutions their biggest victory since President Trump's election." http://wapo.st/2xlyaUg

TRUMP is traveling to Dallas today and will be briefed on hurricane recovery efforts. He will also participate in an RNC roundtable and speak at a fundraiser. **IVANKA TRUMP** will be on Capitol Hill meeting with Senate Republicans and hold an event to push the child tax credit as part of tax reform.

AP BULLETIN: "Sheriff's spokesman: 2 killed on Grambling State campus": "A sheriff's spokesman says a student and his friend were fatally shot at Grambling State University [in northern Louisiana] after an altercation that began in a dorm room, and the shooter fled the scene." http://bit.ly/2i2OUt7

DACA DEAL, PART II? -- "Paul Ryan Tells Conservatives DACA Will Be Part Of Spending Deal," by HuffPo's Matt Fuller and Elise Foley: "House Speaker Paul Ryan (R-Wis.) privately conceded to a group of House conservatives on Tuesday that he plans to include a legislative fix for undocumented immigrants who came to the United States as children in a year-end spending deal.

"Asked if he envisioned a December omnibus spending bill including Cost Sharing Reductions for Obamacare or some sort of solution for the Deferred Action for Childhood Arrivals (DACA) program, Ryan told leaders of the Republican Study Committee that he didn't believe CSR payments would be part of the deal with Democrats, but that DACA would. 'He did talk about the fact that that would be good if we could get ahead of that as opposed to being reactionary,' RSC Chairman Mark Walker (R-N.C.) told HuffPost Tuesday night." http://bit.ly/2yI9l8Y

-- REPUBLICANS have signaled that they would like to find a way forward on DACA before the end of the year. Multiple Democrats, including vocal immigration reform proponent Rep. Luis Gutierrez (D-Ill.), told us Democrats should withhold their votes on a spending bill if it doesn't include DREAMers legislation. "It's not like we want to close the government, actually we want to keep it open," Gutierrez told us. Calling it a defining moment for Democrats, Gutierrez said Democrats shouldn't "throw the DREAMers under the bus a second time when it is clear that the only way to pass that budget is with Democrats."

BIG NEWS -- "Clinton campaign, DNC paid for research that led to Russia dossier," by WaPo's Adam Entous, Devlin Barrett and Ros Helderman: "The Hillary Clinton campaign and the [DNC] helped fund research that resulted in a now-famous dossier containing allegations about President Trump's connections to Russia and possible coordination between his campaign and the Kremlin, people familiar with the

matter said. Marc E. Elias, a lawyer representing the Clinton campaign and the DNC, retained Fusion GPS, a Washington firm, to conduct the research. After that, Fusion GPS hired dossier author Christopher Steele ... Elias and his law firm, Perkins Coie, retained the company in April 2016 on behalf of the Clinton campaign and the DNC. Before that agreement, Fusion GPS's research into Trump was funded by an unknown Republican client during the GOP primary." http://wapo.st/2yMSkJY

-- @maggieNYT: "Folks involved in funding this lied about it, and with sanctimony, for a year".

ON THE WORLD STAGE -- "Under Trump plan, refugees from 11 countries face additional U.S. barriers," by Reuters' Yeganeh Torbati and Mica Rosenberg: "The Trump administration will temporarily delay processing of most refugees from 11 countries identified as high-risk, while resuming refugee admissions for other countries, government officials said on Tuesday. Most of the affected countries are in the Middle East and Africa, according to documents seen by Reuters. The administration also will place on hold a program that allows for family reunification for some refugees resettled in the United States, according to a Trump administration memo seen by Reuters and sent to Congress on Tuesday. The resettling of so-called following-to-join refugees will resume, according to the memo, once screening 'enhancements have been implemented.'" http://reut.rs/2gHUK6G

W.H. REVOLVING DOOR -- "Priebus says he will rejoin his Wisconsin law firm," by Josh Dawsey: "Former White House chief of staff Reince Priebus is rejoining his former law firm and signing with the Washington Speakers Bureau, he told POLITICO Tuesday. Priebus ... will return to Wisconsin-based Michael Best and Friedrich LLP as president and chief strategist. He worked there before leaving for the RNC. He will lead the firm's government affairs group, consulting for corporate clients, but Priebus said he will not do any lobbying work and doesn't plan to register as a lobbyist. Priebus also said he won't work for foreign governments.

"He says he sees his role as helping clients understand how to make progress with Trump, on Capitol Hill and in government agencies - all people and places he was intimately intertwined with until this summer. ... Additionally, Priebus will give paid speeches on Trump, Capitol Hill and politics in Washington ahead of the 2018 election - and already has events lined up in New York and London, after traveling to South Korea last week for a dinner. He declined to say what his speaking fee is." http://politi.co/2lfN0Kr

2018 WATCH -- "Moore forms fundraising pact with national GOP," by Gabe Debenedetti: "Roy Moore has campaigned as Mr. Anti-Establishment. Now, he and the establishment are starting to link up. The Alabama Republican's Senate campaign on Tuesday signed a joint fundraising agreement with the [RNC], [NRSC] and the Alabama Republican Party, according to a filing with the Federal Election Commission. ... Moore has pledged to oppose Senate Majority Leader Mitch McConnell, among other things. But the fundraising pact is a formal behind-the-scenes step by the establishment to

support Moore, after unsuccessfully spending millions to defeat him in Alabama's primary." http://politi.co/2gCrDOx

IMPORTANT READING -- "Senior military officials sanctioned for more than 500 cases of serious misconduct," by USA Today's Tom Vanden Brook: "Since 2013, military investigators have documented at least 500 cases of serious misconduct among its generals, admirals and senior civilians, almost half of those instances involving personal or ethical lapses, a USA TODAY investigation has found.

"Many cases involve sex scandals, including a promiscuous Army general who led a swinging lifestyle, another who lived rent-free in the home of a defense contractor after his affair fell apart and another who is under investigation for sending steamy Facebook messages to the wife of an enlisted soldier on his post. Yet despite the widespread abuses, the Pentagon does no trend analysis to determine whether the problem is worsening, nor does it regularly announce punishments for generals and admirals - all public figures, USA TODAY has found. Senior officers found to have been involved in adulterous relationships, a violation of the military's code of justice, have been reassigned with no public notice and allowed to retire quietly, in some cases with full honors." https://usat.ly/2z75lzH

THE JUICE ...

-- JEREMY ADLER, formerly of America Rising Squared and Marco Rubio's presidential campaign, is joining Speaker Paul Ryan's political operation as communications director. He starts Nov. 1.

-- FIRST IN PLAYBOOK: AL FRANKEN and **SARAH SILVERMAN** discuss the 2016 DNC Convention and introduce the next episode of her show, "I Love You, America." http://bit.ly/2lemH7H

--LATE NIGHT BEST -- STEPHEN COLBERT interviewed **JAKE TAPPER** last night -- Tapper told him: "Sen. Jeff Flake today said that there's going to be a reckoning. People are going to look back at this year and say what were you doing? It's not McCarthyism, but it's something else, all the indecency and all these lies. What did you do during that time? It's something I think about all the time as an interviewer and as a broadcaster. It's important. There aren't two sides when it comes to the truth. There's one side: the truth." ***10-min. video*** http://bit.ly/2yJn13S

Playbook Reads

PHOTO DU JOUR: Sen. Jeff Flake (R-Ariz.) walks on to the Senate floor in Capitol Hill on Oct. 24 after announcing he won't seek re-election in 2018. | Andrew Harnik/AP Photo

BEN WHITE talks to **SENATE MINORITY LEADER CHUCK SCHUMER** in the latest "POLITICO Money" podcast: **"Schumer takes hard line with Trump on taxes":** "Chuck Schumer has shown he's willing to cut deals with President Donald Trump. But the Senate minority leader says Democrats will take a hard-line approach with the White House on taxes - and everything else -- until Trump's GOP-only approach hits a dead end.

"'There is a path forward, but only after this tax bill fails,' Schumer says in a new 'POLITICO Money' podcast to be released Wednesday. 'The hard right, which cares so much about just reducing taxes, has a stranglehold on the Republican Party right now. And I don't think they'll give it up unless this bill fails.' While Schumer has an odd-couple friendship of sorts with Trump, the Senate Democratic leader says it's a purely transactional relationship. 'I think he likes to talk to me because I'm a New Yorker,' Schumer said in the interview in his Manhattan office. 'We're both direct. We're both blunt. I tell him what I think.'" http://politi.co/2gHBAxU ... ***Listen to the full podcast*** http://bit.ly/2zNUGqF

WSJ: "Former Trump Campaign Chairman Paul Manafort Faces Another Money-Laundering Probe," by Erica Orden and Nicole Hong: "The Manhattan U.S. attorney's office is pursuing an investigation into possible money laundering by Paul Manafort, said three people familiar with the matter, adding to the federal and state probes concerning the former Trump campaign chairman. The investigation by the U.S. attorney for the Southern District of New York is being conducted in collaboration with a probe by special counsel Robert Mueller into Mr. Manafort and possible money laundering." http://on.wsj.com/2z56O9w

IVANKA ABROAD - "Ivanka Trump Japan-bound for speech," by CNN's Betsy Klein: "Ivanka Trump is heading to Japan next week, where she will deliver a speech at the invitation of Japanese Prime Minister Shinzo Abe. On Friday, November 3, the first daughter and adviser to President Donald Trump will discuss women's participation in the economy and women's entrepreneurship at the World Assembly for Women 2017, according to a White House official. The annual conference is hosted by the government of Japan and is part of Abe's efforts to create a 'society where women shine,' according to the Japanese Ministry of Foreign Affairs' website." http://cnn.it/2yRtY2t

BEYOND THE BELTWAY -- "Sought by U.S. Marshals, Rivera pops up in Fla. Capitol, chats with legislators," by Marc Caputo and Matt Dixon in Tallahassee: "The U.S. Marshals say they can't find former Miami Rep. David Rivera to serve him with a Federal Election Commission lawsuit tied to a campaign finance conspiracy that led to two criminal convictions. But all the feds have to do is be in the state Capitol on Tuesday, where the scandal-plagued Republican was admitted to the Florida Senate floor to rub elbows with former colleagues ... Asked if he knew the marshals were looking for him ... Rivera expressed ignorance of the FEC lawsuit. 'I don't know what you're talking about.'" http://politi.co/2h6u24z

****** **A message from Chevron:** Advanced technology is helping us find better and

safer ways to deliver energy to America. We're piloting a program that uses drones, HD imaging, and thermal mapping capabilities to monitor Chevron wells, tanks, and miles of pipeline. Watch the video: http://politi.co/2yJ1zLd ******

MEDIAWATCH -- "Leon Wieseltier acknowledges 'misdeeds' with female colleagues," by Michael Calderone: "A company backed by Laurene Powell Jobs, the philanthropist and widow of Steve Jobs, severed ties with former New Republic literary editor Leon Wieseltier after learning of 'past inappropriate workplace conduct,' the company said in a statement. Wieseltier, who commandeered the back-of-book at the New Republic for three decades, was to helm a new journal for Emerson Collective, which is backed by Powell Jobs, who recently agreed to acquire the majority of The Atlantic magazine. The first issue of the magazine, Idea, was expected to run this month. The staff, which included veteran editor and literary critic Adam Kirsch, has been let go.

"Wieseltier ... acknowledged that he engaged in behavior with female colleagues that left them feeling 'demeaned,' and offered an apology. 'For my offenses against some of my colleagues in the past I offer a shaken apology and ask for their forgiveness,' Wieseltier said in a statement. 'The women with whom I worked are smart and good people. I am ashamed to know that I made any of them feel demeaned and disrespected. I assure them that I will not waste this reckoning.' 'And I am profoundly sorry to my extraordinary collaborators at the journal we began together that the misdeeds of my past have made it impossible to go forward.'" http://politi.co/2y5rKs3

--"Laura Ingraham Is Ready to Rev Up Fox News ," by NYT's Mike Grynbaum in Scottsdale, Ariz.: "Laura Ingraham landed here in a private jet and climbed into a waiting S.U.V., accompanied by her personal assistant, a publicist, and a single piece of luggage. ... She was on her way to speak at a fund-raiser for Kelli Ward ... Next week, Ms. Ingraham, 53, will take over one of the most coveted slots on cable television: 10 p.m. on Fox News. ... Fox News hosts are not usually allowed to stump for candidates, but Ms. Ingraham was granted an exception because her show had not yet begun. ... In law school at the University of Virginia, she drove a Honda hatchback with the license plate 'FARRGHT.'" http://nyti.ms/2i3ncfX

--"Bill O'Reilly Dropped by Talent Agency After $32M Settlement Reveal," by the Hollywood Reporter's Marisa Guthrie and Jeremy Barr: UTA "on Monday evening informed the former Fox News host that it would no longer be representing him when his agreement with the company expires at the end of the year. ... 'Bill has already lined up new representation,' O'Reilly's representative, Mark Fabiani, said Tuesday in a statement to THR. Fabiani would not reveal which agency has signed O'Reilly." http://bit.ly/2yLSaAU

--"Bloomberg has opened a huge new Norman Foster-designed HQ in London," by Business Insider's Sam Shead: "Bloomberg has opened a new £1 billion European headquarters in London with enough space for over 4,000 staff. The 1.1 million sq ft site - based in two buildings joined by bridges - is located between the Bank of England and

St Paul's Cathedral in London's famous Square Mile. ... The office was opened by Bloomberg's billionaire founder and CEO, Michael Bloomberg, on Tuesday." ***With 18 pix on one page*** http://read.bi/2gH1OQL

Playbookers

SPOTTED: Bill Murray eating dinner at the Dabney last night ... Rudy Giuliani and Sen. Bob Menendez (D-N.J.) on yesterday's 3 p.m. Acela from New York to DC (Rudy got on at Penn Station and the senator got on at Newark). Menendez said hello to the former mayor, according to a tipster ... Interior Secretary Ryan Zinke at RPM Italian late last night.

TRANSITIONS -- Tori Barnes has been hired as SVP of government relations at the U.S. Travel Association. She most recently was executive director of federal affairs at GM.

SPOTTED at 21st Century Fox's World Series kickoff watch party last night at Due South in Navy Yard: Reps. Luis Gutiérrez (D-Ill.), Jimmy Gomez (D-Calif.), and Tony Cardenas (D-Calif.) (in a Dodger blue T-shirt), MPAA CEO Charlie Rivkin, Fox News' Ed Henry and Todd Thorpe with News Corp. Guests got a look at Fox Sports' new virtual reality app before the game 1 broadcast game kicked off.

SPOTTED at a reception held by Kountoupes Denham Carr and Reid last night at 101 Constitution to celebrate new partners Julie Hershey Carr and Randi Reid and mark 10 years of the firm: Lisa Kountoupes, Lori Denham, Sen. Chris Coons (D-Conn.), Sen. Gary Peters (D-Mich.), Sen. Sherrod Brown (D-Ohio), Sen. Mike Enzi (R-Wyo.), Rep. Lloyd Smucker (R-Pa.) and Rep. Derek Kilmer (D-Wash).

BIRTHWEEK (was yesterday): Republican strategist David Ferguson turned 32 ... CQ Roll Call's Kellie Mejdrich (hat tip: Eli Yokley)

BIRTHDAY OF THE DAY: Louis Burgdorf of MSNBC's "Morning Joe". **How he's celebrating:** "I will be celebrating my birthday with my gorgeous wife Claire and our new puppy Artie. We are going to go to one of our favorite Italian spots in New York called Bar Pitti. The Rigatoni Pitti is always worth it, and the owner Giovanni will always greet you in Italian with a 'Ciao, come stai', even when he knows you can't respond!" **Read his Playbook Plus Q&A:** http://politi.co/2y2FeK1

BIRTHDAYS: Rob Porter (h/t Sean Spicer) ... James Carville is 73 ... Nate Hodson ... Gordon Johndroe, VP of comms for gov't operations at Boeing, is 43 (h/t Phil Musser) ... Geoff Burr, DOT chief of staff ... CBS's Jan Crawford ... Politico's Bill Kuchman ... Bryan DeAngelis, director at Kivvit, is 35 ... Debora Pignatelli ... Patrick Butler, president and CEO of America's Public Televisions Stations, is 68 ... JPMorgan VP Irene Baker ... Stefano Giustiniani is 59 ... Brian DeBose ... Sam Dulik, MBA student at Stanford ...

Curtis Jablonka ... Adam Ukman ... Nick Iacono ... Bush 43 WH alum Margaret Reid Windham ... Ed Barron, partner at Greenberg Traurig ... Josh McElveen, head of comms for Dartmouth Hitchcock and WMUR alum (h/t Liz Johnson) ... Dan Guando, president of production at Bloom (h/t Nadia Szold) ... Gary Regenstreif, executive editor at S&P Global Market Intelligence ...

... Charles Chamberlain, Democracy for America's executive director ... Qorvis vice chairman Chuck Conconi ... Kendall Evans Heath ... Samantha Bisogno, comms manager for gov't affairs at the Ocean Conservancy ... Trey Hodgkins, SVP for the public sector at ITI (h/t Jose Castaneda) ... Joe Christinat, spokesperson at Nasdaq and Politico junkie ... Dr. Martin L. Hopp ... Phil McNamara, Obama DHS alum (h/t Todd Breasseale) ... Eric Anthony ... Lauren Dunn ... Lon Deckard ... Aaron Saunders ... Richard Goldstein ... Corey Weaver ... Alisha Prather ... Jeremy Redmon is 46 ... Jeff Pace ... Garrison McMurtrey ... Matt LoParco ... Russell Pandres ... Michelle Woldt ... Kiki Setterlund ... Juliet Reed ... Bill Purcell (h/ts Teresa Vilmain)

****** **A message from Chevron:** Advanced technology is helping us find better and safer ways to deliver energy to America. We're piloting a program that uses drones, HD imaging, and thermal mapping capabilities to monitor Chevron wells, tanks, and miles of pipeline. Watch the video: http://politi.co/2zJwINc ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 12/4/2017 9:02:57 PM
Subject: Trump judge assigned challenge to EPA water rule delay

By Alex Guillén

12/04/2017 04:01 PM EDT

Environmentalists' lawsuit seeking to end EPA's delay of a regulation limiting power plants' toxic wastewater discharge has been assigned to a judge newly placed on the bench by President Donald Trump.

The suit was reassigned today from Judge Ketanji Brown Jackson, an Obama appointee, to Judge Dabney L. Friedrich, who was confirmed by the Senate last week by a vote of 97-3.

Green groups filed the lawsuit in May after EPA stayed certain requirements under the rule, known as the steam electric effluent limitations guidelines. But in September, EPA finalized a delay of certain implementation deadlines as it works to reconsider those parts of the rule, and the agency argues that means this lawsuit should be dismissed as moot since the stay was ended.

EPA and environmentalists have been trading briefs on the matter in the months since.

Friedrich was a former White House attorney under George W. Bush and was formerly an aide to Sen. Orrin Hatch. From 2006 to 2016, she served on the U.S. Sentencing Commission, which creates sentencing guidelines for federal courts.

WHAT'S NEXT: Friedrich will have to determine whether to dismiss the suit, but will likely need time to get up to speed on the case.

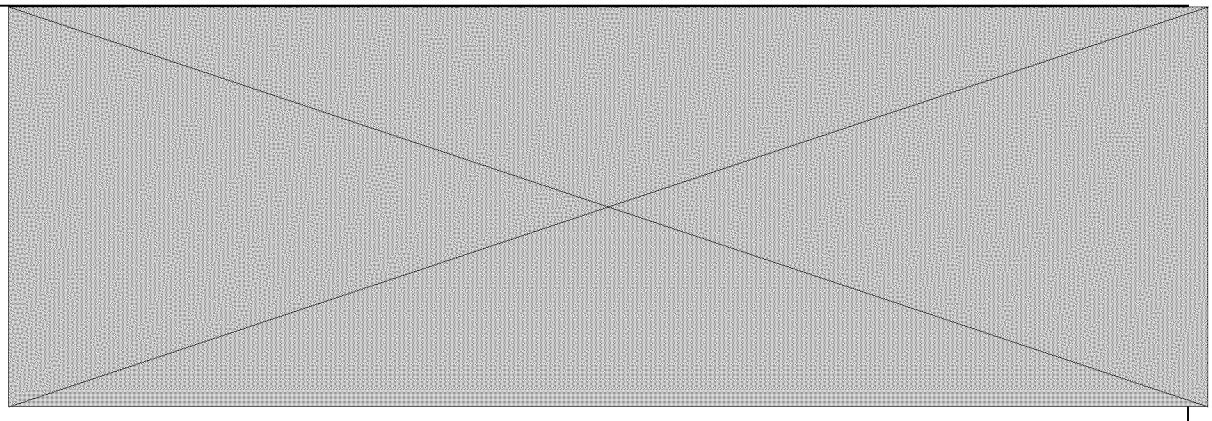
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https://www.politicopro.com/energy/whiteboard/2017/12/trump-judge-assigned-challenge-to-epa-water-rule-delay-193346

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Mon 8/7/2017 3:02:26 PM
Subject: You're Invited | POLITICO Pro Policy Summit



[redacted]

Dear Ryan,

[redacted]

Register today! Space is quickly running out for the POLITICO Pro Policy Summit, a daylong event giving attendees a unique opportunity to interact with fellow policy experts and decision makers from around Washington, D.C. The program will feature keynote speakers and breakout sessions focused on policy-specific discussion topics.

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Reserve My Spot

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Program Speakers – Sneak Peek:

[redacted]

Drew Altman, President and CEO, Henry J. Kaiser Family Foundation	Rep. Lamar Smith (R-Texas), Chairman, House Committee on Science, Space and Technology
Steve Beshear, Former Governor of Kentucky; author, "People Over Politics"	George Whitesides, CEO, Virgin Galactic and The Spaceship Company
Frank Pallone, Jr. (D-N.J.), Ranking Member, House Committee on Energy and Commerce	Rep. Richard Neal (D-Mass.), Ranking Member, House Committee on Ways and Means
Marilyn Tavenner, President & CEO, America's Health Insurance Plans	Gigi Sohn, fellow, Georgetown Law Institute for Technology & Policy; Former Counselor to the Chairman, FCC
John Krafcik, CEO, Waymo	Rep. Ro Khanna (D-Calif.)
Rep. Adam Schiff (D-Calif.), Ranking Member, House Permanent Select Committee on Intelligence	Steve Gunderson, President & CEO, Career Education Colleges and Universities
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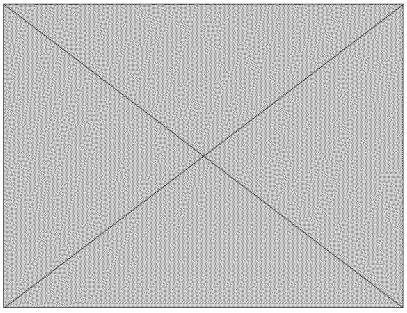
Date:	Sept. 14, 2017
Location:	Omni Shoreham Hotel 2500 Calvert St. NW Washington, D.C. 20008

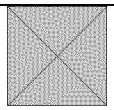
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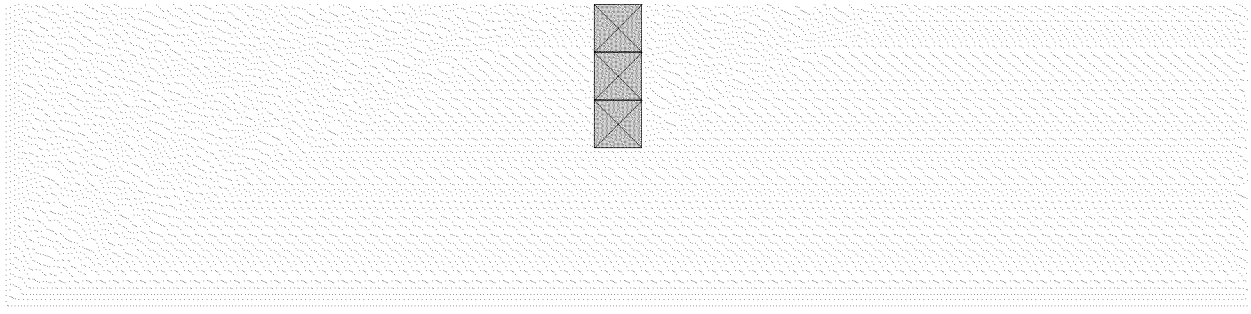
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Thur 8/3/2017 11:02:52 AM
Subject: New Immigration Bill, Military Murders Solicitation, ISIS IED's, ENnovation EC's, D&S and NYPD Comm Ops





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Fri 12/1/2017 10:36:05 AM
Subject: Morning Media: Tackling harassment at home — Vice fires three — Lauer speaks — Zucker weighs in — Mercer funded O'Keefe — Who owns LA Weekly?

By Michael Calderone | 12/01/2017 05:34 AM EDT

DEAN BAQUET AND MARTY BARON'S NEWSPAPERS have doggedly pursued allegations of sexual harassment against influential men in media and entertainment. The New York Times has tackled Harvey Weinstein, Bill O'Reilly, Louis C.K., and most recently Matt Lauer. The Washington Post broke scandals involving Charlie Rose and Mike Oreskes. But as the pair shared a stage Thursday during Business Insider's Ignition conference, Columbia University's Emily Bell asked about how they're drawing lines in their own newsrooms when it comes to allegations of sexual harassment.

- "You're not just editors here, you're newsroom leaders." Bell reminded the longtime friends and rivals. Baron said the Post's legal and human resources departments provide guidance on such matters, but acknowledged that they're still figuring things out. "These cases are not all the same," Baron said. "There are levels of severity. Anything is severe, but there are levels of severity, and different circumstances in each one. And I think that we have to look at every case individually."

- One case the Times is looking at now involves Glenn Thrush, the White House reporter who the paper suspended on Nov. 20 after a Vox report describing allegations of inappropriate behavior toward younger female journalists. While Times staffers I've spoken to agree Thrush exercised poor judgment, there's debate inside the paper as to whether he deserves to lose his job over alleged incidents that occurred outside the newsroom and didn't involve women he directly supervised. Baquet didn't specifically address Thrush's case, but described how he's approaching the issue more broadly.

- "I don't think we yet know where the line is, except for the obvious cases," Baquet said. "Harvey Weinstein's on such a far end. But I think there were no lines for so long that this wrenching debate the country's in, this wrenching discussion, is obviously significantly more healthy than the lack of discussion before. But I think it's hard. It's going to be tricky to figure out where the lines are going to be. We're all going to have to take case by case."

Good morning and welcome to Morning Media. And there will surely be more cases in others newsrooms, so if top editors aren't considering how they'll proceed, they should be. Please send tips to mcalderone@politico.com and @mlcalderone. Jason Schwartz (@JasonSchwartz) and Daniel Lippman (@dlippman) contributed to the newsletter. Archives. Subscribe.

VICE FIRES THREE: Vice's "toxic" culture came under scrutiny in a recent Daily Beast piece and there is a rumored New York Times exposé in the works. But the company also has been conducting its own sexual harassment investigation and announced Thursday night that three employees were fired. "The conduct of these employees ranged from verbal and sexual harassment to other behavior that is inconsistent with our policies, our values, and the way in

which we believe colleagues should work together," Vice chief human resources officer Susan Tohyama wrote in a memo first reported by CNN.

NBC's SHIFTING STATEMENTS ON MATT LAUER DRAW SCRUTINY: Jason Schwartz and I report: Employees at NBC News especially noted the wording shift from "in 20 years" to "current NBC News management," according to a network staffer. [NBC News chief Andy] Lack's current tenure at NBC News began in 2015, though he had previously headed the news division from 1993 to 2001. The tweak raised questions over whether NBC brass was suggesting that past executives may have heard of inappropriate behavior.

- At least one, CNN president and former "Today" executive producer Jeff Zucker, addressed the issue on Thursday. At Business Insider's Ignition conference, he denied any knowledge of bad behavior by Lauer. "No one ever brought to me, or to my knowledge, there was never, there was never a complaint about Matt," Zucker said. "There was never a suggestion of that kind of deviant, predatory behavior. Not even a whisper of it, nothing like that."

MATT LAUER BROKE HIS SILENCE on Thursday after being fired for "inappropriate sexual behavior." He apologizing for the "pain I have caused others by words and actions" and said he realized "the depth of the damage and disappointment I have left behind at home and at NBC." Still, Lauer is reportedly seeking a $30 million payout from the network.

WATCH: Melissa Francis, the Fox Business host and former CNBC anchor, recalled to Tucker Carlson on Thursday night how a friend was sexually assaulted at NBC, but did not come forward out of fear management wouldn't do anything about it and potential damage to her career. Francis said sexual harassment is "not an NBC problem" and "not a Fox problem," but is pervasive across the big TV networks.

AMONG THE 'TODAY' SHOW FAITHFUL: CNN's Tom Kludt stopped by the plaza on the morning after Lauer's exit: "Before the show, the crowd gathered outside the studios had been briefed by a producer who asked them to refrain from waving and holding signs during what she said would be 'serious news' at the top of the broadcast ... Thursday's broadcast attracted 'Today' show diehards, many of whom admitted they were disappointed that they wouldn't see Lauer. But virtually everyone who spoke to CNNMoney said they were troubled by his alleged behavior, and applauded NBC for its action."

LISTEN: Playbook's Anna Palmer and Jake Sherman stopped by CJR's "The Kicker" podcast.

ROBERT MERCER FUNDED JAMES O'KEEFE GROUP: The billionaire Breitbart backer has also given money to Project Veritas, the conservative activist group now in the news for its bungled Washington Post sting, BuzzFeed's Joseph Bernstein and Kendall Taggart report. "'Gravitas Maximus LLC' - a Mercer investment vehicle through which he also funded the conservative outlet Breitbart - gave $25,000 to Project Veritas, according to a nonpublic portion of a 2012 tax form," they write. "The family's involvement has not previously been made public."

HOW TO COVER POLITICAL EXTREMISM: I asked Monday if the New York Times

needs a dedicated beat reporter covering white nationalism in light of the controversy over a soft-focus profile of a Nazi sympathizer and as some outlets, like BuzzFeed, have reporters deeply immersed in the fascism festering online. BuzzFeed's Charlie Warzel expressed concern with the Times' approach in a CJR interview. "When an institution like the Times shows that it's struggling to catch up with the rest of us, that makes people nervous and angry," he said. "We're in this period of flux right now, but we've got to treat this like covering any other extremist group. Just because they're on the internet doesn't mean they're less real."

- Meanwhile, Baquet also responded at the Ignition conference to criticism of the Nazi next door story, calling it "the most ridiculous overreaction." Baquet said he thought the story could've more clearly told the reader that "if you think neo-Nazis are guys who live in the hills of Alabama smoking pipes, in fact, it's more complicated than that" but "just as insidious." However. Baquet suggested the pushback was overblown, singling out academic critics "who have never actually done much journalism."

"WHO OWNS LA WEEKLY?" wrote Keith Plocek on Wednesday in the LA Weekly. In a move reminiscent of Sheldon Adelson's stealth purchase of the Las Vegas Review-Journal, the new owner of the weekly paper still haven't revealed themselves. The Society of Professional Journalists called Thursday for whomever is behind Semanal LLC, the company recently acquiring LA Weekly, to reveal themselves. "In an era of rampant misinformation and distrust, it's especially important that we do not allow the owners and backers of news organizations to remain a mystery," said Andrew Seaman, SPJ's ethics committee chairperson. "We cannot allow this to become the norm."

REVOLVING DOOR

Mike Federle, who has served as Forbes Media's President and COO, has been named CEO. Outgoing CEO **Mike Perlis** will serve as Vice Chairman and Strategic Advisor to management and the Board.

Alex Thompson, politics and policy editor at Vice News, will move to Washington to cover the Trump era as the outlet's first full-time staff writer in the capital.

Elyse Perlmutter-Gumbiner and **Freddie Tunnard** have been named White House producers at NBC News.

EXTRAS

- Jack Shafer asks, "Is it ever OK for journalists to lie?"

- Matthew Felling argues that the #MeToo movement deserves to be Time's "Person of the Year."

- Why Twitter didn't delete anti-Muslim tweets that the president recklessly retweeted.

- And Walmart has stopped selling a shirt with instructions on how to lynch journalists.

KICKER

"I'm not going to try to get into the mind of Donald Trump because I don't think there's a whole lot of space there. I think he's a kook. I think he's crazy. I think he's unfit for office." -- *Senator Lindsey Graham on Fox News on Feb. 17, 2016.*

"You know what concerns me about the American press is this endless, endless attempt to label the guy as some kind of kook, not fit to be president." -- Senator *Lindsey Graham on CNN on Thursday.*

To view online:
http://www.politico.com/media/newsletters/morning-media/2017/12/01/tackling-harassment-at-home-vice-fires-three-lauer-speaks-zucker-weighs-in-mercer-funded-okeefe-who-owns-la-weekly-001391

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From: Bloomberg BNA
Sent: Wed 10/11/2017 11:32:00 PM
Subject: Oct. 11 -- Energy and Climate Report

Energy and Climate Report

October 11, 2017 - Number 196

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News

Accounting
Pipelines Might Face New Burdens From Easement Rule Proposal
Pipeline companies might have major paperwork headaches if proposed changes to accounting for land easements go through.

Climate Regulation
Clean Power Plan's Legal Fight Continues Amid Repeal Efforts
The EPA's proposal to ax the Obama administration's plan to cut carbon emissions from the power sector hasn't silenced the legal back-and-forth over the regulation's merits.

Energy
Energy Transfer Beats Bid to Turn Off Dakota Access Pipeline
Energy Transfer Partners LP's controversial $3.8 billion Dakota Access Pipeline can keep pumping crude oil for now while its environmental impact is reviewed, a federal judge ruled, sparing the company tens of millions of dollars in costs.

Energy
Merkel Faces Coal Insurrection Over Phaseout Date of Fossil Fuel
Germany's power, mining and chemical workers warned Chancellor Angela Merkel against embracing a phaseout date for coal under a new government.

Energy
Mexico Energy Skeptical Presidential Candidate Will Undo Reforms
Mexico's power suppliers are convinced that Andres Manuel Lopez Obrador, the left-wing presidential candidate who's pledged to roll back the nation's energy reforms, won't be able to deliver on his promises.

Energy
NAFTA Negotiators to Tackle Energy Issues During Friday Meeting
NAFTA negotiators are gathering in Washington for their fourth round of talks to update the trade deal, and energy is on the agenda -- if only for two hours.

Energy

Pro-Coal Energy Rule Opposition Grows as Deadline Nears

Action on an Energy Department proposal that would prop up coal and nuclear plants is moving forward quickly after opponents—including renewable, gas and oil industry groups—were denied additional time to weigh in on a plan they said could distort the wholesale energy markets.

Energy

Smoke Alarm Efficiency Exemption Clears House

Smoke alarms, security systems, and other safety devices would remain exempt from energy efficiency standards as part of a bill headed to President Donald Trump's desk after sailing through the House easily today.

Energy

U.K. Floats Nuclear Safeguards Bill for Post-Brexit Period

The U.K. published draft legislation to create a domestic nuclear safeguards system that will replace provisions under the European Union's Euratom treaty once Britain has left the bloc.

Energy

U.K. to Boost Low-Pollution Energy Supplies as It Limits Bills

The U.K. government on Oct. 12 will move to boost energy supplies while ratcheting back pollution and limiting upward pressure on customer bills.

Oil & Gas

BNP Paribas to Halt Shale, Oil Sands Financing

BNP Paribas SA pledged to stop financing shale and oil sands projects, expanding earlier commitments in support of global efforts to tackle climate change.

Oil & Gas

DTE, Enbridge Gas Line, Energy Transfer Project Approved

DTE Energy and Enbridge Inc. gained approval from federal regulators to start construction of the $2 billion Nexus natural gas line in the Midwest, with certain exceptions, according to an Oct. 11 filing.

Oil & Gas

Stops on New England Gas Orders Made Prices Rise, Group Says

Power companies' approach to booking space on U.S. natural gas pipelines is becoming the latest flash point in the debate over whether to build more of the links in the historically constrained Northeast.

Oil Spills

Rail Safety Targeted in Fuel Transport Study on Shale Boom

Routes used to ship crude oil, natural gas, and ethanol by rail need better and more frequent inspections, according to a report by a national science group that also urged added training for local first responders.

Renewable Energy

Killing Obama's Power Plan Hasn't Stopped the Renewable Boom Yet

For a look at what the death of the Clean Power Plan means for renewable energy, consider this: Since President Donald Trump signed the order to roll back the emissions-curbing rule, almost $30 billion has been spent on solar and wind projects.

Renewable Energy

Wind and Solar's Future Depends on Taxes, Not Clean Power Plan

The Trump administration's decision to end the Clean Power Plan may be deeply symbolic, but the battle that matters most for renewable energy will be over taxes.

Vehicle Fuels

10,000 Electric Cars Highlight Steep Path to India's Ambitions

Prime Minister Narendra Modi has kicked off India's race to turn all new passenger car sales electric by 2030. The largest order has gone to a company that hasn't commercially started producing the vehicles.

Vehicle Fuels

Driverless Cars Give Engineers a Fuel Economy Headache

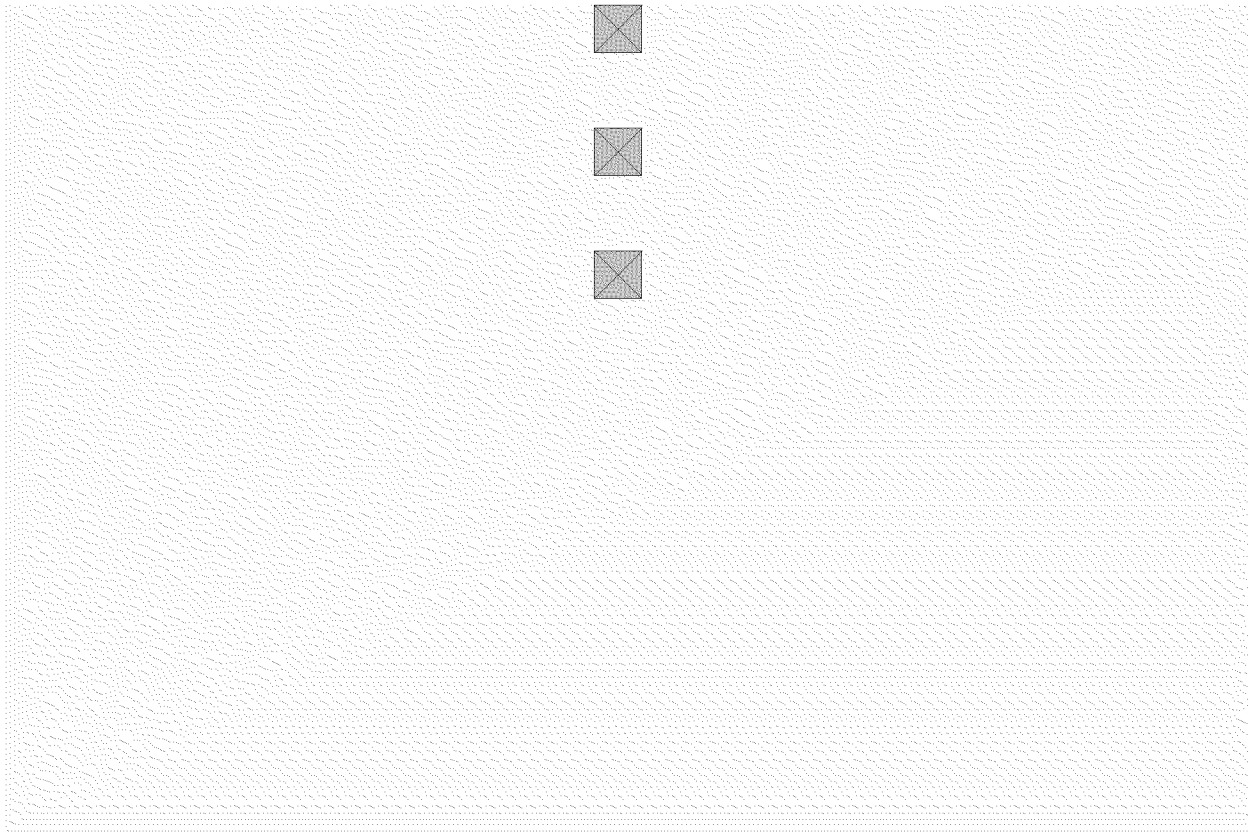
Judging from General Motors Co.'s test cars and Elon Musk's predictions, the world is headed toward a future that's both driverless and all-electric. In reality, autonomy and battery power could end up being at odds.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Tue 9/19/2017 11:26:13 AM
Subject: Dangerous Inmate Escape, MS-13 Arrests, Dom Terror a Fed Crime, USCG: Heed Warnings!





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 12/6/2017 1:46:10 PM
Subject: Dec. 06 -- EHS State Regulatory Alert

EHS State Regulatory Alert

December 06, 2017 - Number 233

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California Regions

AIR
Definitions
California Regions AIR

Proposed rule of the Mojave Desert Air Quality Management District would amend regulations under Rule 102 to update definitions. The rule would align definitions with concurrent proposals to update reasonably available control technology state implementation plan requirements concerning gasoline transfer and dispensing, organic liquid loading, storage of organic liquids, wood products coating operations, boilers and process heaters, and Portland cement kilns. A hearing is scheduled for Jan. 22, 2018, in Victorville. Comments are due Jan. 18, 2018. Contact: Tracy Walters; Mojave Desert AQMD; 760-245-1661

—State Publication Date: 11/28/2017.

Regulatory Update

AIR
Wood Products Coating Operations
California Regions AIR

Proposed rule of the Mojave Desert Air Quality Management District would amend regulations under Rule 1114 regarding volatile organic compound (VOC) emissions from wood products coating operations. The rule would update requirements to reflect current federal reasonably available control technology and to satisfy a state requirement regarding local control measures for particulate matter. The rule would add to the list of application methods and separate stripper VOC limits from those for surface preparation and cleanup, add cleaning methods, and reduce the surface preparation and cleanup VOC limit to 25 grams per liter. The rule also would increase capture and control device efficiency to 90 percent and add a requirement for operation and maintenance plans. In addition, the rule would add recordkeeping requirements, revise definitions, and add and relocate referenced test methods. A hearing is scheduled for Jan. 22, 2018, in Victorville. Comments are due Jan. 18, 2018. Contact: Tracy Walters; Mojave Desert AQMD; 760-245-1661

—State Publication Date: 11/20/2017.

Regulatory Update

WATER
NPDES General Permit/Limited Threat Discharges to Surface Water
California Regions WATER

Notice of the Central Valley Regional Water Quality Control Board announces additional proposed amendments to an Oct. 14, 2016, final order (R5-2016-0076) that revised the National Pollutant Discharge Elimination System (NPDES) general permit and waste discharge requirements for limited threat discharges to surface water. The final order addressed discharges of treated or untreated groundwater from cleanup sites, wastewater from superchlorination projects, and other limited threat wastewaters to surface waters and revised permit eligibility requirements to allow usage by low-threat dischargers and hard rock mines. The order also established new discharge tiers and specified effluent limitations and monitoring and reporting requirements for permittees. The original proposed amendments would authorize the executive director to waive the salinity evaluation and minimization plan requirement, add effluent and receiving water temperature limitations, clarify screening levels for iron and manganese, and remove the requirement to submit acute whole effluent toxicity data with notice of intent applications for Tier 2 discharges. The additional amendments now being proposed address discharges of treated groundwater from petroleum fuel pollution remediation projects. A hearing is scheduled for Feb. 1-2, 2018, in Rancho Cordova. Comments are due Jan. 2, 2018. Contact: Jim Marshall; Central Valley RWQCB; 916-464-4772; james.marshall@waterboards.ca.gov

—State Publication Date: 11/30/2017.

Regulatory Update

Illinois

OIL AND GAS INDUSTRY
Illinois Oil and Gas Act/Well Permitting
Illinois OIL AND GAS INDUSTRY

Proposed rule of the Department of Natural Resources would amend regulations under 62 IAC 240 regarding well spacing, transfer, permitting, and temporary abandonment requirements under the Oil and Gas Act. The rule would streamline the well transfer system, reduce paperwork required for transfers, and change the spacing of wells to increase flexibility in siting wells without requiring hearings. The rule also would clarify provisions regarding permitting and temporary abandonment. Comments are due Jan. 15, 2018. Contact: John Heidinger; DNR; 217-557-6379

—State Publication Date: 12/01/2017. Citations: 62 IAC 240.220 (amended); 62 IAC 240.320 (amended); 62 IAC 240.370 (amended); 62 IAC 240.400 (amended); 62 IAC 240.410 (amended); 62 IAC 240.455 (amended); 62 IAC 240.460 (amended); 62 IAC 240.465 (amended); 62 IAC 240.1130 (amended); 62 IAC 240.1132 (amended); 62 IAC 240.1400 (amended); 62 IAC 240.1420 (amended); 62 IAC 240.1425 (amended); 62 IAC 240.1430 (amended); 62 IAC 240.1440 (amended); 62 IAC 240.1450 (amended); 62 IAC 240.1460 (amended); 62 IAC 240.1465 (amended); 62 IAC 240.1470

(amended); 62 IAC 240.1480 (amended); 62 IAC 240.1485 (amended); 62 IAC 240.1490 (amended); 62 IAC 240.1650 (amended); 62 IAC 240.1835 (amended); 62 IAC 240.1910 (amended)

Regulatory Update

New Jersey

OCCUPATIONAL SAFETY AND HEALTH
Licensing of Crane Operators
New Jersey OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Workforce Development, Division of Public Safety and Occupational Safety and Health, readopts with amendments regulations under NJAC 12:121 concerning licensing of crane operators. The rule specifies that an application for renewal must be submitted at least 45 days prior to the permit's expiration date, updates the definition of "approved," and replaces outdated agency titles. The rule also removes obsolete provisions concerning the Crane Operators License Advisory Board and license expiration and renewal. The rule is effective Dec. 4, 2017. Contact: David Fish; DLWD; 609-292-2789; david.fish@dol.nj.gov

—State Publication Date: 12/04/2017. Citations: NJAC 12:121-2.1 (amended); NJAC 12:121-3.1 (amended); NJAC 12:121-4.2 (amended); NJAC 12:121-4.8 (amended); NJAC 12:121-7.1 (amended)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Safety and Health Standards for Public Employees
New Jersey OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Workforce Development, Division of Public Safety and Occupational Safety and Health, readopts with amendments regulations under NJAC 12:100 concerning safety and health standards for public employees. The rule clarifies the definition for "employer," updates web and mailing addresses, and replaces outdated agency references. The rule is effective Dec. 4, 2017. Contact: David Fish; DLWD; 609-292-2789; david.fish@dol.nj.gov

—State Publication Date: 12/04/2017. Citations: NJAC 12:100-2.1 (amended); NJAC 12:100-4.1 (amended); NJAC 12:100-10.1 (amended); NJAC 12:100-10.2 (amended); NJAC 12:100-13.2 (amended); NJAC 12:100-19.3 (amended)

Regulatory Update

Ohio

AIR
Asbestos Emission Control
Ohio AIR

Proposed rule of the Ohio EPA would amend regulations under OAC 3745-20 to clarify the limits, testing, reporting, and recordkeeping requirements for asbestos emissions. The rule would address definitions, standards for demolition and renovation, facility inspections, notifications, asbestos waste handling, asbestos waste disposal sites, reporting requirements, and other standards for asbestos-containing materials. The rule also would add definitions for "annual notification or blanket notification" and "asbestos-contaminated debris." A hearing is scheduled for Jan. 8, 2018, in Columbus. Comments are due Jan. 8, 2018. Contact: Paul Braun; OEPA, Division of Air Pollution Control; 614-644-3734; paul.braun@epa.ohio.gov

—State Publication Date: 12/04/2017. Citations: OAC 3745-20-01 (amended); OAC 3745-20-02 (amended); OAC 3745-20-03 (amended); OAC 3745-20-04 (amended); OAC 3745-20-05 (amended); OAC 3745-20-06 (amended); OAC 3745-20-07 (amended); OAC 3745-20-08 (amended); OAC 3745-20-09 (amended); OAC 3745-20-10 (amended); OAC 3745-20-11 (amended); OAC 3745-20-12 (amended); OAC 3745-20-13 (amended); OAC 3745-20-14 (amended); OAC 3745-20-15 (amended)

Regulatory Update

AIR
Open Burning Standards
Ohio AIR

Proposed rule of the Ohio EPA would amend regulations under OAC 3745-19 to clarify requirements for open burning in restricted and unrestricted areas, types of open burning, and when permissions and notifications are required. The rule would clarify that smoke cannot cause visibility hazards and change the written permission requirement for recognized horticultural, silvicultural, and prairie management fires to a written notification requirement. The rule also would update the procedures and notification requirements for open burns and define "building materials." A hearing is scheduled for Jan. 9, 2018, in Columbus. Comments are due Jan. 9, 2018. Contact: Paul Braun; OEPA, Division of Air Pollution Control; 614-644-3734; paul.braun@epa.ohio.gov

—State Publication Date: 12/04/2017. Citations: OAC 3745-19-01 (amended); OAC 3745-19-03 (amended); OAC 3745-19-04 (amended); OAC 3745-19-05 (amended)

Regulatory Update

AIR
Particulate Matter Standards
Ohio AIR

Notice of the Ohio EPA announces changes to a June 5, 2017, proposed rule to amend regulations under OAC 3745-17 concerning standards for particulate matter. The rule would remove facilities and emission units that have been permanently shutdown and add an additional compliance option for certain facilities, including utilities, that are required to use a continuous opacity monitor to comply with visible emissions requirements. The rule also would add definitions to reflect exemptions for residential wood burning appliances and pellet stoves. The rule will be submitted to the EPA as a revision to the state implementation plan. The changes remove proposed revisions to the definition of "salvageable material" that would have specified that such material is intended for reuse or restoration. Contact: Michael Maleski; OEPA, Division of Air Pollution Control; 614-644-1961; michael.maleski@epa.ohio.gov

—State Publication Date: 12/04/2017. Citations: OAC 3745-17-01 (amended); OAC 3745-17-03 (amended); OAC 3745-17-04 (amended); OAC 3745-17-07 (amended); OAC 3745-17-08 (amended); OAC 3745-17-09 (amended); OAC 3745-17-10 (amended); OAC 3745-17-11 (amended); OAC 3745-17-12 (amended); OAC 3745-17-13 (amended); OAC 3745-17-14 (amended)

Regulatory Update

SOLID WASTE
Construction and Demolition Debris
Ohio SOLID WASTE

Notice of the Ohio EPA announces changes to an Oct. 16, 2017, proposed rule to amend regulations under OAC 3745-400 regarding financial assurance requirements for construction and demolition debris facilities. The rule would allow the owner or operator of a facility to demonstrate that a cost estimate is based on the cost for a third party to conduct closure and post-closure care activities. The rule also would address extension of the post-closure care period, provide for evaluation of orders every five years, and allow owners or operators to request termination of orders. In addition, the rule would eliminate provisions concerning the five-year transition period ending January 2018 provided for owners and operators to fund an increase in the amount of their financial assurance. The changes clarify provisions for requests to terminate an order extending the post-closure care period. Contact: Michelle Mountjoy; OEPA, Division of Materials and Waste Management; 614-728-5372; michelle.mountjoy@epa.ohio.gov

—State Publication Date: 12/04/2017. Citations: OAC 3745-400-17 (amended)

Regulatory Update

TOXIC SUBSTANCES
Childhood Lead Poisoning Prevention
Ohio TOXIC SUBSTANCES

Final rule of the Department of Health amends regulations under OAC 3701-30 concerning childhood lead poisoning prevention. The rule updates the definition of "public health lead investigator" to include licensed lead risk assessors who have completed approved training and a 40-hour internship under the supervision of a public health lead investigator. The rule is effective Feb. 1, 2018. Contact: Kaye Norton; Department of Health; 614-644-8184; Kaye.Norton@odh.ohio.gov

—State Publication Date: 12/04/2017. Citations: OAC 3701-30-01 (amended)

Regulatory Update

Oregon

OCCUPATIONAL SAFETY AND HEALTH
General Occupational Safety and Health Rules/Oxygen-Fuel Gas Welding
Oregon OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Consumer and Business Services, Occupational Safety and Health Division, amends regulations under OAR 437-002 to make editorial corrections to the oxygen-fuel gas welding rule. The rule is effective Oct. 18, 2017. Contact: Heather Case; DCBS, Occupational Safety and Health Division; 503-947-7449; heather.case@oregon.gov

—State Publication Date: 11/01/2017. Citations: OAR 437-002-2253 (amended)

Regulatory Update

TOXIC SUBSTANCES
Hazardous Substances/Disclosure of High-Priority Chemicals of Concern for Children
Oregon TOXIC SUBSTANCES

Final rule of the Oregon Health Authority amends regulations under OAR 333-016 regarding manufacturer disclosure of high-priority chemicals of concern for children's health used in children's products. The rule corrects Exhibit A related to practical quantification limits. The rule is effective Oct. 12, 2017. Contact: Brittany Hall; OHA; 503-449-9808; brittany.a.hall@state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 333-016-2035 (amended)

Regulatory Update

Utah

MINING
Boiler and Elevator Safety/Coal, Gilsonite, or Other Hydrocarbon Mining Certification
Utah MINING

Notice of the Labor Commission, Division of Boiler and Elevator Safety, announces the five-year review and continuation of regulations under R616-1 regarding coal, gilsonite, or other hydrocarbon mining certification. The action is effective Nov. 3, 2017. Contact: Pete Hackford; Labor Commission, Division of Boiler and Elevator Safety; 801-530-7605; phackford@utah.gov

—State Publication Date: 12/01/2017. Citations: R616-1

Regulatory Update

WATER
Construction of Public Drinking Water Facilities
Utah WATER

Final rule of the Department of Environmental Quality, Division of Drinking Water, amends regulations under R309-105 regarding the construction of public drinking water facilities. The rule allows the director to authorize the engineering manager to approve engineering plans and modifications for public drinking water projects. The rule also specifies that the division, in place of the director, can require modifications to plans and specifications. The rule is effective Nov. 8, 2017. Contact: Bernie Clark; DEQ, Division of Drinking Water; 801-536-0092; bernieclark@utah.gov

—State Publication Date: 12/01/2017. Citations: R309-105-6 (amended)

Regulatory Update

WATER
Drinking Water Program/Administration
Utah WATER

Final rule of the Department of Environmental Quality, Division of Drinking Water, amends regulations under R309-100 regarding the administration of the drinking water program. The rule clarifies that all engineering plans and specifications for public drinking water projects must be approved in writing but removes the specification that approval must come from the director. The rule also removes the requirement that the department determine feasibility of adequate water supply for proposed public water systems if requested by the local health department. The rule is effective Nov. 8, 2017. Contact: Bernie Clark; DEQ, Division of Drinking Water; 801-536-0092; bernieclark@utah.gov

—State Publication Date: 12/01/2017. Citations: R309-100-5 (amended); R309-100-6 (repealed); R309-100-6 (renumbered and amended); R309-100-7 (renumbered and amended); R309-100-8 (renumbered and amended); R309-100-9 (renumbered and amended); R309-100-10 (renumbered and amended)

Regulatory Update

WATER
Drinking Water/Definitions
Utah WATER

Final rule of the Department of Environmental Quality, Division of Drinking Water, amends regulations under R309-110 regarding definitions relating to drinking water. The rule revises the definition of "plan approval" so the director can authorize the engineering manager to approve engineering plans and specifications for public drinking water projects. The rule is effective Nov. 8, 2017. Contact: Bernie Clark; DEQ, Division of Drinking Water; 801-536-0092; bernieclark@utah.gov

—State Publication Date: 12/01/2017. Citations: R309-110-4 (amended)

Regulatory Update

Washington

GENERAL ENVIRONMENT AND SAFETY
Department of Ecology/Public Records
Washington GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Ecology amends, adopts, and repeals regulations under WAC 173-03 to update the agency's public records procedures to reflect current practice and technology.

The rule also updates information relating to agency programs and staff. The rule is effective Dec. 16, 2017. Contact: Linda Anderson; Department of Ecology; 360-407-6040, linda.anderson@ecy.wa.gov

—State Publication Date: 12/06/2017. Citations: WAC 173-03-010 (amended); WAC 173-03-020 (amended); WAC 173-03-030 (amended); WAC 173-03-050 (amended); WAC 173-03-060 (amended); WAC 173-03-065 (new); WAC 173-03-070 (amended); WAC 173-03-075 (new); WAC 173-03-080 (amended); WAC 173-03-090 (amended); WAC 173-03-100 (amended); WAC 173-03-040 (repealed)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pollution Liability Insurance Agency/State Environmental Policy Act
Washington GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Pollution Liability Insurance Agency to adopt regulations under WAC 374-100 to establish agency implementation procedures for the State Environmental Policy Act (SEPA). The rule also would incorporate by reference SEPA standards under WAC 197-11. Comments are requested, but a due date is not specified. Contact: Cassandra Garcia; PLIA; 360-407-0520; rules@plia.wa.gov

—State Publication Date: 12/06/2017. Citations: WAC 374-100 (new)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Division of Occupational Safety and Health/Change Log Revisions
Washington OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Industries, Division of Occupational Safety and Health, would amend regulations under WAC 296-59, -78, -115, -304, and -823 to make editorial revisions that are on the division's change log. The rule would update and clarify provisions concerning vessels and confined spaces, ski lift work platforms, vehicles, vessel inspection and certification, cleaning and other cold work, scaffold and staging, ladders, hazardous materials, and medical records. The rule is submitted for expedited amendment. Objections are due Jan. 23, 2018. Contact: Chris Miller; DLI; 360-902-5516; christopher.miller@lni.wa.gov

—State Publication Date: 12/06/2017. Citations: WAC 296-59-060 (amended); WAC 296-59-125 (amended); WAC 296-78-835 (amended); WAC 296-115-025 (amended); WAC 296-304-02005 (amended); WAC 296-304-05001 (amended); WAC 296-304-05003 (amended); WAC 296-304-06013 (amended); WAC 296-823-17005 (amended)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Electrical and Telecommunications Licenses/Scope of Work
Washington OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Industries would amend regulations under WAC 296-46B to update provisions concerning electrical and telecommunications license and

certificate types and scope of work. The rule would modify the scope of work for the residential specialty to allow electrical work in multifamily occupancies of buildings up to six stories. The rule also would modify the scope of work for the sign specialty to allow energy efficient retrofitting of exterior luminaries that are mounted on a pole or other structures. The proposal is issued in response to two rulemaking petitions. A hearing is scheduled for Jan. 3, 2018, in Tumwater. Comments are due Jan. 5, 2018. Contact: Steve Thornton; DLI; 360-902-6234

—State Publication Date: 12/06/2017. Citations: WAC 296-46B-920 (amended)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Manufactured Homes Installer Training and Certification Program
Washington OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Industries amends regulations under WAC 296-150I regarding the Manufactured Home Installer Training and Certification Program. The rule replaces the mandatory $1,000 penalty for infractions with discretionary authority to issue a monetary penalty of up to $250 for a first infraction and $1,000 for subsequent infractions. The rule is effective Jan. 1, 2018. Contact: Craig Sedlacek; DLI; 360-902-5218

—State Publication Date: 12/06/2017. Citations: WAC 296-150I-0210 (amended); WAC 296-150I-3000 (amended)

Regulatory Update

RADIATION
Radiation Machine Registration Fees
Washington RADIATION

Notice announces the intention of the Department of Health to amend regulations under WAC 246-224 and -254 regarding radiation machine facility registration fees. The rule would remove the "flat" facility base fee and instead establish a fee per tube for every X-ray machine. The rule also would clarify the definition of "X-ray facility" and modify facility and machine registration standards. The current action replaces an Oct. 18, 2017, notice of intent, which is withdrawn concurrently. Comments are requested, but a due date is not specified. Contact: Michelle Austin; DOH; 360-236-3250; michelle.austin@doh.wa.gov

—State Publication Date: 12/06/2017. Citations: WAC 246-224 (amended); WAC 246-254 (amended)

Regulatory Update

RADIATION
Radiation Machine Registration Fees
Washington RADIATION

Notice of the Department of Health announces the withdrawal of an Oct. 18, 2017, notice of intent to amend regulations under WAC 246-224 and -254 regarding radiation machine facility registration fees. The rule would have allowed the department to remove the exception to the per tube fee for registrants with multiple facilities on a contiguous site under one administrative

control and a single business license with at least two full-time radiation safety personnel. The rule also would have eliminated the "flat" facility base fee for such registrants and instead established a fee per tube for every X-ray machine. In addition, the rule would have clarified the definition of "facility" and added a definition of "contiguous." The agency has determined that additional sections may need to be revised and has issued a new proposed rulemaking notice concurrently. The withdrawal is dated Nov. 21, 2017. Contact: Michelle Austin; DOH; 360-236-3250; michelle.austin@doh.wa.gov

—State Publication Date: 12/06/2017. Citations: WAC 246-224-0010 (amended); WAC 246-224-0040 (amended); WAC 246-254-010 (amended); WAC 246-254-053 (amended)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/30/2017 12:52:33 AM
Subject: Aug. 30 -- Daily Environment Report



Daily Environment Report

August 30, 2017 - Number 167

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Leading the News

Oil & Gas

Hurricane Harvey Challenges Response to Energy Facility Incidents

Exxon Mobil's Baytown Refinery near Houston was damaged by Hurricane Harvey, the company told regulators, adding to the number of storm-related incidents challenging officials as feet of rain continue to fall in the state.

News

Air Pollution

Air Pollution Economic Impact Model Lacks Clarity: EPA Advisers

The EPA's model for evaluating the broad economic costs and benefits of air pollution regulations isn't clear enough to help the general public, members of the agency's Science Advisory Board said Aug. 29.

Citizen Suits

Pollution Cases Against Johnson Controls Stay Federal

A bid to transfer an environmental case against Johnson Controls Inc. from federal to state court failed for a third time Aug. 28, with the Northern District of Indiana expressing "astonishment" at the effort expended by plaintiffs' counsel in seeking the transfer (Hostetler v. Johnson Controls, Inc., 2017 BL 301600, N.D. Ind., No. 15-cv-00226, 8/28/17).

Disclosure

Democrats Want SEC to Enforce Conflict Minerals Reporting

Two Democratic lawmakers want the Securities and Exchange Commission to reverse its relaxed stance toward policing corporate reporting on conflict minerals.

EPA

Wisconsin Environment Chief to Join EPA Midwest Region

The leader of Wisconsin's Department of Natural Resources is joining the Environmental Protection Agency, where she is expected to continue to focus on economic development.

Energy

Argentina OKs Hydroelectric Dams, Halts Nuclear Plan in Patagonia

Argentina gave the final go-ahead to build two hydroelectric dams in southern Patagonia, as a province in that area said it was dropping plans to build a nuclear power plant due to community resistance.

Energy

Biofuels Fight Could Deepen as Refinery Losses Mount, Icahn Says

Billionaire Carl Icahn says an oil industry push for structural change to the U.S. biofuels mandate will persist, raising the prospect of legal action, even if the Environmental Protection Agency denies refiner requests.

Energy

Duke Energy Could Double Florida Solar Power as it Drops Nuclear Plans

Duke Energy could double Florida's solar power as part of a deal with clean energy advocates and business groups.

Oil & Gas

Shell Sued by Group Alleging Climate Change Risk Ignored

Shell Oil is the second target of an environmental organization that is suing oil and gas companies for allegedly not preparing for climate change impacts at their New England coastal terminals.

Renewable Energy

Brazil Auction Shows Most Renewable Projects Viable, Groups Say

Brazil's first auction in which wind and solar developers could cancel future power contracts showed that the majority of their projects are economically viable, their associations told Bloomberg BNA.

Renewable Energy

Jordan Plans to Boost Renewables Almost Five Times by 2020

Jordan plans to boost its capacity to produce renewable energy by almost five times in the next three years, with several projects set to be announced in the next few months, according to Abdel Fattah Daradkeh, director general of the country's National Electric Power Co.

Renewable Energy

Saudi Arabia Tenders for First Wind Power Plant to Cut Oil Use

Saudi Arabia, the world's biggest exporter of crude oil, is seeking bids for its first utility-scale wind power project as part of the kingdom's plan to wean its economy off oil.

Practitioner Insights

Chemicals

Practitioner Insights: TSCA Preemption—Sooner Than Later?

Federal preemption of state chemical laws and regulations was hotly contested during debates on the 2016 amendments to the Toxic Substances Control Act ("TSCA"), Frank R. Lautenberg Chemical Safety for the 21st Century Act ("LCSA"), Pub. Law No. 114-182. In the end, industry and states were left with a complicated but limited form of TSCA preemption, where numerous factors may come into play in determining whether a state chemical control law applies.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Fri 11/3/2017 2:03:53 PM
Subject: POLITICO's Morning Energy: Murray benefits big league under Perry grid plan — Oil's big tax bill win — FERC back at full strength after Senate confirmations — Lamar Smith announces retirement

By Anthony Adragna | 11/03/2017 10:00 AM EDT

With help from Ben Lefebvre, Darius Dixon, Nick Juliano and Esther Whieldon

ONE REALLY BIG FAN OF PERRY'S PUSH: Energy Secretary Rick Perry's push to require power markets to cover the costs to run coal and nuclear plants that are being squeezed economically has earned a powerful supporter in President Donald Trump's orbit in the form of coal magnate Bob Murray, Pro's Darius Dixon and Eric Wolff report. The proposal, which must be approved by FERC, would be mostly limited to plants in a stretch of the Midwest and Northeast where Murray's mining company, Murray Energy, is the predominant supplier. One stretch of the Rust Belt and Appalachia, overseen by an electricity market called the PJM Interconnection, accounts for roughly 44 percent of Murray's sales and Perry's rule was "certainly targeted at the PJM region," said Andy Ott, CEO of PJM.

An unlikely group of allies that includes environmental groups, the natural gas, wind and solar industries and the American Petroleum Institute has vocally opposed Perry's plan. "Customers get less than nothing while a few companies and their investors get a whole lot of something," Nora Mead Brownell, a Republican former electricity regulator, said of Perry's plan. "Money that gets spent there doesn't get invested in doing what you really need to do, which is upgrading the grid." Perry argues his proposal is an effort to ensure that the power network can withstand threats like terrorist attacks or severe weather.

Among the nation's roughly 280,000 megawatts of coal-fired power, Perry's rule is tightly written to affect only about 40,000 megawatts, according to POLITICO's analysis. Murray Energy acknowledged in written comments it has a "vital and critical interest" in whether the plan flies. "Given the current threats to those resources, Murray Energy, along with other coal producers and related industries ... is threatened with bankruptcy and significant economic harm if those resources are forced out of the market by unreasonable and unsupportable market pricing mechanisms," it wrote. Since Trump's swearing-in, Murray has made personal pleas for help in face-to-face meetings with Trump and DOE officials, including Perry and Brian McCormack, Perry's chief of staff.

WELCOME TO FRIDAY! I'm your host Anthony Adragna, and your state attorneys general turned senators are: Luther Strange, Sheldon Whitehouse, Tom Udall, John Cornyn, Kamala Harris, Heidi Heitkamp, Richard Blumenthal and Catherine Cortez Masto. For today: It was 60 years ago that the Russians sent the first animal into space. What was she and what was her name? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

FOR YOUR AFTERNOON RADAR: Three major scientific reports acknowledging manmade climate change are expected to be released today by the Trump administration, Pro's Emily

Holden reports. They include: two volumes of the National Climate Assessment and a draft of the State of the Carbon Cycle Report. The documents will go against numerous public statements by Trump Cabinet officials refusing to accept mainstream climate science.

OIL'S TAX WIN: Along with keeping most of their existing incentives, multinational oil companies won a new tax break that would cost the government nearly $3.9 billion over the next decade in the latest GOP tax proposal. The House bill's elimination of a tax on "foreign base company oil related income" received relatively little attention in the initial flurry of tax-bill coverage Thursday, and it caught even some seasoned policy-watchers off guard. The tax typically applies to income from refineries, pipelines and other assets near multinational oil companies' overseas operations, according to a research note from ClearView Energy Partners. The industry has long complained that it is being treated unfairly compared to other types of industries, such as manufacturing. "FBCORI surprised us, but it appears to reinforce the pro-fossil bent of House Republican leadership," ClearView analysts wrote Thursday night.

Two thumbs up: The oil industry also loves the 20 percent corporate rate outlined in the proposal and is happy to see no changes to two provisions that favor its high-capital, low-operating-cost business model (the intangible drilling cost deduction and well depletion allowance, for those paying attention at home). Meanwhile, a pair of credits/deductions the House plan does jettison won't shave too much off the bottom line for most companies, industry folks tell ME. In a statement, API President Jack Gerard said "significant proposals, like lowering the corporate tax rate and strong cost-recovery provisions, will help ensure that our tax system is smart, fair and pro-growth to benefit American consumers, businesses, and the economy."

Horse-trading ahead: Release of the House bill is a starting point for tough negotiations in the weeks and months to come, in which energy provisions will, admittedly, play a relatively minor role. One House idea already encountering headwinds from the upper chamber is the proposal to slash the value of the production tax credit. "The wind energy production tax credit is already being phased out under a compromise brokered in 2015. It shouldn't be re-opened," Sen. Chuck Grassley said in a statement. "I'm working within the Senate Finance Committee to see that the commitment made to a multi-year phase-out remains intact."

FULL HOUSE: For the first time in more than two years, when Phil Moeller left the agency, FERC is on the path to having all five leadership seats filed again. Kevin McIntyre, President Donald Trump's pick to lead the agency, and Democratic commissioner Rich Glick, were confirmed Thursday afternoon. The pair still need to be officially sworn in to seal the deal, but they're both locals so we expect them to take the oath pretty soon. McIntyre and Glick have terms running through 2023 and 2022, respectively.

The hot potato: FERC Chairman Neil Chatterjee passes the baton. During Kentucky native's brief tenure in the agency's center seat, Perry lobbed - as former FERC Chairman Pat Wood has called it - "a scud missile of the NOPR" at regulators, directing them to act on a controversial plan to prop up coal and nuclear power plants. FERC is taking reply comments through Tuesday, and the agency is expected to stick to the Dec. 11 deadline to take some "final action." Given the particularly political lens FERC has been seen through over the past few months, FERC World

will also be trying to read between the lines of McIntyre's staffing decisions and how he addresses the agency's independence.

Filling out DOE: The Senate sent Perry a few extra hands to run the Energy Department. Paul Dabbar and Mark Menezes were confirmed as undersecretaries of science and energy, respectively. Steven Winberg, Trump's pick to lead the agency's fossil energy office, also got a thumbs-up from lawmakers.

Attractions yet to come: William Wehrum's nomination to run EPA's air office may get a Senate floor vote as soon as next week after Senate Majority Leader Mitch McConnell filed cloture Thursday, Pro's Alex Guillén reports.

Oh, and: Trump announced late Thursday his nomination of Linda Capuano, a fellow at Rice University's Baker Institute for Public Policy's Center for Energy Studies, to run the Energy Information Administration. She's previously been a vice president at both Marathon Oil Co. and Advanced Energy Industries. Biography here.

SCIENCE CHAIRMAN CALLS IT QUITS: Noting his House Science chairmanship runs out next year, Lamar Smith announced his retirement Thursday. Since ascending to the top of the science panel in 2013, the controversial Texan has tussled with academics, scientific organizations and government regulators, with Obama-era figures from the National Science Foundation, EPA and DOE among those who ended up in his crosshairs. The vocal climate science skeptic undermined the Obama administration's efforts to address climate change and elevated the minority of scientists who question that human activity drives the problem to equal footing as others. Pro's Darius Dixon has more here.

Smith's take: "The time is the right time. No regrets. Well, I should quote Frank Sinatra in 'My Way' where he said 'regrets I have a few but too few to mention,'" he told reporters.

Science organizations and green groups welcome his exit: Andrew Rosenberg with the Union of Concerned Scientists expressed hope his exit would allow the science community to rebuild its relationship with Congress. "I hope that the next representative to serve as chair will return this committee to its intended purpose-strengthening America's scientific enterprise, providing thoughtful and constructive oversight of federal policy and protecting the health and safety of the people Congress is supposed to serve," he said.

Who might the next chairman be? Current Vice Chairman Frank Lucas didn't rule out a bid to succeed Smith but noted Financial Services Chairman Jeb Hensarling is also departing Congress. "Life's all about options, right?" he quipped to reporters.

IT'S LAW: Trump signed into law legislation S. 190 (115) that exempts certain equipment that needs to remain on at all times from energy use restrictions for an additional six years.

STOP ME IF YOU'VE HEARD THIS BEFORE: Two corn-state Republican EPW senators - Deb Fischer and Joni Ernst - are publicly undecided about Kathleen Hartnett White's nomination to run the White House Council on Environmental Quality after meeting with her over past

critical comments toward the Renewable Fuel Standard. "I am withholding judgement right now," Fischer told reporters Thursday. A spokeswoman for Ernst said she plans to ask additional questions on White's views at her Nov. 8 confirmation hearing. Remember: Just one Republican defection sinks a nomination in the tightly divided EPW panel.

What has White said about the RFS? She has been far more vocally opposed than even Bill Wehrum, whose selection to run the air office was briefly delayed over the issue. Back in July 2013, she wrote: "It is time to repeal the renewable fuel standard - not to expand or entrench this market distortion." White also wrote its importance to the Iowa presidential caucuses explains the durability of the "counterproductive and ethically dubious" RFS in her book. She's repeatedly argued biofuels are creating a "global food crisis" and urged Congress to end the program's "destructive food-as-fuel folly."

Fears of a repeat from some: Jim Inhofe told ME "there's reason to suspect" the bloc of biofuels backers might withhold support for White over her RFS stance and called their efforts to impede the Wehrum nomination "a little extreme." But Chairman John Barrasso, as always, projected confidence when asked if he worried they'd derail the confirmation process: "I'm committed to the president's nominees and we're going to go ahead with the hearing next week."

WITH SOME HELP FROM HIS FRIENDS: In the 24 hours before he sent his hotly anticipated national monument report to the White House, Interior Secretary Ryan Zinke called just one non-GOP lawmaker - Maine Independent Sen. Angus King, Pro's Esther Whieldon reports, citing copies of Zinke's August and September calendars. Among those he called on Aug. 23 were Sens. Orrin Hatch, Dean Heller and Murkowski, Reps. Rob Bishop and Greg Walden, and the Republican governors of Utah, Maine and New Mexico.

Speaking of which, six green groups are suing Interior and the White House Council on Environmental Quality for copies of Zinke's national monuments report and related review records. The suit, filed Thursday by Earthjustice on behalf of the Sierra Club, Natural Resources Defense Council, The Wilderness Society and three other groups, say the agency has not responded to their public records requests.

MORE QUESTIONS ON WHITEFISH: Senate Homeland Security ranking member Claire McCaskill released a set of letters to FEMA, the Army Corps of Engineers and Whitefish Energy seeking additional information on the now-cancelled grid restoration contract. Among other things, she alleges the Puerto Rican utility may have already used FEMA funds to pay Whitefish, notes the Army Corps also considered using the tiny Montana-based company and questions a similar $200 million contract with Oklahoma-based Cobra Acquisitions.

9/11 invoked in EPA's Puerto Rican response: New York Rep. Jerry Nadler slammed EPA's assurances that drinking water around Superfund sites in Puerto Rico is safe to drink as "eerily similar" to the agency's response following the 9/11 terrorist attacks. "This is exactly what we got from EPA after 9/11... and thousands of people are sick and hundreds of people are dead because [air quality levels] weren't fine. And that's why I'm skeptical," he said. Video here.

MAIL CALL! GET SERIOUS ABOUT TRANSPORTATION-RELATED EMISSIONS:

The New England Power Generators Association, along with several environmental and science groups, asked four governors - Massachusetts' Charlie Baker, Connecticut's Dan Malloy, Rhode Island's Gina Raimondo and Vermont's Phi Scott - to develop and implement a "regional, market-based policy" to address greenhouse gas emissions from the transportation sector. Letter link here.

Waiver please? Pennsylvania Gov. Tom Wolf asked Pruitt in a letter Thursday to waiver RFS volume requirements. "I request that you reduce the 2017 and 2018 volumes to a level that avoids the severe economic harm experienced by the Northeast region of the United States as a result of the high costs of purchasing RINs to comply with the RFS," he wrote.

Higher park fees? Please no! Ninety House Democrats, led by Arizona's Tom O'Halleran, sent Zinke a letter Thursday urging him not to follow through with plans to raise entrance fees to 17 national parks. "Raising the entrance fees to these popular destinations will make our public lands inaccessible to hardworking families, and it will devastate tribal and rural economies that support tourism," they wrote.

NEW SCIENTIST WHISTLEBLOWER HOTLINE LAUNCHED: 314 Action invited 36,638 government scientists at EPA, NASA and the National Science Foundation to anonymously report examples of science being undermined. Website with more information here.

PRICE SHOCKER! Resources for the Future released a study Thursday finding releases from the Strategic Petroleum Reserve can have substantial effects on oil prices and spreads. Link here.

POINTS FOR HONESTY: Via Rolling Stone's Matt Laslo: "I don't think frankly that you need an EPA period," Rep. Liz Cheney tells me... "98% of the environmental regulation being done effectively at the state level that's where it ought to be," Cheney continued

WHO'S GRAMIN': Jack Gerard, the president and chief executive of the American Petroleum Institute, has joined Instagram, which the association says makes him the first head of a Washington trade group who's active on the platform. You can check out his Instas of children and the Oval Office here (h/t POLITICO Influence).

QUICK HITS:

- The Puerto Rico Contract's Lack Of Transparency? It's Not Unusual. International Business Times.

- EPA's Pruitt and staff to attend chemical industry meeting at luxury resort next week. Washington Post.

- Clash emerges over Puerto Rico power restoration. AP.

- Kentucky coal report shows no sustained job rebound so far under Trump. Lexington Herald-Leader.

- US coal's upturn favours open-pit mines in western states. Financial Times.

- Trump Team to Promote Fossil Fuels and Nuclear Power at Bonn Climate Talks. New York Times.

THAT'S ALL FOR ME!

To view online:
https://www.politico.com/tipsheets/morning-energy/2017/11/03/murray-benefits-big-league-under-perry-grid-plan-223167

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Subject: Murphy wins New Jersey governor race

By POLITICO Pro Staff

11/07/2017 08:11 PM EDT

Democrat Phil Murphy has won New Jersey's governor's race, defeating Republican Lt. Gov. Kim Guadagno, according to three news networks (ABC, CNN and NBC) that called the race based on exit polling.

No votes have been reported yet in the race between Murphy, a former executive at Goldman Sachs, and Guadagno. The polls closed at 8 p.m.

Murphy held a wide lead in public polling, and unpopular Republican Gov. Chris Christie proved to be a big drag on his former running mate.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/murphy-wins-new-jersey-governor-race-095325

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Daily Environment Report

October 25, 2017 - Number 205

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Leading the News

Chemicals
Democrats See TSCA as Achilles' Heal for Trump Chemical Nominee
Some Senate Democrats are trying to cast doubt on President Trump's pick to head the EPA chemical safety office by appealing to Republican fears that the nominee won't aggressively implement a bipartisan chemical reform law.

Chemicals
States Struggle to Set Standards for Hundreds of Toxics
Several Northeastern state governments are feverishly working to find and clean up two emerging chemicals considered toxic that have contaminated water and soil around the country, but toxicologists say states are missing hundreds more that are related with unknown health risks.

Energy
Coal Power Generators Lukewarm on Grid Plan That Aims to Help Them
Dynegy Inc., and some other coal power generators are poised to profit from Energy Secretary Rick Perry's plan to change power market rules, but that doesn't mean they have thrown their full support behind it.

Energy
Energy Bid to Support Coal, Nuke Plants Called Illegal
An Energy Department proposal aimed at subsidizing coal and nuclear plants would violate the Federal Power Act and the Administrative Procedure Act, regional grid operators, a group of 10 state attorneys general, and legal experts say.

Regulatory Policy
House Passes Bill Targeting Environmental Settlements
A House-passed bill that would end a Justice Department practice of entering into settlements that steer funds to third-party groups faces an uncertain future in the Senate.

News

Agriculture
Broader Crop Insurance, Conservation Are Coalition's Goals for Farm Bill
Expanding crop insurance to cover all types of farms, boosting access to land for new farmers, and conserving farmland shape the National Sustainable Agriculture Coalition's policy agenda for the upcoming farm bill.

Agriculture
Organic Fertilizers Seek Even Playing Field in European Markets
Fertilizers produced from organic or recycled materials in the European Union would be treated similarly to those derived from potash and other extracted minerals under a plan backed by lawmakers Oct. 24.

Air Pollution
EPA Transportation Pollution Guidance Stands, Court Says
States will continue to use the EPA's guidance, updated in 2015, to measure particulate pollution caused by building federally-funded highways after a federal appellate court dismissed challenges from environmental groups.

Air Pollution
Poles Told Not to Burn Garbage as Another Winter of Smog Looms
Poland is hoping a media campaign will help it clean up the European Union's most polluted cities.

Biofuels
Agriculture Companies Could See EU Biofuel Market Phased Out
Bunge Limited, Cargill Inc. and other companies in the European Union that produce biofuels from feed and food crops would eventually lose a major share of their market under a draft European Parliament plan to phase out the least sustainable biofuels after 2030.

Biofuels
Argentine, Indonesian Biodiesel Face U.S. Dumping Penalty
The U.S. moved to impose more import duties on biodiesel from Argentina and Indonesia, after finding the fuel is being sold below fair market value.

Biofuels
In Washington Clash of Industries, King Corn Trounces Big Oil
Farm-state interests just conquered Big Oil in a fight over biofuels, proving that in Donald Trump's Washington, King Corn still reigns.

Chemicals
Chemours' Chemical Actions Spur N.C. to Retain Wastewater Permit
The Chemours Co. can keep its wastewater discharge permit for its facility in Fayetteville, N.C., because of work the company has done to address contamination involving a substitute for the widely used chemical perfluorooctanoic acid (PFOA), state regulators say.

Climate Policy
Incoming New Zealand Government Plans for New Climate Law
New Zealand Prime Minister-elect Jacinda Ardern will introduce a new greenhouse gas

reduction law and establish an independent climate commission after taking office this week, signaling a tougher stance on climate change.

Climate Policy
Trump's 'Beautiful' Clean Coal Push Spills into Asia
President Donald Trump's friendly stance toward coal is bubbling over into Asia, albeit in a cleaner version of the fuel, according to a Japan-based energy think-tank.

Energy
King Coal Reign Has a Ways to Go in at Least One Corner of World
Southeast Asia isn't ready to quit coal just yet.

Energy
Millennium Sues Washington State, Alleges Anti-Coal Bias
Millennium Bulk Terminals sued Washington state's ecology department Oct. 24, asserting the agency's "animus" toward coal led it to deny a water-quality permit for what would be the nation's largest coal-export gateway to Asia.

Energy
One Rare Thing to Watch for in Quarterly Coal Earnings: A Profit
After years of bleeding cash and a painful string of bankruptcies, U.S. coal miners are poised to do something rare—enjoy an earnings season.

Energy
Republicans Vow to Examine Puerto Rico's Electricity Contract
House Republicans say they will examine how a tiny two-year-old Montana company won the $300 million contract to lead the rebuilding of Puerto Rico's hurricane-ravaged electric grid.

Mergers and Acquisitions
Nufarm Buys Syngenta Europe Crop Chemicals for $490 Million
Nufarm Ltd. agreed to pay $490 million for a group of crop-protection assets owned by Syngenta SA and Adama Agricultural Solutions Ltd. in the biggest acquisition by the Australian company.

Oil & Gas
Fuel Tankers Could Be Limited on Hudson River Under N.Y. Bill
Petroleum tankers could be prohibited from entering or anchoring on certain parts of the Hudson River, under a bill (A. 6825) signed by New York Gov. Andrew M. Cuomo (D).

Oil Spills
Oil Barge Company to Pay Millions More for Massachusetts Spill
An oceangoing oil barge company's legal deal with state and federal officials to restore bird populations that had plummeted following a large Massachusetts oil spill took 14 years to work out.

Pesticides
European Parliament Calls for Glyphosate Phaseout Ahead of Vote
The European Union should reauthorize the use of glyphosate for a limited period before phasing it out, according to a nonbinding resolution European Parliament lawmakers adopted one day before a key regulatory committee vote on the world's most widely used herbicide.

Pesticides

Registration Delays Expected as China Launches Pesticide Regime

DuPont and other companies that want to manufacture or import pesticides in China are bracing for delays after the country launched a new testing and registration regime.

Renewable Energy

Developers Plan Wind Farms Off Jersey Shore as Christie Era Ends

After years of being sidelined by New Jersey Governor Chris Christie, wind farm developers are dusting off plans for massive offshore turbines that may someday generate more electricity than a nuclear reactor.

Sustainability

World's Biggest Companies Are Getting Greener, Nonprofit Says

A growing number of the world's biggest companies are setting greenhouse-gas targets in line with global efforts to curb global warming to below 2 degrees Celsius.

Toxic Chemicals

Dow, BASF Beat Kasowitz Firm's Whistleblower Claims

BASF, Dow Chemical, Covestro LLC and Huntsman International have beaten federal whistleblower claims alleging that they failed to report chemical dangers (United States ex rel. Kasowitz Benson Torres LLP v. BASF Corp., 2017 BL 378811, D.D.C., No. 16-2269, 10/23/17).

Toxic Torts

Government Off the Hook for Army Base Pollution

A proposed class of residents alleging improper chemical disposal at a Frederick, Md., Army base contaminated their groundwater can't sue the government, an appeals court affirmed Oct. 20 (Pieper v. United States, 4th Cir., No. 16-2035, unpublished 10/20/17).

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Thur 8/3/2017 10:34:59 AM
Subject: POLITICO Playbook, presented by Morgan Stanley: KELLY makes mark on a calmer West Wing -- MCMASTER cleaning house at the NSC -- TRUMP says U.S. 'losing' Afghan war -- ZUCKERBERG hires Joel Benenson -- FOR HISTORY: MOOCH's comms plan leaked

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Today's POLITICO Playbook presented by Morgan Stanley
08/03/2017 06:32 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Thursday morning. THE KELLY REGIME. CUE THE REPUBLICAN APPLAUSE, via Josh Dawsey: "When new White House chief of staff John Kelly huddled with senior staff on his first day at work, he outlined a key problem in President Donald Trump's White House that he planned to fix: Bad information getting into the president's hands. Kelly told the staff that information needed to flow through him -- whether on paper or in briefings -- because the president would make better decisions if given good information. ...

"'John Kelly knows the challenges he is facing,' said Leon Panetta, a former chief of staff to President Bill Clinton who spoke to Kelly after he took the job. 'He's not going to just stand to the side and watch the White House fall apart piece by piece.'" http://politi.co/2u1mODq

-- AP'S JONATHAN LEMIRE: "Trump's new top aide assures Sessions his job is safe": "New White House chief of staff John Kelly, in one of his first acts in his new post, called Attorney General Jeff Sessions to reassure him that his position was safe despite the recent onslaught of criticism he has taken from President Donald Trump. Kelly called Sessions on Saturday to stress that the White House was supportive of his work and wanted him to continue his job, according to two people familiar with the call. ... Kelly, who was appointed to the post the day before, described the president as still miffed at Sessions but did not plan to fire him or hope he would resign." http://bit.ly/2wnqOir

-- ONE THING REPUBLICANS ARE WORRIED ABOUT is the growing narrative that John Kelly is going to change everything in the White House. Yes, he is certainly doing

things more traditionally. He's reaching out to former chiefs of staff and Hill leaders like Nancy Pelosi and Paul Ryan. And the president appears to be following Kelly's lead. But that doesn't mean that Trump is going to change overnight. For now, Kelly is adhering to James Baker's advice, via Peter Baker: the job is more about "of staff" than "chief."

TRUMP'S WASHINGTON -- NYT A1, "Trump Supports Plan to Cut Legal Immigration by Half," by Peter Baker: "President Trump embraced a proposal on Wednesday to slash legal immigration to the United States in half within a decade by sharply curtailing the ability of American citizens and legal residents to bring family members into the country. The plan would enact the most far-reaching changes to the system of legal immigration in decades and represents the president's latest effort to stem the flow of newcomers to the United States. Since taking office, he has barred many visitors from select Muslim-majority countries, limited the influx of refugees, increased immigration arrests and pressed to build a wall along the southern border. ...

"In throwing his weight behind a bill, Mr. Trump added one more long-odds priority to a legislative agenda already packed with them in the wake of the defeat of legislation to repeal and replace President Barack Obama's health care program. The president has already vowed to overhaul the tax code and rebuild the nation's roads, airports and other infrastructure." http://nyti.ms/2umAZm0

CLEANING HOUSE -- "McMaster dismisses another Flynn hire from National Security Council," by Eliana Johnson, Nahal Toosi and Ali Watkins: "National Security Adviser H.R. McMaster has pushed out a top White House intelligence aide who earlier this year secretly shared information with a Republican lawmaker investigating ties between the Trump campaign and Russia. The dismissal of Ezra Cohen-Watnick, confirmed by the White House, is the latest in a string of NSC staff members removed at the behest of McMaster, who has steadily shed aides that had been brought on by his short-lived predecessor Michael Flynn.

"Cohen-Watnick, 31, was one of the few remaining aides in the organization hired by Flynn, who was fired in February. Since his arrival McMaster has had a hand in steadily cleaning out several of Flynn's marquee hires - three of them in the past three weeks. ... A source familiar with the situation told POLITICO on Wednesday that Cohen-Watnick had recently begun planning on leaving the NSC and talked with Kushner and top NSC official Dina Powell, and they agreed to help him find a spot elsewhere in the administration." http://politi.co/2w94z0g ... ***July 23 Atlantic profile, "The Man McMaster Couldn't Fire," by Rosie Gray*** http://theatln.tc/2uORWtl

-- ROSIE GRAY in The Atlantic, "An NSC Staffer Is Forced Out Over a Controversial Memo": "A top official of the National Security Council was fired last month after arguing in a memo that President Trump is under sustained attack from subversive forces both within and outside the government who are deploying Maoist tactics to defeat President Trump's nationalist agenda. ... Rich Higgins, a former Pentagon official who served in the NSC's strategic-planning office as a director for strategic planning, was let go on July 21. Higgins's memo describes supposed domestic

and international threats to Trump's presidency, including globalists, bankers, the 'deep state,' and Islamists. The memo characterizes the Russia story as a plot to sabotage Trump's nationalist agenda. It asserts that globalists and Islamists are seeking to destroy America." http://theatln.tc/2w8UO2e

MORE SHAKEUPS COMING? -- NBC NEWS' CAROL LEE (in her NBC debut) and **COURTNEY KUBE: "Trump Says U.S. 'Losing' Afghan War in Tense Meeting With Generals":** "President Donald Trump has become increasingly frustrated with his advisers tasked with crafting a new U.S. strategy in Afghanistan and recently suggested firing the war's top military commander during a tense meeting at the White House, according to senior administration officials. During the July 19 meeting, Trump repeatedly suggested that Defense Secretary James Mattis and Chairman of the Joint Chiefs of Staff Gen. Joseph Dunford replace Gen. John Nicholson, the commander of U.S. forces in Afghanistan, because he is not winning the war, the officials said. Trump has not met Nicholson, and the Pentagon has been considering extending his time in Afghanistan.

"Over nearly two hours in the situation room, according to the officials, Trump complained about NATO allies, inquired about the United States getting a piece of [Afghanistan's] mineral wealth and repeatedly said the top U.S. general there should be fired. He also startled the room with a story that seemed to compare their advice to that of a paid consultant who cost a tony New York restaurateur profits by offering bad advice. ...

"Trump's national security team has been trying for months to come up with a new strategy he can approve. Those advisers are set to meet again to discuss the issue on Thursday at the White House. The president is not currently scheduled to attend the meeting, though one official said that could change. ... At one point the president directed his frustration at Mattis, saying Trump had given the military authority months ago to make advances in Afghanistan and yet the U.S. was continuing to lose ground, the officials said. ... One official said Trump pointed to maps showing the Taliban gaining ground, and that Mattis responded to the president by saying the U.S. is losing because it doesn't have the strategy it needs." http://nbcnews.to/2w7VjJH

TRUMP'S THURSDAY -- PRESIDENT TRUMP will hold a rally in Huntington, W.Va., the second time in two weeks where he has taken his message on the road.

-- SETTING THE RECORD STRAIGHT: @realDonaldTrump at 9:29 p.m.: "I love the White House, one of the most beautiful buildings (homes) I have ever seen. But Fake News said I called it a dump - TOTALLY UNTRUE".

****** **A message from Morgan Stanley**: Bond Markets Caffeinate: Investors bought into Starbucks' sustainability bond-the latest to support ethical, sustainable supply chains-demonstrating a growing trend. Read more. ******

FOR THE HISTORY BOOKS -- "Here Is Anthony Scaramucci's 'Communications

Plan' From Before He Was Fired," by BuzzFeed's Charlie Warzel: "Internally, the memo indicates that Scaramucci planned to 'professionalize' the comms team. 'For example,' he wrote, 'no WH communication staffer goes home without returning all calls, emails, and texts. People may not like our answers-but they should always be treated professionally and respectfully (obviously, this starts with the new Director of Communications).' ... Scaramucci - who in his first days on the job repeatedly went on TV to threaten firings of White House staffers, and publicly accused then-chief of staff Reince Priebus of being the primary source of White House leaks - also called for staff to be more civil and humble. 'Make it clear that horn tooting and denigrating colleagues is unacceptable,' the memo reads. ...

"The memo ends with a personal to-do list, in which Scaramucci lays out a series of meetings he planned to have with incoming chief of staff Gen. John Kelly and other members of the White House staff, including Steve Bannon ('I want his insight and help. He presumably has an opinion on how Comms can operate more effectively,' the memo says.) Also included is a list of mainstream media reporters he planned to meet with, including the New York Times' Maggie Haberman and The New Yorker's Ryan Lizza." ***With the full memo*** http://bzfd.it/2wnkwz6

-- FROM MOOCH'S PLAN: "Comms need to humanize POTUS and burnish his image. For example, POTUS is the best golfer to serve as President. Perhaps, we embrace it with a national online lottery to play a round of golf with him....or a charity auction. POTUS has a funny and irreverent side which was shared with the electorate during the campaign ... People are fascinated by the lives of their Presidents and the operation of the White House. POTUS is the greatest TV star in history. Comms should produce video content that constructively operates as 'The President Donald J. Trump' show."

HAPPENING TOMORROW! -- "Scaramucci to hold online event Friday," by CNN's Chris Cuomo and Sophie Tatum: "Following his departure from the White House after less than 11 days as communications director, Scaramucci will be hosting an online event on Friday where he will address the American people directly. Scaramucci said this daytime event -- which will be broadcast on various live platforms with help from former Fox News co-president Bill Shine -- will give him the opportunity to reach and communicate with the President's base. ... As for what's next after Friday's event, Scaramucci plans to go dark until after Labor Day, when he will announce his next venture after he evaluates his various media and finance-related opportunities." http://cnn.it/2uY1QIk

SPICER'S SWAN SONG -- "Spicer savors his last days in the White House," by Tara Palmeri: "Sean Spicer has been floating around the White House since he announced his resignation almost two weeks ago, dipping in and out of his office, attending meetings on tax reform and popping up for public ceremonies like Gen. John Kelly's swearing in as chief of staff and a medal of honor ceremony for a Vietnam veteran. On Tuesday night, Spicer was seen giving his family a tour of the White House grounds. He's posted nostalgic pictures on Instagram, like one of the first family taking off from the lawn on Marine One, with the caption: 'This will never get old.' ...

"In the wake of Scaramucci's departure, Spicer - who committed to staying several weeks to ensure an orderly transition in the press office - briefly considered staying on at the White House to help with Trump's effort to pass a major tax reform, a policy issue that Spicer had engaged with since stepping back from regular briefings in the last month. But he made it clear to his colleagues by late afternoon on Tuesday that he does not plan to stay on in the White House beyond August." http://politi.co/2w9B1zI ... ***Spicer's Instapic*** http://bit.ly/2umCro9

CAPITOL HILL V. THE WHITE HOUSE, PART INFINITY: "Congress readies Round 2 with Trump on Russia: Language in key defense bills would make the administration revive a type of missile banned by a 1987 treaty," by Bryan Bender: "Congress is moving to force the Pentagon to violate a nuclear arms treaty with Russia -- in yet another effort to box in President Donald Trump on relations with Moscow. Language in key defense bills in both the House and Senate would require the military to begin developing medium-range missiles banned by a 1987 treaty that Ronald Reagan negotiated with Soviet leader Mikhail Gorbachev during the twilight years of the Cold War.

"Supporters say the move is necessary because Russian President Vladimir Putin has violated the pact. But opponents fear it could increase the chances of a nuclear confrontation at a time when relations between the two nations are at a post-Cold War low. The legislation is also likely to stir up new friction between lawmakers and Trump, who has already accused Congress of illegally meddling in his dealings with Russia. Trump blasted Congress on Wednesday for including 'clearly unconstitutional provisions' in a bipartisan bill imposing new sanctions on Putin's regime -- legislation he said he nonetheless signed 'for the sake of national unity.'" http://politi.co/2u5Nnvf

-- COALITION BUILDING -- NYT's Rick Gladstone: "Joined by three Western allies, the United States on Wednesday escalated pressure on Iran over its space launch last week, saying the act disregarded a United Nations Security Council resolution on the use of missiles and was 'threatening and provocative.' In a letter to the Security Council and Secretary General António Guterres, Ambassador Nikki R. Haley of the United States and envoys from Britain, France and Germany said the Iranian missile that carried a satellite into orbit was 'inherently capable of delivering a nuclear warhead.'" http://nyti.ms/2ulHaXl

THE LATEST ON HEALTH CARE ... -- "Lawyers, lawmakers leave Trump administration in limbo on Obamacare subsidies," by Josh Dawsey and Jen Haberkorn: "President Donald Trump has told advisers repeatedly he wants to end Obamacare cost-sharing subsidies that are crucial to the marketplaces continuing to work, and he has publicly said it would make sense to blow up the system, put the blame on the Democrats and force a negotiation. But after the inability of Republicans in Congress to repeal and replace the law, the White House is not expected to immediately end the subsidies, officials said, even as Trump stews in the legislative defeat. And they could remain in place indefinitely, some officials said.

"The administration has slowed a decision to hear from lawyers, who are studying how the payments could be ended and what legal liabilities the administration could face if the payments stop, according to administration officials. Lawyers and some administration officials have raised questions about ending the payments but are expected to offer an analysis later in August, West Wing officials said. One official said the analysis could arrive as soon as next week. A different official said the White House was in no hurry and wanted to consider all factors before making a decision. Another payment is due approximately Aug. 22." http://politi.co/2uYSn3M

-- JEN HABERKORN and ADAM CANCRYN: "New bipartisan Obamacare push faces steep climb": http://politi.co/2faLUgD

BIG ANNIE KARNI SCOOP -- "Zuckerberg hires former Clinton pollster Joel Benenson": "Facebook CEO Mark Zuckerberg and his wife, Priscilla Chan, have hired Democratic pollster Joel Benenson, a former top adviser to President Barack Obama and the chief strategist to Hillary Clinton's failed 2016 presidential campaign, as a consultant, according to a person familiar with the hire.

"Benenson's company, Benenson Strategy Group, will be conducting research for the ChanZuckerberg Initiative, the couple's philanthropy. The organization -- whose mission statement, according to its website, is 'advancing human potential and promoting equality' -- is endowed with the couple's Facebook fortune. Zuckerberg and Chan have vowed to give away 99 percent of their Facebook shares, worth an estimated $45 billion, to charity. Bringing on Benenson is the latest sign that they're pushing their philanthropic work more heavily into the political and policy world." http://politi.co/2wn4zsV

IMPORTANT INTERNATIONAL READ -- NOGA TARNOPOLSKY in the **LA TIMES: "Relations between Israel and Jordan have become 'very dangerous'":** "Relations between Israel and Jordan, neighboring states that signed a peace treaty in 1994, have hit rock bottom after twin decisions by the Israeli government that have been widely seen as an affront to Jordan's King Abdullah II. The first was Israel's order, since rescinded, to install metal detectors at the Noble Sanctuary, the Muslim name for the disputed plateau in Jerusalem's Old City that holds the Al Aqsa Mosque and gold Dome of the Rock. Although Israel backed down, the decision was seen as a slap to Jordan, which is the legal custodian of the site. The other involved Israel's response to a deadly incident in the Jordanian capital, Amman, in which an Israeli Embassy guard killed two Jordanians, a 17-year-old delivery boy and an orthopedic surgeon. ...

"Before any summit could be planned, Israel and Jordan narrowly avoided yet another collision. As relations between the two countries deteriorated, two flamboyant parliamentarians -- one from Israel, one from Jordan -- fought via their Twitter feeds. Eventually, Jordanian Yehiya Saoud challenged the Israeli, Oren Hazan, a member of Netanyahu's Likud Party, to a duel in the Judean desert at 10 a.m. Wednesday. Hazan, a former pimp who gained an extra measure of fame when he crashed Donald Trump's

arrival ceremony in Tel Aviv last May to snag a selfie with the president, accepted. Gleeful online anticipation followed Hazan's progress toward the Allenby Bridge border post until someone in Netanyahu's office got wind of the scheme and sharply ordered Hazan back home." http://lat.ms/2v0wXl7

-- THIS GIVES JARED KUSHNER another problem to deal with. Israel and Jordan's relationship has long been crucial in maintaining relative calm in the Middle East. Jordan is the protectorate for the al Aqsa mosque in Jerusalem's Old City, for example. If they aren't getting along, then a complex plan with other Middle Eastern and Gulf nations to strike a peace accord between Israel and the Palestinians is nothing more than a pipe dream.

COMING ATTRACTIONS -- "GOP clash looms over raising the debt ceiling," by Seung Min Kim and Rachael Bade: "Republican congressional leaders are quietly preparing to pass a "clean" debt ceiling increase, according to multiple senior GOP sources - setting the stage for a high-risk showdown with rank-and-file Republicans this fall. Trump administration officials, led by Treasury Secretary Steven Mnuchin, are imploring Congress to raise the $19.8 trillion debt limit with no strings attached by the end of September. And Senate Majority Leader Mitch McConnell and Speaker Paul Ryan - well aware they need Democrats to pass any debt bill through the Senate - are on board, albeit begrudgingly so.

"But beyond the leadership, there are few Republican takers, at least so far. GOP lawmakers in both chambers of Congress are calling for any debt ceiling hike to be accompanied by spending cuts or fiscal reforms - the same demand they made repeatedly during Barack Obama's two terms. That means McConnell (R-Ky.) and Ryan (R-Wis.) will have to rely on Democrats and enough moderate Republicans to help them avert a financial catastrophe by Sept. 29, the day Treasury exhausts its borrowing authority and the very last day for Congress to act." http://politi.co/2u2TVGK

-- AP: "Bipartisan Senate bill aims to protect special counsel's job": "Two members of the Senate Judiciary Committee are moving to protect Special Counsel Robert Mueller's job, putting forth new legislation that aims to ensure the integrity of current and future independent investigations. Republican Sen. Thom Tillis of North Carolina and Democratic Sen. Chris Coons of Delaware plan to introduce the legislation Thursday. The bill would allow any special counsel for the Department of Justice to challenge his or her removal in court, with a review by a three-judge panel within 14 days of the challenge. The bill would be retroactive to May 17, 2017 - the day Mueller was appointed by Deputy Attorney General Rod Rosenstein to investigate Russian meddling in the 2016 election and possible ties to Donald Trump's campaign." http://nydn.us/2fbmhfD

THE JUICE ...

FIRST IN PLAYBOOK: WILL ALLISON TO ARIZONA FOR SEN. JEFF FLAKE'S REELECTION -- Will Allison is heading back to the campaign trail to run the comms

operation for Flake's reelection bid. Allison was press secretary for Sen. Ron Johnson's (R-Wis.) successful re-election bid in 2016. He has also worked for the North Carolina Republican Party when Sen. Thom Tillis (R-N.C.) won in 2014. In the House, Allison has worked for Tom Price and Paul Ryan. **FLAKE** is in a food fight, of sorts, with the Trump administration. He published a book sharply critical of the White House, and the administration responded by saying Flake would be serving his constituents better if he more focused on governing and not attacking the president. Allison's role was in the works before the tiff between Flake and the White House.

--SPOTTED: Sen. Ted Cruz (R-Texas) and John Bolton having dinner last night at Capital Grille.

HOT VIDEO: STEPHEN MILLER VS. JIM ACOSTA -- @jayrosen_nyu: "Hard to find a better clip for White House press corps as objets d'hate. Let it run and you will see what I mean." ***7-min. video*** http://bit.ly/2f9OhjP

Playbook Reads

PHOTO DU JOUR: CNN senior White House correspondent Jim Acosta waits to be called on by senior adviser Stephen Miller at a press briefing Aug. 2. | Chip Somodevilla/Getty Images

DOJ WATCH -- "DOJ: Affirmative action case a limited one," by Michael Stratford: "An internal Justice Department posting seeking lawyers for 'investigations and possible litigation' relating to university affirmative action policies was a call for volunteers to work on a single complaint filed by Asian-American groups accusing Harvard University of racial bias in admissions, not a sweeping policy change, a department spokeswoman said Wednesday. The internal document, described in a New York Times report on Tuesday evening, set off a torrent of speculation - and concern from many civil rights and higher education groups - that the Trump administration was preparing to sue universities over their affirmative action policies.

"'The posting sought volunteers to investigate one administrative complaint filed by a coalition of 64 Asian-American associations in May 2015 that the prior Administration left unresolved,' Justice Department spokeswoman Sarah Isgur Flores said in a statement. 'The complaint alleges racial discrimination against Asian Americans in a university's admissions policy and practices.'" http://politi.co/2u6aFRQ

-- BOSTON GLOBE: "The majority of Harvard's incoming class is nonwhite," by Deirdre Fernandes: "For the first time in Harvard University's history, the majority of students accepted into the incoming freshman class are not white, a milestone for an institution that prides itself on educating future presidents, CEOs, and world leaders." http://bit.ly/2vrR4uK

BANNON BEAT -- "A Vatican Shot Across the Bow for Hard-Line U.S. Catholics," by NYT's Jason Horowitz in Vatican City: "Two close associates of Pope Francis have accused American Catholic ultraconservatives of making an alliance of 'hate' with evangelical Christians to back President Trump, further alienating a group already out of the Vatican's good graces. The authors, writing in a Vatican-vetted journal, singled out Stephen K. Bannon, Mr. Trump's chief strategist, as a 'supporter of an apocalyptic geopolitics' that has stymied action against climate change and exploited fears of migrants and Muslims with calls for 'walls and purifying deportations.' The article warns that conservative American Catholics have strayed dangerously into the deepening political polarization in the United States.

"The writers even declare that the worldview of American evangelical and hard-line Catholics, which is based on a literal interpretation of the Bible, is 'not too far apart' from jihadists. It is not clear if the article, appearing in La Civiltà Cattolica, received the pope's direct blessing, but it was extraordinary coming from a journal that carries the Holy See's seal of approval. There has apparently been no reprimand from the pope, who is not shy about disciplining dissenters, and La Civiltà Cattolica's editor has promoted the article nearly every day since it was published in July. ... Mr. Bannon, a former altar boy who once articulated his worldview to a Vatican conference, wrote in a brief email that the pope's associates 'lit me up.'" http://nyti.ms/2u2l2lg

-- "Trump Keeps His Conservative Movement Allies Closest," by NYT's Jeremy W. Peters: "Every Friday afternoon the White House sends an email to movement leaders called 'The Trumpet,' which lists the latest events and achievements that conservatives might find of interest and asks for their help in promoting the president's policies. 'Please publicly push for tax reform that is simpler and fairer, that provides middle-class tax relief,' one email implored last month. There are small Oval Office gatherings, dinners with the president at the White House, regular strategy sessions with his senior staff, meetings with Vice President Mike Pence in his office and at his Naval Observatory residence." http://nyti.ms/2umll9Z

FOR STEPHEN MILLER -- "Trump plan to hire 15,000 border and immigration personnel isn't justified, federal watchdog says," by WaPo's Lisa Rein: "A report released this week by the DHS inspector general concludes that based on its rigorous screening requirement for law enforcement jobs and the relatively high rate of attrition among Border Patrol agents, Homeland Security would have to vet 750,000 applicants to find 5,000 qualified personnel. In addition, to hire the 10,000 Immigration and Customs Enforcement agents the president called for in executive orders he issued in his first days in office, a pool of 500,000 candidates would need to apply, auditors found. The report calls into question whether DHS officials even need 15,000 new hires to target undocumented immigrants. Agency leaders have done such poor planning for what their workforce should look like, with an understaffed, poorly trained human resources operation, that they cannot justify thousands of new employees, the report says." http://wapo.st/2vryZg6

INSIDE THE ROOM -- NYT A1, "Under Trump, a Hollowed-Out Force in Syria Quickly Lost C.I.A. Backing," by Mark Mazzetti, Adam Goldman and Mike Schmidt: "The end came quickly for one of the costliest covert action programs in the history of the C.I.A. During a White House briefing early last month, the C.I.A. director, Mike Pompeo, recommended to President Trump that he shut down a four-year-old effort to arm and train Syrian rebels. The president swiftly ended the program.

"The rebel army was by then a shell, hollowed out by more than a year of bombing by Russian planes and confined to ever-shrinking patches of Syria that government troops had not reconquered. Critics in Congress had complained for years about the costs -- more than $1 billion over the life of the program -- and reports that some of the C.I.A.-supplied weapons had ended up in the hands of a rebel group tied to Al Qaeda further sapped political support for the program.

"While critics of Mr. Trump have argued that he ended the program to curry favor with President Vladimir V. Putin of Russia, there were in fact dim views of the effort in both the Trump and Obama White Houses -- a rare confluence of opinion on national security policy." http://nyti.ms/2vuMJaY

****** **A message from Morgan Stanley** : Starbucks debuted a sustainability bond in international markets that supports ethically sourced supply chains and financial and educational support for farming communities. Strong investor interest demonstrated the extent to which institutional bond buyers support social and environmentally responsible behavior by corporations. Read more from Morgan Stanley. ******

DEPT. OF YA CAN'T MAKE IT UP! -- "Sources: Michael Grimm eyes return to Congress," by NY1's Grace Rauh: "For months now, there has been talk that Michael Grimm would try to get back into politics. But in recent days, he seems to be more definitive about his plans.

"Sources told NY1 that Grimm is beginning to let a small number of political leaders on Staten Island know that he intends to run for Congress. Any campaign would be a challenge for someone in Grimm's position; he spent seven months in federal prison for tax fraud, and he was released in May of 2016. Grimm also made headlines for threatening a NY1 reporter, Michael Scotto, with physical violence in 2014, saying he would throw Scotto off a balcony and break him in half while they spoke at the Capitol in Washington.

"I spoke with Grimm on Wednesday afternoon and he insisted he has not made any decisions yet on his political future. But he did say that there are people who would like to see him run, and he said he plans to return to public office one day." http://bit.ly/2v16gNd

-- JOHN BRESNAHAN and Jake started hearing murmurs of this Wednesday afternoon, and began making calls about it. There is truth to it, and it's clear that GOP leaders in Washington don't want to see a sitting member get a primary challenge.

Especially by Grimm, who spent years in prison and threatened to throw a reporter off a balcony. Remember, this district is only slightly Republican. It was held by Democrat Michael McMahon from 2009 to 2011. (McMahon is now the county district attorney.) GOP-on-GOP fighting is obviously not good for the party.

-- ONE MORE, YA CAN'T MAKE IT UP: "Marc Kasowitz, Trump Lawyer, Also Represents a Russian Bank," by NYT's Andrew Kramer in Moscow. http://nyti.ms/2uYb1bl

-- FLASHBACK -- BuzzFeed, March 23, "Trump's Longtime Lawyer Is Defending Russia's Biggest Bank," by Anthony Cormier, Jeremy Singer-Vine and John Templon: http://bzfd.it/2uY3ee0

HMM -- "Trump nominee Sam Clovis blasted progressives as 'race traders' and 'race traitors' in old blog posts," by CNN's Andrew Kaczynski and Paul LeBlanc: "Sam Clovis, President Donald Trump's nominee to be the Department of Agriculture's chief scientist, maintained a now-defunct blog for years in which he accused progressives of 'enslaving' minorities, called black leaders 'race traders,' and labeled former President Barack Obama a 'Maoist' with 'communist' roots." http://cnn.it/2hpzrGp

HOLLYWOODLAND - "HBO Security Contractor: Hackers Stole 'Thousands of Internal Documents,'" by Variety's Janko Roettgers: "The HBO hack may have been worse than the initial leaks of a few unaired TV show episodes suggested. ... The disclosure came as part of a DMCA take-down notice sent to Google Tuesday to force the search engine to take down links to the leaked files. The take-down notice also detailed that the hackers did away with 'masses of copyrighted items including documents, images, videos and sound.' ... The hackers appear to have also leaked personal information of a senior HBO executive." http://bit.ly/2wnuEYA

MEDIAWATCH -- "Confusion, anger inside Fox News over lack of answers in network's Seth Rich probe," by CNN's Oliver Darcy: "According to half a dozen people spread throughout Fox News ... all this has left employees at the network wondering what is going on with the investigation -- and why there has not been an announcement either of disciplinary action or a finding that there was no wrongdoing. 'People need to start getting canned over the [Seth Rich] thing,' an employee told CNN. ... [E]mployees recognize the secretive nature that has characterized the probe into the Rich story, and lack of disciplinary action, seems to fit into the normal operating procedures for Fox News." http://cnnmon.ie/2hq7Kxe

-- LEWANDOWSKI AND BOSSIE'S UPCOMING BOOK - Per Hadas Gold in Morning Media: "Last year Ken Vogel and I reported that Lewandowski had a $1.2-million offer from HarperCollins to write a book chronicling his time running Trump's presidential campaign, but the publishing giant backed away from the deal amid concerns about Lewandowski's nondisclosure agreement. The tentative title then, which Lewandowski denied he was shopping around: 'Let Trump be Trump' [with the subtitle: 'The Inside Story of His Rise to the Presidency']. That's the same title of the book to be released in

December by Lewandowski and former campaign aide David Bossie." ***Pre-order -- $27 on Amazon*** http://amzn.to/2faPs28

Playbookers

SPOTTED: former national security adviser Susan Rice last night at Red Hen in DC having dinner at a window table ... Merrick Garland at a screening of "Dunkirk" at the Smithsonian Air and Space Museum ... Sen. Susan Collins (R-Maine) dining with friends last night at Tosca, where she was "greeted by spontaneous applause and emotional words of support. ... Total strangers in the restaurant. People approached her - shyly - to thank her for her courage. Everything stopped in the restaurant as she exited. Then people burst into applause," per our tipster.

SPOTTED last night at Capital Grille at a new private quarterly dinner series hosted by Michael Hardaway to bring together senior Hill staffers of both parties, admin officials and lobbyists: Lance Williams, lobbyist for BP and an Obama Treasury alum, Kyle McEneaney of the World Bank and Chris Randle, LD for Rep. Hakeem Jeffries (D-N.Y.).

TRANSITIONS -- Amy Shepard has joined the Good Food Institute as general counsel and director of finance. She is an alum of the SEC, Freddie Mac, and the Air Conditioning, Heating, and Refrigeration Institute. ... **Joe Ellis** has been named VP and head of U.S. government affairs at BP. Since January 2014, he has been the head of state and local government affairs for the energy giant. ... **Lauren Sinclair** has started as media manager at the start up think tank the Social Progress Imperative. She most recently was director of social media at Ogilvy.

WELCOME TO THE WORLD - Joe Brettell, manager of external engagement at Apache Corporation and a FleishmanHillard and CRC alum, and **Erica Brettell,** who helps spearhead anti-domestic abuse non-profit Lindsay's Light, email friends and family: "We are pleased and proud to announce the arrival of Caleb James Brettell, born [Wednesday] at 1:45 p.m. with measurements of 7lbs 13oz, 19 inches long. As we determined names, Caleb has been the first choice of his oldest brother from the beginning. This past weekend, Parker, still not certain he'd made the case, hand drew a multi-page book, 'Welcome baby Caleb', an original work that gave the new kid an introduction to all people and animals in the house. It was a closing message that would have made any political ad maker proud. ... We are blessed, happy, pleased...and tired." One of the Brettells' first congratulatory calls came from Erica's former boss, Sen. Jim Inhofe (R-Okla.). ***Instapics*** http://bit.ly/2hqVvke ... http://bit.ly/2faNILZ

BIRTHWEEK (was yesterday): Kristin Carvell Hardwick, head of comms for Gas Power Systems at GE Power ... Gigi B. Sohn, fellow at the Open Society Foundations and an FCC alum

BIRTHDAY OF THE DAY: Jacob Weisberg, chairman and editor-in-chief of the Slate

Group. **How he got his start in journalism:** "I spent the summer before college at The Washington Monthly working on a story about potholes. Charlie Peters would send the interns out for quarts of Miller and explain to us how government really worked." Read his Playbook Plus Q&A: http://politi.co/2u6WZWo

BIRTHDAYS: Joe McLean, president of the Crockett Policy Institute ... Josh Cherwin is 4-0 (baby girl tip: Stella) ... Politico's Nick Juliano and Rachana Pradhan ... The Parkinson twins: ABC News' John Parkinson and Scott Parkinson, executive director of the Republican Study Committee ... ABC News' Ben Siegel (h/ts Arlette Saenz) ... WaPo's Gene Park ... Charles Dharapak, AP deputy news director for production and presentation in the Asia-Pacific based in Bangkok and former WH photographer (h/ts Ben Chang and Peter Watkins) ... Allison Haley ... Rick Murphy, partner at Forbes Tate Partners (h/t Liz Johnson) ... Michael Frazier ... Addison Smith, partner at Sphere Consulting ... Emily Goldberg, Politico's newest web producer (h/t Zach Montellaro) ... Jordan Burke, Uber's head of market and consumer research ... Claire Olszewski ... Julia Fahl ... Bradley Brooks, Reuters Brazil chief correspondent ... Jennifer Swanson ... Ann Davison, director at PricewaterhouseCoopers Public Sector (h/ts Jon Haber) ... Tom Freedman, president of Freedman Consulting, LLC ... NPR's Joe Ruiz ... Josh Greenman, op-ed editor at the N.Y. Daily News, is 44 ... Ken Nahigian is 46 ... Sen. Chris Murphy (D-CT) is 44 ... former Sen. Roland Burris (D-Ill.) is 8-0 ... Jeff Dressler, national security adviser for House Majority Leader Kevin McCarthy ...

... James Wegmann, the indomitable spox for Sen. Sasse who raises the Jolly Roger even when the Pirates lose (h/t Matt Lloyd) ... Tom Qualtere, comms director for Rep. Mike Kelly (R-Pa.) (h/t Dan Swartz) ... former Puerto Rico Gov. Alejandro Javier Garcia Padilla ... Ed Carberry ... Alex Mackler ... Allison Abner ... Jonathan Young ... Bernadette Meehan, executive director of international programs at the Obama Foundation and a former Foreign Service officer (h/ts Ben Chang and Steve Clemons, filing from Sydney) ... Karin Walser ... Erikka Knuti ... Graham MacGillivray of C-SPAN ... Andrew Craft of Fox News ... Alberto Pimienta ... Roger Kodat ... Ryan Mackenzie ... Robin Joy Robinson ... Jessica Ennis, senior director of Bravo Group, Inc. ... Drew Brophy ... Brian Kateman ... Matt Compton ... Kenneth Grubbs ... Vicki Cram ... Katie Todd Reilly ... Walter Bishop ... Matthew Foldi is 21 ... City Journal editor Brian Anderson ... Aaron Lewis ... Michael Hilder ... Laura Schneider ... Joe Peyronnin ... Nancy E. Smith ... Krista Lane ... Doug Burnett ... Doug Haddow ... Tom Parker (h/ts Teresa Vilmain)

****** **A message from Morgan Stanley** : Major global companies like Starbucks are increasingly focused on the sustainability of their supply chain. Why? Because issues like the sourcing of coffee and its environmental footprint are increasingly meaningful to its customers. Starbucks' sustainability bonds ($500 million in 2016 and ¥85billion this year) create a financial virtual cycle: What's good for coffee growers is good for Starbucks; what's good for Starbucks is good for investors; what's good for investors is good for 1 million people in coffee communities around the world. Innovation in the bond market provides companies with opportunities to identify ways to drive sustainability throughout the business and engage with investors who are interested in supporting those efforts. Read more from Morgan Stanley. ******

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Subject: Aug. 01 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

August 01, 2017 - Number 146

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
New Jersey SIP/Regional Haze
AIR

Proposed rule of the EPA would approve a revision to the New Jersey SIP for regional haze. The revision includes a five-year progress report toward reasonable progress goals (RPGs) for regional haze and a determination of adequacy of the existing regional haze SIP. The progress report specifies that the state has implemented the necessary measures and that visibility in federal Class I areas affected by the state's emissions is improving and meets the applicable RPGs for 2018. Comments are due Aug. 31, 2017. Contact: Robert Kelly; EPA, Air Programs Branch; 212-637-4249; kelly.bob@epa.gov. Citations: 40 CFR 52

82 FR 35734 (08/01/2017)

Regulatory Update

AIR
New York SIP/Regional Haze
AIR

Proposed rule of the EPA would approve a revision to the New York SIP for regional haze. The revision includes a five-year progress report toward reasonable progress goals (RPGs) for regional haze and a determination of adequacy of the existing regional haze SIP. The progress report specifies that the state has implemented the necessary measures and that visibility in federal Class I areas affected by the state's emissions is improving and meets the applicable RPGs for 2018. Comments are due Aug. 31, 2017. Contact: Robert Kelly; Air Programs Branch; 212-637-4249; kelly.bob@epa.gov. Citations: 40 CFR 52

82 FR 35738 (08/01/2017)

Regulatory Update

FOOD SAFETY
Modernization of Poultry Slaughter Inspection
FOOD SAFETY

Notice of the Food Safety and Inspection Service announces the submission of a continuing information collection request to the OMB concerning the modernization of poultry slaughter inspection to address standard operating procedures or other prerequisite programs and written procedures. The collection addresses maintenance of programs for prevention of contamination of carcasses and parts by enteric pathogens and by fecal matter throughout the entire slaughter and dressing operation, including microbial test results, documentation of prevention of carcasses afflicted with septicemia and toxemia from entering a chiller, and records that document that the products resulting from slaughter operations meet the definition of ready-to-cook poultry. The collection also addresses requirements for establishments to submit annual attestation of maintenance of a program to monitor and document work-related conditions of establishment workers. Comments are due Aug. 31, 2017. Contact: Gina Kouba; FSIS, Office of Policy and Program Development; 202-720-5627

82 FR 35743 (08/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Mariana Islands/Training and Testing Study Area
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Department of the Navy to prepare a supplemental environmental impact statement/overseas environmental impact statement for the Mariana Islands Training and Testing Study Area. A prior EIS (80 FR 46252; 08/04/2015) assessed the impact of military readiness activities on the study area, composed of the existing Mariana Islands Range Complex (MIRC), areas on the high seas to the north and west of the MIRC, a transit corridor between the MIRC and the Hawaii Range Complex, and Apra Harbor and select Navy pierside and harbor locations. The current supplemental EIS will assess ongoing and future military readiness activities conducted at sea and on Farallon de Medinilla within the study area beyond 2020. The current EIS also will incorporate new information available after the release of the 2015 EIS, including an updated acoustic effects model, updated marine mammal density data, and other best available science. Comments are due Sept. 15, 2017. Contact: Department of the Navy, Naval Facilities Engineering Command Pacific; 808-472-1007

82 FR 35767 (08/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oregon/Calf Copeland Restoration Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the U.S. Forest Service to prepare an environmental impact statement regarding the Calf Copeland Restoration Project in the Umpqua and Diamond Lake districts of the Umpqua National Forest in Oregon. The project would use timber harvest, noncommercial thinning, and prescribed fire to reduce stem densities and improve the fuel profiles in plantations and in older stands with sugar pine or ponderosa pine. The project also

would place shaded fuel breaks along roads to help manage wildlife to reduce the risk of stand replacement fire in the remaining late-successional and old-growth stands. In addition, the project would provide log placement in lower Calf Creek to improve stream conditions, restore two wetlands, and possibly decommission or close roads to improve watershed conditions. The issuance of a draft EIS is scheduled for December 2018, and the issuance of a final EIS is scheduled for July 2019. Comments are due Aug. 31, 2017. Contact: Richard Helliwell; USFS; 541-957-3337; rhelliwell@fs.fed.us

82 FR 35745 (08/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oregon/Wallowa Lake County Service District Hydro Station Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces receipt of an application by Wallowa Resources Community Solutions Inc., of Enterprise, Ore., to construct the Wallowa Lake County Service District Hydro Station Project, a qualifying conduit hydropower facility near Joseph, Ore. The project would consist of a new 20 kilowatt impulse turbine and induction generator and a 13-by-14-foot powerhouse. The project would be located along the existing State Park Spring municipal water pipeline and have an estimated annual generating capacity of 149,000 kilowatt-hours. Motions to intervene are due Aug. 24, 2017. Comments are due Sept. 8, 2017. Contact: Christopher Chaney; FERC; 202-502-6778; Christopher.Chaney@ferc.gov

82 FR 35773 (08/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Texas/Kinder Morgan US, Mexico Border Natural Gas Facilities
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of an application by Kinder Morgan Border Pipeline, of Houston, to amend its current authorization under Natural Gas Act Section 3 and presidential permit to increase the design capacity of the company's border facilities from approximately 300 million cubic feet per day (MMcf/d) to 450 MMcf/d. FERC will complete an environmental assessment or issue a notice of schedule for environmental review by Oct. 23, 2017. Comments are due Aug. 15, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 35770 (08/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Wisconsin/Cross-Media Electronic Reporting
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces approval of a request from Wisconsin concerning cross-media electronic reporting requirements. The approval authorizes the state to revise its EPA-authorized

programs to allow electronic reporting as part of its programs regarding state implementation plans, NESHAPs, operating permit programs, NPDES permitting, drinking water, underground injection control, hazardous waste, underground storage tanks, general pretreatment standards, and state sludge management programs. The drinking water rule approval is effective Aug. 31, 2017, if no hearing requests are received by that date. The remaining approvals are effective Aug. 1, 2017. Contact: Karen Seeh; EPA, Office of Environmental Information; 202-566-1175; seeh.karen@epa.gov. Citations: 40 CFR 52, 62, 63, 70, 123, 142, 145, 239, 271, 403, and 501

82 FR 35777 (08/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Gas Pipeline Rates/Capacity Reports and Index of Customers

OIL AND GAS INDUSTRY

Notice of FERC announces the submission of a continuing information collection request to the OMB regarding gas pipeline rates, capacity reports, and index of customers (FERC-549B). The collection gathers an index of customer reports from pipeline operators on a quarterly basis and requires operators to post information concerning capacity and flow online. The collection also gathers a capacity report concerning firm and interruptible services and an annual report concerning peak day design capacity or the actual peak day capacity achieved. Comments are due Aug. 31, 2017. Contact: Ellen Brown; FERC; 202-502-8663; DataClearance@FERC.gov. Citations: 18 CFR 284

82 FR 35774 (08/01/2017)

Regulatory Update

RADIATION

Nuclear Power Reactors/Upgrades to Digital Instrumentation and Control Systems

RADIATION

Notice of the NRC announces an extension of the comment period for a draft regulatory issue summary (RIS) announced in a July 3, 2017, notice (82 FR 30913). The RIS supplements the Electric Power Research Institute/Nuclear Energy Institute Joint Task Force report on guidance concerning licensee upgrades to digital instrumentation and control systems (NEI 01-01). The RIS also clarifies the performance and documentation of technical evaluations and documented qualitative assessments to comply with requirements regarding changes, tests, and experiments. Comments now are due Aug. 16, 2017. Contact: Tekia Govan; NRC, Office of Nuclear Reactor Regulation; 301-415-6197; tekia.govan@nrc.gov. Citations: 10 CFR 50.59

82 FR 35827 (08/01/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Tue 9/19/2017 10:48:45 AM
Subject: The Morning Headlines from InsideEPA.com -- September 19, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

September 19, 2017

Latest News

Facing Uncertainty, SAB Invites Pruitt To Discuss 'Ongoing Future Role'

Fearing the Trump administration may decide to sidestep seeking its advice, EPA's Science Advisory Board (SAB) is making the case to Administrator Scott Pruitt to continue using the board, inviting him to attend an upcoming meeting to share his views of the panel's future role while reminding him of some of SAB's past reviews.

NRC Raises Jurisdictional Questions Over EPA Uranium Groundwater Rule

Nuclear Regulatory Commission (NRC) staff says EPA's re-proposed groundwater protection rule for uranium in-situ recovery (ISR) mining reaches beyond the agency's jurisdictional authorities, by encroaching on NRC's authorities to regulate the activity and applying the wrong statutory authority in an attempt to protect potential future groundwater uses.

EPA Sidesteps State Request For Update On ESA Pesticide Framework

EPA is sidestepping calls from state regulators who are pressing the agency on whether it will meet a year-end court deadline for completing the first three consultations under a new federal framework for assessing pesticides' risks to endangered species after industry groups earlier this year urged the agency to scrap the process, calling it overly conservative and unrealistic.

Trump Officials See Budget Gain, Rule Reforms, Speeding DOE Cleanups

Trump administration officials say plans to increase funds for the Energy Department's (DOE) massive cleanup program by almost $500 million next year, as well as eased regulatory requirements, will allow them to speed cleanups, a change from the prior administration which warned of a significant gap between regulatory mandates and available funds.

Long Delay Expected For EPA Action On Low-NOx Heavy-Duty Truck Rule

EPA is expected to take a long delay before officials begin developing an ultra-low nitrogen oxide (NOx) standard for heavy-duty trucks, which the agency late last year

agreed to pursue in response to a petition by California and other state clean air agencies as well as environmental groups.

Daily Feed

Our most read: budget talk, plus enforcement, TSCA and EPA's science

The House wants to cut agency funding in FY18, and the pushback begins.

City seeks high bar for EPA to set strict CWA permit limits

Seeking to overcome the deference courts have shown EPA permit writers, a Massachusetts city says the permit limits EPA set for its wastewater treatment plant are "irrational."

EPA seeks to continue truck suit pause

Even though EPA is not staying the rule's implementation, it is expected to roll back requirements on trailers and glider kits that will increase emissions by an estimated 10 percent over what the Obama administration had sought.

EPA opens comment on plan to retain SO2 standard

The public will now have a chance to comment on EPA staff's recommendation to retain the primary federal SO2 limit.

Ewire: Administration softens Paris withdrawal position

Several top officials said that the U.S. could remain in the agreement "under the right conditions."

Environmentalists file FOIA request over aircraft GHG rule

The regulation is listed as an "inactive action" in the White House's latest regulatory plan, even though agency science advisers said in late June that the agency was continuing the develop the rule.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/3/2017 6:29:05 PM
Subject: Bishop: 'Silly' to delay sportsmen's package over silencer provision

By Anthony Adragna

10/03/2017 02:26 PM EDT

House Natural Resources Chairman Rob Bishop told reporters today it would be "silly" to remove provisions in a broad sportsmen's package, H.R. 3668 (115), loosening restrictions on purchasing gun silencers even after the nation's worst shooting massacre in modern history.

"The suppressor part actually helps people," he said. "To remove it, you're not helping anybody out. That would be silly to do that."

He added: "If that's a hang up, that's sad that that's a hang up."

GOP sources previously told POLITICO the Las Vegas shooting would derail consideration of the Sportsmen's Heritage and Recreational Enhancement Act at least in the short term.

Bishop said he'd been told by leadership the legislation would get a floor vote "soon," but said he'd never been given a specific date. But the Utah Republican said he hadn't spoken to them about the matter this week.

"To get a floor vote for things, I would strip naked if I had to," he said.

WHAT'S NEXT: Republican sources have previously indicated the SHARE Act is unlikely to get a floor vote in the near future.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/bishop-silly-to-delay-sportsmens-package-over-silencer-provision-093843

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/30/2017 12:38:34 AM
Subject: Aug. 29 -- Energy and Climate Report



Energy and Climate Report

August 29, 2017 - Number 167

News

Energy
Argentina OKs Hydroelectric Dams, Halts Nuclear Plan in Patagonia
Argentina gave the final go-ahead to build two hydroelectric dams in southern Patagonia, as a province in that area said it was dropping plans to build a nuclear power plant due to community resistance.

Energy
Biofuels Fight Could Deepen as Refinery Losses Mount, Icahn Says
Billionaire Carl Icahn says an oil industry push for structural change to the U.S. biofuels mandate will persist, raising the prospect of legal action, even if the Environmental Protection Agency denies refiner requests.

Energy
Duke Energy Could Double Florida Solar Power as it Drops Nuclear Plans
Duke Energy could double Florida's solar power as part of a deal with clean energy advocates and business groups.

Oil & Gas
Hurricane Harvey Challenges Response to Energy Facility Incidents
Exxon Mobil's Baytown Refinery near Houston was damaged by Hurricane Harvey, the company told regulators, adding to the number of storm-related incidents challenging officials as feet of rain continue to fall in the state.

Oil & Gas
Shell Sued by Group Alleging Climate Change Risk Ignored
Shell Oil is the second target of an environmental organization that is suing oil and gas companies for allegedly not preparing for climate change impacts at their New England coastal terminals.

Renewable Energy
Brazil Auction Shows Most Renewable Projects Viable, Groups Say
Brazil's first auction in which wind and solar developers could cancel future power contracts showed that the majority of their projects are economically viable, their associations told Bloomberg BNA.

Renewable Energy
Jordan Plans to Boost Renewables Almost Five Times by 2020
Jordan plans to boost its capacity to produce renewable energy by almost five times in the

next three years, with several projects set to be announced in the next few months, according to Abdel Fattah Daradkeh, director general of the country's National Electric Power Co.

Renewable Energy

Saudi Arabia Tenders for First Wind Power Plant to Cut Oil Use

Saudi Arabia, the world's biggest exporter of crude oil, is seeking bids for its first utility-scale wind power project as part of the kingdom's plan to wean its economy off oil.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Fri 11/3/2017 2:04:22 PM
Subject: POLITICO's Morning Transportation: New drone pilot program takes off — Problem Solvers hold out hope for an infrastructure solution in tax plan — Tax plan treads lightly on commuter tax benefit

By Tanya Snyder | 11/03/2017 10:00 AM EDT

With help from Stephanie Beasley and Brianna Gurciullo

TAKING OFF: DOT rolled out its new drone pilot program Thursday, putting a draft notice in the Federal Register that outlines how to apply. The final notice will go up next week. The roll-out shindig, featuring drone industry members, public officials and others, was at DOT headquarters, with speakers including: FAA Deputy Administrator Dan Elwell, FAA Administrator Michael Huerta, New Mexico Gov. Susana Martinez, Sen. John Hoeven (R-N.D.), Rep. Jeff Denham (R-Calif.), AUVSI President and CEO Brian Wynne, Florida Power & Light's David Herlong, Deputy U.S. Chief Technology Officer Michael Kratsios and Transportation Secretary Elaine Chao.

Tl;dr: Huerta said the best applications "will have a well-defined framework for federal and non-federal entities in managing drone flights" and will "have a strong industry partner on board to help explore innovative operations that the FAA currently restricts, like flights beyond visual line of sight, flights at night or flights over people." DOT will pick at least five communities once all applications are in.

THANK GOD IT'S FRIDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Tanya has her bike helmet on and is ready to roll, so be sure to send her your tips, well wishes and random thoughts: tsnyder@politico.com or @TSnyderDC.

"New York City, Old St. Joe, Albuquerque, New Mexico / This old rig is humming and rolling and she's doing fine / If somebody wants to know what's become of this so and so / Tell em' I'm somewhere looking for the end of that long white line." (h/t Ben Lefebvre)

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

TIME CRUNCH? After the Federal Register drone pilot document officially publishes, governments will have 20 days to send in a "notice of intent," or else they won't be able to apply to be in the program this time around.

Workin' hard: In the wake of this year's hurricanes, the FAA "worked overtime to process more than 300 authorizations for drone use in the search, rescue and delivery efforts," Chao said.

And it's worth mentioning: Denham told Chao during his remarks that he and his colleagues "look forward to working with you" on a long-term FAA bill, "as well as this huge infrastructure package that is coming very, very soon."

HOPE SPRINGS ETERNAL: The White House invited members of the infrastructure working group of the Congressional Problem Solvers Caucus over Thursday, following a meeting the group had with Gary Cohn last week. According to one of the attendees, lawmakers renewed their call to combine an infrastructure package with a tax overhaul, even in the face of administration resistance. Rep. Elizabeth Esty (D-Conn.) said she still thinks it could happen - and that it could help turn the tax package from a partisan food fight into a unifying cause with overwhelming support.

IS THERE SOMETHING IN THAT BIG BLACK BAG FOR ME? The GOP tax overhaul plan introduced Thursday would remove a key incentive for employers to offer commuter tax benefits. While employers would still be allowed to either give employees untaxed transportation money as a fringe benefit or to deduct it as pre-tax income from their paychecks, the businesses themselves would not be able to write off the expense. The cap for the transit and parking subsidies (or pre-tax contributions) would still each be $260 per month for 2018. Several well-positioned urban Republicans, including Reps. Pete King of New York, Barbara Comstock of Virginia and Mike Bishop of Michigan, worked hard to keep the benefit.

And... The legislation would also nix private activity bonds. That provision is likely to irk localities that use them for infrastructure upgrades.

THAT NEW SCANNER TECH: TSA has awarded a $4 million contract to Analogic Corporation to develop new 3D baggage scanners. Analogic gets 12 months to develop prototypes of computed tomography scanners with 3D imaging and "advanced threat detection algorithms" for airport security checkpoints. The scanners will be provided to TSA with a two-year warranty. "We are honored to receive this contract, which represents the next step toward CT technology taking a predominant place at airport checkpoints to improve security, airport efficiency and passenger satisfaction," Analogic President and CEO Fred Parks said in a statement.

CBO SCORES SENATE TSA BILL: The Congressional Budget Office released a score for the Senate Commerce Committee-approved TSA reauthorization bill, S. 1872 (115) . CBO estimated that it would cost $16 billion to implement the three-year bill, which would not increase direct spending or affect revenues. The Senate bill would renew TSA authorities for the first time in its history and authorize a total of $24 billion in spending. It includes several provisions aimed at improving airport security including mandates for TSA to expand the PreCheck program, increase its use of bomb-sniffing dogs and to more rapidly deploy new screening technologies.

AIR TRAVEL FROM MIDDLE EAST STILL DRAGGING: Airline traffic between Middle Eastern countries and the United States has not bounced back from the cumulative impact of the Trump administration's bans on in-flight electronics and travel from certain Middle Eastern countries, despite the electronics ban being lifted over the summer, according to the latest International Air Transport Association industry report . The group noted that the 3.7 percent increase in demand Middle East carriers saw in September was the slowest rate of increase since February 2009. "Traffic between the region and the U.S. has fallen for six consecutive months

through August," IATA said.

CALLING FOR BOLLARDS: In the wake of Tuesday's terrorist attack in which a man drove a truck into a bike lane, New York political leaders called for more traffic barriers to separate bike lanes and pedestrian walkways from vehicle traffic. Ydanis Rodriguez, chairman of the City Council's transportation committee, is promoting hit bill requiring the city DOT to install bollards around schools, pedestrian plazas, and high-fatality intersections, reports Conor Skelding. Sen. Kirsten Gillibrand (D-N.Y.) introduced a similar bill in the U.S. Senate on Wednesday. Law or no law, the city started installing dozens of jersey barriers throughout the city on Thursday.

HOUSE BILL WOULD REVIVE TSA AIR CARGO DIVISION: Rep. Bennie Thompson (D-Miss.) introduced legislation, H.R. 4176 (115) , on Thursday that would direct TSA to establish an office for air cargo security and set up a pilot program to expand its use of 3D cargo scanners, among other items. Industry groups such as the Cargo Airline Association and the Airforwarders Association have been pressing TSA to consolidate its air cargo staff into one division, as it had previously, and raised the issue during a House Homeland Security Committee hearing back in July. Thompson, who is the top Democrat on the committee, said in a statement that "the threat of a terrorist attack using air cargo on passenger planes is very real and should not be understated".

TRYING TO KEEP UP: At the drone event, Chao also mentioned self-driving vehicles, saying DOT is starting to revise the guidelines that it published two months ago. "This technology also has tremendous potential to reduce highway fatalities and provide greater mobility for under-served communities, such as the elderly and the disabled," Chao said. "So work is advancing quickly on all these fronts. In fact, it's advancing so quickly that an updated version is already in the works for 'A Vision for Safety 3.0.' And that's how fast technology is changing."

Not driving alone: Finch Fulton, who's deputy assistant secretary for transportation policy at DOT, said at a separate event Thursday that the next iteration of the guidance will include other modes, per Eno's Greg Rogers.

SLICE OF PI: Jeff Bezos' spaceflight company, Blue Origin, has followed lobbyist William Stiers to Maynard Cooper & Gale, where Stiers moved after 20 years with Balch & Bingham. (h/t Politico Influence)

SHIFTING GEARS: The Railway Supply Institute has scrambled its Board of Directors roster after the passing last month of Dan O'Neal, who was set to become vice chair. Now Jason Connell will become the secretary-treasurer, taking the place of Bob Hulick, who will become board vice chair. Jack Isselmann will also serve on the board.

THE AUTOBAHN:

- Amazon to start package delivery by drone - in India. The Economic Times.

- "Etihad pares back U.S. service after split with American Airlines." The Wall Street Journal.

- DOT adviser Jim Ray fills in infrastructure plan details in Tampa. Florida Politics.

- "New Tesla autopilot functions are coming in 'the next several months.'" Futurism.

- "Los Angeles, Long Beach port officials adopt new clean air plan." Press-Telegram.

- "'Keep on riding.' Bicyclists pedal on after deadly terror attack on America's busiest bike path." The Washington Post.

- "Regional Metro funding plan delayed again, leaving outcome in doubt." WAMU 88.5.

- "Behind the scenes: The making of Singapore Airlines' new A380 suites." USA Today.

- "In closing argument, Melgen attorneys tell jurors prosecutors 'are lying to you.'" POLITICO New Jersey.

THE COUNTDOWN: DOT appropriations run out in 36 days. The FAA reauthorization expires in 149 days. Highway and transit policy is up for renewal in 1,063 days.

To view online:
https://www.politico.com/tipsheets/morning-transportation/2017/11/03/new-drone-pilot-program-takes-off-223163

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From: POLITICO
Sent: Wed 11/8/2017 1:10:12 AM
Subject: Breaking News: Murphy wins New Jersey governor's race

Democrat Phil Murphy has won New Jersey's governor's race, defeating Republican Lt. Gov. Kim Guadagno, according to three news networks (ABC, CNN, and NBC) that called the race based on exit polling.

No votes have been reported yet in the race between Murphy, a former executive at Goldman Sachs, and Guadagno. The polls closed at 8 p.m. Murphy held a wide lead in public polling, and unpopular Republican Gov. Chris Christie proved to be a major drag on his former running mate.

See https://www.politico.com/story/2017/11/07/virginia-new-jersey-election-results-2017-244655 for full coverage of today's election.

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From: POLITICO Pro Energy Whiteboard
Sent: Mon 12/4/2017 8:06:05 PM
Subject: Greens sue EPA over missed ozone designation deadline

By Alex Guillén

12/04/2017 03:04 PM EDT

Ten environmental and public health groups today sued EPA for missing a key deadline to implement the 2015 ozone standard.

EPA faced a statutory deadline on Oct. 1 to say which parts of the U.S. were meeting the new ozone standard. Administrator Scott Pruitt said over the summer that he would delay that decision by one year, although he reversed course after several lawsuits were filed. EPA last month issued designations for 85 percent of all U.S. counties which it said met the standard or did not have enough information to decide.

But the agency has remained silent on the remaining 15 percent of the nation, which includes many of the urban and downwind regions that face the worst smog pollution. Any area deemed in "nonattainment" will have to write a plan to reduce ozone-related pollution, and EPA's delay also puts off any requirement for those areas to act.

A coalition of Democratic attorneys general is also expected to sue EPA soon.

EPA has faced similar lawsuits after delaying designations under previous standards — such as the 2010 sulfur dioxide rule, for which environmental groups negotiated a consent decree with the Obama administration that set a series of designation deadlines lasting through 2020.

It's unclear whether a similar deal can be reached here. Pruitt recently issued a directive barring EPA from agreeing to such consent decrees. If EPA resists negotiations, the court may set its own timeline for the agency to act.

WHAT'S NEXT: The environmentalists' suit was filed in the U.S. District Court for Northern California. EPA has not indicated when it may act on the remaining designations.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/12/greens-sue-epa-over-missed-ozone-designation-deadline-192682

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Hadas Gold - POLITICO Media
Sent: Thur 8/3/2017 10:17:11 AM
Subject: Morning Media: Scaramucci to reemerge on Friday -- Brady room brawl -- Fox in talks with Ion media to operate more local stations

By Hadas Gold | 08/03/2017 06:15 AM EDT

With Alex Weprin and Cristiano Lima

BILL SHINE IS TEAMING UP WITH ANTHONY SCARAMUCCI. According to CNN, "Scaramucci will be hosting an online event on Friday where he will address the American people directly. Scaramucci said this daytime event -- which will be broadcast on various live platforms with help from former Fox News co-president Bill Shine -- will give him the opportunity to reach and communicate with the President's base."

Shine is personally close to Scaramucci, and was rumored to be in line for a White House job after he dined with the president, first lady, Scaramucci, Sean Hannity and other Fox News hosts at the White House just last week. Now that Scaramucci is out, it's not clear if that possibility is still in the cards. But Shine, ousted from Fox in May, has found at least one thing to keep him occupied.

--Mike Cernovich and BuzzFeed News acquired and published Scaramucci's "communications plan" for the White House before he was fired by President Trump. The draft memo, which the former Wall Street financier had planned to send out to staff, discussed common priorities for a political communications team, like getting ahead of the news cycle and filling the "content void." But Scaramucci, whose tenure was quickly enveloped in controversy following his explosive interview with The New Yorker where he ripped into Reince Priebus and Steve Bannon, also stressed the importance of "[making] it clear that horn tooting and denigrating colleagues is unacceptable." "The Mooch," as he's widely-known, also discussed the need to "foster better working relationships" with the mainstream media, while repeating his talking points about cracking down on White House leaks. Read their reports here.

--Scaramucci still sees a future for himself in politics, Business Insider's Linette Lopez reports , "especially now that he thinks President Trump owes him a favor for his role in getting rid of former White House Chief of Staff Reince Priebus. This is obviously a gamble, but it's completely in character." Lopez, who has known and reported on Scaramucci for years, goes deep in the profile, exploring who Scaramucci is, where he comes from and why he attached himself to Trump. She also reports that the sale of his firm SkyBridge Capital is still happening, valued at just under $200 million.

Good morning and welcome to Morning Media! I always want to hear from you -- **hgold@politico.com** / **@Hadas_Gold**. **Morning Media** is edited by **Alex Weprin** (**@alexweprin** / **alexweprin@gmail.com**) and produced with writing/reporting help from **Cristiano Lima**. (**clima@politico.com** / **@ludacristiano**). **Archives**. **Subscribe.**

"BRADY ROOM BRAWL" -- that's what The New York Times' Michael Grynbaum called

yesterday's' fireworks-filled briefing with White House senior advisor Stephen Miller about new plans to curb legal immigration. First it was with Times correspondent Glenn Thrush, who asked what research backed up the policy proposal. Miller tried to argue at one point about using common sense as Thrush kept pushing him about statistics studies, leading to Miller lashing out at Thrush saying "maybe we'll make a carve-out in the bill that says the New York Times can hire all the low-skilled, less-paid workers they want from other countries and see how you feel then about low-wage substitution."

Next up was CNN's Jim Acosta, who recited a portion of "The New Colossus," the poem engraved on the pedestal of the Statue of Liberty, and asked about the requirement that an immigrant know English before moving to the U.S. Miller and Acosta argued about what year the poem was added to the Statue of Liberty, before returning to the language issue, with Acosta saying many immigrants learn the language later in life. "Are we just going to bring in people from Great Britain and Australia?" he asked rhetorically.

That's when Miller dropped the money quote: "Jim, I can honestly say I am shocked at your statement that you think that only people from Great Britain and Australia would know English," Miller responded. "Actually, it reveals your cosmopolitan bias to a shocking degree."

More from my colleague Nolan McCaskill here.

-- Keep in mind that it's likely President Donald Trump and his base *loved* watching this. Curbing immigration is Trump's core issue and today's announcement and briefing, was lapped up by Trump's cheerleaders (just check out Ann Coulter's twitter feed). So while reporters might hem and haw about how Miller acted in the briefing room, remember who the true intended audience likely is.

TRUMP LAUNCHES 'REAL NEWS' ON HIS FACEBOOK PAGE, hosted by his daughter-in-law Lara Trump, the series on Facebook launched on Sunday said "Want to know what President Trump did this week? Watch here for REAL news!"

Lara Trump, who formerly worked for "Inside Edition" appears as the video's host in front of a Trump campaign background. In TV-anchor style she offers positive updates about the administration, and notes she'll be back every week. As of Thursday morning Sunday's video has 2.1 million views. More from BuzzFeed here.

FOX IS IN TALKS TO OPERATE LOCAL TV STATIONS WITH ION MEDIA, "potentially paving the way for Fox to dump Sinclair as an affiliate partner," Bloomberg reports. "Closely held Ion would contribute its more than 60 independent stations to the joint venture, while Fox would throw in its 28 local stations, which include big markets such as New York and Los Angeles. As part of the deal, Fox would consider switching its affiliation to Ion from Sinclair for 26 stations that are up for renewal this year."

--Sinclair executives told shareholders on its quarterly earnings call that local news needs *more* consolidation. "Right now there are three to five local players, and to us that doesn't make sense," CEO Chris Ripley said Wednesday during the call, adding that consolidating news

operations would lead to "significant savings." The company also said that it expects its acquisition of Tribune Media to close this year.

DAILY MAIL, HUFFPOST LEAD THE PACK IN JULY FACEBOOK ENGAGEMENT FOR NEWS OUTLETS via Cristiano Lima: New rankings by NewsWhip Analytics place The Daily Mail, BoredPanda, HuffPost and CNN at the top of the class for total engagement by news publishers on the social media network last month. All three outlets cleared the 20 million threshold for Facebook interactions in July, followed closely by NBC, The New York Times, BuzzFeed and Fox News. It is the first time The Mail has led the rankings, which the analytics group attributed to the organization's re-energized "focus on the US market." Breitbart is also in the top 15, just behind the Washington Post. See the full rankings here.

DONALD TRUMP THREATENED TO SUE THE PRODUCERS OF SYFY's SHARKNADO for not casting him as the president, according to The Hollywood Reporter. The filmmakers originally wanted to cast Sarah Palin as president in the third installment of the absurd film series, but when that didn't work out they turned to Trump who accepted the role. A contract was sent, but was followed by silence from the Trump camp. Turns out he was actually planning his very real campaign for president. When the producers decided to move forward with their back up, businessman Mark Cuban, Trump was furious. "[W]e immediately heard from Trump's lawyer," Sharknado studio head David Latt said. "He basically said, 'How *dare* you? Donald *wanted* to do this. We're going to *sue you!* We're going to shut the entire show down!' "

COREY LEWANDOWSKI AND DAVID BOSSIE'S BOOK GETS THE TITLE IT WAS ALWAYS GOING TO HAVE: 'LET TRUMP BE TRUMP.' Last year Ken Vogel and I reported that Lewandowski had a $1.2-million offer from HarperCollins to write a book chronicling his time running Trump's presidential campaign, but the publishing giant backed away from the deal amid concerns about Lewandowski's nondisclosure agreement. The tentative title then, which Lewandowski denied he was shopping around: "Let Trump be Trump." That's the same title of the book to be released in December by Lewandowski and former campaign aide David Bossie.

THE U.S. PRESS FREEDOM TRACKER, WHICH LAUNCHED Wednesday, is the latest collaborative online tool to track violations of press freedom. A joint effort by the Committee to Protect Journalists, the Freedom of the Press Foundation and numerous other press freedom groups, with the help of our former colleague Peter Sterne, the tracker will monitor and document instances of "arrests of journalists," "equipment searches and seizures," "physical attacks on journalists" and "border stops of journalists" in an attempt to shed light on efforts to undermine the freedom of the press. Inspired and funded in part by then-GOP candidate Greg Gianforte's body slam of Guardian reporter Ben Jacobs, and his ensuing $50,000 donation to the CPJ, the group tells WIRED it hopes the database will serve as a tool in the battle against threats to freedom of the press.

REVOLVING DOOR:

-- Susie Banikarim has been named Editorial Director for Gizmodo Media Group

-- MTV and New Republic alum Jamil Smith has joined The Daily Beast as a contributor.

SOUNDBITES: "For those of you who know me, I was very restrained ... I didn't dump the nachos on him or anything, which I think was an option." [Chris Christie]

"The White House had no immediate response to the Boy Scouts' denial." [Associated Press]

TIL: Millennials are getting into antenna TV. [Wall Street Journal]

EXTRAS:

-- Some Fox News staffers are aghast that no action has been taken following the retracted Seth Rich article. [CNN]

-- A former Sputnik reporter says the Russian state-owned news agency pressured him to peddle conspiracy theories surrounding former DNC staffer Seth Rich's murder. [Yahoo]

-- How MSNBC's Kyle Griffin and NBC's Bradd Jaffy came to dominate all our Twitter timelines. [BuzzFeed]

-- Former FBI Director James Comey has inked a multimillion dollar book deal, which publisher Flatiron Books says it will include "some new anecdotes from his career." [POLITICO]

-- While Fox Business claimed the most-watched business network spot for July, rival CNBC saw its worst monthly ratings since 1995. [The Wrap]

-- Despite a profit drop in its second-quarter, Sinclair Broadcasting says its acquisition of Tribune media is still on track. [Baltimore Sun]

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Sent: Sat 10/14/2017 2:49:38 PM
Subject: POLITICO Playbook, presented by Chevron: TRUMP, MCCONNELL to huddle MONDAY, POTUS and Lindsay hanging today -- TRUMP encouraging Bannon to go after incumbents -- ELIANA JOHNSON on Haley -- HILLARY may teach at Columbia -- WEEKEND READS -- B'DAY: Bob Costa

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Today's POLITICO Playbook presented by Chevron

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

Happy weekend. UPDATE: As we told you earlier this week, **PRESIDENT TRUMP** is meeting with **MITCH MCCONNELL** next week. That meeting is scheduled for Monday, as of now. And the topic is the fall legislative agenda.

TRUMP has left the White House with Lindsey Graham, per pooler Chris Johnson of the Washington Blade. Johnson said golf clubs were being loaded into the motorcade.

ATTENTION REPUBLICAN MEMBERS OF CONGRESS: -- WSJ's Mike Bender, Siobhan Hughes and Kristina Peterson: "The president also has urged voters to oust lawmakers who don't support his tax overhaul plan this year; he phoned his former chief strategist, Steve Bannon, to offer encouragement after Mr. Bannon appeared on Fox News on Monday vowing to unseat sitting Republicans who don't actively support the president's agenda, said two people familiar with the call." http://on.wsj.com/2g9ZePm

DONALD TRUMP, OR BARACK OBAMA?, by **PETER BAKER** on A1 of the Saturday Times: "The president was frustrated. Lawmakers were not passing what he wanted. They were 'obstructionists,' he complained. So he took out his pen, signed his name to an order and took action on his own. 'We're taking a little different route than we had hoped because getting Congress - they forgot what their pledges were,' he said.

"The chief executive attacking Congress was President Trump , but his words might have been spoken by President Barack Obama. Mr. Trump has concluded that he cannot wait for a polarized Congress to act, so he is turning to executive power to accomplish what lawmakers will not, in this case erasing the legacy of the Obama years." http://nyti.ms/2iboysE

NOT THE MESSAGE THEY'RE LOOKING TO SEND -- "Mnuchin Says Estate Tax Repeal Will Help 'Rich People' Most," by NYT's Alan Rappeport: "President Trump and Republican leaders have positioned a proposed repeal of the estate tax as a way to help farmers, ranchers and small business owners. But on Friday, Steven Mnuchin, the Treasury secretary, offered a significant concession about who would benefit the most if the so-called death tax disappears: the rich.

"Speaking at the Institute for International Finance conference , Mr. Mnuchin said the estate tax should be eliminated for both philosophical and economic reasons. He said that many taxpayers give the government half their income during their lives and that they should not have to give away a big chunk when they die - even if their families are wealthy.

"'Obviously, the estate tax, I will concede, disproportionately helps rich people,' Mr. Mnuchin said of the administration's proposal to repeal the measure. Mr. Mnuchin's comments contrasted starkly with his boss, President Trump, who pilloried the estate tax in a speech in Indiana last month by saying it is a drag on the working class." http://nyti.ms/2gFeynK

QUOTES OF THE DAY ...

-- JACKSON DIEHL in WaPo, "Bob Corker on Trump's biggest problem: The 'castration' of Rex Tillerson": "'You cannot publicly castrate your own secretary of state without giving yourself that binary choice,' Corker told me in a phone interview Friday. 'The tweets -- yes, you raise tension in the region [and] it's very irresponsible. But it's the first part' -- the 'castration' of Tillerson - 'that I am most exercised about.'"

-- ANOTHER NOTEWORTHY BITE: "'Now that the [World War III suggestion] is out there, [Trump] will do everything in his power to prove that it is not true,' he told me. If so, the senator from Tennessee will have achieved his purpose." http://wapo.st/2xFkVSI

-- SEN. TED CRUZ at the Koch brothers' event in New York, per the WaPo: "Republicans could face a 'Watergate-level blowout' in the midterm elections if they don't make major legislative strides on taxes and health care, invoking the political scandal that brought down Richard Nixon's presidency and set back the GOP considerably in subsequent elections. 'If tax reform crashes and burns, if [on] Obamacare, nothing happens, we could face a bloodbath,' said Cruz, who spoke in a moderated discussion." http://wapo.st/2ynCFRA

WHAT DONALD TRUMP WILL NOT LIKE TO READ -- "NFL not seeking mandate for players to stand during anthem," by Reuters' Frank Pingue: "The NFL said on Friday it has no plans to mandate players stand for the U.S. national anthem, but will rather present a possible solution on how to end the controversial protests when it meets with team owners next week." http://bit.ly/2gEmohH

WHAT AMERICA IS WAKING UP TO -- NAPA VALLEY REGISTER: **"GLIMMER OF**

HOPE AMID DESTRUCTION" http://bit.ly/2ghwAzE ... **PALM BEACH POST,** (with photo of Paul Ryan in San Juan): "Puerto Rico's quagmire blamed on bureaucracy" http://bit.ly/2ibeu2G ... **DALLAS MORNING NEWS:** "Premiums could soar for millions" http://bit.ly/2yoHTg7

HEARTBREAKING -- FROM CALIFORNIA -- "Families Scour Burnt Ruins for Missing in California," by WSJ's Erin Ailworth, Alejandro Lazo, Ian Lovett and Zusha Elinson in Santa Rosa, California: "Family members looking for clues are sifting through the rubble of homes in neighborhoods flattened by fire. They have showed up at evacuation shelters, posted desperate notes on Facebook and filed missing-person reports with the sheriff's office. Investigators comb burned-out homes with dogs trained to locate cadavers and other human remains. More than 1,300 missing-person reports have been filed in Sonoma County alone since the start of the fires -- and more than 1,000 have ended with happy news so far. But ... [f]or now, many families remain in limbo." http://on.wsj.com/2ynPJ9v

-- "Wine Country fire: Huddled in pool amid blaze, wife dies in husband's arms," by San Francisco Chronicle's Erin Allay: "As fire raged all around them and smoke choked their lungs, Carmen and Armando Berriz had no choice but to cling to one another while immersed in a swimming pool behind their rented house on the north edge of Santa Rosa. They held on through the long hours of the night, until the flames that had destroyed the house on the forested cul-de-sac finally began to recede, until the heat was no longer unbearable. And just before daybreak, just as the worst of the inferno had passed, Carmen Berriz stopped breathing. She died in the arms of her husband of 55 years." http://bit.ly/2ie2WMt

--THE LATEST: "Firefighters carve lines around N. Calif. wildfires as death toll goes to 35," by San Francisco Chronicle's Peter Fimrite, Kimberly Veklerov and Jenna Lyons: "Signs of progress cheered battle-weary firefighters Friday after their multipronged attack using helicopters, air tankers and hand crews significantly corralled the deadly fires spreading across Northern California. Firebreaks are now encircling nearly half of each of the two biggest fires in the Wine Country as crews shield the cities of Napa, Calistoga, Geyserville, Sonoma and Santa Rosa.

"The progress was tempered by a rising death toll and new estimates of the destruction: Thirty-five were known to be dead and 5,700 structures destroyed as of Friday night. Two of the fires in California have been contained and five others burned into each other, combining forces. There are now 17 fires burning statewide, including 15 in Northern California, which have blackened 222,000 acres, or about 330 square miles." http://bit.ly/2gjKDod

****** **A message from Chevron:** Advanced technology is helping us find safer ways to deliver energy. We're piloting a program that uses drones to monitor tanks and pipelines. Watch the video: http://politi.co/2yv61yq ******

THE BIG PICTURE -- "In a sudden flurry, Trump looks to deliver for his voters," by

Reuters' Jim Oliphant: "For the moment, U.S. President Donald Trump is going it alone. After weeks of seeing his agenda imperiled by Republican divisions and infighting among his aides, Trump has been a whirl of activity this week, reasserting his campaign priorities and trying to deliver wins for his fervent but frustrated base of supporters.

"Trump took steps to dramatically undercut the Obamacare health system, sent notice he was willing to scuttle the nuclear deal with Iran, moved to roll back coal-plant limits, and again demanded a wall along the Mexican border. And on social media the Republican president appeared to relish his feuds with the news media, senior Republicans in Congress, and National Football League players who have protested during the national anthem.

"In a sense, it was the vintage, freewheeling Trump: throwing red meat to his voter base, following his gut, and haranguing his critics. But by the end of the week, he had made more progress in undoing the policy accomplishments of his Democratic predecessor, Barack Obama, than he had in some time." http://reut.rs/2yJJ3Uq

ON THE PRESIDENT'S MIND -- at 7:18 a.m.: "Health Insurance stocks, which have gone through the roof during the ObamaCare years, plunged yesterday after I ended their Dems windfall!" ... **at 7:27 a.m.:** "Very proud of my Executive Order which will allow greatly expanded access and far lower costs for HealthCare. Millions of people benefit!"

MORE HEALTH CARE FIGHTS LOOMING -- "Trump's Obamacare attack heralds new health-care battles on Capitol Hill," by WaPo's Mike DeBonis and Ed O'Keefe: "President Trump's decision Thursday to cut off crucial health-care subsidies has once again revived the long-running debate over the Affordable Care Act, increasing the potential for a government shutdown in December and making the issue central in next year's midterm elections. ...

"Trump and Republican allies defended the move as removing a giveaway for insurance companies, and they blame rising premiums on fundamental flaws in then-President Barack Obama's signature health-care reform law. But Democrats called it an act of sabotage against the ACA for which the GOP will be held responsible at the polls.

"The dispute sets the stage for another wave of political battles over the nation's health-care system, as Republican lawmakers will need to decide whether to authorize the subsidies through legislation as well as whether to once again attempt a broader repeal of the ACA, popularly known as Obamacare. Democrats could also use a Dec. 8 appropriations deadline to threaten a government shutdown if the subsidies are not restored." http://wapo.st/2ymdX3U

-- BLOOMBERG'S SAHIL KAPUR (@sahilkapur): "As a pure policy matter ending CSRs is the rare example of a lose-lose-lose. Raises the deficit & increases premiums to insure fewer people."

BUSINESS BURST -- FT: "Saudi Aramco considers shelving international IPO," by

Anjli Raval in London, James Fontanella-Khan and Arash Massoudi in New York and Simeon Kerr in Dubai: "Saudi Aramco is considering shelving plans for an international listing in favour of a private share sale to the world's biggest sovereign wealth funds and institutional investors. Talks about a private sale to foreign governments including China and other investors have gathered pace in recent weeks, according to five people familiar with the initial public offering preparations, amid growing concerns about the feasibility of an international listing. The Saudi state oil company has struggled to select a suitable international venue for its shares, as New York and London have vied for what has been billed as the largest ever flotation." http://on.ft.com/2yitAd7

-- MOELIS, the investment bank where Eric Cantor works, was advising the Aramco on its IPO, according to reports earlier this year.

SPOTTED IN SEOUL -- Chad O'Carroll (@chadocl): "'We need to give death to old crazy man @realDonaldTrump' - North Korea flyer I just found in Downtown Seoul" -- ***pic*** http://bit.ly/2xGSmEE

ELIANA JOHNSON: "Nikki Haley was Trump's Iran whisperer": "At a mid-day meeting in the Oval Office in late July, U.N. ambassador Nikki Haley came to President Donald Trump with an offer. Trump had grudgingly declared Tehran in compliance with the 2015 Iran nuclear deal earlier in the month, at the urging of Secretary of State Rex Tillerson and Secretary of Defense James Mattis. Trump hated the deal. But the two men pushed him to certify it, arguing in part that he lacked a strong case for declaring Iran in violation. A refusal to do so would have looked rash, they said, convincing Trump sign off for another 90 days.

"Haley, in that July meeting, which also included National Security Adviser H.R. McMaster and Vice President Mike Pence, asked the president to let her make the case for decertification. 'Let me lay a foundation for it,' she said, according a source familiar with the proceedings. The president agreed. Haley would become the administration's most vocal public proponent of decertification -- and Trump's favorite internal voice on Iran -- further boosting her standing with the president at a time when she is seen as a potential successor to Tillerson, whose tense relationship with Trump has burst into the open in recent days.

"A month after her talk with Trump, Haley flew to Vienna to visit the headquarters of the International Atomic Energy Association, where she pressed officials about Iranian compliance with the deal. ... While many of the president's cabinet members, aides, and advisers work to restrain his impulses, when it came to Iran deal Haley did the opposite-channeling what many Democrats and even some Republicans consider the president's destructive instincts into policy. ... One White House official described the escalating tensions between Tillerson and Haley as reaching 'World War III' proportions." http://politi.co/2xEJomr

THE RUSSIA PROBE ...

-- **"Mueller's team interviewed Priebus on Friday:** 'He was happy to answer all of their questions,' the former White House chief of staff's lawyer said," by Josh Dawsey and Annie Karni. http://politi.co/2giO7HO

-- **"Manafort Had $60 Million Relationship With a Russian Oligarch,"** by NBC News' Aggelos Petropoulos and Richard Engel in London: "An NBC News investigation reveals that $26 million changed hands in the form of a loan between a company linked to Manafort and the oligarch, Oleg Deripaska, a billionaire with close ties to the Kremlin. The loan brings the total of their known business dealings to around $60 million over the past decade, according to financial documents filed in Cyprus and the Cayman Islands. ...

"Manafort's spokesman, Jason Maloni, declined to give specific answers about the loans, but released a statement to NBC News saying, in part, 'Mr. Manafort is not indebted to former clients today, nor was he at the time he began working for the Trump campaign.' He later revised the statement, removing that sentence entirely. It now reads: 'Recent news reports indicate Mr. Manafort was under surveillance before he joined the campaign and after he left the campaign. He has called for the U.S. Government to release any intercepts involving him and non-Americans in hopes of finally putting an end to these wild conspiracy theories. Mr. Manafort did not collude with the Russian government.'" http://nbcnews.to/2gFyxTF

--**"FBI document cache sheds light on inner workings of Russia's U.S. news (and propaganda) network,"** by Yahoo News' Hunter Walker and Michael Isikoff: "On Jan. 23, 2017, the day he started as a Washington correspondent for Sputnik, Andrew Feinberg was emailed a copy of a 'style guide' that laid out the organization's mission. The 103-page handbook for publications of Sputnik's Kremlin-owned parent company, Rossiya Segodnya, made it clear that traditional journalistic neutrality was not the company's mandate. Instead, Sputnik reporters were told they should provide readers 'with a Russian viewpoint' on issues and 'maintain allegiance' to the country." https://yhoo.it/2yk6mRr

FLORIDA MAN -- "David Rivera evades U.S. Marshals," by Matt Dixon in Tallahassee: "While former congressman David Rivera runs for the Florida House, he is also running from the U.S. Marshals Service. The U.S. Marshals have attempted to serve the Miami Republican with a summons tied to a Federal Election Commission lawsuit since July, but have been unable to find him. He's also running for an open 2018 Florida House seat." http://politi.co/2xEJz11

Playbook Reads

PHOTO DU JOUR: President Donald Trump speaks to reporters on the South Lawn of the White House on Oct. 13. | Manuel Balce Ceneta/AP Photo

AP: "Freed family reaches Canada, says kidnappers killed 1 child," by Martin Benedyk, Rob Gillies and Jill Colvin: "Former hostage Joshua Boyle says the Haqqani network in Afghanistan killed his infant daughter and raped his American wife during the five years they were held in captivity." http://bit.ly/2yo3LYr

HILLARY TO MORNINGSIDE HEIGHTS? -- "Hillary Clinton in talks with Columbia University to take on professor role," by N.Y. Daily News' Nancy Dillon: "The former U.S. Secretary of State and presidential nominee is in talks with Columbia University to take on a formal role at the Ivy League -- and potentially house her archives there, multiple sources told the Daily News. One option under discussion is an esteemed 'University Professor' role that would allow Clinton to lecture across a range of schools and departments without the requirement of a strict course load ... A former law professor, Clinton could maintain the vaunted but vague role indefinitely or decide at a later date she wants to settle at Columbia's celebrated law school or maybe the School of International and Public Affairs." http://nydn.us/2z83O8t

PLAYBOOK METRO SECTION -- "Late Justice Antonin Scalia's Virginia Home Sells for $1.4M in Off-Market Deal," by Realtor.com's Lisa Gordon: "The six-bedroom, five-bathroom home in McLean -- just a couple of stoplights and a bridge over the Potomac from Washington, DC -- was sold in July, according to Fairfax County property records. The home ... [is] a brick Colonial with four white pillars in the front and windows with black shutters. Sitting on 1.45 wooded acres, the 3,807-square-foot home has a circular driveway and is shaded by old-growth trees." ***With two pix of the house*** http://bit.ly/2znwyLt

BOB WEINSTEIN SPEAKS -- HOLLYWOOD REPORTER: "Bob, who worked mostly in Los Angeles while Harvey presided over TWC's New York offices, says he's barely spoken to his brother over the past five years. 'I could not take his cheating, his lying and also his attitude toward everyone,' he says. While he says he knew his brother was unfaithful to wife Georgina Chapman, Bob insists he had no idea about 'the type of predator that he was' and is sickened by Harvey's seeming lack of remorse. 'I have a brother that's indefensible and crazy,' says Bob, adding, 'I want him to get the justice that he deserves.'" http://bit.ly/2hGnLvT

HOLLYWOODLAND -- "Weinstein Co. Exploring Sale or Shutdown," by WSJ's Ben Fritz and Erich Schwartzel: "Weinstein Co. is exploring a sale or shutdown and is unlikely to continue as an independent entity, a person close to the company said. The film and television studio's board of directors and other people close to the company have been approached by possible buyers." http://on.wsj.com/2zntmPF

****** **A message from Chevron:** Advanced technology is helping us find better and safer ways to deliver energy to America. We're piloting a program that uses drones, HD imaging, and thermal mapping capabilities to monitor Chevron wells, tanks, and miles of pipeline. Watch the video: http://politi.co/2yv61yq ******

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt

Wuerker - ***15 keepers*** http://politi.co/2xCXwN0

GREAT WEEKEND READS, curated by Daniel Lippman:

--"The Science Behind Mona Lisa's Smile," by Walter Isaacson in November's Atlantic, in an adaption of his new book "Leonardo da Vinci": "He is probably the only artist in history ever to dissect with his own hands the face of a human and that of a horse to see whether the muscles that move the lips are the same ones that can raise the nostrils of the horse's nose." http://theatln.tc/2wQ8IGk ... ***$21 on Amazon*** http://amzn.to/2gecA11

--"Seven Days on the Oprah Cruise," by Allison P. Davis in NYMag: "At sea with a ship full of superfans, including my mom." http://bit.ly/2hEXcY0

--"Why Are More American Teenagers Than Ever Suffering From Severe Anxiety?" by Benoit Denizen-Lewis in the cover story of tomorrow's N.Y. Times Magazine: "Parents, therapists and schools are struggling to figure out whether helping anxious teenagers means protecting them or pushing them to face their fears." http://nyti.ms/2kPaYw3

--"Walden Wasn't Thoreau's Masterpiece," by Andrea Wulf in November's Atlantic: "In his 2-million-word journal, the transcendentalist discovered how to balance poetic wonder and scientific rigor as he explored the natural world." http://theatln.tc/2kKzZsc (h/t ALDaily.com)

--"Birth of a White Supremacist," by Andrew Marantz in The New Yorker: "Mike Enoch's transformation from leftist contrarian to nationalist shock jock." http://bit.ly/2gzvBri

--"How Ether Transformed Surgery from a Race against the Clock," by Lindsey Fitzharris in Scientific American's Oct. issue: "It took all of 28 seconds for Liston to remove Churchill's right leg, during which time the patient neither stirred nor cried out. When the man awoke a few minutes later, he reportedly asked when the surgery would begin and was answered by the sight of his elevated stump, much to the amusement of the spectators who sat astounded. The age of agony was nearing its end." http://bit.ly/2g5a1KM (h/t TheBrowser.com)

--"Russia's House of Shadows," by Joshua Yaffa in The New Yorker: "My apartment building was made to house the first generation of Soviet élite. Instead, it was where the revolution went to die." http://bit.ly/2yj4vhF

--"'Our minds can be hijacked': the tech insiders who fear a smartphone dystopia," by Paul Lewis in The Guardian: "Google, Twitter and Facebook workers who helped make technology so addictive are disconnecting themselves from the internet. Paul Lewis reports on the Silicon Valley refuseniks alarmed by a race for human attention." http://bit.ly/2yfCENH

--"A Life on the Line: Cecilia Lam," by Vivian Ho in San Francisco Chronicle - per Longform.org's description: "Eight calls to 911. Three visits by five police officers. One woman's senseless death." http://bit.ly/2ygmSCj

--"Doomsday Pattern: Life in the pre-apocalypse," by Elisa Gabbert in Real Life Magazine: During the spring of 1945, "General Curtis LeMay had been firebombing Japan with napalm, a highly flammable and 'sticky' mixture of gasoline and gelling agents. Almost a million people in 60 cities were 'scorched, boiled, and baked to death,' in LeMay's own words, in these napalm raids. It must have been hard to believe that the A-bomb could be dramatically more deadly - so what would it accomplish?" http://bit.ly/2gA3kkL

--"The Prophet of Germany's New Right," by James Angelos in the N.Y. Times Magazine: "From a tiny village in the country's rural east, a leading nationalist intellectual builds a vision for the future of his movement across Europe." http://nyti.ms/2z2tOSs

--"1491," by Charles Mann, author of "1491: New Revelations of the Americas Before Columbus," in the Atlantic's March 2002 issue: "Before it became the New World, the Western Hemisphere was vastly more populous and sophisticated than has been thought-an altogether more salubrious place to live at the time than, say, Europe. New evidence of both the extent of the population and its agricultural advancement leads to a remarkable conjecture: the Amazon rain forest may be largely a human artifact." http://theatln.tc/2gzDMnl ... ***$12.17 on Amazon*** http://amzn.to/2kSfY39

--"They thought they were going to rehab. They ended up in chicken plants," by Amy Julia Harris and Shoshana Walter in Reveal - per Longform.org's description: "An Oklahoma rehab center puts defendants to grueling, dangerous work in a chicken processing plant. They receive neither pay nor treatment for their addictions." http://bit.ly/2ycoajX

VALLEY TALK -- "Microsoft built tree houses for its employees," by The Verge's Thuy Ong: "The tree houses are a part of Microsoft's 'outdoor districts' which are connected to buildings around its Redmond campus. They feature weatherproof benches, hatches that hide electricity sockets, rustproof rocking chairs, a fireplace, wood canopies, and an outdoor Wi-Fi network. There are ramps built in for those who need them. If you get hungry, there's also an indoor cafeteria that's extended outside and a barbecue restaurant built into a shipping container." http://bit.ly/2wVCpWk

MEDIAWATCH - "The Times Issues Social Media Guidelines for the Newsroom": "Maggie Haberman says: 'Before you post, ask yourself: Is this something that needs to be said, is it something that needs to be said by you, and is it something that needs to be said by you right now? If you answer no to any of the three, it's best not to rush ahead.'" http://nyti.ms/2kOyzNo

-- "Fox Business Network rides politics and punch to ratings success in fight with CNBC," by USA Today's Mike Snider: "The network, which celebrates its 10th anniversary next week, touts robust Nielsen data showing it has won the business daytime slot - from the time the stock market opens at 9:30 until 5 p.m. ET (an hour after its close) - beating CNBC over the past four quarters. ... CNBC still wins across the 24-hour viewing period, the 6 a.m.-11 p.m. segment and the 8 p.m-11 p.m. period, according to data from Nielsen, which does not capture out-of-home viewers who might see CNBC during the business day in the workplace." https://usat.ly/2gF8ADm

Playbookers

SPOTTED: Rep. Jason Lewis (R-Minn.) walking down 8th Street/Barracks Row Friday night at 6:30 p.m.... Dave Grohl yesterday at Le Diplomate

OUT AND ABOUT -- SPOTTED at a going away party last night at the National Press Club for Jill Jackson, the longtime CBS producer who is heading back to Seattle to be the news director at KOUW, a public radio station: Chris Isham, John Dickerson, Mary Hager, Chip Reid, Nancy Cordes, Jeff Ballou, Laura Strickler, Steve Chaggaris, Anthony Salvanto, Caitlin and Alex Conant, Shawna Thomas, Antonia Ferrier, Amy Walter, Susan Page, Paul Kane, Frank Thorpe, Brad Dayspring, Jenna Sakwa and Jake Kasten, Catherine Reynolds, Ward Sloane, Josh Gross, Tim Perry, Cara Korte, Elizabeth Hinson, Rob Hendin, Jake Miller, Alan He, Walt Cronkite, Ellee Watson, Bo Erickson, Katie Watson, Jack Turner, Elizabeth Campbell, Deirdre Walsh, Jen Hing, Sue Davis.

-- U.K. Ambassador Sir Kim Darroch hosted a party at his residence along with the Institute of International Finance to mark the 2017 IMF/World Bank annual meetings, with Philip Hammond, chancellor of the exchequer, as the guest of honor. **SPOTTED:** Commerce Secretary Wilbur Ross and wife Hilary, Craig Phillips, Mohamed A. El-Erian, Brian McGuire, Scott Evans, Nick Owens and Tim Adams.

WEEKEND WEDDING -- Juana Summers, senior writer for CNN Politics and a Politico alum, got married last night to **David Markland,** who's currently starting his own consulting business. The couple had a private ceremony in Baltimore. **Pool report** : "They celebrated afterward with friends and family, including David's daughters Maeve and Nola, at Corradetti Glassblowing Studio. The after party stretched well into the night. ... They met online four years ago. And they are honeymooning in Iceland." ***Pics*** http://bit.ly/2kSlz9F ... http://bit.ly/2yiax2l ... http://bit.ly/2xF2Krw

SPOTTED: Rebecca Kaplan and Adam Levy, Sarah Mimms, Nia-Malika Henderson, Phil Elliott, Ginger Gibson and Travis Burk, Jedd Rosche, MJ Lee and Alex Burns, Rachel Bade, Steven Sloan, Jess Estepa, Kelsey Snell, Ailsa Chang, Mackenzie Weinger, Emily Ingram, Beth Carpenter and Megan Chan.

WELCOME TO THE WORLD -- Marguerite Bowling, senior communications manager for the Institute for Family, Community and Opportunity of the Heritage Foundation, and **Justin Bowling,** a firefighter with Anne Arundel County, Maryland, on Friday welcomed Trent Donovan Bowling at 9 lbs and 21 inches. Marguerite's colleague Sarah Mills emailed colleagues: "Marguerite reports, 'He was upset to realize Obamacare is still in place but is ready to join the conservative movement. We are in love with him.'" ***Pic*** http://bit.ly/2hIlb8u

--OBAMA ALUMNI -- Gautam Raghavan, President Obama's former LGBT liaison, and his husband **Andrew Masloski,** a career foreign affairs officer at the State Department, on Friday finalized the adoption of daughter Maya who was born eight months earlier on February 13th. ***Pic*** http://politi.co/2yjN4vA

TRANSITIONS -- Matt Schumacher starts on Monday as digital director for the House Democratic Caucus. He previously was deputy press secretary and digital director for the Energy and Commerce Democrats.

OBAMA ALUMNI - Evan Medeiros has been named the Cling family distinguished fellow in U.S.-China studies at the Walsh School of Foreign Service at Georgetown. He most recently was President Obama's senior director for Asian affairs at the NSC and special assistant to the president.

DOUG HEYE was inducted into his high school Hall of Fame on Friday. He was in the class of 1990 at Bishop McGuinness High School in Winston-Salem, N.C. ***Pics*** http://bit.ly/2ykkrP1 ... http://bit.ly/2z6vZEE ... http://bit.ly/2yne7rt

BIRTHDAYS OF THE DAY: Robert Costa, national political reporter for the Washington Post, moderator of PBS's "Washington Week," and a political analyst for NBC News and MSNBC -- Costa and Hallie Jackson were on the same debate team in high school. **How he got his start in journalism:** "I started reporting while I was a student at Pennsbury High School in suburban Philadelphia. I wrote about rock music for the regional newspaper, the Bucks County Courier Times, and I was a news and sports reporter for PHS-TV, the student television station." **Read his Playbook Plus Q&A:** http://politi.co/2g9w6I2

-- Eli Lehrer, president of R Street. **How he got started in politics:** "I played Bill Clinton in my high school's mock election. I won. I was also involved with the left-wing activist group on my college campus. I didn't become a conservative until I was already in Washington." **Q&A:** http://politi.co/2xGNQWA

BIRTHDAYS: Michael Feldman ... Cody Keenan ... Norm Ornstein is 69 ... former White House counsel John W. Dean III is 79 ... Dukes Wooters (hat tip: Ken Vogel) ... Lorie Slass ... Ira Shapiro ... Melissa Maxfield ... Tucker Foote, SVP and head of North America public policy and global trade for MasterCard (h/ts Jon Haber) ... Politico's Erin Aulov ... Catherine Loper ... Jill McAfee ... Brian Hart ... Marc Dunkelman ... Leigh Farris, VP in the office of the chairman at Goldman Sachs ... Marco Acevedo ... Rep.

Suzanne Bonamici (D-Ore.) is 63 ... J.C. Derrick ... Nick Stanley ... TNR's Emily Atkin ... David Lehrer ... Jack Fitzpatrick, a reporter at BGOV and an alum of National Journal and Morning Consult (h/t Zach Montellaro) ...

... Robbie Myers is 31 ... John Hanlon ... Zeenat Rahman ... Collin Burton ... Chris May ... Boston Globe's Victoria McGrane (h/t Annie Linskey) ... Warren Hendriks ... Daniel Castro ... Dave Leichtman, a Democratic advisor for Microsoft's Campaign Tech Services ... Eve Lieberman, COS for Rep. Jared Polis (D-Colo.) ... Jada Bromberg ... Lauren Lyster ... Sydney Lee Simons ... Jason Epstein ... Brian Bond ... Richard Skinner ... David Wallace ... Michele Curtis ... Cavalry's Anang Mittal ... Saul Pink ... Jerry Ceppos, former VP of news at Knight Ridder, is 71 (h/t Carl Lavin)

THE SHOWS, by @MattMackowiak, filing from Dallas:

--CNN's "Fareed Zakaria GPS": Hillary Clinton

--"Fox News Sunday": Sen. Bill Cassidy (R-La.) ... National Security Adviser Lt. Gen. H.R. McMaster ... Sen. Chris Murphy (D-Conn.). Panel: Karl Rove, Marie Harf, Mike Needham and Jerry Seib (substitute host: Fox News' James Rosen)

--CNN's "State of the Union": Secretary of State Rex Tillerson ... Sen. Susan Collins (R-Maine). Panel: David Urban, Neera Tanden, Bill Kristol and Rep. Robin Kelly (D-Ill.)

--CBS's "Face the Nation": Secretary of State Rex Tillerson ... Sen. Lindsey Graham (R-S.C.) ... Israeli Prime Minister Benjamin Netanyahu. Panel: Molly Ball, Jonah Goldberg and David Ignatius ... Retired astronaut Capt. Scott Kelly

-- NBC's "Meet the Press": U.S. Ambassador to the U.N. Nikki Haley ... Ohio Gov. John Kasich. Panel: Dan Balz, Kasie Hunt, Heather McGhee and Kim Strassel

--ABC's "This Week": Nikki Haley ... House Minority Leader Nancy Pelosi (D-Calif.) ... Sen. Susan Collins (R-Maine). Panel: Mary Bruce, Katrina vanden Heuvel, Van Jones, Matt Schlapp and Charlie Sykes

--Fox News' "Sunday Morning Futures": Treasury Secretary Steven Mnuchin ... Joe Lieberman ... Rep. Ed Royce (R-Calif.) ... Sebastian Gorka. Panel: Ed Rollins and Lee Carter

--Fox News' "MediaBuzz": Laura Ingraham ... Guy Benson ... Bustle.com director of research Jessica Tarlov ... Erin McPike ... The Hollywood Reporter's Matthew Belloni ... Will Leitch

-- CNN's "Inside Politics" with John King: Panel: Abby Phillip, Michael Bender, Eliana Johnson and Manu Raju

--CNN's "Reliable Sources": FCC commissioner Jessica Rosenworcel, former FCC

chair Tom Wheeler, former commissioner Michael Copps. Panel: Jennifer Rubin and Freedom of the Press Foundation executive director Trevor Timm ... Bob Schieffer ... Janice Min ... The New York Times' Jodi Kantor ... Howard Schultz

--Univision's "Al Punto": Nuevo Leon, Mexico Governor Jaime "El Bronco" Rodriguez ... Puerto Rico Governor Ricardo Rosselló ... Rep. Luis Gutièrrez (D-Ill.) ... actress Kate Del Castillo ... Univision Deportes' Enrique "El Perro" Bermúdez

--C-SPAN: "The Communicators": Cryptotronix founder Josh Datko ... SensePost COO Daniel Cuthbert ... SensePost head of training Sam Hunter ... Invincea Labs Cyber Research scientist and trainer Melissa Kilby ... **"Newsmakers":** Rep. Rob Bishop (R-Utah), questioned by The Washington Post's Juliet Eilperin and The Hill's Scott Wong ... **"Q&A":** Biographer and Amherst College's William Taubman (Gorbachev: His Life and Times")

--Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2omgw1D): Author and Bloomberg Businessweek's Joshua Green ("Devil's Bargain: Steve Bannon, Donald Trump, and the Storming of the Presidency").

****** **A message from Chevron:** Advanced technology is helping us find better and safer ways to deliver energy to America. We're piloting a program that uses drones, HD imaging, and thermal mapping capabilities to monitor Chevron wells, tanks, and miles of pipeline. Watch the video: http://politi.co/2yv61yq ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/10/2017 9:10:20 PM
Subject: Court rejects effort to revive Pruitt's methane rule stay

By Alex Guillén

08/10/2017 05:05 PM EDT

The full D.C. Circuit Court of Appeals today by a vote of 8-3 rejected attempts to revive EPA Administrator Scott Pruitt's 90-day stay of the methane rule for new oil and gas wells.

A three-judge panel last month said Pruitt's stay was unlawful, and the full court later reinstated the methane rule. Today, it said it will not grant the en banc appeal requests made by industry groups and Republican state officials. The Trump administration itself did not seek an appeal.

The rejection effectively ends any further appeal efforts; seeking Supreme Court review would take more time than would be left on the stay, which would have expired Aug. 31. However, Pruitt is likely to have a longer-term stay in place soon.

Three of the circuit's 11 active judges voted to hear the appeal: Karen LeCraft Henderson, Janice Rogers Brown and Brett Kavanaugh. All three are Republican appointees.

WHAT'S NEXT: The public comment period on Pruitt's proposed stay that would last through 2019 closed on Wednesday. That longer-term stay could be in place in a matter of weeks.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/court-rejects-effort-to-revive-pruitts-methane-rule-stay-091717

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 12/1/2017 12:42:09 AM
Subject: BREAKING NEWS: Senate will not vote on tax bill tonight

Senate Republicans' work on their massive tax overhaul will continue into Friday, as senators continue trying to win over skeptical deficit hawks and other hold-outs.

Senate Majority Leader Mitch McConnell (R-Ky.) said the next vote in the tax debate will come at 11 a.m. Friday.

Read more: http://politi.co/2iqAOpU

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From: Bloomberg BNA
Sent: Tue 8/1/2017 12:18:03 PM
Subject: Aug. 01 -- EHS State Regulatory Alert



EHS State Regulatory Alert

August 01, 2017 - Number 146

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California

AIR
Air Resources Board/Climate Change
California AIR

Final rule of the Air Resources Board adopts regulations under 17 CCR 95665 through 95677 and Appendices A, B, and C to set forth greenhouse gas emission standards for crude oil and natural gas facilities. The rule sets forth requirements for the collection and use of methane and associated gases from uncontrolled oil and water separators, well stimulation circulation tanks, specified centrifugal compressors, storage tanks, or replacement of higher emitting "wet seals" with lower emitting "dry seals." The rule also establishes requirements for leak detection and repair for idle and active components and enhanced monitoring for underground natural gas storage facilities, including leak detection, ambient air monitoring, and optical gas imaging. In addition, the rule sets forth methane emission standards for large reciprocating compressors, other large compressor components and smaller compressors. Finally, the rule sets forth standards for the use of "no bleed" pneumatic pumps and "no bleed" continuous bleed pneumatic devices with limited exemptions and restrictions on intermittent bleed pneumatic devices and reporting requirements for liquids unloading and well casing vents. The rule is effective Oct. 1, 2017. Contact: Trini Balcazar; ARB; 916-445-9564

—California Regulatory Notice Register (07/28/2017)

Regulatory Update

COASTAL ZONE
Coastal Development Permits Issued by Coastal Commissions
California COASTAL ZONE

Final rule of the California Coastal Commission amends regulations under 14 CCR 13055 regarding coastal development permits. The rule increases fees for permit applications and other filings by 16.7 percent over the 2008 base year to reflect an increase in the consumer price index. The rule is effective July 1, 2017. Contact: Robin Mayer; CCC; 415-904-5220

—California Regulatory Notice Register (07/28/2017)

Regulatory Update

MINING
Mining and Geology/Surface Mine Inspectors
California MINING

Proposed rule of the Department of Conservation, Division of Mine Reclamation, adopts regulations under 14 CCR 3504.6 concerning the establishment of a training program for surface mine inspectors. The rule incorporates a guidance document that provides instructions and recommendations to surface mine inspectors performing inspections, including specifying the types of professionals authorized to conduct an inspection, lead agency responsibilities, inspection scheduling recommendations, requirements for inspection preparation and follow up, and filing requirements. The rule is being proposed due to a new statutory requirement that all mine inspections be conducted by an inspector who has on file with the lead agency and the department a certificate of completion of an inspection training workshop on or after July 1, 2020. Hearing requests are due Aug. 25, 2017. Comments are due Sept. 11, 2017. Contact: Paul Fry; Department of Conservation, Division of Mine Reclamation; 916-324-0681; Paul.Fry@conservation.ca.gov

—California Regulatory Notice Register (07/28/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Division of Workers' Compensation/Official Medical Fee Schedule
California OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Industrial Relations, Division of Workers' Compensation, amends regulations under 8 CCR 9789.12.2, 9789.17.1, 9789.18.12, and 9789.19, and adopts regulations under 8 CCR 9789.17.3 to update the official medical fee schedule for physicians. The rule aligns provisions with the Medicare and Medi-Cal payment systems. The rule is effective March 1, 2017. Contact: Jarvia Shu; DIR; 510-286-0646

—California Regulatory Notice Register (07/28/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety Orders/Benzyl Chloride
California OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Industrial Relations, Occupational Safety and Health Standards Board, amends regulations under 8 CCR 5155 to reduce the permissible exposure limit for benzyl chloride to an eight-hour time weighted average of 0.03 parts per million. A hearing is scheduled for Sept. 14, 2017, in Walnut Creek. Comments are due Sept. 14, 2017. Contact: Marley Hart; DIR, Occupational Safety and Health Standards Board; 916-274-5721

—California Regulatory Notice Register (07/28/2017)

Regulatory Update

SOLID WASTE
Secondary Material Processing Facilities and Operations
California SOLID WASTE

Proposed rule of the Department of Resources Recycling and Recovery amends regulations under 14 CCR 17400 through 17410.4 (nonconsecutive) and 18100 through 18105.11 to set forth minimum operating standards for secondary material processing facilities and operations. The rule also places the facilities within the enforcement agency notification tier and registration permit tier. The rule creates an efficient permitting path for recycling centers that handle residual waste exceeding allowable levels and that would otherwise be required to obtain a full solid waste facility permit. A hearing is scheduled for Sept. 12, 2017, in Sacramento. Comments are due Sept. 11, 2017. Contact: Martin Perez; DRRR, Compliance and Mitigation Division; 916-323-0834; transfer.processing.regs@calrecycle.ca.gov

—California Regulatory Notice Register (07/28/2017)

Regulatory Update

Florida

GENERAL ENVIRONMENT AND SAFETY
Electric Power Plant Siting Act Newspaper Notices
Florida GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Environmental Protection announces changes to a May 3, 2017, proposed rule to amend regulations under FAC 62-17.281 to update templates for newspaper notice requirements for regulated entities under the state Electric Power Plant Siting Act. The rule incorporates by reference a Notice of the Filing of a Notice of Intent (DEP Template 62-17.281(1)), a Notice of Proposed Binding Written Agreements (DEP Template 62-17.281(2)), a Notice of Filing of Application (DEP Template 62-17.281(3)), a Notice of Land Use Consistency Determination (DEP Template 62-17.281(4)), a Notice of Land Use Hearing Before the Administrative Law Judge (DEP Template 62-17.281(5)), a Notice of Certification Hearing (DEP Template 62-17.281(6)), a Notice of Cancellation of Certification Hearing (DEP Template 62-17.281(7)), a Notice of Request for Modification of the Certification (DEP Template 62-17.281(8)), a Notice of Hearing for Modification of the Certification (DEP Template 62-17.281(9)), a Notice of Filing of a Supplemental Application (DEP Template 62-17.281(10)), and a Notice of Certification Hearing for a Supplemental Application (DEP Template 62-17.281(11)). The changes revise the titles of DEP Templates 62-17.281(1), 62-17.281(8), 62-17.281(9), 62-17.281(10), and 62-17.281(11). Contact: Ann Seiler; DEP, Division of Air Resource Management; 850-717-9113; Ann.Seiler@dep.state.fl.us

—Florida Administrative Weekly (07/28/2017)

Regulatory Update

WATER
Everglades Agricultural Area Discharge Calculations
Florida WATER

Notice announces the intention of the South Florida Water Management District to amend regulations under FAC 40E-63.091, .104, and .106 regarding the Everglades construction project diversion basins and district works within the Everglades agricultural area. The rule updates the calculation methods used to measure phosphorous discharge from the Everglades agricultural area to account for several completed projects affecting the boundary inflow and outflow points used in the calculations. A hearing is scheduled for Aug. 29, 2017, in West Palm Beach. A comment due date is not specified. Contact: Carmela Bedregal; SFWMD; 561-682-2737; cbedrega@sfwmd.gov

—Florida Administrative Weekly (07/28/2017)

Regulatory Update

Oklahoma

OIL AND GAS INDUSTRY
Corporation Commission Rules of Practice/Spacing Units
Oklahoma OIL AND GAS INDUSTRY

Emergency rule of the Corporation Commission amends regulations under OAC 165:5-7-6, -6.1, -6.2, and -7 concerning rules of practice. The rule revises terms concerning applications requesting the issuance of orders concerning horizontal well unitizations and multiunit horizontal wells in targeted reservoirs. The rule also clarifies authorizations for expenditure concerning applications for pooling orders and updates requirements for horizontal spacing units. A technical conference is scheduled for Aug. 8, 2017, and a hearing is scheduled for Aug. 22, 2017, both in Oklahoma City. Comments are due Aug. 15, 2017. Contact: Susan Conrad; Corporation Commission; 405-521-3939; s.conrad@occemail.com

—Oklahoma Register (07/27/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Oil and Gas Conservation/Horizontal Drilling
Oklahoma OIL AND GAS INDUSTRY

Emergency rule of the Corporation Commission amends regulations under OAC 165:10-3-28 regarding horizontal drilling. The rule adds references to 1,280 acre horizontal well units and defines "adjacent common source of supply" and a "targeted reservoir." The rule also deletes definitions, including "associated common source of supply," "Marmaton common source of supply," and "shale reservoir." A technical conference is scheduled for Aug. 8, 2017, and a hearing is scheduled for Aug. 22, 2017, both in Oklahoma City. Comments are due Aug. 15, 2017. Contact: Susan Conrad; Corporation Commission; 405-521-3939; s.conrad@occemail.com

—Oklahoma Register (07/27/2017)

Regulatory Update

Pennsylvania

WATER
General Permits/Water Obstruction and Encroachment
Pennsylvania WATER

Notice of the Department of Environmental Protection announces the availability of a revised environmental assessment form and instructions for general permit applications under 25 PAC 105 regarding dam safety and waterway management. The revisions reorganize the required information into four modules for review, including program summary, resource identification and characterization, identification and description of potential project impacts, and mitigation plan. The revisions also add questions concerning large scale projects that are located in more than one county and are covered by more than one permit application. Contact: David Goerman; DEP; 717-772-5971; dgoerman@pa.gov

—Pennsylvania Bulletin (07/29/2017)

Regulatory Update

South Carolina

HAZARDOUS WASTE CLEANUP
Chick-fil-A #466 Site Voluntary Cleanup Contract
South Carolina HAZARDOUS WASTE CLEANUP

Notice announces the intention of the Department of Health and Environmental Control to enter into a voluntary cleanup contract with Chick-fil-A Inc. relating to the Chick-fil-A #466 site in Greenville. The notice specifies that Chick-fil-A will fund a remedial investigation to evaluate the source, nature, and extent of release of hazardous substances, pollutants, or contaminants and will reimburse the department for future costs associated with oversight of response work. Comments are due Aug. 28, 2017. Contact: David Wilkie; DHEC, Bureau of Land and Waste Management; 803-898-0882; wilkietd@dhec.sc.gov

—South Carolina State Register (07/28/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Former Singer Co. Site Voluntary Cleanup Contract
South Carolina HAZARDOUS WASTE CLEANUP

Notice announces the intention of the Department of Health and Environmental Control to enter into a voluntary cleanup contract with One World Technologies Inc. relating to the Former Singer Co. site in Anderson. The notice specifies that One World will reimburse the department $20,298 for past response costs and for future costs associated with oversight of response work. The

notice also specifies that One World will fund and a remedial investigation to evaluate the source, nature, and extent of release of hazardous substances, pollutants, or contaminants; to evaluate the effectiveness of the removal, injection pilot study, and continued operation of the groundwater pump and treat system; and, if necessary, a feasibility study to evaluate alternatives to clean-up. Comments are due Aug. 28, 2017. Contact: David Wilkie; DHEC, Bureau of Land and Waste Management; 803-898-0882; wilkietd@dhec.sc.gov

—South Carolina State Register (07/28/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Inman Mills Site Voluntary Cleanup Contract
South Carolina HAZARDOUS WASTE CLEANUP

Notice announces the intention of the Department of Health and Environmental Control to enter into a voluntary cleanup contract with Inman Development Venture LLC and Inman LLC relating to the Inman Mills site in Inman. The notice specifies that Inman will fund and preform a remedial investigation at the site and will reimburse the department for future costs associated with oversight of response work. Comments are due Aug. 28, 2017. Contact: David Wilkie; DHEC, Bureau of Land and Waste Management; 803-898-0882; wilkietd@dhec.sc.gov

—South Carolina State Register (07/28/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Milliken Excelsior Site Voluntary Cleanup Contract
South Carolina HAZARDOUS WASTE CLEANUP

Notice announces the intention of the Department of Health and Environmental Control to enter into a voluntary cleanup contract with Milliken & Co. relating to the Milliken Excelsior site in Union. The notice specifies that Milliken will fund and preform future response work at the site and will reimburse the department for future costs associated with oversight of response work. Comments are due Aug. 28, 2017. Contact: David Wilkie; DHEC, Bureau of Land and Waste Management; 803-898-0882; wilkietd@dhec.sc.gov

—South Carolina State Register (07/28/2017)

Regulatory Update

WATER
License to Construct or Clean Onsite Sewage Treatment and Disposal Systems
South Carolina WATER

Notice announces the intention of the Department of Health and Environmental Control to amend Regulation 61-56.1 to replace provisions for licensure to construct or clean onsite sewage treatment and disposal systems and self-contained toilets with provisions for licensure of septage pumpers and haulers. The rule also increases fees. A concurrent proposal readopts provisions for licensure of onsite wastewater systems master contractors under Regulation 61-56.2. Comments are due Aug. 28, 2017. Contact: David Vaughan; DEHC, Onsite Wastewater

Management Program; 803-898-3432; vaughadr@dhec.sc.gov

—South Carolina State Register (07/28/2017)

Regulatory Update

WATER
Licensing of Onsite Wastewater System Master Contractors
South Carolina WATER

Notice announces the intention of the Department of Health and Environmental Control to amend Regulation 61-56.2 concerning licensure of onsite wastewater system master contractors. The rule incorporates the requirements for all installers that construct onsite wastewater septic systems. A concurrent proposal repeals the provisions under Regulation 61-56.1. Comments are due Aug. 28, 2017. Contact: David Vaughan; DEHC, Onsite Wastewater Management Program; 803-898-3432; vaughadr@dhec.sc.gov

—South Carolina State Register (07/28/2017)

Regulatory Update

WATER
Septic Tank Site Evaluation Fees
South Carolina WATER

Notice announces the intention of the Department of Health and Environmental Control to amend Regulation 61-55 concerning septic tank site evaluation fees. The rule increases application fees, adjusts the application fee structure, provides an expedited permitting process, and updates definitions. Comments are due Aug. 28, 2017. Contact: David Vaughan; DEHC, Onsite Wastewater Management Program; 803-898-3432; vaughadr@dhec.sc.gov

—South Carolina State Register (07/28/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Fri 10/20/2017 6:18:20 PM
Subject: EPA Chief: Under Trump, Agency Is Like Never Before

THE HOUSTON CHRONICLE

EPA Chief: Under Trump, Agency Is Like Never Before

Alex Stuckey
October 20, 2017
http://www.houstonchronicle.com/news/houston-texas/houston/article/EPA-chief-Under-Trump-agency-is-like-never-12292376.php

Environmental Protection Agency Chief Scott Pruitt gave a succinct message to oil and gas industry leaders Thursday night: The Trump administration's agency will be nothing like the last.

President Donald Trump and his cabinet members are "focused on results and that's been the primary focus of my first months at the EPA," Pruitt said. "We're establishing metrics and benchmarks and performance standards in key areas of what we do."

Pruitt spoke Thursday night during the Texas Oil and Gas Association's annual Lone Star Energy Forum in The Woodlands, answering questions for about 30 minutes from the association's president, Todd Staples.

As an example of quick action, he pointed to the San Jacinto Waste Pits. After years of waiting for the area to be cleaned up, Pruitt said, he came in mid-September and promised an answer by Oct. 14. On Oct. 11, the EPA approved a plan to permanently remove tons of toxics from the waste pits.

'Getting back to basics'

Prior to his discussion Thursday night, Pruitt said he met with community members and environmental advocates about the San Jacinto Waste Pits. He said they were thanking him for acting quickly.

"We're getting back to basics, focused on our core mission, focused on results," he said.

Earlier in the day, about a dozen environmental advocates gathered at the old Brady's Landing restaurant to protest Pruitt's appearance at the association's meeting. Pruitt, they said, should take a "toxic tour" of their neighborhoods, rather than speak to oil and gas leaders.

During Thursday's talk, Pruitt talked about working with Trump - whom he called a courageous man of action - as well as his plans to act faster on Superfund site and permitting decisions.

Staples questioned Pruitt about the clean power plan, which Pruitt decided to withdraw earlier this month. Pruitt said he believed the last administration used it to start a war on coal or fossil fuels.

"I don't believe it's the role of the EPA to pick winners and losers," he said. "I don't think it's the role of the EPA to say here's what you should choose … they should use all forms of electricity … based upon what? Stability and costs."

Pruitt said the agency is evaluating its options to replace the plan under current law, but cannot do anything Congress has not already authorized it to do.

"Our job is to follow the law, we can't make it up," he said. "That was novel to the last administration, it's fundamental to this administration."

This has caused regulatory and financial uncertainty both in the energy and health care sectors, he said.

"The greatest impact on the low percentage of growth is regulatory uncertainty because you have regulators acting in ways that's untethered to statute," he said.

Partnerships sought

He also noted his agency's commitment to a transparent rule-making process that involves the public and not the courts. Pruitt also spoke about the importance of partnership between all environmental stakeholders, including the energy industry.

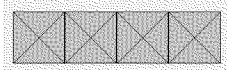
…

He noted energy industry leaders care about the water they drink and the air they breathe.

"Are there bad actors out there? Absolutely," he said. "We're going to prosecute bad actors, but we shouldn't start by saying (certain people) don't care about these issues. You do."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 9/19/2017 10:38:51 AM
Subject: POLITICO Playbook, presented by UC Davis: PENCE shuttling between DC and NY to try to urge Senate Republicans to pass Graham-Cassidy -- Bill is short of 50, but whipping has just begun -- TRUMP, 'America first president,' speaks this morning at the U.N.

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Today's POLITICO Playbook presented by UC Davis

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Tuesday morning. AMAZING SPLIT SCREEN TODAY. PRESIDENT DONALD TRUMP and **VP MIKE PENCE** are in New York at the U.N. General Assembly. **WASHINGTON** is completely and totally focused on Graham-Cassidy, the final gasp of an Obamacare repeal.

TRUMP ON THE WORLD STAGE -- POTUS SPEAKS TODAY IN TURTLE BAY -- "Trump, the 'America First' president, goes to the UN," by AP's Jonathan Lemire: "Elected on the nationalist slogan 'America first,' President Donald Trump will use his debut address to the U.N. General Assembly to argue that individual nations should act in their own self-interest, yet rally together when faced with a common threat such as North Korea.

"Trump, who has warned of 'fire and fury' if North Korea does not back down, was expected to argue Tuesday that the dangers posed by Kim Jung Un's pursuit of a nuclear weapons program should unite all nations. And he planned to issue not just warnings to North Korea but also rebukes to states that have enabled Pyongyang, though it was unclear if he would criticize China by name.

"Addressing the General Assembly is a milestone moment for any president, but one particularly significant for Trump, a relative newcomer to foreign policy who has at times rattled the international community with his unpredictability. He has pulled the Unites States out of multinational agreements, considered shrinking the U.S. military footprint in the world and deployed bombastic language on North Korea that has been criticized by other world leaders." http://bit.ly/2fgKQbx

-- ALL TODAY: Pence meets at 9:30 a.m. with the E.U.'s High Representative Federica

Mogherini before shuttling back to Washington for the Senate GOP lunch to push Congress to pass Obamacare repeal and replace legislation. He then turns around and goes back to New York for a diplomatic reception hosted by Trump and the first lady. Pence was scheduled to be in New York all day for U.N. business.

THE ZOOM OUT, HEALTH CARE EDITION -- BURGESS EVERETT and **JEN HABERKORN:** "Senate Republicans' last-gasp Obamacare repeal effort is gaining steam, with key senators who tanked the last push in July signaling new openness to the latest attempt and GOP leaders growing increasingly bullish.

"While the proposal written by Sens. Lindsey Graham (R-S.C.) and Bill Cassidy (R-La.) remains short of 50 votes, it also has just one hard 'no' vote, from Kentucky Sen. Rand Paul, and another expected 'no' in Sen. Susan Collins of Maine. Three 'no' votes would kill the bill, but in an encouraging sign for repeal proponents, no one is stepping forward yet to deliver that final nail.

"Instead, wavering senators remain on the sidelines . Conservative Sen. Mike Lee of Utah is warming to the legislation, which would turn federal health care funding into block grants for states and eliminate Obamacare's coverage mandate, while Alaska Sen. Lisa Murkowski is undecided. ... A Republican senator who has spoken to GOP leaders said Murkowski is likely the bellwether. This senator said that GOP leaders believe other undecided senators will support the bill if it is put on the floor and that McConnell has begun whipping the bill because he 'realizes that there's life out there.' 'We are one vote away from doing this thing,' the senator insisted." http://politi.co/2jGzxe0

-- WE HEAR: HHS Secretary Tom Price and CMS Administrator Seema Verma are also going to huddle with Senate Republicans today.

-- BEHIND THE SCENES LAST NIGHT: Cassidy met with the leadership last night. Senate Republican leaders began whipping the bill on the Senate floor.

TIME IS SHORT: The Senate's ability to pass the bill using a simple majority expires on Sept. 30 -- 11 days from now. Generally speaking, the same people have the same problems with this bill that they had with the last. This time, there's a true deadline. Does that end date change the dynamics enough?

BIGGEST LINGERING QUESTIONS ...

-- THE HOLDOUTS. The key votes are, obviously, **SENS. JOHN MCCAIN (R-ARIZ.)** and **LISA MURKOWSKI (R-ALASKA).** They have both been cagey about where they stand. McCain has said he wants to ensure the bill goes through regular order -- Senate Republicans have scheduled two hearings next week. Not regular order, of course, but it's something. McCain to CNN: "We've had nine months. That's my answer. We've had nine months to get it done and we haven't. Is it my problem now that we only have a week? It's not my problem." http://cnn.it/2xNkKEv Murkowski has said she's worried

both about process and how much money Alaska will get to help cover more people and pay for premiums.

-- THE C.B.O. The Congressional Budget Office -- the official budget scorekeeper -- will only be able to provide a "a preliminary assessment of the Graham-Cassidy bill by early next week." But it will not have data on how the bill affects the deficit, insurance coverage or premiums. So, senators are being asked to vote blindly on the legislation, which could be tricky.

-- KENNEDY'S CATCH. Sen. John Kennedy (R-La.) takes a different view, and says if Congress gives a bunch of money and authority to states, some big blue states are going to set up single payer systems. http://washex.am/2w45vmh

-- REGIONAL CONCERNS. OK, let's assume this gets out of the Senate. Some regional issues will bubble up in the House. Big states like New York do not fare well under the Graham-Cassidy bill. The margin for error in the House is roughly 22 votes.

THE STARK POLITICAL REALITY -- This is the last chance to do something. That could prompt people to pony up and vote for the bill, but at the same time, you can't say you voted for the bill with the hopes that the other chamber will improve it. There is already talk about using next year's reconciliation to improve the health care system -- but that would screw up any plans on tax reform.

-- THE POST: "New push to replace Obamacare reflects high stakes for Republicans" http://wapo.st/2wDayJQ ... **NYT: "Obamacare Repeal, Thought Dead in July, May Be Revived in Senate"** http://nyti.ms/2wtKp56

-- BEHIND THE SCENES --CNN'S MANU RAJU: "Trump privately tries to mend fences with Senate Republicans" http://cnn.it/2f6ElnV

TRUMP'S TUESDAY -- In addition to his address to the general assembly, **TRUMP** is meeting with U.N. Secretary General António Guterres and the amir of Qatar.

FIRST IN PLAYBOOK -- FORBES put Donald Trump on its upcoming 100th anniversary issue, which celebrates the "100 Greatest Living Business Minds." http://politi.co/2f6NTPI ... ***"Trump: The Early Tweets (1982-2000)"*** http://politi.co/2xuJ11h ... ***"Trump: The Art of the Spiel"*** http://politi.co/2fgpCKD

BULLETIN -- at 5:21 a.m.: "MIAMI (AP) - Hurricane Maria regains extreme dangerous Category 5 storm strength, after brief drop in intensity."

2018 WATCH -- "Political campaigns prep for battle with hackers," by Daniel Strauss and Scott Bland: "The political world is officially obsessed with cybersecurity in 2017 - especially the Democrats burned by the hacking of their committees and operatives during the 2016 election. Much of the Democratic Party's permanent apparatus has already changed its day-to-day operations as a result, while beginning

the slow process of persuading its decentralized, startup-like campaign ecosystem to follow suit.

"House Democrats' top strategists have urged consultants working on their campaigns to start using Wickr, the end-to-end encrypted messaging app used inside the DCCC - but the consulting community has been slow to give up email and embrace the program, say three Democratic consultants involved in House races. Security measures vary widely from race to race, leaving many still vulnerable to hacking, and members of both parties say they are seeking centralized clearinghouses of anti-hacking information and services." http://politi.co/2xertEk

-- THE CHAMBER OF COMMERCE disclosed $372,045 in mail and media in support of Sen. Luther Strange in Alabama.

****** **A message from UC Davis:** The future looks bright thanks to next-generation, energy-efficient lighting developed at the UC Davis California Lighting Technology Center. With the potential to significantly reduce the nation's lighting energy use and greenhouse gas emissions, the CTLC is just one way we're supporting sustainability on a global scale. Learn more at 21stcentury.ucdavis.edu. ******

WHAT STEVEN MNUCHIN IS READING -- "Senate Republicans Consider a Trillion-Dollar-Plus Tax Cut for Budget," by WSJ's Rich Rubin and Siobhan Hughes: "Senate Republicans are considering writing a budget that would allow for up to $1.5 trillion in tax cuts over the next decade, said people familiar with the discussions. Budget talks are continuing and no final decision has been reached yet. A budget that creates fiscal room for a $1.5 trillion tax cut, if adopted, would then be followed by a tax bill that would specify rate cuts and other policy changes that don't exceed that figure. Calling for a tax cut in the budget would let Republicans lower tax rates while making fewer tough decisions on what tax breaks to eliminate to help pay for the cuts. ...

"With this latest turn in budget talks, Republicans are gradually shifting away from an earlier stance some took in favor of a tax plan that fully paid for itself in the first decade. Budget Committee member Mike Crapo (R., Idaho) said on Monday that the tax cut should be 'as big as we can get.' The budget is an essential first step to the major tax bill Republicans want to pass this year. If the House and Senate agree on a budget, they can fast-track a tax bill through the Senate on a simple-majority vote through a process known as reconciliation, rather than seek a bigger 60-vote majority that would require support from Democrats." http://on.wsj.com/2xtokTt

NOW YOU TELL US -- "Sean Spicer Says He Regrets Berating Reporters Over Inauguration Crowds," by NYT's Glenn Thrush and Dave Itzkoff: "In an interview on Monday morning, Mr. Spicer said he now regrets one of his most infamous moments as press secretary: his decision to charge into the White House briefing room in January and criticize accurate news reports that President Barack Obama's inauguration crowd was bigger than President Trump's. 'Of course I do, absolutely,' Mr. Spicer said. ... As Mr. Spicer prepared to return to Washington, he was asked if he was worried that Mr.

Trump would take offense over the skit, which many viewers saw as lampooning the president's preoccupation with the size of his inauguration crowd. 'I certainly hope not,' Mr. Spicer said after a brief pause. 'This was an attempt to poke a little fun at myself and add a little bit of levity to the event.'" http://nyti.ms/2xaFZ2p

AT FOGGY BOTTOM -- "State Department Tightens Rules for Visas to U.S.," by NYT's Gardiner Harris: "In a cable to American embassies around the world, Secretary of State Rex W. Tillerson wrote that visitors who require a visa before entering the United States must then follow through on their stated plans for at least three months. If in that period they do something they failed to mention in an interview with a consular official - such as marry an American citizen, go to school or get a job - it will be presumed that they have deliberately lied. That would make it difficult, if not impossible, for them to renew a visa, get a new one or change their status. ... Under previous rules, a change in plans was deemed to be misrepresentation only for the first month after arrival in the United States." http://nyti.ms/2fwTzmS

MUELLER WATCH -- "With a Picked Lock and a Threatened Indictment, Mueller's Inquiry Sets a Tone," by NYT's Sharon LaFraniere, Matt Apuzzo and Adam Goldman: "Paul J. Manafort was in bed early one morning in July when federal agents bearing a search warrant picked the lock on his front door and raided his Virginia home. They took binders stuffed with documents and copied his computer files, looking for evidence that Mr. Manafort, President Trump's former campaign chairman, set up secret offshore bank accounts. They even photographed the expensive suits in his closet. The special counsel, Robert S. Mueller III, then followed the house search with a warning: His prosecutors told Mr. Manafort they planned to indict him, said two people close to the investigation." http://nyti.ms/2hc4vtx

-- CNN: "Exclusive: U.S. government wiretapped former Trump campaign chairman," by Evan Perez, Shimon Prokupecz and Pam Brown: "U.S. investigators wiretapped former Trump campaign chairman Paul Manafort under secret court orders before and after the election, sources tell CNN, an extraordinary step involving a high-ranking campaign official now at the center of the Russia meddling probe. Some of the intelligence collected includes communications that sparked concerns among investigators that Manafort had encouraged the Russians to help with the campaign ... Two of these sources, however, cautioned that the evidence is not conclusive. ... The surveillance was discontinued at some point last year for lack of evidence ...

"The FBI then restarted the surveillance after obtaining a new FISA warrant that extended at least into early this year. The conversations between Manafort and Trump continued after the President took office, long after the FBI investigation into Manafort was publicly known ... They went on until lawyers for the President and Manafort insisted that they stop. ... It's unclear whether Trump himself was picked up on the surveillance." http://cnn.it/2xjiQdr

-- "Haley's former chief of staff to join Trump's legal team," by Eliana Johnson: "President Donald Trump has added another lawyer to his legal team as FBI special

counsel Robert Mueller prepares to interview a slate of senior White House aides. Steven Groves, who until last month served as chief of staff to U.N. ambassador Nikki Haley, will serve as deputy to White House special counsel Ty Cobb, who is managing the response to Mueller's investigation into Russian meddling into the 2016 election. White House press secretary Sarah Huckabee Sanders confirmed Groves' hire on Monday. ... Before joining the administration, Groves worked as a senior fellow at the Heritage Foundation, a conservative think tank, and as senior counsel to the Senate's permanent subcommittee on investigations, investigated the U.N.'s oil-for-food scandal." http://politi.co/2hf2Csz

-- **"More Than Seven Lawyers Working On Michael Flynn's Defense Team,"** by BuzzFeed's Chris Geidner: "The fees will 'certainly be into the seven figures,' according to [a] source." http://bzfd.it/2yayd5B

CLINTON SPEAKS -- "Clinton urges government workers not to quit their posts," by Gabe Debenedetti: "Hillary Clinton on Monday urged federal employees who disagree with the Trump administration to stay in their jobs if they can, condemning what she called the 'disregard, even contempt, among many in this administration about what federal workers know and what they've done, and the advice they can give.' The 2016 Democratic presidential nominee, speaking at Warner Theatre in Washington in the first speaking event of the national tour for her new book, urged government workers to 'stick it out, stick it out, because the tide has to turn.'" http://politi.co/2xilFeJ

SPEAKING OF CLINTON: "Feinstein and Biden slam Trump's golf ball retweet," by Brent D. Griffiths: "'Every one of us should be offended by the vindictive and candidly dangerous messages the president sends that demean not only Secretary Clinton, but all women,' Sen. Dianne Feinstein (D-Calif.) said in a blistering statement. Feinstein, a four-term incumbent, concluded that it was time for the president to 'grow up and do your job.' ... Hours after Feinstein issued her statement, former Vice President Joe Biden chided Trump on Twitter, writing that it was long past time for the president to stop using social media in such a manner. 'Enough,' he tweeted. 'This has to stop. Our children are watching.'" http://politi.co/2fxbbyU

DACA POLITICS -- S.F. CHRONICLE -- "Protesters shut down Pelosi news conference on DACA: 'All of us or none of us,'" by Evan Sernoffsky: "Chanting pro-immigrant slogans -- 'All of us or none of us,' 'Democrats deport' and 'We are not a bargaining chip' - more than 60 young people overwhelmed a news conference that House Minority Leader Nancy Pelosi had organized Monday on her home turf in San Francisco to urge passage of the Dream Act to protect immigrants who were brought to the country as children. After nearly an hour of boisterous chanting by protesters who described themselves as 'undocumented youth,' Pelosi and fellow House Democrats Barbara Lee of Oakland and Jared Huffman of San Rafael packed up and left as the carefully orchestrated event fell into disarray. ...

"Pelosi eventually walked outside to briefly address reporters before leaving. 'This group today is saying don't do the Dream Act unless you do comprehensive immigration

reform,' she said. 'Well, we all want to do comprehensive immigration reform. ... I understand their frustration -- I'm excited by it as a matter of fact -- but the fact is, they're completely wrong.'" http://bit.ly/2ybyOnr

--@nbcbayarea: "'You're a liar!:' 'Dreamers' confront Pelosi over negotiations with Trump over DACA" -- ***25-second video*** http://bit.ly/2wrXtYJ

THE JUICE ...

-- "MORNING JOE" is celebrating its 10-year anniversary this morning. In the 7 a.m. hour, guests include Bill de Blasio, Chris Christie and Michael Bloomberg. In the 8 a.m. hour, Tony Blair and Sen. Claire McCaskill (D-Mo.) will join. Sen. John McCain (R-Ariz.) will also make an appearance. The show also flew two fans who won their Twitter sweepstakes from Utah to see the show.

-- BREAKING -- HOLLYWOOD REPORTER -- "CBS Wins Bidding Showdown for Australia's Network Ten": "Creditors of embattled Australian free-to-air broadcaster Network Ten overwhelmingly voted in favor of a takeover bid for the company by CBS Corp. on Tuesday. Led by Ten staff, the acceptance of CBS' $32 million ... offer to unsecured creditors also saw creditors reject a counter offer of $44 million from Ten shareholders Lachlan Murdoch and Bruce Gordon. The pair had failed on Monday in a bid to get the local Supreme Court to stop Tuesday's meeting." http://bit.ly/2wsZt2C

Playbook Reads

PHOTO DU JOUR: President Donald Trump jokes with French President Emmanuel Macron at the Palace Hotel in New York during a meeting of the United Nations General Assembly on Sept. 18. | Evan Vucci/AP Photo

BREAKING LAST NIGHT -- HAARETZ'S BARAK RAVID: "Prime Minister Benjamin Netanyahu met with Egyptian President Abdel-Fattah al-Sissi on Monday night in New York. This was the first public meeting between the two leaders since al-Sissi took office. The Prime Minister's office said that Netanyahu spoke with al-Sissi for about an hour and a half about regional issues. Al-Sissi expressed his desire to support regional and Israeli-Palestinian regional peace efforts." http://bit.ly/2xdIhv8

FIRST FAMILY -- " Donald Trump Jr. Gives Up Secret Service Protection, Seeking Privacy," by NYT's Nick Fandos and Maggie Haberman: "Donald Trump Jr., the president's eldest son, has elected to forgo protection by the Secret Service, according to a senior administration official. The agency ceased protecting Mr. Trump, who lives in New York City and is an executive at the Trump Organization, last week. Mr. Trump, an avid camper and hunter, is said to be seeking more privacy than he can expect with a

contingent of agents accompanying him everywhere. It was not immediately clear whether the decision applied to his family; he and his wife, Vanessa, have five children. ... But giving up protection of even the younger Mr. Trump alone will provide relief for the Secret Service, which has had its work force and resources strained by the size and lifestyle of the Trump family." http://nyti.ms/2ymrlNP

ISAAC DOVERE talks to **SEN. JEFF MERKLEY (D-ORE.)** for the latest "Off Message" podcast: "Almost no one knows who he is, but Jeff Merkley thinks there's a spot for him on the left flank of the 2020 Democratic primary-whether or not Bernie Sanders and Elizabeth Warren run. He's already beaten Warren to Iowa, and spent more time in Des Moines this month than Sanders has since last year's caucuses.

"'If I believe that something matters, I'll throw myself into it, and I'm OK losing. But when you throw yourself in with that attitude, and you're all about teamwork, sometimes you win,' Merkley said, recounting a career that's already taken him through a surprise election as a state representative in Oregon to being picked as speaker of the statehouse to beating a popular incumbent to get to the Senate in 2008. 'I'm willing to take on battles that I feel are important.'

"He already has down the coyness of a politician who spends a weekend in Iowa and pretends he's shocked to hear people thinking he has presidential ambitions. 'I knew it would create some rumors, and obviously I guess I was right,' Merkley said. When I noted that he was obviously fine with that, he shot back, 'I was right about that.'" http://politi.co/2ybxkcR

FEC WATCH -- "How the FEC Turned a Blind Eye to Foreign Meddling: For years, my fellow FEC commissioners refused to apply campaign finance rules to the internet. Now Russia is running amok on Facebook," by Ann Ravel in POLITICO Magazine: "[P]olicymakers for years have ignored or outright opposed the need to hold the internet advertising industry to the same standards the country has already agreed on for television and radio. Our campaign finance rules are outdated for the internet age, and rules on the books aren't enforced. ...

"I warned that Vladimir Putin could meddle in our elections nearly three years ago, as vice chair of the [FEC] ... Our vulnerabilities seemed obvious: The FEC's antiquated policies refer to fax machines and teletypes, but barely mention modern technological phenomena like social media, YouTube and bots. The inadequacy of the FEC's current regulations makes it practically impossible for both regulators and citizens to determine if the funding for a political advertisement online came from a domestic source or an enemy abroad." http://politi.co/2xdj18u

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designers, manufacturers, utilities and government agencies. Now isn't that bright? Learn more about how we're supporting sustainability on a global scale at 21stcentury.ucdavis.edu. ******

BUSINESS BURST -- "Equifax Is Said to Suffer a Hack Earlier Than the Date Disclosed," by Bloomberg's Michael Riley, Anita Sharpe and Jordan Robertson: "Equifax Inc. learned about a major breach of its computer systems in March -- almost five months before the date it has publicly disclosed, according to three people familiar with the situation. In a statement, the company said the March breach was not related to the hack that exposed the personal and financial data on 143 million U.S. consumers, but one of the people said the breaches involve the same intruders. ... Equifax hired the security firm Mandiant on both occasions and may have believed it had the initial breach under control, only to have to bring the investigators back when it detected suspicious activity again on July 29, two of the people said." https://bloom.bg/2xunOEN

MEDIAWATCH -- "Fox News Guest Says Rape Allegation Blacklisted Her," by NYT's Emily Steel: "Fox News, which for more than a year has dealt with the fallout from an embarrassing sexual harassment scandal, was sued on Monday by the political commentator Scottie Nell Hughes, who claimed that she had been raped by the longtime anchor Charles Payne and was then retaliated against by the network after she came forward with her allegation.

"Mr. Payne, the host of 'Making Money' on Fox Business, returned to the air this month after the network suspended him in July pending an investigation into his conduct. Upon his return, the network said that it had completed the investigation, which began after Ms. Hughes took her allegations to the network in late June. Mr. Payne's lawyer, Jonathan N. Halpern, said in a statement on Monday that his client 'vehemently denies any wrongdoing and will defend himself vigorously against this baseless complaint.'" http://nyti.ms/2xemgwj

-- "A Casualty of Trump's War with CNN is Back in the Game," by Vanity Fair's Joe Pompeo: Thomas "Frank now has a new job covering national security and counterintelligence for BuzzFeed, which he landed after applying through a link he saw on Facebook. He will start on October 2 as the Web site's first full-time reporter on that beat. ... Frank, 54, is a seasoned reporter with 16 years in Washington and four stints in Iraq under his belt. Prior to joining CNN earlier this year, he spent more than a decade at USA Today, where he was a 2012 Pulitzer finalist." http://bit.ly/2f6qMF1

-- "Laura Ingraham's Fox News Show To Debut October 30; 'Hannity' Will Take On 'Maddow' At 9 PM" - Deadline: http://bit.ly/2f7bCzi

-- MASSIMO CALABRESI is now Time magazine's Washington bureau chief. **ALEX ALTMAN** will become national editor (h/t Morning Media).

Playbookers

SPOTTED: Rep. Gerry Connolly (D-Va.) walking into Rasika yesterday on M Street ... AFL-CIO's Richard Trumka on the Acela in first class class from NYC to DC. "He's talking about Biden and the potential of him in 2020," per our tipster ... Sen. Roy Blunt (R-Mo.) and Interior Secretary Ryan Zinke last night at the bar at the AMC Loews theater in Georgetown

TRANSITIONS -- FIRST IN PLAYBOOK - ANDY HEMMING, former director of rapid response in the Trump White House, is moving temporarily to Brussels to work for public affairs and strategic communications firm Red Flag.

-- Tyler Houlton has joined DHS as deputy press secretary. He was most recently director of federal affairs at Americans for Prosperity and is also a former House chief of staff and alum of the NRCC. ... **Mara Sloan** has been hired as comms director by the Democratic Legislative Campaign Committee. She's an alum of Bill Nelson, DWS, DNC and the Glover Park Group. ...

... Dr. Megan Reiss is starting today at R Street as a senior national security fellow. She was previously the senior national security fellow for Sen. Ben Sasse (R-Neb.). ... **Justin Platt** is joining Edelman as a VP on their media strategies and services team. He previously worked in public affairs former U.S. Army Secretaries John McHugh and Eric Fanning.

WELCOME TO THE WORLD -- Melissa Kiedrowicz Ellison, legislative director for Rep. Linda Sanchez (D-Calif.), and **John Ellison**, senior director at Precision Network, welcomed their son Everett Gray Ellison this past Wednesday. ***Pic of proud big brother Henry holding his new best friend*** http://bit.ly/2xtFRuC

SPOTTED at David Litt's book party for "Thanks, Obama: My Hopey, Changey White House Years" last night at Comet Ping Pong: fiancée Jacqui Kappler, host and owner of Comet Ping Pong James Alefantis, Brad Jenkins, Erik Smith and Edith Gregson, Kelley McCormick, Craig Gordon, Christina Sevilla, Garance Franke Ruta, Rick Klein, Perry Bacon, Scott Mulhauser, Polson Kanneth, Steve Clemons, Margaret Carlson, Julia Ioffe, Elizabeth Thorp, Shawna Thomas, Todd Flournoy, Mike Memoli, Mark Paustenbach, Alexandra Barnett, Isaac Dovere, Crystal Patterson, Rebecca Cooper, Cassie Spodak, Kimball Stroud and Christine Delargy

BIRTHWEEK (was yesterday): Weekly Standard books and arts editor Adam Keiper

BIRTHDAY OF THE DAY: Michael Barone, senior political analyst for the Washington Examiner, co-author of 'The Almanac of American Politics' and a Fox News contributor. **A fun fact about him:** "I have been to all 50 states and 435 congressional districts. I reached my last state and district, Alaska, when I landed at Ted Stevens International Airport in Anchorage in February 1998." **Read his Playbook Plus Q&A:** http://politi.co/2w4lPDq

BIRTHDAYS: Ana Marie Cox ... Andrea Saul, policy comms at Facebook (hat tips: Ryan Williams, Tucker Bounds and Jackie Rooney) ... Roger Angell is 97 ... former Defense Secretary Harold Brown is 9-0 ... Spencer Garrett ... Christina Iskandar ... Sen. Tim Scott (R-S.C.) is 52 ... Rep. Henry Cuellar (D-Texas) is 62 ... Anne Garland ... Rebecca Blank, chancellor of the University of Wisconsin-Madison ... Jeannie Bunton ... Sarah Davey ... Toby Chaudhuri ... Suzanne Salgado ... Chris Cooper, former WSJ now at Potomac Square Group (h/ts Jon Haber) ... Politico's David Pittman and Colleen Connolly ... David Silber (h/t Claude Marx) ... Greta Carnes is 26 (h/t Courtney Corbisiero) ... Ariana Mushnick, senior associate on the digital team at Precision Strategies (h/t Tom Zigo) ... Dorey Scheimer, producer at Cox Media's Washington Bureau (h/ts Niels Lesniewski and Zac Halpern) ...

... WSJ's Lucette Lagnado ... John Byers, deputy chief of staff for Rep. Leonard Lance (R-N.J.) (h/t Lesley Fulop) ... Sarah Kleiner, federal politics reporter at the Center for Public Integrity (h/t Dave Levinthal) ... Carly Rolfe, who works on comms at the Nats ... Edward Scheinman, senior editor at Pacific Standard, is 32 (h/t Nadia Szold) ... Amanda DeBard ... Kate McMahon Etter ... Curtis Rhyne ... Kivvit's Maggie Moran ... Sarah Marie Miller ... Frank Konkel, executive editor at Nextgov ... Dan Kolko ... WSJ night editor Wade Lambert is 57 ... Andrea McCarren ... Neal Urwitz, director of external relations at the Center for a New American Security, is 34 ... Kimberly Halkett ... Sean Coit, comms director for Sen. Coons (D-Del.), is 3-0 ... Paul Logan ... Mike Laws ... Ali Glisson ... Adam Temple ... Bill Varian ... Greg Audel ... Bruce Alpert ... Janno Lieber ... Donn Stanley ... Mary Pat Day ... Larry Fox ... Mark Edwards ... Sarah Bailey (h/ts Teresa Vilmain)

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EHS State Regulatory Alert

July 28, 2017 - Number 144

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California Regions

AIR
Consolidation of Definitions
California Regions AIR

Final rule of the Mojave Desert Air Quality Management District amends regulations under Rule 102 to relocate common definitions contained in the district rulebook into one rule to ensure consistency. The rule also revises definitions to address amendments to Rules 1158 and 1162 regarding reasonably available control technology state implementation plan updates for electric generating facilities and polyester resin operations. The rule will be submitted to the U.S. EPA as a revision to the state implementation plan. The rule is effective June 12, 2017. Contact: Tracy Walters; Mojave Desert AQMD; 760-245-1661

—California RegionsRegulations (06/12/2017)

Regulatory Update

AIR
Electric Power Generating Facilities
California Regions AIR

Final rule of the Mojave Desert Air Quality Management District amends regulations under Rule 1158 regarding electric power generating facilities to align emissions requirements with federal reasonably available control technology requirements. The rule reduces allowable nitrogen oxides (NOx) emissions limits, establishes separate limits for low use facilities, and adds an efficiency factor for combined-cycle turbines. The rule also revises exemptions and updates monitoring, recordkeeping, and test methods. In addition, the rule sets forth an aggregated annual NOx emission cap effective after June 26, 2017. The rule will be submitted to the California Air Resources Board and the U.S. EPA as a revision to the state implementation plan. The rule is effective June 26, 2017. Contact: Chris Anderson; Mojave Desert AQMD; 760-245-1661

—California RegionsRegulations (06/26/2017)

Regulatory Update

AIR
Fees
California Regions AIR

Final rule of the Mojave Desert Air Quality Management District amends regulations under Rules 301, 302, and 303 to increase permit, hearing board, and various other fees by 2 percent. The rule also removes duplicative definitions. The rule is effective Jan. 1, 2018. Contact: Jean Bracy; Mojave Desert AQMD; 760-245-1661; jbracy@mdaqmd.ca.gov

—California RegionsRegulations (06/27/2017)

Regulatory Update

AIR
Fees
California Regions AIR

Final rule of the Monterey Bay Air Resources District amends regulations under Rules 300, 301, 306, 308, and 310 and adopts regulations under Rule 110 to increase permit fees by 5 percent. The rule also reduces late penalties and adds various source category specific fees based on the permit type rather than billable emissions. In addition, the rule revises requirements for payment of asbestos national emission standards for hazardous air pollutants fees and adds a new fee category for certain demolition or renovation activities. Finally, the rule establishes a requirement for applicants for a permit to operate to defend and indemnify the district in the event of a legal challenge relating to the issuance of the permit. The indemnification rule is effective June 21, 2017, and the fee rules are effective July 1, 2017. Contact: Amy Clymo; MBARD; 831-647-9411; aclymo@mbard.org

—California RegionsRegulations (07/21/2017)

Regulatory Update

AIR
Marine and Pleasure Craft Coating Operations
California Regions AIR

Final rule of the Mojave Desert Air Quality Management District amends regulations under Rule 1106 regarding volatile organic compound (VOC) reasonably available control technology requirements for marine and pleasure craft coating operations subject to U.S. control technique guidelines. The rule updates definitions for specialty coating categories, reflects the application of the requirements to both marine and pleasure craft coatings, and increases requirements for overall control efficiency to 90 percent. The rule also updates work practice standards and reduces maximum permissible VOC content of surface preparation materials to 25 grams per liter unless cleaning operations can be performed within air pollution control equipment with a capture efficiency of at least 90 percent. The rule will be submitted to the U.S. EPA as a revision to the state implementation plan. The rule is effective Oct. 24, 2016. Contact: Tracy Walters; Mojave Desert AQMD; 760-245-1661; twalters@mdaqmd.ca.gov

—California RegionsRegulations (10/24/2016)

Regulatory Update

AIR

Motor Vehicle Assembly Coating Operations

California Regions AIR

Final rule of the Antelope Valley Air Quality Management District adopts regulations under Rule 1151.1 to establish volatile organic compound emissions limits for motor vehicle assembly coating operations. The rule sets forth limits for coatings applied to new motor vehicles, light-duty trucks, and heavier vehicles and other parts that are coated along with these body or body parts during the vehicle assembly process and associated solvent cleaning activities. The rule also sets forth solvent disposal and storage requirements, recordkeeping requirements, and test methods and requires operators to develop work practice plans. The rule will be submitted to the U.S. EPA as a revision to the ozone state implementation plan. The rule is effective June 20, 2017. Contact: Barbara Lods; Antelope Valley AQMD; 661-723-8070; blods@avaqmd.ca.gov

—California RegionsRegulations (06/20/2017)

Regulatory Update

AIR

New Source Review/Prevention of Significant Deterioration

California Regions AIR

Final rule of the Mojave Desert Air Quality Management District amends regulations under Rules 1300, 1302, and 1320 and adopts regulations under Rule 1600 regarding new source review (NSR) and prevention of significant deterioration. The rule incorporates federal requirements for new and modified major stationary sources, revises notice requirements for minor source permitting activities, and allows the district to request enhanced NSR designation to allow various permitting activities to be performed concurrently. The rule also clarifies provisions, revises citations, and makes technical corrections to conform to federal requirements. In addition, the rule specifies that visibility provisions apply to major modifications to facilities within 63 miles of a Class I federal area, and allows the submission of specified NSR and PSD documents to be combined with documents provided in conjunction with Title V operating permit requirements. The rule will be submitted to the U.S. EPA as a revision to the SIP. The rule is effective Aug. 22, 2016. Contact: Karen Nowak; Mojave Desert AQMD; 760-245-1661; k2nowak@mdaqmd.ca.gov

—California RegionsRegulations (08/22/2016)

Regulatory Update

AIR

Organic Solvent Degreasing Operations

California Regions AIR

Final rule of the Mojave Desert Air Quality Management District amends regulations under Rule 1104 regarding organic solvent degreasing operations. The rule updates reasonably available control technology (RACT) requirements for sources subject to EPA control techniques guidelines to address the 2015 RACT State Implementation Plan (SIP) Analysis commitment for the 2008 ozone national ambient air quality standards. The rule updates the definition of "volatile

organic compound (VOC)" to reflect the district's tert-butyl acetate policy and clarifies that the rule is not applicable to janitorial supplies used for cleaning offices, bathrooms, or similar areas. The rule also limits VOC content to 25 grams per liter for cleaning or surface preparation, specifies a composite vapor pressure limit in lieu of the VOC content limit, and adds a capture and control efficiency for control equipment of 90 percent. In addition, the rule sets forth cleaning methods, incorporates work practices into the operating requirements, provides exemptions concerning solvent cleaning operations, and updates test methods. The rule will be submitted to the U.S. EPA as a revision to the SIP. The rule is effective March 27, 2017. Contact: Tracy Walters; Mojave Desert AQMD; 760-245-1661; twalters@mdaqmd.ca.gov

—California RegionsRegulations (03/27/2017)

Regulatory Update

AIR
Permit and Other Fees
California Regions AIR

Final rule of the Antelope Valley Air Quality Management District amends regulations under Rules 301 and 302 to increase permit fees by 7.5 percent and other fees associated with various activities, documents, and services by 15 percent. The rule is effective Jan. 1, 2018. Contact: Barbara Lods; Antelope Valley AQMD; 661-723-8070; blods@avaqmd.ca.gov

—California RegionsRegulations (07/18/2017)

Regulatory Update

AIR
Polyester Resin Operations
California Regions AIR

Notice of the Mojave Desert Air Quality Management District announces changes to and an additional hearing on a proposed rule to amend regulations under Rule 1162 regarding polyester resin operations. The hearing is intended to address substantive comments from the U.S. EPA. The rule aligns reasonably available control technology (RACT) requirements with federal RACT. The rule adds requirements for volatile organic compounds emissions, control device efficiency, organic solvent cleaning, and work practices. The rule also addresses fiberglass boat manufacturing operations and establishes exemptions for certain solvent cleaning applications. In addition, the rule updates definitions, recordkeeping requirements, test methods, and monomer limits for corrosion resistant resin. If adopted, the rule will be submitted to the California Air Resources Board and the U.S. EPA as a revision to the ozone state implementation plan. The hearing is scheduled for Aug. 28, 2017, in Victorville. A comment due date is not specified. Contact: Tracy Walters; Mojave Desert AQMD; 760-245-1661

—California RegionsRegulations (07/13/2017)

Regulatory Update

AIR
Toxic Air Contaminant Risk Assessment Procedures
California Regions AIR

Notice of the South Coast Air Quality Management District announces the availability of a draft update to the procedures for preparing risk assessments under Rule 1401 on new source review of toxic air contaminants (TACs), Rule 1401.1 on requirements for new and relocated facilities near schools, and Rule 212 on standards for approving permits and issuing public notice (Version 8.1). The guidance includes revisions to the emission factors and speciation profiles for gasoline dispensing facilities and the addition of screening tables for spray booth sources. The document also includes updated meteorological data from 2010-2016 for all screening tables and an updated list of TACs approved by the Office of Environmental Health Hazard Assessment subject to Rule 1401. In addition, the document includes a revised proposed date of adoption for proposed amendments to Rule 1401 of Sept. 1, 2017, and proposed applicability date for permit applications deemed complete of Oct. 1, 2017. Contact: Philip Fine; SCAQMD, Planning, Rule Development & Area Sources; 909-396-2239

—California RegionsRegulations (07/26/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 8/16/2017 8:12:36 PM
Subject: EPA extends public comment period for WOTUS repeal

By Annie Snider

08/16/2017 04:05 PM EDT

EPA is giving the public another month to comment on its move to repeal the Obama administration's Waters of the U.S. rule.

The agency announced today that it will extend the public comment period by 30 days, giving environmental groups, industry advocates and the public until Sept. 27 to weigh on its proposed rule to repeal the Obama-era regulation.

Supporters of the Obama rule, which increases the number of streams and wetlands that receive automatic federal protection, had criticized the length of time the Trump administration gave for public comment. The repeal rule was originally opened for 30 days of comment, although it was public for about a month before the comment period formally opened. The original Obama rule, also called the Clean Water Rule, was open for more than 200 days. Issues raised through the public comment process help lay the groundwork for future legal challenges.

EPA Administrator Scott Pruitt has pushed to swiftly repeal the contentious regulation and draft his own rewrite defining which marshes, bogs and creeks are subject to regulation under the Clean Water Act.

WHAT'S NEXT: Comments on the Trump administration's rule to repeal the WOTUS regulation are due by Sept. 27.

To view online:
https://www.politicopro.com/agriculture/whiteboard/2017/08/epa-extends-public-comment-period-for-wotus-repeal-091881

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 10/11/2017 11:31:49 PM
Subject: Oct. 12 -- Daily Environment Report



Daily Environment Report

October 12, 2017 - Number 196

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Leading the News

Appropriations

House to Hurry Through $36.5 Billion in Hurricane, Wildfire Aid

The House will fast-track a $36.5 billion disaster aid package to help areas devastated by recent hurricanes and wildfires. House Republican leaders plan to bring the aid package to the floor Oct. 12 under expedited procedures that won't allow amendments, and to pass it after a quick debate. The bill would provide federal relief for Puerto Rico and other storm-ravaged areas, as well as aid for states affected by wildfires like California.

Climate Regulation

Clean Power Plan's Legal Fight Continues Amid Repeal Efforts

The EPA's proposal to ax the Obama administration's plan to cut carbon emissions from the power sector hasn't silenced the legal back-and-forth over the regulation's merits.

EPA

EPA Seeks 'Single Best Way' to Work With States

The EPA will review its oversight responsibilities to find the "single best way" to monitor state actions, part of Administrator Scott Pruitt's promise to "rebalance" the agency's relationship with the states.

Water Pollution

High Court Mulls Right Place for Water Rule Review

Identical legal challenges to a regulation describing the reach of the federal water quality law could sprout up in district courts across the country unless the U.S. Supreme Court steps in, the federal government warned.

News

Accounting
Pipelines Might Face New Burdens From Easement Rule Proposal
Pipeline companies might have major paperwork headaches if proposed changes to accounting for land easements go through.

Agriculture
Maryland Unveils Plan for Chesapeake Pollution Trading
Maryland farmers soon may be able to earn extra money by further reducing the flow of fertilizer from their farms into the Chesapeake Bay.

Air Pollution
Clean China Skies Rely on More Ore Mined from Amazon Rainforest
A bid by China to clean up pollution in its biggest cities and industrial towns is fueling a push to mine resource riches on the other side of the globe in the Amazon rainforest—one of the most environmentally sensitive areas on Earth.

Energy
Energy Transfer Beats Bid to Turn Off Dakota Access Pipeline
Energy Transfer Partners LP's controversial $3.8 billion Dakota Access Pipeline can keep pumping crude oil for now while its environmental impact is reviewed, a federal judge ruled, sparing the company tens of millions of dollars in costs.

Energy
Merkel Faces Coal Insurrection Over Phaseout Date of Fossil Fuel
Germany's power, mining and chemical workers warned Chancellor Angela Merkel against embracing a phaseout date for coal under a new government.

Energy
Mexico Energy Skeptical Presidential Candidate Will Undo Reforms
Mexico's power suppliers are convinced that Andres Manuel Lopez Obrador, the left-wing presidential candidate who's pledged to roll back the nation's energy reforms, won't be able to deliver on his promises.

Energy
NAFTA Negotiators to Tackle Energy Issues During Friday Meeting
NAFTA negotiators are gathering in Washington for their fourth round of talks to update the trade deal, and energy is on the agenda -- if only for two hours.

Energy
Pro-Coal Energy Rule Opposition Grows as Deadline Nears
Action on an Energy Department proposal that would prop up coal and nuclear plants is moving forward quickly after opponents—including renewable, gas and oil industry groups—were denied additional time to weigh in on a plan they said could distort the wholesale energy markets.

Energy
Smoke Alarm Efficiency Exemption Clears House
Smoke alarms, security systems, and other safety devices would remain exempt from energy efficiency standards as part of a bill headed to President Donald Trump's desk after sailing through the House easily today.

Energy
U.K. Floats Nuclear Safeguards Bill for Post-Brexit Period

The U.K. published draft legislation to create a domestic nuclear safeguards system that will replace provisions under the European Union's Euratom treaty once Britain has left the bloc.

Energy
U.K. to Boost Low-Pollution Energy Supplies as It Limits Bills
The U.K. government on Oct. 12 will move to boost energy supplies while ratcheting back pollution and limiting upward pressure on customer bills.

Oil & Gas
BNP Paribas to Halt Shale, Oil Sands Financing
BNP Paribas SA pledged to stop financing shale and oil sands projects, expanding earlier commitments in support of global efforts to tackle climate change.

Oil & Gas
DTE, Enbridge Gas Line, Energy Transfer Project Approved
DTE Energy and Enbridge Inc. gained approval from federal regulators to start construction of the $2 billion Nexus natural gas line in the Midwest, with certain exceptions, according to an Oct. 11 filing.

Oil & Gas
Stops on New England Gas Orders Made Prices Rise, Group Says
Power companies' approach to booking space on U.S. natural gas pipelines is becoming the latest flash point in the debate over whether to build more of the links in the historically constrained Northeast.

Oil Spills
Rail Safety Targeted in Fuel Transport Study on Shale Boom
Routes used to ship crude oil, natural gas, and ethanol by rail need better and more frequent inspections, according to a report by a national science group that also urged added training for local first responders.

Renewable Energy
Killing Obama's Power Plan Hasn't Stopped the Renewable Boom Yet
For a look at what the death of the Clean Power Plan means for renewable energy, consider this: Since President Donald Trump signed the order to roll back the emissions-curbing rule, almost $30 billion has been spent on solar and wind projects.

Renewable Energy
Wind and Solar's Future Depends on Taxes, Not Clean Power Plan
The Trump administration's decision to end the Clean Power Plan may be deeply symbolic, but the battle that matters most for renewable energy will be over taxes.

Vehicle Fuels
10,000 Electric Cars Highlight Steep Path to India's Ambitions
Prime Minister Narendra Modi has kicked off India's race to turn all new passenger car sales electric by 2030. The largest order has gone to a company that hasn't commercially started producing the vehicles.

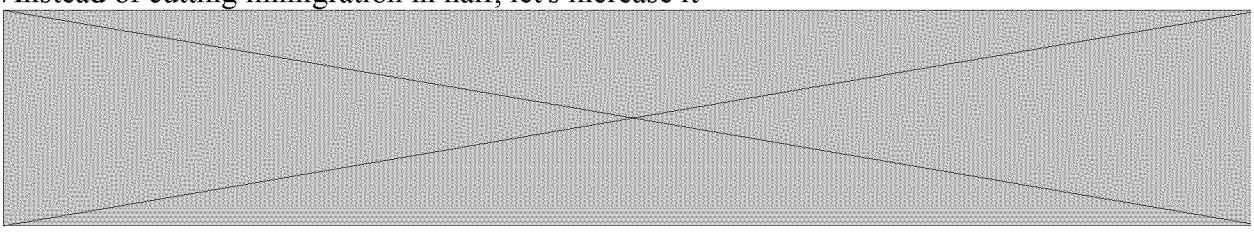
Vehicle Fuels
Driverless Cars Give Engineers a Fuel Economy Headache
Judging from General Motors Co.'s test cars and Elon Musk's predictions, the world is headed toward a future that's both driverless and all-electric. In reality, autonomy and battery power could end up being at odds.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Thur 8/3/2017 10:09:57 AM
Subject: AEI Today: Instead of cutting immigration in half, let's increase it

. Instead of cutting immigration in half, let's increase it



AEI's daily publication of independent research, insightful analysis, and scholarly debate

Reuters

Instead of cutting immigration in half, let's increase it

James Pethokoukis | AEIdeas

President Trump is supporting an immigration bill from Republican Senators Tom Cotton (R-AR) and David Perdue (R-GA) that would replace, as The New York Times explains, "a system that favors family ties in deciding who can legally move to the United States with one based on skills and employability." But the end result, according to a Cotton aide, would be to cut immigration to America in half. Given what problems confront the US economy today, isn't that off point?

Twenty20

New research confirms: No crisis for today's retirees

Andrew G. Biggs | Forbes

"There's nothing so classy as a policy wonk reveling in vindication. And I'm nothing if not classy," writes Andrew Biggs. "But there's a bigger purpose to be served." Biggs is referring to an argument he made in 2014 about the ballyhooed "retirement crisis," explaining that once you correct for poor measurement of retirement incomes, retirees are a lot better off than you think. A new study with access to confidential IRS data backs up the claim.

More from AEI

Here's how Republicans can work with Democrats to pass pro-growth tax reform
James Pethokoukis | AEIdeas

North Korea and public opinion: Majorities across the aisle support stiffening sanctions

Karlyn Bowman | Forbes

Are tech firms too big to let live?

Mark Jamison | TechPolicyDaily.com

Commerce Secretary Wilbur Ross vs. Frederic Bastiat on trade

Mark J. Perry | AEIdeas

60-second take: 6 months in, President Trump is less popular than any president ever at this stage. Is there any good news?

Karlyn Bowman | AEI video

What is free enterprise good for? The results speak for themselves.

Arthur C. Brooks | AEIdeas

AEI in the news: Michael Strain on how Republicans can't govern if they reject data

Jennifer Rubin | The Washington Post [metered paywall]

Around the web: How the housing crisis has created a generation of socialists

Matt Winesett | AEIdeas

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Fri 8/4/2017 10:31:12 AM
Subject: POLITICO Playbook, presented by Morgan Stanley: MUELLER impanels grand jury -- TRUMP: 'Are there any Russians here tonight?' -- RYAN'S real tax reform timeline -- SPICER signs with BOB BARNETT -- JOE SCARBOROUGH's plea to Ivanka and Jared

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Today's POLITICO Playbook presented by Morgan Stanley
08/04/2017 06:26 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Friday morning. BULLETIN: "TOKYO (AP) -- Toyota and Mazda say they will set up a $1.6 billion joint-venture plant in the U.S., creating 4,000 jobs."

-- @realDonaldTrump at 6:02 a.m.: "Toyota & Mazda to build a new $1.6B plant here in the U.S.A. and create 4K new American jobs. A great investment in American manufacturing!"

THE REAL TIMELINE -- SPEAKER PAUL RYAN told the Wisconsin State Journal that he "plans to introduce a tax overhaul bill in September with the goal of passing it through the House by the end of the year." No October deadline. Ryan also said if the House doesn't do its job "we will depress turnout" in 2018. http://bit.ly/2fdWlzW

WHAT EVERYONE IS TALKING ABOUT -- "Special Counsel Robert Mueller Impanels Washington Grand Jury in Russia Probe," by WSJ's Del Quentin Wilber and Byron Tau: "Special Counsel Robert Mueller has impaneled a grand jury in Washington to investigate Russia's interference in the 2016 elections, a sign that his inquiry is growing in intensity and entering a new phase, according to people familiar with the matter. The grand jury, which began its work in recent weeks, signals that Mr. Mueller's inquiry will likely continue for months. ... Ty Cobb, special counsel to the president, said he wasn't aware that Mr. Mueller had started using a new grand jury. 'Grand jury matters are typically secret,' Mr. Cobb said. 'The White House favors anything that accelerates the conclusion of his work fairly. ... The White House is committed to fully cooperating with Mr. Mueller.'" http://on.wsj.com/2ua1HTD

REUTERS -- "Grand jury issues subpoenas in connection with Trump Jr., Russian

lawyer meeting: sources," by Karen Freifeld and John Walcott: "A grand jury has issued subpoenas in connection with a June 2016 meeting that included President Donald Trump's son, his son-in-law and a Russian lawyer, two sources told Reuters on Thursday, signaling an investigation is gathering pace into suspected Russian meddling in the 2016 U.S. election. The sources added that U.S. Special Counsel Robert Mueller had convened the grand jury investigation in Washington to help examine allegations of Russian interference in the vote." http://reut.rs/2fbO6V3

-- "One year into the FBI's Russia investigation, Mueller is on the Trump money trail," by CNN's Evan Perez, Pamela Brown and Shimon Prokupecz: "Federal investigators exploring whether Donald Trump's campaign colluded with Russian spies have seized on Trump and his associates' financial ties to Russia as one of the most fertile avenues for moving their probe forward, according to people familiar with the investigation. The web of financial ties could offer a more concrete path toward potential prosecution than the broader and murkier questions of collusion in the 2016 campaign, these sources said. ...

"CNN has learned some of the investigators involved in the probe are buying liability insurance out of concern they could become targets of lawsuits from those who are being investigated, according to one of the people familiar with the probe. The Justice Department covers legal fees for employees sued in the course of their duties, but some of the lawyers want extra protection." http://cnn.it/2v4ktJ1

TRUMP RESPONDS -- "Trump rallies his base against Russia investigation," by Matt Nussbaum in Huntington, West Virginia: "President Donald Trump used a campaign-style rally Thursday night to level a sustained attack on the investigation into Russian meddling in last year's election, just hours after news broke that special counsel Robert Mueller had tapped a grand jury as part of the wide-ranging probe. Calling the investigation 'fake' and 'demeaning,' he said it was both a Democratic excuse for the election loss and a distraction from what Trump contends are the more serious crimes of his 2016 opponent, Hillary Clinton.

"The adoring crowd here responded by reprising a hallmark of the campaign, chanting, 'Lock her up!' ... 'We didn't win because of Russia -- we won because of you, that I can tell you,' Trump said, continuing the riff. 'Have you seen any Russians in West Virginia or Ohio or Pennsylvania? Are there any Russians here tonight?'" http://politi.co/2u6asKo

-- "West Virginia Democratic governor switches to GOP," by Matt Nussbaum, Gabe Debenedetti, Kevin Robillard and Daniel Strauss: "West Virginia Gov. Jim Justice announced a party switch Thursday evening in a surprise appearance with President Donald Trump in Huntington, West Virginia. 'Today, I will tell you, with lots of prayers and lots of thinking, I can't help you anymore being a Democrat governor,' Justice said. 'So tomorrow, I will be changing my registration to Republican.' ... Justice, who seldom worked with other Democrats, recently spent a well-publicized day hunting with Donald Trump Jr. - a familiar political optic in a largely rural state with a strong hunting tradition.

But his move still blindsided his old party, which is now left with control of just 15 governor mansions." http://politi.co/2uq4seu

WHERE THINGS STAND ON CAPITOL HILL ...

REPUBLICANS looking to find a path forward on a short-term government funding bill and raising the debt ceiling when they come back in September have begun discussing combining the two must-pass pieces of legislation. Both the debt ceiling and government funding bills will need Democrats to pass. They are likely to try to extend the debt ceiling and government funding to December. If they combine them it would allow leadership to try to strike a deal. **EXPECT** this strategy to inflame conservative members who are unlikely to be appeased by the argument that the real fight is in December.

JUST TO CLEAR THINGS UP -- OMB DIRECTOR MICK MULVANEY told reporters yesterday at a brown-bag lunch that "Steve Mnuchin speaks for the administration when it comes to -- on the debt ceiling. We've heard that out of the President's mouth, and I respect that, in fact that's the right way to do it. I've got budget, Mnuchin's got debt ceiling, and Cohen's got tax ... so there is no infighting within the administration about the debt ceiling."

-- "Republicans leave town with no clear path on Obamacare," by Jen Haberkorn and Paul Demko: "Senate leaders want to just drop the issue altogether. Conservatives say they're still fighting for repeal. Moderates want to launch a bipartisan effort to fix the shaky Obamacare system. The reality is that, after seven years of unity on repealing Obamacare, Republicans are rudderless on how to talk about or address the defining domestic policy issue of nearly the past decade for their party, and they have no clear plans despite holding all the levers of power in Washington. Now, they face a month away from the Capitol, answering to their home-state voters about their lack of progress." http://politi.co/2ht3bm3

REMEMBER THE STAY-IN-UNTIL-HEALTH-CARE-IS-DONE THING? -- @nielslesniewski: "At 7:01 p.m., the Senate has adjourned for August recess. No legislating until Sept. 5. Pro forma sessions will block recess appointments."

****** **A message from Morgan Stanley** : The Future of Energy: Looking at renewable energy's progress, is alternative energy really alternative anymore? Read more. ******

THE KELLY CHRONICLES -- NYT A1, "John Kelly Quickly Moves to Impose Military Discipline on White House," by Glenn Thrush, Mike Shear and Eileen Sullivan: "In his six months as Homeland Security secretary, John F. Kelly often described the White House as one of the most dysfunctional organizations he had ever seen, complained to colleagues and allies about its meddling, incompetence and recklessness, and was once so angry he briefly considered quitting. Now as President Trump's chief of staff, he is doing something about it -- with a suddenness and force that have upended the West Wing. Mr. Kelly cuts off rambling advisers midsentence. He

listens in on conversations between cabinet secretaries and the president. He has booted lingering staff members out of high-level meetings, and ordered the doors of the Oval Office closed to discourage strays. ...

"'Several times I've been on phone conversations with the president over the last couple of days and General Kelly has been on those conversations as well,' Mick Mulvaney, the director of the Office of Management and Budget, told reporters on Thursday when asked if Mr. Kelly was making a mark. The Trump White House is a judge-a-book-by-its-cover workplace, and staff members have been struck by Mr. Kelly's bearing: tall, stern and commanding a respect Mr. Priebus never did. People close to Mr. Kelly said they expected him to methodically assess his new staff before making more drastic changes -- and he has told people that he wants to improve morale before attacking the organizational chart." http://nyti.ms/2wcsdJn

-- "Kelly gives McMaster cover in West Wing battles: Trump's national security adviser has emerged as one of the most volatile personalities in White House," by Bryan Bender, Josh Dawsey and Nahal Toosi: "National security adviser H.R. McMaster, who has waged a pitched battle with other senior staff for control over policy and personnel on the National Security Council, is taking advantage of the shield offered by the arrival of his old military colleague John Kelly as White House chief of staff. Kelly told McMaster this week that he wanted him to remain as national security adviser, said two senior White House aides, and has encouraged him to make any staffing changes he deems necessary. ...

"In recent weeks, according to more than half a dozen current and former officials who have had direct interaction with him, McMaster has bristled at White House aides close to Trump whom he perceives as undercutting his authority. He seethes over every national security leak and lashes out over negative news stories he thinks are spread by his enemies. And McMaster, whose temper is legendary, frequently blows his top in high-level meetings. 'He can be very intense,' a McMaster confidant who speaks with him regularly and is a major supporter, told POLITICO Thursday. 'Some find that difficult.'" http://politi.co/2wqV1wN

ANOTHER PLOT TWIST -- "Flynn details tie to data firm, transition pay," by AP's Chad Day and Stephen Braun: "President Donald Trump's former national security adviser, Michael Flynn, is revealing a brief advisory role with a firm related to a controversial data analysis company that aided the Trump campaign, The Associated Press has learned. The disclosure of Flynn's link to Cambridge Analytica will come in an amended public financial filing in which the retired U.S. Army lieutenant general also discloses income that includes payments from the Trump transition team ... The amended disclosure shows that just before the end of the campaign, Flynn entered into a consulting agreement with SCL Group, a Virginia-based company related to Cambridge Analytica, the data mining and analysis firm that worked with Trump's campaign." http://bit.ly/2htghj9

TRUMP INC. -- "Secret Service vacates Trump Tower command post in lease

dispute with president's company," by WaPo's Carol Leonnig, David Fahrenthold and Jonathan O'Connell: "The Secret Service has vacated its command post inside Trump Tower in Manhattan following a dispute between the government and President Trump's company over the terms of a lease for the space ... Previously, the Secret Service had stationed its command post - which houses supervisors and backup agents on standby in case of an emergency - in a Trump Tower unit one floor below the president's apartment. But in early July, the post was relocated to a trailer on the sidewalk, more than 50 floors below, a distance that some security experts worry could hamper the agency that protects the president's home and family. The command post appears unlikely to move anytime soon back inside Trump Tower, where the president and his family have rarely gone since moving to the White House. On Thursday, a spokeswoman for the Trump Organization said the government should seek space in another location." http://wapo.st/2ht2PM7

AT MAIN JUSTICE -- "Justice Dept., Under Siege From Trump, Plows Ahead With His Agenda," by NYT's Rebecca Ruiz: "[E]ven as the Justice Department has been under siege by Mr. Trump, [Jeff] Sessions and [Rod] Rosenstein have sought to tune out the noise as they remake the department into the one that is most powerfully carrying out the president's agenda. 'We value the independence of the Justice Department,' Mr. Rosenstein said in an interview this week. ... Mr. Sessions is carrying out the president's conservative agenda with head-turning speed, roiling critics on the left and leaving some career staff members within the department disoriented by the sea change. 'Sessions as attorney general has been everything conservatives could have dreamed of and liberals could have feared,' said Erwin Chemerinsky, dean of the law school at the University of California, Berkeley.

"In the last six months, the attorney general has rolled back Obama-era policies on gay rights, voting rights, and criminal justice and police reform while advancing his own fight against drugs, gangs and violent crime. ... Mr. Sessions has mandated that prosecutors be as tough as possible in charging and sentencing all crimes, including drug offenses that carry stiff mandatory minimum prison sentences. He has expanded the ability of the police to seize people's assets, irrespective of whether they may have been convicted of a crime or even charged. And as he presses a hard-line immigration agenda, he has dispatched additional federal prosecutors to border districts to prosecute immigration cases and has ordered cities and states to fall in line with federal immigration authorities or else face cuts in federal funding." http://nyti.ms/2v2TGi5

--INTERESTING NUGGET: "Among the paintings that Mr. Rosenstein selected to decorate his conference room at the Justice Department is a portrait of Edward H. Levi, appointed attorney general by President Gerald R. Ford in 1975 after the department's credibility had been eroded by President Richard M. Nixon, whose firing of the Watergate special prosecutor, Archibald Cox, led to the resignations of Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus in what became known as the Saturday Night Massacre in October 1973. 'That right there,' Mr. Rosenstein said, motioning to the portrait of Mr. Levi. 'That's the post-Watergate A.G.'"

-- "U.S. Attorney Subpoenas Kushner Cos. Over Investment-For-Visa Program," by WSJ's Erica Orden, Aruna Viswanatha and Byron Tau: "Kushner Cos., the New York property development business owned by the family of White House senior adviser Jared Kushner, has been subpoenaed by New York federal prosecutors regarding its use of an investment-for-immigration program ... The subpoena concerns at least one Jersey City, N.J., development financed in part by a federal visa program known as EB-5: twin, 66-floor commercial-and-residential towers called One Journal Square ... The subpoena, received by the company in May, was a document request that included a demand for emails." http://on.wsj.com/2wqQCKr

1600 PENNSYLVANIA -- "Life in the West Wing: Bug zappers and helicopter fumes," by Tara Palmeri: "Bug zappers buzz in the West Wing while flies zip around. The yellow carpet is worn, and it can sometimes be difficult to work in parts of the White House because it fills with fumes when Marine One lands or takes off on the lawn of America's most famous home. Some White House aides claim to have seen rodents, and say they're used to having maintenance professionals moving around their work space to do work on the air conditioning system, which hasn't been overhauled in more than 20 years.

"Fixing it is top of the agenda for a building-wide renovation blitz scheduled for the next two weeks, while President Donald Trump heads to his golf club in Bedminster, N.J. Along with installing a high-volume air-conditioning system, the work may include replacing worn carpets and addressing other issues ... The main situation room was recently closed for two weeks so that the iconic main table could be refurbished, according to a former official." http://politi.co/2uqjj8Y

SPICER'S POST-WHITE HOUSE LIFE -- "Sean Spicer signs with top TV lawyer after meetings with networks," by Page Six's Emily Smith and Marisa Schultz: "Former White House press secretary Sean Spicer today signed with renowned attorney Bob Barnett, who represents a host of top politicians and TV news personalities, as he negotiates a big TV deal. Sources say Spicer signed with Barnett and Michael O'Connor of Williams & Connolly Thursday after taking meetings with all the major TV and news networks including NBC, CBS and Fox News last week. The former press secretary had also been courted by all the top Hollywood talent agencies, but sources said he chose Barnett, who is based with Williams & Connolly in Washington D.C. because of his track record with politicians and TV correspondents." http://pge.sx/2vvvVzN

--TMZ: "Sources close to Spicer tell us the former White House Press Secretary was flattered by the opportunity, but because he believes he'll have an 'overwhelming number of commitments in the Fall,' he declined the offer. As for whether Spicey had the skills to truly compete on 'DWTS' -- our source said, 'He's not a good dancer.'" http://bit.ly/2v4rMk1

UPDATE via Morning Media's Hadas Gold: **"SCARAMUCCI CANCELED HIS BIG ONLINE ANNOUNCEMENT TODAY,** where he was supposed to address the American people. Former Fox News co-president Bill Shine was reportedly helping Scaramucci

with the event, which was to be broadcast live on various platforms, but Scaramucci tweeted yesterday "No Press Event Tomorrow: Focusing on Family, My Work in The Private Sector. #MovingForward Stay Tuned!"

HOT VIDEO -- @TheDailyShow: "We can all agree the White House's 'theme weeks' have been a rousing success..." *2-min. video* http://bit.ly/2vnGdlK (h/t Matt Negrin)

TRUMP'S FRIDAY -- THE PRESIDENT is heading to FEMA for a hurricane briefing and having lunch with VP Mike Pence. He'll talk to French President Emmanuel Macron before departing for Bedminster.

Playbook Reads

PHOTO DU JOUR -- Sen. Ted Cruz (R-Texas) walks away from the U.S. Capitol after the last vote before the summer break, August 3, 2017 in Washington, DC. The U.S. Senate is scheduled to return from summer break on September 5. | Mark Wilson/Getty | Mark Wilson/Getty

ALI WATKINS -- "Hunt for Trump dossier author inflames Russia probe: An overseas trip to contact a former British spy exposes friction among House, Senate investigators and special counsel Robert Mueller": Two Republican House Intelligence Committee staffers traveled to London earlier this summer to track down the former British intelligence operative who compiled a controversial dossier on President Donald Trump and Russia, according to three people familiar with the matter. ...

"The House staffers left their contact information at two addresses associated with Steele, a former agent for Britain's MI6 foreign intelligence service. One of those locations was Steele's lawyer's office, where the former spy was meeting with his counsel when the House investigators showed up." http://politi.co/2wcVm7j

TOP-ED -- JOE SCARBOROUGH in WaPo, "Ivanka and Jared, move back to New York": "For almost a decade, Mika Brzezinski and I had the pleasure of occasionally crossing paths with Ivanka, Don Jr. and Eric Trump. I explained that in those encounters, the president's children were unfailingly deferential and polite. Long before their father's election, the Trump children enjoyed a stellar reputation among most Manhattan influencers for being hard-working and well raised. They possessed few of the flaws too easily recognizable in other wealthy and well-connected kids. Often, conversations that centered on the boorish behavior of Trump himself would end with someone citing his children as a mitigating factor against whatever severe judgments were being handed down. I once told Trump that a good way to judge most people is by the children they raised, and that by that measure, he seemed to be an unqualified success.

"The Donald's response was uncharacteristically humble. 'Anything good you see in my children is the result of them having a great mother,' he quietly said, with no cameras rolling to catch this fleeting glimpse of humility. ... Americans have seen enough headlines over the past six months to better understand why nepotism does not work in the White House. Though my words may suggest otherwise, I genuinely like Jared and Ivanka. I also love Joey, Andrew, Katherine and Jack Scarborough. But I wouldn't let them run my morning show any more than Trump should let his children run roughshod over White House operations." http://wapo.st/2vo5A7c

FIRST IN PLAYBOOK -- From California Playbooker Carla Marinucci: "Former California Gov. Arnold Schwarzenegger, flexing his muscles in efforts to counter President Trump's withdrawal from the Paris climate accord, will unveil an ambitious new national effort Friday aimed at providing lawmakers with a comprehensive toolbox to pass substantive climate change legislation at the state and local level. The new initiative to tweak Trump on climate change is being touted as a first on the internet -- a 'digital environmental legislative handbook' which organizers say will provide political leaders and lawmakers around the nation with a comprehensive curated list of legal and legislative research, voting records, and bill language and data to help them prepare bills on a wide range of environmental action, including air quality, renewable energy, health and climate change." http://politi.co/2feqHll

WEST COAST WATCH -- "Hollywood picks Gavin Newsom over Antonio Villaraigosa in California's race for governor," by L.A. Times' Seema Mehta and Maloy Moore: http://lat.ms/2vyVLDl

****** **A message from Morgan Stanley:** Has alternative energy gone mainstream? Several decades ago, renewable energy seemed futuristic. Now, it has emerged as a practical way to power our cities. Morgan Stanley explored the economics driving the industry, the obstacles it faces, and what it means for investors in renewable energy technology. Read more from Morgan Stanley. ******

THE PLAYBOOK INTERVIEW: New Orleans Mayor Mitch Landrieu

Mitch Landrieu, the mayor of New Orleans and president of the United States Conference of Mayors, is trying to sell the importance of mayors in the legislative process. Landrieu, who is wrapping up his last year as mayor of New Orleans, is following in the footsteps of his father, Moon Landrieu, who was himself a New Orleans mayor and president of the conference. The Democrat remains mum about his future plans, but he has been mentioned as a dark horse candidate for higher office once his term expires. "I really don't [have future plans]. I haven't had time to think about it that much ... and I intend to finish really, really strong, to make sure I keep my eyes focused on the streets in the city of New Orleans and to make sure the people have my full attention and full commitment. When that's over, I'm going to take a nap."

The highlights ...

ON WORKING WITH TRUMP: "This administration is particularly confused about what they want to talk about at any particular time. They have a very hard time staying on message and as a consequence it is hard to respond to. We don't have a set position, we're always ready to work. Whenever they want to find an issue that we have common ground on, and even ones that we disagree on, we're always ready to be engaged. We don't have an ideological bent. We don't have the freedom to do that. We have to work with any president at any time to try to find an answer that works."

ON HOW MAYORS CAN WORK WITH CONGRESS: "Don't wait to bring us in until the last minute when everything looks like it's gone to hell in the handbasket. Talk to us early and we might be able, based on our practical experience, to help you design a better mousetrap on whatever it is you might be talking about. ... We're the ones who build all the projects on time, on task and under budget. We do it much better than the federal government does. But they've got to show up to do that role."

HIS ADVICE FOR WASHINGTON: "Stop being so ideologically bent. Be problem-solvers. Be thoughtful, be practical and be bipartisan. Talk to each other and find common-sense solutions to real problems. We do it every day in our cities. If you want to learn how to balance a budget, come see us. If you want to learn how to choose between bad and worse or good and better, come see us, because we see it every day." ***Full interview*** http://politi.co/2feNePz

-- "Mayors to Washington (and Trump): You need to listen to us," by Zach Montellaro http://politi.co/2fegBBH

MEDIAWATCH - per Hadas Gold's Morning Media: "'CBS This Morning" pulled a Kellyanne Conway interview after the senior counselor to the president showed up late on Wednesday, two sources tell me. The interview was teased on CBS in the early morning on Wednesday but it never aired after Conway showed up late to the stand-up spot on the north lawn of the White House. Morning shows run on tight timelines, but entirely ditching an interview with a senior counselor to the president struck me as pretty unusual. CBS News declined to comment and Conway did not respond to a request for comment."

--JULIA EDWARDS AINSLEY is joining NBC's national security investigative team in Washington. She most recently has covered the Justice Department beat at Reuters.

--"MEET THE PRESS" promotions: Sarah Blackwill has been promoted to senior producer, Natalie Cucchiara to senior coordinating producer and Sally Bronston to producer.

TV TONIGHT - On PBS's "Washington Week" with Bob Costa: Dan Balz, Susan Davis, Carol Lee, Franco Ordoñez

Playbookers

SPOTTED: Bill Clinton and Virginia Gov. Terry McAuliffe last night at Matsuhisa in Aspen ... Sarah Huckabee Sanders last night at Le Diplomate where she had steak frites and house Chardonnay.

ENGAGED -- Mike Luce of the Dover Group popped the question to **Melissa Salmanowitz** of the Gates Foundation Thursday night. While their friends cheered from a secret lookout across the street, Mike proposed under an umbrella outside of Maple in Columbia Heights, where the couple first met. The ring is a family heirloom, previously belonging to Melissa's grandmother and mother. ***Pic*** http://bit.ly/2vohcXL

TRANSITIONS -- Chester Spellman has been named director of AmeriCorps for the Corporation for National and Community Service. He most recently was CEO of Volunteer Florida. ... **Nicole Hager** is joining the Senate Finance Committee as deputy press secretary and is also starting law school at GWU. Yesterday was her last day as deputy press secretary for Sen. Jim Inhofe (R-Okla.). ... **Michaela Sims** is launching a new lobbying firm, Sims Strategies, and is registering for five mostly health and tax-related clients. She most recently was co-founder and partner at Chamber Hill Strategies and has also worked as counsel and LD for former Sens. Bob Kerrey and Ben Nelson. Her firm has also hired **Ted Prettyman** as a director.

OUT AND ABOUT - JOSH GREEN's book party -- pool report: "Bloomberg hosted a party for Bloomberg Businessweek senior national correspondent Joshua Green at the Newseum last night to toast his instant #1 New York Times non-fiction bestseller 'Devil's Bargain: Steve Bannon, Donald Trump, and the Storming of the Presidency'. Bloomberg Washington bureau chief Wes Kosova and Bloomberg Businessweek editor Megan Murphy co-hosted Beltway guests during a flash thunderstorm which was on prime display on the Newseum's panoramic top floor. As remarks ended, a rainbow was visible over the Capitol. Guests nibbled on haute grilled cheese sandwiches and drank spicy margarita 'Devil's Delights,'" which was made up of silver tequila, serrano peppers, lime juice, simple syrup, St. Germain, and soda water. ***$16.20 on Amazon*** http://amzn.to/2v4DwTK ... ***Pic of Josh Green and Charlie Spiering*** http://politi.co/2v2Kf27

SPOTTED: Jerry Seib, Carl Cannon, Betsy Fischer Martin, Patrick Steel, Tammy Haddad, Julie Pace, Adam Goldman and Allison Hoffman, Ryan Williams, Garance Franke Ruta, Elaina Plott, Hilary Rosen, Linda Douglass and John Phillips, Jeremy and Robyn Bash, Margaret Talev, Al Hunt, Zach Mider, AB Stoddard, Shannon Pettypiece, Toluse Olorunnipa, Josh Dawsey, Robert Draper and Kirsten Powers, Sam Feist, Garance Franke-Ruta, Adam Goldman and Allison Hoffman, Kathy O'Hearn, John and Barbara Cochran, Katie Rogers, James Hohmann, David Jackson, Lisa Lerer, Annie Linskey, Ty Trippet, Augusta Mellon, Abby Phillip, Marty Schenker, Jack Shafer, Sabrina Siddiqui, Cindy Smith, Robin Sproul, Keith Urbahn, Dave Weigel, Gail Ross, Matt Apuzzo, Rosie Gray, Tim Noah, Jen Epstein, Gail Ross, Michael Schaffer (whose birthday is today), David Jackson, Tom Forrest, Annie Findlay, Julie Bykowicz.

SUNDAY SO FAR -- CBS' "Face the Nation": Sen. Tom Cotton (R-Ark.) ... Ohio Gov. John Kasich and Colorado Gov. John Hickenlooper. Political panel: Jamelle Bouie, Jennifer Jacobs, Susan Page, and Reihan Salam

-- ABC's "This Week": Stephanie Cutter, Megan Murphy, Ramesh Ponnuru, and Matt Schlapp

--"Fox News Sunday": Panel: Jason Riley, Rachael Bade, Rich Lowry, Charles Lane

-- CNN's "State of the Union": Rep. Adam Schiff (D-Calif.) ... New Jersey Gov. Chris Christie. Panel: Nina Turner, former Sen. Rick Santorum (R-Pa.), Amanda Carpenter, Rep. Ro Khanna (D-Calif.)

-- CNN's "Inside Politics," guest hosted by Dana Bash: Perry Bacon, Karoun Demirjian, Julie Davis, Michael Shear

-- CNN's "Fareed Zakaria GPS": Al Gore ... Julia Ioffe ... Gideon Rose ... Dan Senor

BIRTHWEEK (was yesterday): Joe McCarthy, who celebrated last night with wife Marina and brother Jim at Fenway ... Brian Morgenstern, senior adviser at Treasury and Rubio alum (hat tip: Natalie Boyse)

BIRTHDAY OF THE DAY: Bret Baier, Fox News' chief political anchor and anchor of "Special Report". **How he's celebrating:** "I am actually playing in a golf tournament out of town, and then coming home and having a little dinner with my wife and two sons - 10 and 7. I am a big fan of homemade cards and one cupcake with a candle - low key. (47 is not that thrilling.)" Read his Playbook Plus Q&A: http://politi.co/2uad2mC

BIRTHDAYS: Barack Obama is 56 ... Sheldon Adelson is 84 ... Politico's Seung Min Kim, Randi Braun and Ashley Ryan ... former Attorney General Alberto Gonzales is 62 ... Iowa Gov. Kim Reynolds is 58 ... screenwriter Allison Abner ... The Hill's Bob Cusack ... Richard Carlbom, principal at United Strategies, is 36 ... Fritz Fitzpatrick ... Andrei Cherny is 42 ... Caren Auchman, SVP at FleishmanHillard (h/t Allison Preiss) ... Alex Mallin, ABC News White House producer (h/ts Jonathan Karl and Arlette Saenz) ... Rep. Keith Ellison (D-Minn.) is 54 ... Rep. Hakeem Jeffries (D-NY) is 47 ... Rep. Tom Rice (R-SC) is 6-0 ... Andrea Hechavarria ... Daniel Moss, Bloomberg News' executive editor on global economics ... WaPo's Joby Warrick is 57 ... Washingtonian editor Michael Schaffer is 44 (h/t Dan Swartz) ... Pete Brodnitz ... David Myles FitzSimmons ... Allison Rhodes Morgan ... AP's Sinan Salaheddin is 42 ... Susan Whitson, Bush administration alum, former press secretary to First Lady Laura Bush, and former DOJ and FBI spox, celebrating with her seven year-old son on a cruise down the Blue Danube through Austria (h/t Keir Whitson) ...

... Brett Loper, SVP of gov't affairs at American Express ... Nick Wing, senior viral editor at HuffPost, is 3-0 ... Kate Michelman ... John Edgell, comms director for Rep.

Marcy Kaptur (h/ts Jon Haber) ... former U.S. treasurer Rosario Marin ... WashPost deputy Outlook editor Mike Madden, a City Paper alum, is 41 ... Wendy Ruderman ... Wendy Cohen ... CNN Politics' Greg Krieg, alum of Mic and ABC ... former Ohio Gov. Ted Strickland is 76 ... Daniel Son ... Reagan Anderson, VP of Capital Group is 4-0. She is celebrating with her husband somewhere on a beach ... The U.S. Coast Guard is 227 ... Joel Bailey ... Jonathan Green ... Sam Carmody ... former Rep. Rob Andrews (D-NJ) is 6-0 ... Kaci Sturgeon ... Derek Dash ... Hayley Prim, principal at Hilltop Public Solutions ... Valerie McCabe ... Steve Rudin ... Emil Hill ... Chad Kolton ... Martha Love ... Steve Kean ... Lina Brunton ... Paige Shipman ... Anna Bennett (h/ts Teresa Vilmain)

****** **A message from Morgan Stanley** : Alternative energy, solar power investment and utilities are taking what was on the fringes of science as recently as 30 years ago and turning it into the new normal. Biosphere 2, a massive science facility tucked away in the desert foothills of the Santa Catalina Mountains, was built for controversial space exploration experiments. Now, it functions as a reputable research facility, studying the potential for farming beneath solar panels-a technique that's already applicable for future colonies on Mars. Morgan Stanley's podcast discusses where the renewable energy industry has been, its transformations over the past few decades, and what this means for investors in renewable energy technology, as well as everyday consumers. Read more from Morgan Stanley. ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/1/2017 12:03:39 PM
Subject: July 31 -- Environment & Safety Resource Center Update



Environment & Safety Resource Center Update

July 31, 2017 - Number 31

Analysis : Air Pollution Control Guide | Chemicals Management Guide | Safety Guide | Water Pollution Control Guide

Federal Statutes, Regulations and Agency Documents : Federal Chemical Controls Updates | Federal Environment Updates | Federal Register Final Rules | Federal Register Notices | Federal Register Proposed Rules

States—Environment : Arizona | California | Colorado | Illinois | Indiana | Mississippi | Ohio | Oregon | Texas

Analysis

Air Pollution Control Guide

Federal

Protection of the Ozone Layer (Significant New Alternatives Policy). Updated to reflect a determination of acceptability by the Environmental Protection Agency under the agency's Significant New Alternatives Policy (SNAP) program. The EPA uses the SNAP program to identify substitutes for Class I and II substances after the agency determines that alternative substances reduce the overall risk to humans or the environment. The EPA may also restrict the use of substitutes depending upon the risks involved. This particular determination presents the EPA's most recent decision to list as acceptable several substitutes in the refrigeration and light commercial air conditioning sector, as well as the cleaning solvents sector. The determination took effect July 21.

State

Tennessee (Municipal Solid Waste Landfills). Updated to reflect a final rulemaking by the Tennessee Department of Environment and Conservation concerning construction and operating permits for municipal solid waste (MSW) landfills. The rule exempts from such permitting requirements all MSW landfills with a design capacity of less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume. The rule took effect July 27.

Chemicals Management Guide

Federal

Prioritization and Risk Evaluation (Risk Evaluation Process and Deadlines). Updated to discuss the Guidance to Assist Interested Persons in Developing and Submitting Draft Risk Evaluations Under the Toxic Substances Control Act, which the Environmental Protection Agency released

June 22 in accordance with provisions of the 2016 amendments to the TSCA requiring the EPA to issue such guidance and to take draft risk evaluations voluntarily submitted by external parties into consideration in its own risk evaluation process. The guidance covers science standards, data quality considerations, and steps to follow in developing draft risk evaluations. Through this guidance, the EPA aims to ensure that draft risk evaluations achieve the same quality level as risk evaluations developed by the agency itself.

State

Minnesota (Consumer Protection). Updated to provide an analysis of Minnesota's Toxic Free Kids Act (TFKA), which requires the Minnesota Department of Health (MDH), in consultation with the Minnesota Pollution Control Agency, to create and maintain a chemicals of high concern list and a priority chemicals list. The MDH must review and revise the chemicals of high concern list at least every three years. A "chemical of high concern" designation is based on credible scientific evidence demonstrating that the chemical may cause cancer, genetic damage, or other specified harms. The most recent chemicals of high concern list was published September 7, 2016. The MDH may designate a chemical of high concern as a priority chemical if it has been identified as a high-production volume chemical by the EPA and it meets certain criteria. The priority chemicals list must be updated whenever the MDH designates a new priority chemical. Current priority chemicals include bisphenol A, cadmium, and lead. Exemptions to the TFKA requirements include chemicals in used children's products, medical devices, and priority chemicals used in agricultural production.

Safety Guide

State

New Jersey (Hazard Communication Standard (HCS)). Updated to reflect New Jersey's adoption of hazard communication standards from federal OSHA and to reflect state requirements for employee information and training. The rule became effective June 5.

Ohio (Injury and Illness Reporting and Recordkeeping (OSHA 300 Log)). Updated to remove outdated requirements and to clarify requirements for the maintenance of records.

Water Pollution Control Guide

Federal

Primary Drinking Water Regulation General Provisions (General Monitoring and Analysis Provisions). Updated to reflect the addition by the Environmental Protection Agency, effective July 27, 2017, of 17 additional approved alternative testing methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations (82 Fed. Reg. 34,861, July 27, 2017).

State

Illinois (State Revolving Funds). Updated to reflect revisions by the Illinois Environmental Protection Agency of regulations related to the state's wastewater and drinking water revolving fund loan programs. The revisions authorize reduced fixed-rate loans for communities with service populations less than 25,000 that demonstrate financial need, and communities with service populations less than 10,000 that demonstrate specified hardship conditions. The revisions also authorize 30-year loan terms for disadvantaged communities. In addition, the

agency has provided for the restructuring of existing loan obligations.

Indiana (Water Classifications). Updated to reflect the replacement by the Indiana Department of Environmental Management (IDEM) of the exceptional use waters designation with a designation for outstanding state resource waters.

Indiana (Types of Permits). Updated to reflect the transfer of authority to administer the National Pollutant Discharge Elimination System general permitting program from the federal Environmental Protection Agency to IDEM.

Indiana (Stormwater Permits for Construction Activities). Updated to reflect requirements for construction activities disturbing a total of one or more acres of land, or construction activities that disturb less than one acre of land, but that are part of a larger development plan, to be authorized under a stormwater NPDES permit.

Indiana (

More...

Federal Statutes, Regulations and Agency Documents

Federal Chemical Controls Updates

EPA Guidance to Assist Interested Persons in Developing and Submitting Draft Risk Evaluations Under the Toxic Substances Control Act (6/22/17)

Federal Environment Updates

Executive Order 13805 — Establishing a Presidential Advisory Council on Infrastructure (7/19/17)

Federal Register Final Rules

10 CFR 72

82 FR 34387, 7/25/17: List of Approved Spent Fuel Storage Casks: TN Americas LLC, NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042; Correction

21 CFR 11

82 FR 34401, 7/25/17: Food Labeling; Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments; Extension of Comment Period; Correction

21 CFR 17

82 FR 34402, 7/25/17: Civil Money Penalty Definitions; Technical Amendment

21 CFR 101

82 FR 34401, 7/25/17: Food Labeling; Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments; Extension of Comment Period; Correction

21 CFR 866

82 FR 34848, 7/27/17: Medical Devices; Immunology and Microbiology Devices; Classification of the Assayed Quality Control Material for Clinical Microbiology Assays

21 CFR 870

82 FR 34850, 7/27/17: Medical Devices; Cardiovascular Devices; Classification of the Balloon Aortic Valvuloplasty Catheter

82 FR 35065, 7/28/17: Medical Devices; Cardiovascular Devices; Classification of the Adjunctive Cardiovascular Status Indicator

21 CFR 876

82 FR 35067, 7/28/17: Medical Devices; Gastroenterology–Urology Devices;

More...

Federal Register Notices

82 FR 34275, 7/24/17: Submission for OMB Review; Comment Request

82 FR 34276, 7/24/17: Opportunity To Comment on the Applicants for the Georgia Area Consisting of the Entire State of Georgia

82 FR 34276, 7/24/17: Foreign–Trade Zone (FTZ) 141—Monroe County, New York; Authorization of Production Activity; Xerox Corporation; Subzone 141B; (Xerographic Bulk Toner and Toner Cartridges); Webster, New York

82 FR 34277, 7/24/17: Foreign–Trade Zone 132—Coos Bay, Oregon Site Renumbering Notice

82 FR 34277, 7/24/17: Low Melt Polyester Staple Fiber From the Republic of Korea and Taiwan: Initiation of Less–Than–Fair–Value Investigations

82 FR 34282, 7/24/17: Mid–Atlantic Fishery Management Council (MAFMC); Public Meetings

82 FR 34283, 7/24/17: Magnuson–Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

82 FR 34284, 7/24/17: Gulf of Mexico Fishery Management Council; Public Meeting

82 FR 34292, 7/24/17: Application To Export Electric Energy; EnerTime Energy Resources, LLC

82 FR 34293, 7/24/17: Environmental Management Site–Specific Advisory Board, Nevada

82 FR 34293, 7/24/17: Proposed Agency Information Collection

82 FR 34294, 7/24/17: Notice of Petition for Waiver of Apple, Inc., Microsoft Corporation, Poin2 Lab, and Hefei Bitland Information Technology Co., Ltd. From the Department of Energy External Power Supplies Test Procedure and Grant of Interim Waiver

More...

Federal Register Proposed Rules

6 CFR 5

82 FR 34884, 7/27/17: Privacy Act of 1974: Implementation of Exemptions; Department of Homeland Security/ALL–039 Foreign Access Management System of Records

10 CFR 429

82 FR 34427, 7/25/17: Energy Conservation Program for Certain Commercial and Industrial Equipment: Test Procedure for Certain Categories of Commercial Air Conditioning and Heating Equipment

10 CFR 431

82 FR 34427, 7/25/17: Energy Conservation Program for Certain Commercial and Industrial Equipment: Test Procedure for Certain Categories of Commercial Air Conditioning and Heating Equipment

21 CFR 172

82 FR 34615, 7/26/17: Juice Products Association; Filing of Food Additive Petition

21 CFR 573

82 FR 34615, 7/26/17: Zinpro Corp.; Filing of Food Additive Petition (Animal Use)

33 CFR 1

82 FR 34620, 7/26/17: Navigation Safety Advisory Council—Input To Support Regulatory Reform of Coast Guard Regulations—New Task

82 FR 34909, 7/27/17: Great Lakes Pilotage Advisory Committee—Input To Support Regulatory Reform of Coast Guard Regulations—New Task

33 CFR 2

82 FR 34620, 7/26/17: Navigation Safety Advisory Council—Input To Support Regulatory Reform of Coast Guard

More...

States—Environment

Arizona

State Register Summaries

AZR\ti3\ch8 - Arizona Administrative Register 07/21/2017 - Department of Agriculture/Pest Management

California

State Register Summaries

CAR\ti3\di6\ch2 - California Regulatory Notice Register 07/21/2017 - Copper-Based Antifouling Paint and Coating Products

CAR\ ti19\di1\ch14 - California Regulatory Notice Register 07/21/2017 - Hazardous Liquid Pipelines

Colorado

State Register Summaries

COR\rg5ccr1003-2 - Colorado Register 07/25/2017 - Water and Wastewater Facility Operators Certification

COR\rg4ccr723-7 - Colorado Register 07/25/2017 - Railroads, Rail Fixed Guideways, Transportation by Rail, Rail Crossings

Illinois

State Register Summaries

ILR\ti35\pt101 - Illinois Register 07/21/2017 - Pollution Control Board/General Rules

ILR\ti35\pt102 - Illinois Register 07/21/2017 - Pollution Control Board/Hearings and Proceedings

ILR\ti35\pt103 - Illinois Register 07/21/2017 - Pollution Control Board/Enforcement

ILR\ti35\pt104 - Illinois Register 07/21/2017 - Pollution Control Board/Regulatory Relief Mechanisms

ILR\ti35\pt105 - Illinois Register 07/21/2017 - Pollution Control Board/Appeals of Final Decisions of State Agencies

ILR\ti35\pt106 - Illinois Register 07/21/2017 - Pollution Control Board/Proceedings

ILR\ti35\pt107 - Illinois Register 07/21/2017 - Pollution Control Board/Facility Siting Decisions

ILR\ti35\pt108 - Illinois Register 07/21/2017 - Pollution Control Board/Administrative Citations

ILR\ti35\pt125 - Illinois Register 07/21/2017 - Pollution Control Board/Tax Certifications

ILR\ti35\pt130 - Illinois Register 07/21/2017 - Pollution Control Board/Trade Secrets, Other Nondisclosable Information

Indiana

State Register Summaries

INR\ti326\at1 - Indiana Register 07/19/2017 - Attainment Status Designations/Lawrenceburg Township Ozone Attainment

Mississippi

State Register Summaries

MSR\ti15\pt18\sp77\ch7 - Mississippi Regulations 07/19/2017 - On-Site Wastewater Regulations/Fees

Ohio

State Register Summaries

OHR\ch901:13-1 - Ohio Regulations 07/24/2017 - Water Pollution and Soil Erosion/Civil Penalties

OHR\ch3746-15 - Ohio Regulations 07/24/2017 - Environmental Review Appeals Commission/Notice of Public Meetings

Oregon

State Register Summaries

ORR\ch330\di160 - Oregon Bulletin 07/24/2017 - Renewable Energy Certificate System/Stranded Thermal Generation

Texas

State Register Summaries

TXR\ti30\ch111 - Texas Register 07/28/2017 - Control of Air Pollution From Visible Emissions and Particulates/Outdoor Burning

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Environment & Safety Resource Center Update

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Thur 11/2/2017 3:22:55 PM
Subject: Introducing Legislative Compass | POLITICO Pro

[redacted]

Hi Ryan,

[redacted]

Legislative Compass is now available to Pro customers. A new policy solution from POLITICO Pro, Legislative Compass makes your federal and state legislative tracking efforts faster and smarter.

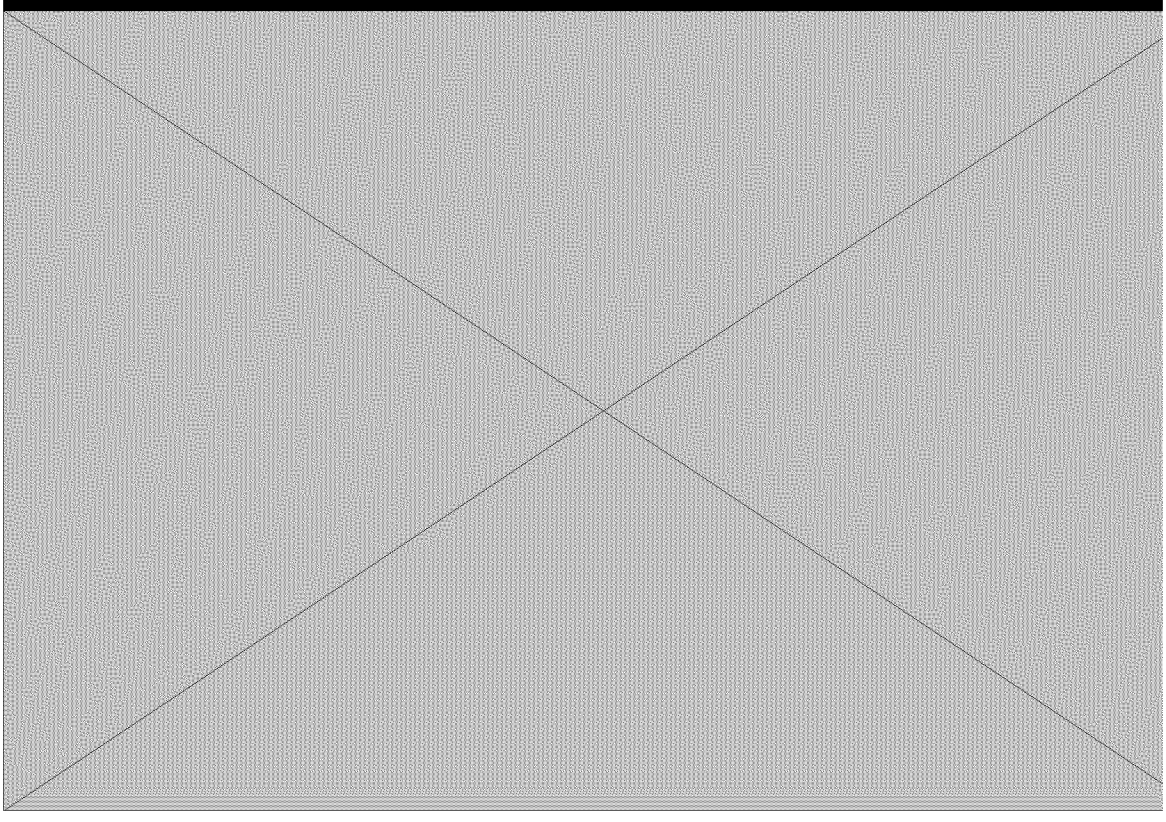
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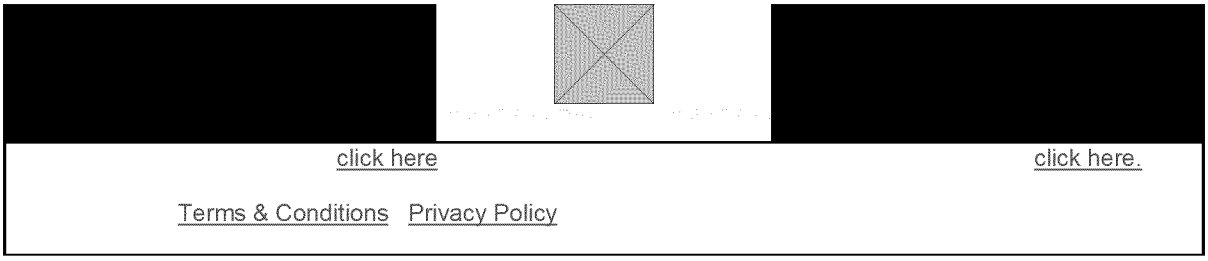
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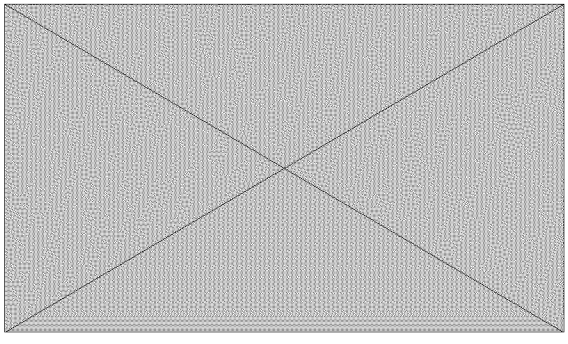

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Tue 9/19/2017 10:04:50 AM
Subject: AEI Today: Bipartisanship wins a round at the White House

Economists of all political views breathed a sigh of relief and raised a glass in celebration last week.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



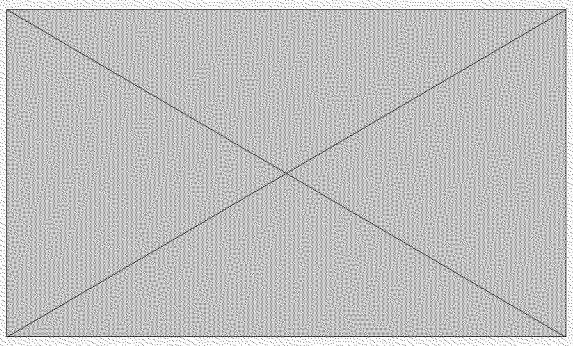
AEI

Bipartisanship wins a round at the White House

Michael R. Strain | Bloomberg View

Economists of all political views breathed a sigh of relief and raised a glass in celebration when Kevin Hassett was confirmed last week as chairman of the Council of Economic Advisers. Hassett, until recently an AEI scholar, is widely respected — as evidenced by a June letter of support for his nomination signed by 44 leading economists from both the left and right. This

degree of bipartisanship is all too rare in Washington.

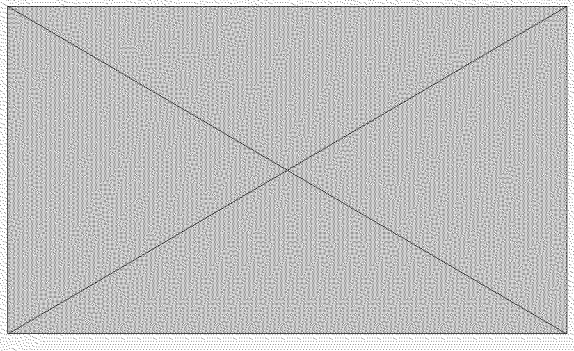


Reuters

Republicans can pick up the ball on health care with Medicaid

Ryan Streeter | The Hill

Two decades ago, America launched a new approach to welfare. Passed by a Republican Congress and signed by President Bill Clinton, welfare reform began in 1997 as a way to shift our antipoverty strategy away from giving low-income people cash and toward helping them find employment. This new vision came largely as a result of state-level experimentation. Unlike the 1990s, state policy is regrettably having no impact on Capitol Hill today.

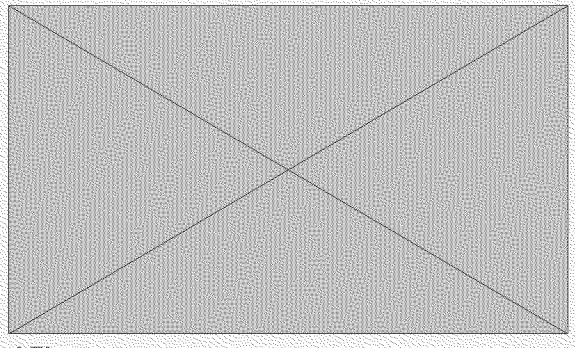


Twenty20

The next frontier in the War on Poverty

Robert Doar | AEIdeas

James Sullivan, author of a recent report on US consumption poverty, offers this thought: "Relying on the official poverty rate, many have concluded that we have lost the 'War on Poverty,' but improved measures of poverty show that we have actually made tremendous progress." This claim is true to a large extent. But we still can't declare victory so long as we believe that the goal of such programs is to help people escape poverty through earnings.



AEI

Vestager: Competition is key to a fair society

Jeffrey Eisenach | AEI event video

There is some broad global agreement on the basic principles of competition policy: Firms with market power should not engage in conduct that mainly harms competition, for instance. Yesterday, European Commissioner for Competition Margrethe Vestager visited AEI to discuss the European Union's perspective. "Competition in the market is as fundamental to a fair society as competition of ideas is to a free one," says Vestager.

MORE FROM AEI

Warren Buffett wins his $1 million bet against hedge funds
Mark J. Perry | AEIdeas

Watch: Judge Brett Kavanaugh on how William Rehnquist personified the modern constitutional statesman
Gary J. Schmitt and Ryan Streeter | AEI event video

Trump voters don't care what Steve Bannon thinks. But they might care if the president acts like a career politician.
Ramesh Ponnuru | Bloomberg View

Report: The US should welcome Chinese investors who obey the law
Derek Scissors | AEI

Tax brief: Repealing the personal exemption, powered by Open Source Policy Modeling
Alex Brill | AEI

AEI in the news: A former Democrat rises in Trump country
Matthew Hennessey | The Wall Street Journal [paywall]

Ross Douthat is right: Amazon's new headquarters can revitalize downtrodden America
Robert Doar | AEIdeas

Report: A historical overview of the Second Chance Pell Pilot Program
Gerard Robinson and Elizabeth English | AEI

Electrical workers in Florida are paid 2 to 3 times the normal hourly wage. Are they price gougers or heroes?
Mark J. Perry | AEIdeas

Listen: AEI launches 'New Skills Marketplace' podcast with a look at the US 'skills gap'

John P. Bailey and Andy Smarick | AEI

Around the web: RIP to the Soviet official who helped save the world

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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Subject: July 28 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

July 28, 2017 - Number 144

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
California SIP/Antelope Valley AQMD
AIR

Proposed rule of the EPA approves and conditionally approves revisions to the Antelope Valley Air Quality Management District portion of the California SIP regarding reasonably available control technology (RACT) requirements for the 1997 8-hour ozone and the 2008 8-hour ozone NAAQS in the Antelope Valley nonattainment area. The rule withdraws and replaces a proposed rule (81 FR 90754; 12/15/2016) to partially approve and partially disapprove the 2006 and 2015 SIPs in which the agency determined that the district's rules did not implement RACT for all applicable sources. The district subsequently addressed the deficiencies identified by the EPA. The rule also approves the district's negative declarations into the SIP for the ozone standards. Comments are due Aug. 28, 2017. Contact: Nancy Levin; EPA Region 9; 415-942-3848; levin.nancy@epa.gov. Citations: 40 CFR 52

82 FR 35149 (07/28/2017)

Regulatory Update

AIR
Clean Air Scientific Advisory Committee Meeting
AIR

Notice of the EPA Science Advisory Board Staff Office announces a meeting of the Clean Air Scientific Advisory Committee (CASAC) and the CASAC Secondary NAAQS Review Panel for Oxides of Nitrogen and Sulfur. The agenda includes discussion of the EPA's integrated science assessment for nitrogen oxides, sulfur oxides, and particulate matter-ecological criteria (first external review draft–February 2017). The meeting is scheduled for Aug. 31, 2017, via teleconference. Comments are due Aug. 24, 2017. Contact: Thomas Armitage; EPA, Science Advisory Board Staff Office; 202-564-2155; armitage.thomas@epa.gov

82 FR 35200 (07/28/2017)

Regulatory Update

AIR
Georgia SIP/Miscellaneous Revisions
AIR

Direct final rule of the EPA approves revisions to the Georgia SIP to clarify applicability requirements for certain volatile organic compound emission standards. The revisions also remove obsolete provisions regarding kraft pulp mill total reduced sulfur compliance schedules, conical burners for wood waste burning, cupola furnaces for metallurgical melting, and monitoring and reporting requirements for particular sources. In addition, the revisions correct a numbering error and remove various tables. The rule is effective Sept. 26, 2017, unless adverse comments are received by Aug. 28, 2017. Contact: Richard Wong; EPA Region 4, Air Planning and Implementation Branch; 404-562-8726; wong.richard@epa.gov. Citations: 40 CFR 52.570

82 FR 35106 (07/28/2017)

Regulatory Update

AIR
Georgia SIP/Miscellaneous Revisions
AIR

Proposed rule of the EPA would approve revisions to the Georgia SIP to clarify applicability requirements for certain volatile organic compound emission standards. The revisions also remove obsolete provisions regarding kraft pulp mill total reduced sulfur compliance schedules, conical burners for wood waste burning, cupola furnaces for metallurgical melting, and monitoring and reporting requirements for particular sources. In addition, the revisions correct a numbering error and remove various tables. A concurrent direct final rule adopts the revisions, effective Sept. 26, 2017. Comments are due Aug. 28, 2017. Contact: Richard Wong; EPA Region 4, Air Planning and Implementation Branch; 404-562-8726; wong.richard@epa.gov. Citations: 40 CFR 52.570

82 FR 35149 (07/28/2017)

Regulatory Update

AIR
Kentucky SIP/Louisville Metro Definitions
AIR

Direct final rule of the EPA approves a revision to the Kentucky SIP to change certain definitions for the Louisville Metro Air Pollution Control District, including the definition of "volatile organic compounds." The revision does not change the definition of "acute noncancer effect." The rule is effective Sept. 26, 2017, unless adverse comments are received by Aug. 28, 2017. Contact: Nacosta Ward; EPA Region 4, Pesticides and Toxics Management Division; 404-562-9140; ward.nacosta@epa.gov. Citations: 40 CFR 52.920

82 FR 35101 (07/28/2017)

Regulatory Update

AIR
Kentucky SIP/Louisville Metro Definitions
AIR

Proposed rule of the EPA would approve a revision to the Kentucky SIP to change certain definitions for the Louisville Metro Air Pollution Control District, including the definition of "volatile organic compounds." The revision does not change the definition of "acute noncancer effect." A concurrent direct final rule adopts the changes, effective Sept. 26, 2017. Comments are due Aug. 28, 2017. Contact: Nacosta Ward; EPA Region 4, Pesticides and Toxics Management Division; 404-562-9140; ward.nacosta@epa.gov. Citations: 40 CFR 52.920

82 FR 35148 (07/28/2017)

Regulatory Update

AIR
Maryland SIP/Continuous Emission Monitoring
AIR

Final rule of the EPA approves revisions to the Maryland SIP that remove a Technical Memorandum 90-01 that has been superseded by a new continuous emission monitoring (CEM) regulation. The technical memorandum governed CEM requirements for fuel burning equipment. The rule is effective Aug. 28, 2017. Contact: Gavin Huang; EPA Region 3; 215-814-2042; huang.gavin@epa.gov. Citations: 40 CFR 52.1070

82 FR 35104 (07/28/2017)

Regulatory Update

AIR
North Dakota SIP/Prevention of Significant Deterioration
AIR

Proposed rule of the EPA would approve revisions to the North Dakota SIP concerning prevention of significant deterioration under the new source review permitting program. The revisions incorporate EPA Reference Method 22 for determination of compliance with a visible emissions limit and add significance levels for fine particulate matter, modify the existing significance levels for nitrogen dioxide and sulfur dioxide, and remove the significance level for coarse particulate matter. Comments are due Aug. 28, 2017. Contact: Jaslyn Dobrahner; EPA Region 8, Air Program; 303-312-6252; dobrahner.jaslyn@epa.gov. Citations: 40 CFR 52

82 FR 35153 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Atlantic Coast Pipeline and Supply Header Projects
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces availability of the final environmental impact statement for the Atlantic Coast Pipeline and the Supply Header Project proposed by Atlantic Coast Pipeline LLC and Dominion Transmission Inc., respectively, both of Richmond, Va. The projects consist of a total of 642 miles of natural gas transmission pipeline, three new natural gas-fired compressor stations, and associated facilities and modification of four existing compressor stations in North Carolina, Pennsylvania, Virginia, and West Virginia. The projects would provide approximately 1.44 billion cubic feet per day of natural gas to electric generation, distribution, and end-use markets in Virginia and North Carolina. The final EIS, which was prepared in cooperation with the EPA, the U.S. Army Corps of Engineers, the U.S. Forest Service, and state relevant agencies concludes that the project would result in some adverse and significant environmental impacts that would be reduced to less than significant levels through the proposed mitigation measures. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 35192 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Classification of Cranial Motion Measurement Device
GENERAL ENVIRONMENT AND SAFETY

Final rule of the FDA codifies a final order to classify the cranial motion measurement device into class II (special controls). The prescription device utilizes accelerometers to measure the motion or acceleration of the skull. The measurements are not to be used for diagnostic purposes. The classification was applicable Aug. 1, 2016. The order is effective July 28, 2017. Contact: Jay Gupta; FDA, Center for Devices and Radiological Health; 301-796-2795; jay.gupta@fda.hhs.gov. Citations: 21 CFR 882.1630

82 FR 35069 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Classification of Hysteroscopic Insufflator with Cutter-Coagulator
GENERAL ENVIRONMENT AND SAFETY

Final rule of the FDA codifies a final order to classify the closed loop hysteroscopic insufflator with cutter-coagulator into class II (special controls). The device is indicated for use to perform diagnostic and surgical procedures and contains a closed loop recirculating fluid management system for the controlled delivery of filtered distension fluid. The device also contains a bipolar radiofrequency device used in conjunction with a hysteroscope for resection and coagulation of intrauterine tissues. The classification was applicable March 28, 2014. The order is effective July 28, 2017. Contact: Veronica Price; FDA, Center for Devices and Radiological Health; 301-796-6538. Citations: 21 CFR 884.710

82 FR 35071 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Classification of Oral Removable Palatal Space Occupying Device
GENERAL ENVIRONMENT AND SAFETY

Final rule of the FDA codifies a final order to classify the oral removable palatal space occupying device for weight management and/or weight loss into class II (special controls). The prescription device is worn during meals to limit bite size, thereby reducing the amount of food that is consumed. The device may contain recording sensors for monitoring patient use. The classification does not include devices that are intended to treat any dental diseases or conditions. The classification was applicable Sept. 26, 2016. The order is effective July 28, 2017. Contact: Mark Antonino; FDA, Center for Devices and Radiological Health; 240-402-9980; mark.antonino@fda.hhs.gov. Citations: 21 CFR 876.5981

82 FR 35067 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Classification of the Adjunctive Cardiovascular Status Indicator
GENERAL ENVIRONMENT AND SAFETY

Final rule of the FDA codifies a final order to classify the adjunctive cardiovascular status indicator into class II (special controls). The device is a prescription device based on sensor technology for the measurement of a physical parameter and is intended for adjunctive use with other physical vital sign parameters and patient information. It is not intended to independently direct therapy. The classification was applicable Dec. 21, 2016. The order is effective July 28, 2017. Contact: Nathalie Yarkony; FDA, Center for Devices and Radiological Health; 301-796-1235; nathalie.yarkony@fda.hhs.gov. Citations: 21 CFR 870.2200

82 FR 35065 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Difficult to Compound List Nominations
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the establishment of a docket to accept nominations of drug products or drug product categories for inclusion on the list of drugs that present demonstrable difficulties in compounding under Sections 503A and 503B of the Federal Food, Drug, and Cosmetic Act. The docket is intended for nominations not previously submitted under a Dec. 4, 2013, request (78 FR 72840); resubmission of previous nominations with additional supporting information; and comments. The FDA requests that nominations include the name of the product or category and the reason for inclusion on the list, taking into account risks and benefits to patients. The FDA also seeks responses to six questions related to agency criteria presented to the Pharmacy Compounding Advisory Committee for evaluating whether drug products or categories of products are difficult to compound. Comments and nominations for the list may be submitted at any time. Contact: Pawanprit Singh; FDA, Center for Drug Evaluation and Research; 240-402-8866

82 FR 35214 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Environmental Impact Statements
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the availability of environmental impact statements filed July 17-21, 2017. Contact: Dawn Roberts; EPA, Office of Federal Activities; 202-564-7146. Citations: 40 CFR 1506.9

82 FR 35200 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Genetically Engineered Canola/Determination of Status
GENERAL ENVIRONMENT AND SAFETY

Notice of the Animal and Plant Health Inspection Service announces the determination to extend the nonregulated status of the InVigor® MS8 canola to the canola event MS11 in response to a request from Bayer CropScience LP, of Research Triangle Park, N.C. MS11 has been genetically engineered for male sterility and resistance to the herbicide glufosinate-ammonium using the same mechanism of action as MS8 canola. Bayer stated that the MS11 canola is unlikely to pose a plant pest risk due to its similarity to MS8 canola, the antecedent organism. The determination is effective July 28, 2017. Contact: Cindy Eck; APHIS, Biotechnology Regulatory Services; 301-851-3954; cynthia.a.eck@aphis.usda.gov. Citations: 7 CFR 340

82 FR 35172 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pennsylvania/Henderson Storage Field
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by National Fuel Gas Supply Corp., of Williamsville, N.Y., to abandon one injection/withdrawal storage well (Well 3168) in its Henderson Storage Field and remove a 30-foot portion of the associated well line, all located in Irwin Township, Pa. The agency plans to complete an environmental assessment or issue a notice of schedule of environmental review by Oct. 23, 2017. Protests and motions to intervene are due Sept. 22, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 35194 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Procurement/Environmentally Sound Products
GENERAL ENVIRONMENT AND SAFETY

Notice of the Defense Department, the GSA, and NASA announces the submission of a continuing information collection request to the OMB concerning environmentally sound products. The collection concerns requirements for contractors to report the estimated percentage of total recovered material content when a contract requires the delivery of or use of an EPA-designated item. The requirements apply to contracts that exceed $150,000, except for acquisitions of commercially available, off-the-shelf items. Comments are due Aug. 28, 2017. Contact: Charles Gray; General Services Administration; 703-795-6328; charles.gray@gsa.gov. Citations: 48 CFR 52.223-9

82 FR 35204 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Software Precertification Pilot Program
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA, Center for Devices and Radiological Health, announces the issuance of the Digital Health Innovation Action Plan concerning the regulation of digital health technologies that are medical devices, and the launch of the Software Precertification Pilot Program to evaluate the agency's approach toward software products. The agency intends to develop a precertification program to replace the need for premarket submissions in certain instances. The pilot program, which is a part of the action plan, will assess companies that perform high-quality software design and testing and allow for input from participants regarding the development of the precertification program. The agency intends to accept requests for voluntary participation in the pilot program beginning Aug. 1, 2017, and the program will begin on Sept. 1, 2017. Comments are requested, but a due date is not specified. Contact: Bakul Patel; FDA, Center for Devices and Radiological Health; 301-796-5528; bakul.patel@fda.hhs.gov

82 FR 35216 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Tennessee Valley Authority NEPA Implementing Procedures
GENERAL ENVIRONMENT AND SAFETY

Notice of the Tennessee Valley Authority announces an extension of the comment period for a June 8, 2017, proposed rule (82 FR 26620) that would update and codify the agency's procedures for implementing the National Environmental Policy Act (NEPA). The rule would update organizational references and reflect modern notification and communication methods. The rule also would revise the list of categorical exclusions to include common actions demonstrated to have little effect on the human environment and to remove categorical exclusions for actions that TVA rarely or no longer uses. In addition, the rule would incorporate federal flood risk management standards and the process for soliciting and considering stakeholder input required by Executive Order 13690 (81 FR 91150; 12/16/2016). Comments now are due Sept. 6, 2017. Contact: Matthew Higdon; TVA; 865-632-8051; mshigdon@tva.gov. Citations: 18 CFR 1318.10 through 1318.605, Appendix A

82 FR 35133 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
West Virginia/Marshall County Mine Panel 18W Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to prepare an environmental assessment for the Marshall County Mine Panel 18W Project, proposed by Texas Eastern Transmission LP, of Houston. The project involves the excavation, elevation, and replacement of four different sections of pipelines located in the county in advance of long-wall mining activities that will be conducted by the Marshall County Coal Co. beginning October 2018. Comments are due Aug. 23, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 35196 (07/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Wyoming/West Antelope 3 Tract Coal Lease
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Bureau of Land Management to prepare an environmental impact statement on the potential impacts of the leasing of an approximately 3,508 acre tract of federal coal by Antelope Coal LLC, of Gillette, Wyo. The West Antelope 3 Tract contains approximately 441 million tons of in-place coal and is adjacent to the Antelope Mine in Campbell and Converse counties, Wyo. A meeting is scheduled for Sept. 20, 2017, in Wright, Wyo. Comments are due Sept. 26, 2017. Contact: Teresa Johnson; BLM, High Plains District Office; 307-261-7600

82 FR 35237 (07/28/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Carriage of Bulk Solids Requiring Special Handling
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the U.S. Coast Guard announces the submission of a continuing information collection request to the OMB regarding carriage of bulk solids requiring special handling. The collection addresses a special permit used by the USCG to determine the manner of safe carriage for unlisted materials. The collection also addresses information in dangerous cargo manifests and shipping papers that allows vessel crews and emergency personnel to properly and safely respond to accidents involving hazardous substances. Comments are due Aug. 28, 2017. Contact: Anthony Smith; USCG, Office of Information Management; 202-475-3532. Citations: 46 CFR 148

82 FR 35235 (07/28/2017)

Regulatory Update

PESTICIDES

Pesticide Tolerance Exemption/Pseudomonas Chlororaphis Strain AFS009
PESTICIDES

Final rule of the EPA establishes an exemption from the requirement of a tolerance for residues of pseudomonas chlororaphis strain AFS009 in or on all food commodities when used in accordance with label directions and good agricultural practices. The rule eliminates the need to establish a maximum permissible level for the residues when used in accordance with approved conditions. The rule is issued in response to a petition filed by AFS009 Plant Protections Inc., of Durham, N.C. The rule is effective July 28, 2017. Objections and hearing requests are due Sept. 26, 2017. Contact: Robert McNally; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov. Citations: 40 CFR 180.1341

82 FR 35120 (07/28/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerances/Fenamidone
PESTICIDES

Final rule of the EPA establishes tolerances for residues of the pesticide fenamidone in or on basil, dried leaves at 200 ppm; basil, fresh leaves at 30 ppm; celtuce at 60 ppm; cottonseed subgroup 20C at 0.02 ppm; fennel, Florence, fresh leaves and stalk at 60 ppm; kohlrabi at 5.0 ppm; leaf petiole vegetable subgroup 22B at 60 ppm; leafy vegetable group 4-16 at 60 ppm; and the vegetable, Brassica, head and stem, group 5-16 at 5.0 ppm. The tolerances generally are established as petitioned for by Interregional Research Project Number 4, of Princeton, N.J. The petitioner sought separate tolerances on the subgroups 4-16A and 4-15B, but the EPA established a single tolerance for the whole group. The rule removes several existing crop group tolerances because those groups are covered under the new tolerances. In addition, the name of the existing entry for cilantro is changed to cilantro, fresh leaves. The rule is effective July 28, 2017. Objections and hearing requests are due Sept. 26, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.579

82 FR 35109 (07/28/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerances/Topramezone
PESTICIDES

Final rule of the EPA establishes tolerances for residues of the herbicide topramezone in or on sugarcane, cane at 0.01 parts per million. The rule is issued in response to a petition filed by BASF Corp., of Research Triangle Park, N.C. The rule is effective July 28, 2017. Objections and hearing requests are due Sept. 26, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.612

82 FR 35115 (07/28/2017)

Regulatory Update

WATER

Aquatic Life Ambient Water Quality Criteria for Aluminum

WATER

Notice of the EPA announces the availability of draft updated aquatic life ambient water quality criteria for aluminum in freshwater. The draft, which updates 1988 criteria, permits users to develop criteria based on site-specific water chemistry and uses a multiple linear regression model to normalize data to develop criteria based on site pH, dissolved organic carbon, and hardness. The criteria would increase the one-day total freshwater acute limit to 1,400 micrograms/liter and increase the four-day total freshwater chronic limit to 390 µg/L for water with specified pH, hardness, and dissolved organic carbon levels. Comments are requested on the science and technical approach used in the derivation of the draft criteria. Comments are due Sept. 26, 2017. Contact: Diana Eignor; EPA, Office of Water; 202-566-1143; eignor.diana@epa.gov

82 FR 35198 (07/28/2017)

Regulatory Update

WATER

U.S. Coast Guard/Navigation and Navigable Waters

WATER

Final rule of the U.S. Coast Guard makes technical revisions to regulations associated with navigation and navigable waters. The revisions align the regulations with International Regulations for Preventing Collisions at Sea and clarify location and boundaries of Activities Europe Marine Inspection Zone. In addition, the revisions reflect the transfers of functions from the Secretary of War to the Secretary of Transportation to the Secretary of Homeland Security and address inland navigation standards and deepwater ports. The rule also deletes obsolete references, updates cross references, and makes editorial corrections. The rule is effective July 28, 2017. Contact: Felicia Raybon; USCG; 202-372-1499; Felicia.K.Raybon@uscg.mi. Citations: 33 CFR 3 through 181 (nonconsecutive); 46 CFR 31, 39, 153 and 154

82 FR 35073 (07/28/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/16/2017 7:58:10 PM
Subject: Aug. 16 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Federal Ruling Could Block Coal, Oil and Gas Projects Across U.S.

Posted August 16, 2017, 03:37 P.M. ET

By Stephen Lee

Environmentalists say a recent district court decision stopping the expansion of a Montana coal mine provides a blueprint for them to block other coal, oil, and gas projects across the country.

"The decision has national significance, and it can and will be applied in other cases that we are bringing to challenge the federal government's analysis of coal development, oil and gas development, and other fossil fuel projects," Laura King, staff attorney at the Western Environmental Law Center, told Bloomberg BNA.

Especially vulnerable could be two Bureau of Land Management decisions. A 2015 decision made more than 80 billion tons of coal and nearly 10 million acres of land available for federal oil and gas leasing in Wyoming's Power River Basin. Another decision approved 147,000 acres for oil and gas leasing in Colorado, King said.

The U.S. District Court for the District of Montana found Aug. 14 that the Office of Surface Mining Reclamation and Enforcement (OSMRE) didn't consider the social cost of Signal Peak Energy's proposed expansion of Bull Mountain Mine in Montana (Mont. Envtl. Info. Ctr. v. U.S. Office of Surface Mining, 2017 BL 283856, D. Mont., No. CV 15-106-M-DWM, 8/14/17).

The court ruled OSMRE violated the National Environmental Policy Act by focusing on the benefits of the mine plan while minimizing the environmental and social impacts of trains transporting coal to ports in Canada and on the Great Lakes, as well as the air pollution emissions of coal combustion.

Strategy's Potential

Hayden Baker, an attorney with Sullivan & Worcester LLP, told Bloomberg BNA that the decision "really shows how courts—and, by extension, non-governmental organizations and states—can continue to use the other mechanisms at their disposal to slow down infrastructure in mining."

But Baker also cautioned that one impediment to environmentalists using the strategy again is that each case is different and highly contingent on specific sets of facts.

"What's more important is that they scored a win here and will therefore push their strategy further," he said. "Any case will be dependent on how good a job the agency or proponent did in justifying their National Environmental Policy Act Review. So yes, while opponents will push forward with this strategy, it's hard to gauge the precedential value this has because it's always so fact-specific."

Signal Peak Responds

Mike Dawson, a spokesman for Signal Peak Energy, told Bloomberg BNA that the company will be "evaluating all of our options" in the coming weeks and months. For now, the mine remains open, and no workers have been laid off, Dawson said.

"Depending on a number of factors, this court decision could affect some operations in the future," Dawson said.

Luke Popovich, a spokesman for the National Mining Association, told Bloomberg BNA that, "aside from the absence of any legal obligation to consider these wider costs, there is no actionable, reliable value in doing so."

China Coal Capacity Cuts Parallel Nudge Toward Gas Production

Posted August 16, 2017, 11:10 A.M. ET

By Michael Standaert

China is more than halfway to its goal of cutting 800 million metric tons of coal production capacity by the end of 2020, signaling to investors the government isn't projecting coal production to grow much more.

The National Energy Administration announced Aug. 14 that it cut 111 million metric tons in the first six months of 2017, following a cut of 290 million metric tons in 2016.

While most of the cuts have targeted operations with lower quality coal, and "zombie firms" that operated with minimal actual production, the efforts could mean reducing coal consumption and air pollution in the long term, and have beneficial climate impacts as funding moves toward utilizing coal-bed methane and shale gas.

"[The cuts] may not have visible [short-term] impact to reduce air pollution in urban centers, where coal consumption rather than production is the main culprit," Ranping Song, climate policy associate at the World Resources Institute in Washington, told Bloomberg BNA Aug. 16.

"However, closing mines send signals that the government does not project coal production to grow significantly and [that] the energy transition is already underway," Song said. "It encourages workers and investors to move on from coal."

The NEA aims to cap the coal-fired power supply at 1.1 billion kilowatts by the end of 2020, and seeks to cut or slow some 150 million kilowatts of planned coal-fired capacity to meet those goals, according to an Aug. 2 notice.

NEA officials said in late July that total coal consumption increased by about 1 percent in the first half of 2017 over the same period in 2016, but that coal power as a proportion of the energy mix dropped 0.6 percent in that period, reflecting increased use of natural gas and renewable energy.

Transforming the Coal Industry

Nudging the coal industry toward coal-bed methane and shale gas in areas within the Sichuan basin of central and southwest China goes hand-in-hand with efforts to reduce coal production capacity and cap coal-fire power.

In Guizhou province in the southwestern part of the country, the provincial government will provide 1 billion yuan per year ($787 million) in subsidies for coal companies to reduce production capacity and adopt more coal-bed methane and other upgrades.

Shanxi province is also in the process of auctioning coal-bed methane mining rights as part of a pilot program which is expected to start this year, state-run media reported Aug. 14.

China's Ministry of Land and Resources announced on Aug. 15 that in 2016, shale gas production reached 7.88 billion cubic meters while coal-bed methane reached 4.5 billion cubic meters.

The U.S. Energy Information Administration projects that around 40 percent of China's natural gas production will come from shale gas by 2040, making it second only to the US in shale-gas production.

Potential Climate Benefits

Capturing coal-bed methane before it leaks into the atmosphere from old coal mines could significantly reduce some of China's greenhouse gas emissions, according to Song.

Leaking methane from coal mining in China was estimated at around 300 megatons of carbon dioxide equivalent, or about 18 percent of annual non-carbon emissions, according to 2010 data.

"Capturing coal-bed methane, especially from coal mining activities, would have significant climate benefits," Song said adding that research suggests that if China meets 13th Five-Year Plan (2016-2020) targets for coal-bed methane exploitation, coal mining-related methane emissions could drop to about 173 megatons of carbon dioxide equivalent by the end of 2020.

"These are efforts to modernize the energy industry as well as move to less polluting fuels," Song said.

Still, there is insufficient data at the moment to determine the amount of leakage occurring during coal-bed methane and shale gas production operations in China, Song cautioned.

Climate Bonds Pioneered by Goldman Lure Storm-Plagued Cities

Posted August 16, 2017, 10:20 A.M. ET

By Christopher Flavelle

As climate change pushes U.S. cities to build protections against stronger storms and more frequent floods, the Rockefeller Foundation is helping cities with a novel kind of financing, one that transfers some of the risk of innovative projects from cities to investors.

The foundation, established with John D. Rockefeller's oil wealth, announced today it will pay

$342,000 to underwrite the costs for two municipalities in issuing environmental impact bonds, pioneered by The Goldman Sachs Group Inc. and Washington, D.C. More than a dozen cities have expressed interest in the bonds, which link an investor bonus or penalty to how well the underlying project works.

"You take the risk off the project not working" for city officials, said Saadia Madsbjerg, who leads the Rockefeller Foundation's work on financial innovation. "There are many, many municipalities that have the exact same problem that D.C. has."

The goal is to give local governments room to experiment with ways of protecting their residents against the impacts of climate change by providing a sort of insurance policy against failure of the micro-grids, flood walls or other untested projects. For investors, there's a upside, too: If the project works better than expected, they get a bonus payment.

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U.S. Offshore Lease Sale Draws $121 Million in High Bids

Posted August 16, 2017, 02:29 P.M. ET

By Catherine Traywick (Bloomberg)

A U.S. auction of offshore oil and gas leases in the Gulf of Mexico drew $121 million in high bids from 27 companies Aug. 16. The top bidders were Royal Dutch Shell Plc, Chevron Corp., Exxon Mobil Corp., Total S.A., and Anadarko Petroleum Corp. The sale drew 99 bids on 90 tracts. The last Gulf of Mexico lease sale, in March, drew $275 million in high bids on 163 tracts.

Oil companies have reduced their capital spending over the last two years amid a prolonged market slump, a factor alluded to by Randall Luthi, president of the National Ocean Industries Association, in a statement issued after the sale.

"While the results of today's Gulf of Mexico oil and gas lease sale reflect market realities, they also demonstrate the offshore oil and gas industry's commitment to the U.S. Gulf of Mexico, even with extended low commodity prices and lingering regulatory dysfunction," Luthi said.

The sale was the first of 10 scheduled under Bureau of Ocean Energy Management's current five-year leasing program, which runs from mid-2017 to mid-2022.

—With assistance from Alan Kovski (Bloomberg BNA)

Trump Push for Natural Gas Exports Opposed by Manufacturers

Posted August 16, 2017, 11:22 A.M. ET

By Ari Natter

President Donald Trump's effort to boost U.S. energy is facing push back from manufacturers who say exporting more natural gas may undercut his "America First" jobs focus.

The Industrial Energy Consumers of America asked the administration Aug. 16 for a moratorium on U.S. approvals for liquefied natural gas projects. The trade association, which represents U.S.

manufacturers that depend on cheap energy to fuel their factories, sent a letter to Energy Secretary Rick Perry Aug. 16.

It's "inconsistent with President Trump's fair trade and America-first policy," Paul N. Cicio, the group's president, said in a phone interview. "It's a stunningly breathtaking amount of natural gas that could be exported."

The dispute between oil and gas companies and manufacturers is but one among business groups over Trump's agenda. Oil companies oppose Trump's idea to require that pipelines be made in the U.S.; agriculture producers oppose some of his trade policies; and refiners have pushed the White House to drop consideration of sanctions on Venezuelan oil imports.

In its letter, the energy consumers group says that exports could drain as much as two-thirds of U.S. natural gas resources by 2050. The group doesn't disclose its members, but its 2015 tax filing says it represented The Dow Chemical Co., Corning Inc. and other factory owners. The chief executives of both companies, Andrew Liveris for Dow and Wendell Weeks for Corning, are members of the president's manufacturing council.

Neither Dow nor Corning responded to requests for comment.

More Approvals

"We remain alarmed at the volume of LNG exports that have been approved for periods of 20-30 years," the group says in its letter. "Of greatest concern, is that the administration has said publicly that it will approve more applications to export" to countries that don't have a free-trade agreement with the U.S.

The dispute shows how Trump's formulation of American energy dominance could have a downside for other U.S. companies, said Kevin Book, managing director of Washington-based ClearView Energy Partners LLC.

"The question isn't about the next five years, it's about the next 20 years," Book said in an interview. "For anyone who is making an industrial investment in the U.S. these days is thinking very much in that time frame."

U.S. natural gas futures have risen since the first cargo of liquefied shale gas left Louisiana's shores last year—and more of the fuel is slated to set sail this year as Cheniere Energy Inc. starts up another LNG plant at its Sabine Pass terminal.

Meanwhile, the natural gas industry rejects the idea the U.S. doesn't have enough natural gas supplies to do it all.

"It advances our national security interests by providing allies access to diverse sources of energy, improves the global environment and contributes to correcting the U.S. trade deficit," said Charlie Riedl, executive director for the Center for LNG, which represents companies such as Golden Pass LNG, a Texas export terminal being developed by a joint venture of Qatar Petroleum, ExxonMobil Corp. and ConocoPhillips. "The U.S. has a limited window to take advantage of new demand."

The number of countries seeking to import U.S. liquefied natural gas has increased to 39 from 10 in 2000, according to the Washington-based trade group. ©2017 Bloomberg L.P. All rights reserved. Used with permission

Scana Needs`Willing Partner' to Resume Nuclear Construction

Posted August 16, 2017, 12:43 P.M. ET

By Jim Polson, Robert Lavelle, and Mark Chediak

Scana Corp. executives said the company would need to sign new contracts to revive construction on a South Carolina nuclear power plant—and that federal tax credits would be "an important factor."

The executives were commenting on the company's withdrawal of a petition to abandon work at the V.C. Summer nuclear station in an Aug. 16 conference call.

Scana halted construction last month on the nuclear power plant after its price tag ballooned to more than $20 billion. It withdrew its petition to officially abandon the project on Aug. 15, giving state officials more time to review the plan.

On the conference call, Scana CEO Kevin Marsh said the company would need to find a "willing partner" before the project could be resumed. Restarting work would take about a year, including signing new agreements with a new partner, a construction contractor and with Westinghouse for nuclear services and support, and there would also be the issue of qualifying for tax credits.

Nuclear abandonment remains the right decision, the executives said. Scana still expects to seek abandonment costs from customers but hasn't set a deadline to revive abandonment cost request.

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Mishap Triggers Taiwan Blackout as Power Policies Questioned

Posted August 16, 2017, 9:54 A.M. ET

By Bloomberg News

A blackout caused by a blunder at Taiwan's biggest gas-fired plant is the latest challenge to an electricity grid recently pushed to its limit and to President Tsai Ing-wen's efforts to reshape the island's power mix.

A combination of unusually hot weather, infrastructure damage from typhoons, and Tsai's drive to abandon nuclear power left Taiwan barely able to supply sufficient electricity to residential and business users in the past week. That balance gave way late Aug. 15 when the Tatan power plant, which accounts for almost 9 percent of the island's generation capacity, stopped after workers accidentally shut off its natural gas supply.

Tsai publicly apologized for the power outage that hit more than 6 million households and disrupted some semiconductor production. Electricity was restored by 10 p.m., but not before Lee Chih-kung, Tsai's economy minister, offered his resignation. Both the operator and supplier of the plant, Taiwan Power Co. and CPC Corp., are state-run.

"The outages hurt President Tsai's creditability," Jeffrey Bor, economics professor at Chinese Culture University in Taipei, said by phone. "The impact on the economy is comprehensive. It's like

sending a signal to companies to escape fast, because of the risks of electricity supply disruption."

Shift to Gas, Renewables

While the Aug. 15 outage was caused by human error, the blackouts heightened scrutiny of Tsai's policies, including a pledge to rid Taiwan of nuclear and cut its use of coal. The island, which plays a critical role in the world's electronics supply chain, will rely instead under her plan on natural gas, renewables, and distributed generation, which entails multiple, smaller power sources that decrease reliance on single plants and can offer greater grid stability.

The disruption occurred when engineers replacing power supply equipment for a control system at Tatan's metering station didn't switch the system from automated to manual before starting the work, according to CPC Corp., which provides the plant natural gas. That resulted in two valves being automatically closed, one for about six minutes, shutting off gas supplies.

There had been multiple warnings about Taiwan's electricity reliability before the blackouts. A week earlier, state-run utility Taiwan Power Co. issued a red alert as the operating reserve margin, the amount of maximum capacity available above peak demand on a particular day, fell to the second-lowest on record. Business associations, including the Chinese National Federation of Industries, had called for slowing the pace of closing nuclear plants.

Tsai's apology, posted on Facebook late Aug. 15, included a reiteration of her determination to push forward phasing out nuclear in favor of renewable energy.

"The government is promoting distributed green energy to avoid the situation where an incident at a single power station can affect the power supply for the whole country," Tsai wrote. "We will not change course. Today's incident only makes us more determined."

New Plants Delayed

New capacity not being delivered on schedule is compounding Taiwan's energy woes, according to Kerry Anne Shanks, a Singapore-based analyst at Wood Mackenzie Ltd.

"Commissioning of the new gas-fired units has been delayed again and again," Shanks said by email Aug. 16. "There are now appeals for a review of the nuclear phase-out policy. The government remains committed to a nuclear-free Taiwan by 2025, but this stance will depend on whether the power system can survive the summer."

Taiwan has mothballed one of its four nuclear power stations, and three of the remaining six remaining reactors are shut down. Wu Tsai-yi, president at Taiwan Research Institute, said the restart of two of the shut reactors has been stalled by lawmakers. Nuclear made up 12 percent of Taiwan's power mix last year, down from 17 percent in 2013, according to its Bureau of Energy.

Legislation passed in January set a goal of getting rid of nuclear power by 2025, as well as lowering the share of coal to 30 percent, and raising natural gas to 50 percent, with the remainder coming from renewables, according to Bloomberg New Energy Finance.

Taiwan's three shut reactors—both units at Jinshan and the No. 2 unit at Kuosheng—have combined capacity of almost 2.26 gigawatts, according to the Atomic Energy Council. The Tatan plant accidentally shut Aug. 15 can produce 4.38 gigawatts, according to Taiwan Power Co., known as Taipower. The country's total generation capacity is 49.9 gigawatts, according to Bureau of Energy, Ministry of Economic Affairs.

Semiconductors

The impact so far on Taiwan's technology industry has been limited. Advanced Semiconductor Engineering Inc. said production lines are operating again at two plants hit by the blackout and the company is evaluating any losses. ChipMOS Technologies Inc. said production has been restored, while Taiwan Semiconductor Manufacturing Co. said there was no impact on output, with all lines operating as normal.

Advanced Semiconductor and TSMC are both suppliers to Apple Inc. The main assembler of iPhones, Hon Hai Precision Industry Co., locates most of the production for the U.S. company in mainland China.

The power cut Aug. 15 hit Taiwan's Hsinchu Science Park, the "heart" of its semiconductor industry, said Annabelle Hsu, a senior research manager in Taiwan at International Data Corp.

"Factories there are running 24 hours a day, so sudden power cut without warning could cause a big damage," Hsu said.

—With assistance from Dan Murtaugh, Jing Yang, Aibing Guo and Gao Yuan.

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Tesla Skipping Green Bond Label Keeps Fledgling Market Limited

Posted August 16, 2017, 8:15 A.M. ET

By Emily Chasan

Investors are hungrier than ever for green bonds, yet companies known for their sustainable prowess—including Tesla Inc.—are choosing to sit out, raising questions about just how valuable the green bond label is.

U.S. non-financial companies have been among the slowest to embrace green bonds—debt that's designated to only finance eligible green projects—issuing just $4.3 billion last year, a tiny fraction of an overall U.S. corporate bond market that sold $1.6 trillion. U.S. companies are expected to issue $5.2 billion in green bonds this year, meaning a green label for Tesla's offering last week would have grown U.S. corporate issuance in 2017 by more than a third, according to Bloomberg New Energy Finance data.

Tesla, whose declared mission is to accelerate the world's transition to sustainable energy, didn't need the label as much as the nascent green bond market needed Tesla. Green bonds are a way for big companies to highlight their sustainable credentials, and also to help little-known renewable energy companies get the attention of institutional investors with like-minded interests. Tesla doesn't fit in either of those buckets.

"Even if a company does know what a green bond is, and understands that they could issue one, they may not see any outright benefits in doing so, versus the costs and commitments associated with issuing a green bond," Daniel Shurey, a green bonds analyst at BNEF, said in an email.

Companies that issue green bonds say they help attract a more diverse and long-term oriented

group of investors than they would otherwise. They're betting the label can improve liquidity, lead to more committed bondholders or at least raise their profile among green investors. Global assets linked to sustainable and responsible investing strategies hit $23 trillion at the end of 2015, according to the Global Sustainable Investment Alliance.

SolarCity Corp. was one of the most frequent issuers of green bonds before Tesla bought it in 2016. The company used the offerings as a way to raise low-cost money directly from environmentally friendly investors.

Palo Alto, Calif.-based Tesla didn't comment on why it chose not to designate the recent offering as green. But with the company led by Chief Executive Officer Elon Musk already a household name in zero-emission automobiles, it may not have needed to spend the extra money and time to snag the certification.

Costs, Commitments

Interest was high for Tesla's debt sale regardless, with the B3/B- rated deal aimed at supporting production of its mass-market Model 3 electric car increased to $1.8 billion from the original $1.5 billion. The 5.3 percent coupon was a record low for a bond of its rating and maturity, according to data compiled by Bloomberg.

Costs to certify an offering as green can vary significantly. Sean Kidney, chief executive and co-founder of the Climate Bonds Initiative, estimates annual certification costs at between $18,000 and $41,000. Tesla choosing not to label its bond green was a "missed opportunity" for a fledgling sector hungry for another marquee name, he said.

"At the very minimum issuing green bonds for Tesla is a way to highlight its obvious green credentials to an investment community that is thirsty for green bonds," said Kidney, whose London-based nonprofit aims to grow the environmentally friendly bond market.

Though corporate green bonds continue to lag, issuers globally are expected to sell a record $131 billion green bonds this year, up from from just $5 billion in 2012, BNEF data show. The pickup has been led by development banks, municipalities and sovereign issuers who've jumped into the market to meet global climate change goals.

Green Demand

Investors with more than $11 trillion in assets have signed onto the Paris Green Bonds Statement, aimed at boosting issuance in the market. Ethical investors, ranging from millennials to public pensions, increasingly seek out the bonds as a way to offset broader climate risks in their portfolios. Many green offerings are several times oversubscribed and underwriters report rapidly filling order books for green bonds.

"There just aren't enough green bonds to go around," BNEF's Shurey said.

Corporate green bonds have taken hold more quickly at European companies, as issuers there face more pressure from central banks and institutional investors to help lower carbon emissions. In the U.S., companies have been more hesitant amid concerns about backing up their green credentials legally or being accused of "greenwashing," or trumping up their commitments to clean energy.

A handful of other automakers including the finance arms of Hyundai Motor Co. and Toyota Motor Corp. have issued green bonds to fund consumer purchases or development of electric vehicles. In

those cases, green investors may have needed the label to see that the proceeds were going to projects they supported.

"There is a tacit acceptance by green bond funds that their investible universe is, at least at present, limited," Alastair Sewell, a senior director at Fitch Ratings' fund and asset manager rating group in London, said in an email. "In the case of Tesla, were a green bond fund to consider Tesla sufficiently 'green' in and of itself, then it might consider the issue despite it not being a labeled green bond."

—With assistance from Suborna Panja.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/31/2017 6:45:25 PM
Subject: EPA adds 26 more states to E15 waiver

By Eric Wolff

08/31/2017 02:39 PM EDT

EPA is adding 26 states to a Clean Air Act waiver that allows the sale of 15 percent ethanol gasoline blends, effectively ending the summer restriction on sales of the fuel because of Hurricane Harvey.

The agency provided the waiver to 12 states and the District of Columbia on Wednesday.

AAA shows the national gas price average up 10 cents a gallon from a week ago, before Harvey hit.

The list of states with E15 waivers now includes about two-thirds of the country, but excludes the western states.

The Department of Energy is also trying to ease pressure on gas prices — the agency said it would release 1 million gallons of crude from the Strategic Petroleum Reserve to a Phillips 66 refinery to help ease supply constraints. Harvey has caused the closure of 20 percent of the nation's refining capacity.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/epa-adds-26-more-states-to-e15-waiver-092352

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Tue 11/28/2017 4:41:17 PM
Subject: BREAKING NEWS: Schumer, Pelosi cancel meeting with Trump

Democratic leaders Chuck Schumer and Nancy Pelosi said they will not attend a meeting at the White House Tuesday after President Donald Trump slammed them in a tweet.

"Given that the President doesn't see a deal between Democrats and the White House, we believe the best path forward is to continue negotiating with our Republican counterparts in Congress instead," the Senate and House minority leaders said in a statement.

Read more: https://www.politico.com/story/2017/11/28/schumer-pelosi-cancel-meeting-with-trump-262853

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Mon 8/7/2017 2:05:42 PM
Subject: POLITICO's Morning Score: Representatives enter races for governor — Battle kicks off for Delaney's seat — New candidates in Minnesota and Tennessee

By Maggie Severns | 08/07/2017 10:00 AM EDT

With Zach Montellaro

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

GREENER PASTURES - Reps make bids for governor: POLITICO's Heather Caygle and Kevin Robillard report that half of the 18 retiring House members are leaving Capitol Hill next year to run for governor, but their chances of winning those races may be slim. "The last time this many sitting representatives ran for governor, in 2006, twice as many lost as won. Lawmakers are motivated partly by the quest for more power - being one in a village of 435, especially in the Democratic minority, only gets you so far. They are also seeking the chance to assist or resist the Trump administration, depending on their party, in implementing new policy throughout the states," report Caygle and Robillard. "For Democrats in particular, the choice between another term in the House minority or the chance to lead their home states can be an easy one. 'It's a good partnership to have folks who have federal experience, have relationships here but can be the governor of their states so they don't execute some of these federal changes in a way that harms their citizens,' said Rep. Michelle Lujan Grisham (D-N.M.), who announced in December that she would run for governor in 2018. 'And you would be in charge of redistricting.'"

"On the GOP side, members have watched Republican governors make political gains and pass major policy initiatives throughout the Obama administration, and they want in on the action. ... Rep. Diane Black, a four-term Republican from a safe GOP seat in Tennessee, became the latest lawmaker to launch her gubernatorial campaign last week. The current House Budget chairwoman joins eight other lawmakers, as well as a handful of others who are considering runs." Full story here.

THE HOUSE SCRAMBLE - Expensive battle kicks off for Delaney's seat: Elena Schneider has the story: "Rep. John Delaney 's quest for the presidency set off a scramble for perhaps the only competitive House district in Maryland. And the price tag for the Democratic-leaning seat jumped significantly last week, after wine retailer David Trone, who sunk $13 million of his own money on his 2016 primary bid for a neighboring district, entered the race," Schneider reports. "Republicans are eyeing the seat, too. The district comfortably backed former President Barack Obama and Hillary Clinton, but in 2014, Republican Gov. Larry Hogan won it handily. Amie Hoeber, who lost against Delaney in 2016, is considering another run, and former state Del. Matt Mossburg already announced his bid."

"Democrats, however, are bullish about their chances to hold on to the seat. 'This is a district - with the fundraising base and the media market - where a real Democratic leadership star could emerge,' said former DCCC deputy executive director Jesse Ferguson." Full story here.

Days until the 2017 election: 92.

Days until the 2018 election: 456.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

HEALTH CARE BLOWBACK - House Majority PAC launches billboards: House Majority PAC is launching a series of billboards across the country hitting Republicans on health care. The first billboard will go up today in GOP Rep. Fred Upton's Michigan district. The billboard focuses on a so-called "age tax" in the GOP health plan that allows insurers to charge higher premiums for people over 50, and directs viewers to a website with information.

CHASING AMY - State Rep. Jim Newberger announces Minn. Senate run: Minnesota Republican Jim Newberger announced on social media over the weekend he plans to challenge Democratic Sen. Amy Klobuchar in 2018. "For over a decade, millions of Minnesotans have had no voice in the U.S. Senate. Sen. Amy Klobuchar has rejected them," Newberger wrote. He pledged to repeal Obamacare and fight for a simpler tax code, among other things, in the post.

- And a new gov candidate in Tennessee: Craig Fitzhugh, the Democratic leader in the Tennessee House of Representatives, plans to run for governor in 2018. Fitzhugh's entry means there will be a contested race for governor next year. Full story.

DAILY ROLL TIDE - Poll finds tight race in Alabama: A poll released by a GOP blog on Friday found a tight race between the GOP candidates for the Alabama Senate seat currently held by Sen. Luther Strange, the Montgomery Advertiser reports. Alabama Chief Justice Roy Moore led Strange 31 percent to 29 percent in the poll, and Rep. Mo Brooks garnered 19 percent of the vote. The poll had a margin of error of plus or minus 5 percentage points.

- Two dispatches from D.C. journalists: Brooks was working the campaign trail over the weekend and defending himself against the slew of Senate Leadership Fund ads targeting him. Here's his defense, as told to voters in Gadsden, Ala., via CNN's Juana Summers: "'Previously he was just attacking me, trying to push me down to get into a runoff with Roy Moore,' Brooks told the group. 'And now that he's attacking both me and Roy Moore, that suggests that our polling data is more like his, it shows that there is a chance that he won't make the runoff and that scares the willies out of (Senate Majority Leader) Mitch McConnell and all the special interest groups who are investing in Luther Strange in this race.'"

More from Bridget Bowman at Roll Call: "The key challenge facing Brooks is how to spread his campaign message - which he boiled down to 'ethics, proven conservative, and I'm the candidate that supports Donald Trump's agenda' - while also counteracting the negative ads. In the home stretch of the primary, Brooks has launched a 'Drain the Swamp' bus tour around the Yellowhammer State, borrowing a phrase from Trump's own campaign. On Thursday, he stopped in four towns in northern Alabama."

- Brooks picks up FreedomWorks endorsement: FreedomWorks PAC president Adam Brandon said over the weekend that "it is becoming clearer every day that we need members of Congress who will not only vote the right way but actually fight for free-market, limited government principles," and the conservative group is thus supporting Brooks in the race, The Hill reported.

WEEKEND BUZZ - Republicans run shadow presidential campaigns: Republican party stars including Vice President Mike Pence are scheduling events as if they're preparing for 2020 primary season, write Jonathan Martin and Alexander Burns write at The New York Times. The White House is, predictably, not pleased: "Asked about those Republicans who seem to be eyeing 2020, a White House spokeswoman, Lindsay Walters, fired a warning shot: 'The president is as strong as he's ever been in Iowa, and every potentially ambitious Republican knows that.' But in interviews with more than 75 Republicans at every level of the party, elected officials, donors and strategists expressed widespread uncertainty about whether Mr. Trump would be on the ballot in 2020 and little doubt that others in the party are engaged in barely veiled contingency planning." Full story.

- Pence swiftly issued a statement denouncing the story: "Today's article in the New York Times is disgraceful and offensive to me, my family, and our entire team," Pence said. "The allegations in this article are categorically false and represent just the latest attempt by the media to divide this Administration." POLITICO's David Cohen has more here.

FLIP FLOP FLAP - Manchin avoids Justice fallout: West Virginia Gov. Jim Justice's decision to flip from Democrat to Republican may complicate Democratic Sen. Joe Manchin 's path to reelection in the Senate, but Manchin appears to be soldiering on as usual, POLITICO's Gabriel Debenedetti and Robillard report. Republicans immediately began attacking Manchin, but "Manchin's name barely surfaced on West Virginia's political talk radio programming on Friday. And neither Manchin, the Democratic infrastructure backing him, nor any of his Republican challengers immediately changed their strategies in the aftermath of Justice's surprise move," write Robillard and Debenedetti. Full story.

SHAKEUP - Three RNC staffers head for the exits: Three aides at the Republican National Committee are departing in the coming weeks, POLITICO's Alex Isenstadt reports. Deputy chief data officer Liam O'Rourke, director of political data support Ashley Burns and director of business intelligence Patrick Stewart are all planning to exit at an awkward time for the committee as it gears up for the 2018 elections. Full story.

CODA - QUOTE OF THE DAY: "I'm doing what I think my voters expect of me." - GOP Sen. Jeff Flake, while explaining to NBC's "Meet the Press" on Sunday that he has no plans to quit the

Republican party.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/08/07/representatives-enter-races-for-governor-221729

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From: POLITICO Pro Energy
Sent: Thur 8/3/2017 9:44:15 AM
Subject: Morning Energy: FERC quorum a-coming? — Pruitt reverses course on ozone delay — No place like Gold King in August

By Annie Snider | 08/03/2017 05:41 AM EDT

With help from Eric Wolff, Alex Guillén, Darius Dixon and Esther Whieldon.

FERC QUORUM SO CLOSE YOU CAN ALMOST TASTE IT: Late Wednesday, the White House officially sent the nominations for FERC nominees Rich Glick and Kevin McIntyre to the Senate, raising the prospect that the agency's six-month stretch without a quorum will finally get resolved, Darius Dixon reports.

FERC has been unable to make major decisions on everything from interstate natural gas pipelines to liquefied natural gas export terminals to anti-market manipulation cases since early February. With the paperwork delivered, particularly for Democratic nominee Glick, the industry's Eye of Sauron-like attention is trained entirely on the Senate. GOP nominees Neil Chatterjee and Rob Powelson received approval from the Senate Energy and Natural Resources Committee in June, but their confirmations were stalled by Democrats amid battles over Obamacare and the tradition of molding bipartisan nomination packages for the agency.
The calculation happening now is determining whether Glick's nomination — rather than his actually confirmation — is enough for Democrats to accept Chatterjee and Powelson being confirmed before the Senate skips town for recess. "They're trying to structure a package that gets both sides interested enough to get everybody behind it," Sen. John Thune, the GOP No. 3, told ME. "I know that the FERC absences are on everybody's radar screen." Other senators said they expect a plan for FERC action to materials today.

Nominations across the federal government have been piling up for potential 11th-hour action ahead of the Senate's plans to depart for its abbreviated August break, no later than next week. The White House also officially delivered nominations Wednesday for John Henderson to lead the Air Force's energy, environment and installations program and Ryan Nelson to be Interior Department Solicitor.

In the meantime, Senate Majority Leader Mitch McConnell teed up a noon vote today on Dan Brouillette's nomination to be Deputy Secretary of Energy.

Optimistic Yucca foe: Nevada Sen. Dean Heller, who held up the nomination to protest Brouillette's support for a nuclear waste repository in his home state, lifted that hold after making progress on Yucca Mountain, his office told ME, declining to elaborate.

PRUITT REVERSES COURSE ON OZONE IMPLEMENTATION DELAY: EPA Administrator Scott Pruitt has dropped his plan to delay a key step in implementing the 2015 ozone standard — deciding which areas hit the air quality target. Pruitt had originally said he didn't think EPA had the necessary data to decide on the designations by the Oct. 1 deadline, a move that drew lawsuits from environmental groups and blue states. But a pre-publication

Federal Register notice Pruitt signed Wednesday says that "the information gaps that formed the basis of the extension may not be as expansive as we previously believed."

The notice hints, however, that there may yet be regional delays made on a case-by-case basis. "The Administrator may still determine that an extension of time to complete designations is necessary, but is not making such a determination at this time," it states. Here's Alex Guillén with more.

YOU MADE IT TO THURSDAY! I'm your fill-in host, Annie Snider, and I know it's not surprising, but I am still impressed with y'all's knowledge of nuclear history. Dan Meyer of the Duberstein group was the first across the finish line with yesterday's trivia, correctly answering that the August 2, 1939 letter written by Leo Szilard and signed by Albert Einstein warned President Franklin D. Roosevelt that Germany could develop an atomic bomb and urged the U.S. to begin its own nuclear program — which eventually became the Manhattan project. Dan has today's question: Name the official currently in the line of presidential succession who is ineligible to be president. Send your guesses — and your tips, energy gossip and comments to asnider@politico.com or follow us on Twitter @AnnElizabeth18, @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

THE GLASS IS NOW 40 PERCENT FULL: EPA put out an annual report Wednesday touting decreased emissions amid a growing economy over the last quarter-century — old news to those following the issue. But as Mother Jones reporter Rebecca Leber pointed out Wednesday on Twitter, the 40 percent non-attainment rate for ozone EPA Administrator Scott Pruitt has used in the past to attack the Obama administration's environmental record is now an EPA win. "Despite this success, there is more work to be done," Pruitt said in a statement. He vowed to work with states to improve air quality. Environmentalists also noted a changed tune. EPA's report credits the pollution reductions to "implementation of the Clean Air Act and technological advancements." As the NRDC's John Walke pointed out, many innovations came about because of demand created by regulations. "It's not like electric utility sector was clamoring for scrubbers prior to any Clean Air Act rules warranted using them," he wrote.

ANNIVERSARY GETAWAY: Pruitt is scheduled to tour the Gold King Mine with Colorado Gov. John Hickenlooper (D) and Sen. Cory Gardner (R-Colo.) on Friday, just ahead of the 2-year anniversary of the 2015 spill of 3 million gallons of wastewater by an EPA crew, the Denver Post reports. The disaster has become a favorite example for congressional Republicans of EPA ineptitude.

Gina McCarthy, who was EPA administrator at the time of the spill, visited command centers and people affected by the toxic wastewater that eventually reached the Colorado River, but did not visit the actual mine. EPA said at the time that the area was too remote and difficult to access, and that they did not want to interfere with emergency operations underway.

Road-trippin': Already on the road, Pruitt swung through Indiana Wednesday, where he spoke Wednesday with Gov. Eric Holcomb (R) and farm interests about the Waters of the U.S. rule, which EPA is in the midst of withdrawing and rewriting, and also visited Liberty Mine. Next week he'll be back on the topic of the water rule while in North Dakota, the Bismarck Tribune

reports.

INTERIOR NO. 2 CALLS OUT EMPLOYEES WHO "PARROT" SPECIAL INTERESTS: After being sworn in as Deputy Interior Secretary on Tuesday, David Bernhardt sent a missive to department employees calling out "a few people" who he said "parrot comments of special interests rather than carry out their governmental duties." Bernhardt, who was opposed by most Senate Democrats, in part over potential conflict of interests concerns related to his former job as a lobbyist and lawyer for various industries, warned employees in the email obtained by POLITICO that such people "often avoid grounding their views in the actual facts or the law." Esther Whieldon's got the rundown here.

FALSE ALARM? Some climate change information disappeared from the Department of Agriculture's website late last week before reappearing late yesterday, according to a report from the Environmental Data & Governance Initiative. The missing pages from USDA's "Climate Hubs," which provide tools to help farmers and land managers adapt to climate change, "were the result of the site being migrated to a new server," an agency spokeswoman said.

Agriculture Secretary Sony Perdue and the nominee to be his chief scientist, Sam Clovis, have both questioned human-caused climate change. But Perdue has said he's committed to "digging ever deeper" into research about agricultural production in a changing climate.

NOTHIN' TO SEE HERE: Southern Co. CEO Tom Fanning spent Wednesday morning trying to squash speculation that the Vogtle nuclear project is facing a similar fate to the two-reactor project slated for shutdown in South Carolina. On a call with analysts, Fanning argued "there are a host of differences" between the two projects, with project backers on track to decide by the end of this month how to proceed. Here's Darius Dixon with more.

SPECIAL COUNSEL INVESTIGATING OBAMA-ERA WHISTLEBLOWER FIRING: The U.S. Office of Special Counsel has launched a whistleblower investigation into the Obama administration's firing of an Interior Department employee who raised concerns over the agency's plan to approve Shell's Arctic offshore drilling lease, Esther Whieldon reports. The U.S. Merit Systems Protection Board this week granted the counsel's request to require the agency to reinstate Jeffrey Missal as the regional environmental officer with the agency's Bureau of Safety and Environmental Enforcement in Anchorage, Alaska while the office of special counsel investigates.

A MONIZ FOR THE AGES: Former Energy Secretary Ernest Moniz returned to old stomping grounds at the Energy Department Wednesday as a guest of honor for the unveiling of his official portrait to an auditorium of current and former agency employees. NNSA Administrator Frank Klotz presided, and Moniz's successor, Rick Perry, gave speech. Both Moniz and Perry got plenty of laughs out of the attendees, which included ex-Energy Secretary Bill Richardson, former DOE deputies Elizabeth Sherwood-Randall and Dan Poneman, and Obama Health and Human Services chief Sylvia Burwell, who is now president of American University.

Moniz quipped that he was honored so many people gathered for his "official designation as a historical artifact" before engaging in an extended explanation of everything in Chris Saper's

painting, which included "The Future of Natural Gas" report he led while at MIT, a DOE Quadrennial Technology Review, the Obama administration's Quadrennial Energy Review — an effort he pushed for well before he was secretary — and the Iran nuclear agreement he helped negotiate. DOE's Flickr account has dozens of photos.

GREENS, DEM STATES URGE COURT AGAINST HEARING METHANE APPEAL: The coalition of Democratic states and environmental groups that challenged EPA Administrator Scott Pruitt's 90-day stay of the methane rule for new oil and gas wells yesterday urged the D.C. Circuit Court of Appeals not to hear an appeal. The full court on Monday reinstated the rule while it considers requests from industry groups and Republican states for an appeal heard by all 11 judges. The stay's opponents argued yesterday that the case "does not come close to satisfying the demanding standards for granting *en banc* rehearing." EPA has remained silent on the matter so far, but may weigh in by this afternoon's final brief deadline, along with the stay's industry and state supporters. The court could decide whether to hear the appeal as soon as Friday.

EPA PANEL ON PRUITT CO2 REMARK: OPINIONS DON'T VIOLATE INTEGRITY POLICY: After a letter circulated in conservative news outlets Tuesday clearing Pruitt from scientific integrity allegations for his controversial remark that carbon dioxide is not the primary driver of climate change, the agency released a four-page report Wednesday compiled by five senior career staffers. The panel found Pruitt's comment did not violate the agency's scientific integrity policy because it was not a "significant departure from accepted practices of the relevant scientific or scholarly community." However, the report did not discuss how the remark diverged from scientists' consensus, and concluded "expressing an opinion" does not violate the integrity policy.

ZINKE TAKES ANOTHER MONUMENT OFF CHOPPING BLOCK: Interior Secretary Ryan Zinke on Tuesday announced he will recommend Trump leave intact the Upper Missouri River Breaks National Monument in central Montana. "The monument is one of the only free-flowing areas of the Missouri that remains as Lewis and Clark saw it more than 200 years ago," Zinke said in a statement. Zinke has until Aug. 24 to send his recommendations on the remaining monuments on his list.

BIODIESEL'S DC TEAM MOTORS AWAY: The National Biodiesel Board, which is based in Missouri, is losing two of its three Washington staffers. Anne Steckel, the head of the D.C. office, and Sandra Franco, the head of regulatory affairs and general counsel, are both leaving the group, NBB spokesperson Rosemarie Calabro Tully told ME. Chief Operating Officer Doug Whitehead will come to D.C. to run the office. The move comes at an awkward time, as lobbying is ramping up to get a biodiesel producers tax credit into any future tax overhaul bill, the group's members want EPA to increase the biodiesel requirements in the Renewable Fuel Standard, and they're looking to the Commerce Department to slap sanctions on Argentina and Indonesia.

MAINE LEGISLATURE SUSTAINS VETO ON SOLAR BILL: The Maine Legislature on Wednesday did not override Gov. Paul LePage's veto of L.D. 1504, a measure that would have had utility regulators formulate new recommendations on the future of net metering in 2019. The Legislature passed the measure in June with a veto-proof majority but on Tuesday the House fell short of the votes needed to override the veto.

REPORT SAYS STATES ILL-EQUIPPED TO TAKE ON ESA: A report out Tuesday by University of California Irvine School of Law suggests that most states are legally and financially ill-equipped to take over protecting and recovering threatened and endangered species. It notes that state expenditures on conservation of federally listed species make up only about 5 percent of total national spending on ESA, and found that compared with the requirements of the Endangered Species Act, some state laws fall short.

MOVER, SHAKER: Monica Trauzzi, managing editor and anchor of E&E News' video operation, is heading to the Nuclear Energy Institute in September as senior director of external communications.

Joan Card, a Western water expert who served as senior policy advisor in EPA's Region 8 office until January, has joined the natural resources consulting firm Culp & Kelly, LLP.

QUICK HITS

— Pacific Northwest threatened by hottest weather ever recorded. Washington Post.

— Tesla's quarterly loss widens as it rolls out the mass-market Model 3. New York Times.

— Kentucky coal employment, production declined in last three months. Lexington Herald Leader.

— China's nuclear export ambitions run into friction. Financial Times.

— OPEC's catch-22: How to unwind its deal to cut oil output. Wall Street Journal.

HAPPENING TODAY

10 a.m. — The Senate Energy and Natural Resources Committee holds a hearing on federal and nonfederal collaboration to reduce wildfire risk, Dirksen 366.

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https://www.politicopro.com/tipsheets/morning-energy/2017/08/ferc-quorum-a-coming-024051

Stories from POLITICO Pro

White House delivers long-awaited FERC nominations to Senate Back

By Darius Dixon | 08/02/2017 06:44 PM EDT

The White House announced tonight that it has officially sent the Senate paperwork for FERC nominees Rich Glick and Kevin McIntyre, President Donald Trump's pick for the agency

chairman.

FERC has been without a leadership quorum since early February, leaving it unable to decide on major interstate natural gas pipelines, liquefied natural gas export terminals, anti-market manipulation cases or contested electric rate plans.

Trump's plans to nominate Glick and McIntyre were announced June 28 and July 13, respectively.

Glick has been nominated to fill a Democratic seat on the commission, and the arrival of his paperwork increases the chance that Senate Democrats get behind smooth confirmation votes for two other pending FERC nominees.

GOP picks Neil Chatterjee and Rob Powelson were approved by the Senate Energy and Natural Resources Committee in June, but they have been stalled since as Democrats used procedural tactics to slow-walk confirmations for most Trump nominees amid GOP efforts to repeal Obamacare. Now, lawmakers have been negotiating a slate of uncontroversial nominees to confirm before recess.

WHAT'S NEXT: With Glick and McIntyre's nomination paperwork in the Senate, it's possible Chatterjee and Powelson get approved on the Senate floor with a voice vote or by unanimous consent, however the timing is unclear and negotiations over nominees is still delicate.

To view online click here.

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Pruitt drops delay of ozone rule implementation Back

By Alex Guillén | 08/02/2017 07:55 PM EDT

EPA Administrator Scott Pruitt has dropped his one-year delay of an upcoming implementation step for the 2015 ozone standard, EPA announced today.

The withdrawal comes after lawsuits from environmental groups and Democratic states sued over the delay in deciding which areas meet the standard and which do not. EPA had been due to file its first defense of Pruitt's delay in court on Thursday.

Pruitt originally said he did not believe EPA had the necessary data to decide on the designations by the Oct. 1 deadline. But a pre-publication Federal Register notice signed by Pruitt on Wednesday says that "the information gaps that formed the basis of the extension may not be as expansive as we previously believed."

Some areas may be ready for designation in the coming months, and the notice hints that regional delays may be necessary on a case-by-case basis. "The Administrator may still

determine that an extension of time to complete designations is necessary, but is not making such a determination at this time," says the notice in withdrawing the nationwide delay.

"We believe in dialogue with, and being responsive to, our state partners. Today's action reinforces our commitment to working with the states through the complex designation process," Pruitt said in a statement.

Pruitt also said he intends to avoid any settlement agreements with "activist groups," a practice he has long opposed and said he ended at EPA. "We do not believe in regulation through litigation, and we take deadlines seriously. We also take the statute and the authority it gives us seriously," Pruitt said.

WHAT'S NEXT: EPA has until Oct. 1 to determine which areas of the U.S. meet the standard and which will have to submit plans to lower pollution, a years-long process.

To view online click here.

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Interior No. 2 tells employees to follow the law, not 'parrot' special interests Back

By Esther Whieldon | 08/02/2017 03:44 PM EDT

Interior Deputy Secretary David Bernhardt, a former lobbyist, believes a few bad apples within the department have "forgotten their oath" and "choose to parrot comments of special interests rather than carry out their governmental duties to move the country forward," he told employees in an introductory email sent after he was sworn in Tuesday.

"By doing so, they often avoid grounding their views in the actual facts or the law. Such conduct is arbitrary. It is lazy. We must always refrain from taking such a path," Bernhardt wrote in the email, a copy of which was obtained by POLITICO today.

Before being confirmed as Interior Secretary Ryan Zinke's second-in-command, Bernhardt spent years as a lobbyist for clients including Westlands Water District. Bernhardt pledged during his confirmation process to recuse himself from matters involving past clients for two years.

In the email, Bernhardt promised to respect employees at the Interior Department, where he served a previous stint under President George W. Bush. But he stressed that they were bound by laws set by Congress and obligated to exercise discretion in implementing those laws to accord with the administration's views.

The agency's authority has limits, he wrote, and instead of trying to "stretch the law like a fraying rubber band to fit a particular policy vision," the agency should ask Congress for help.

Bernhardt told the Senate Energy and Natural Resource Committee in May that the president's

views, not the recommendations of climate scientists, would guide the department's policies where possible.

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Southern CEO: Comparing Vogtle to Summer is 'apples and oranges' Back

By Darius Dixon | 08/02/2017 04:38 PM EDT

Southern Co. chief Tom Fanning sought to tamp down speculation today that the Vogtle nuclear project was in similarly dire straits as a two-reactor project facing shutdown in South Carolina, while also praising several Trump administration officials.

On Monday, SCANA and co-owner Santee Cooper announced plans to walk away from their V.C. Summer nuclear project in South Carolina.

But Fanning said "there are a host of differences" between the two project and the Vogtle backers were on track to decide by the end of this month how to proceed.

"It really is apples and oranges," he added, pointing to different regulatory processes, commercial terms and the cost of capital needed.

Southern and its partners, Oglethorpe Power Co., Municipal Electric Authority of Georgia and the City of Dalton have been analyzing their options for finishing all or part of the project.

The Energy Department authorized $8.3 billion in loan guarantees to the project under the Obama administration, but Fanning said the new administration has been "fantastic" in dealing with Toshiba after its Westinghouse unit, the reactor designer and Vogtle contractor, filed for bankruptcy this spring.

Fanning praised several members of the Trump administration — Energy Secretary Rick Perry, Commerce Secretary Wilbur Ross and Vice President Mike Pence, in particular — for helping secure commitments from Toshiba. Since Westinghouse's bankruptcy, Vogtle's owners have been trying to finalize payments from Toshiba, access to intellectual property and the scope of Westinghouse's responsibilities to the project.

WHAT'S NEXT: The Vogtle project owners expect to file their recommendation on the future of the reactors with state regulators later this month.

To view online click here.

Back

Special counsel investigating Interior employee whistleblower case Back

By Esther Whieldon | 08/02/2017 07:26 PM EDT

The U.S. Office of Special Counsel today revealed it has launched a whistle-blower investigation over the Obama administration's firing of an Interior Department employee who raised concerns about plans to approve Shell's offshore drilling lease in the Arctic.

The U.S. Merit Systems Protection Board granted the counsel's request to make Interior reinstate Jeffrey Missal as the regional environmental officer with the agency's Bureau of Safety and Environmental Enforcement in Anchorage, Alaska, for 45 days while the office of special counsel negotiates with the agency over what "corrective action" the agency should take.

Missal claimed his January 2016 firing came in retaliation for raising concerns with Interior's inspector general about two years prior that the agency was planning on affirming a lease sale in the Chukchi Sea regardless of the findings of the environmental impact statement for the lease.

The report does not list the company who had the lease. But according to documents on the Bureau of Ocean Energy Management's website, Shell Gulf of Mexico Inc. had won the bid for the lease in the Chukchi Sea, and BSEE affirmed the lease in April 2015.

The agency fired Missal accusing him of conducting outside business during work hours, among other things.

WHAT'S NEXT: Missal will be able to return to his job at Interior at least until Sept. 15 while the counsel's office continues to negotiate with the department.

To view online click here.

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Scientific integrity panel clears Pruitt over CO2 comments Back

By Alex Guillén | 08/01/2017 06:44 PM EDT

A panel of EPA employees says Administrator Scott Pruitt's controversial March comments on television that carbon dioxide is not the primary driver of climate change did not violate the agency's scientific integrity policy.

"Expressing an opinion about science is not a violation of the EPA Scientific Integrity Policy," the panel wrote.

The panel's two-paragraph finding was included in a letter from Thomas Sinks, director of EPA's Office of the Science Advisor, addressed to the Sierra Club, which formally complained about

Pruitt's comment but said it had not received a copy of the response.

EPA earlier today sent out a press release touting an article on the letter in the conservative Washington Free Beacon.

The agency's scientific integrity policy "specifically encourages employees to express their opinion should the employee disagree with scientific data, scientific interpretations, or scientific conclusions," the panel wrote, noting that Pruitt "did not suppress or alter Agency scientific findings."

The special panel was formed by EPA's Scientific Integrity Committee, which is made up of high-ranking EPA officials. It did not comment on the accuracy of his statement, which departs from the scientific consensus that carbon dioxide is the primary driver of global warming.

Elena Saxonhouse, a senior attorney with Sierra Club, said in a statement that the group had "been told by EPA staff that the proper process is for the party that filed the complaint to be informed first, not the media." She added: "Pruitt's 'opinions' can have especially weighty consequences for the many scientists working below him, yet the letter treats him like any other employee."

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Subject: CL: EPA Head Addresses Energy Issues

IN CASE YOU MISSED IT

EPA Head Addresses Energy Issues

Anna Wolfe
October 13, 2017
http://www.clarionledger.com/story/news/local/2017/10/13/epa-water-energy-mississippi/757533001/

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Mississippi Thursday to discuss proposed changes to the Waters of the United States rule, just days after announcing the repeal of the Clean Power Plan.

The water rule sought to control pollution under the Clean Water Act of 1972 and had extended the federal government's authority over small waterways. Republicans and industry groups argue that it required costly and unnecessary permitting. The rule was also the subject of litigation.

Pruitt said he's meeting with government agencies and stakeholders across the country to get input on how to best craft the new definition of U.S. waters. The definition implemented in 2015, Pruitt argues, "has created substantial confusion."

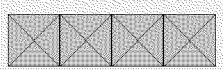
"The whole focus that they said at the time was 'we're doing this to ensure certainty.' If that was their certainty, they failed miserably. Because truly, land use positions, jurisdictional determination, about where federal jurisdiction begins and ends, has never been more confusing."

Gov. Phil Bryant was among many governors who initiated a challenge to the Waters of the United States rule.

"Regulatory uncertainty has been the greatest impediment to economic growth over the last several years, and it's not just in the energy and environmental space. It's in finance. It's in health care. It's across a full spectrum of agency actions in Washington D.C.," Pruitt told The Clarion-Ledger. "But this WOTUS rule is one that I believe of the greatest example of uncertainty that was created because people literally quit using their land or they were concerned about using the land because of the potential for fines and penalties."

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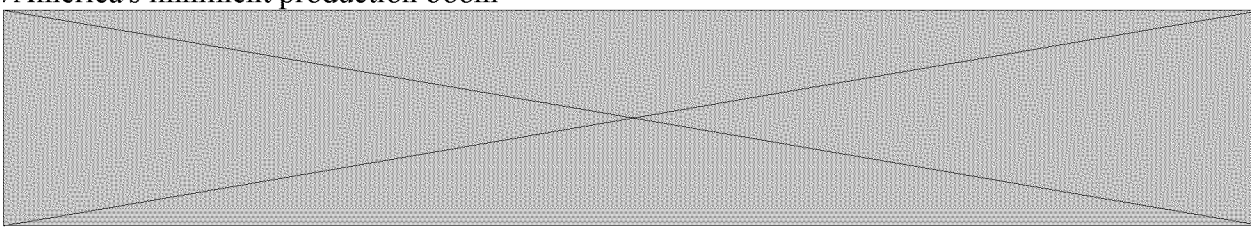
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Sent: Fri 8/4/2017 10:08:45 AM
Subject: AEI Today: America's imminent production boom

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AEI's daily publication of independent research, insightful analysis, and scholarly debate

Twenty20

America's imminent production boom

James Pethokoukis | The Week

Some researchers think the widespread and innovative use of big data, artificial intelligence, and robotics in areas such as health care, education, and the service sector could eventually boost productivity growth high enough to achieve overall 3 percent growth. This tech wave may be unstoppable as long as government doesn't do something profoundly dumb, such as banning or taxing new technologies.

Reuters

The military options for North Korea

John R. Bolton | The Wall Street Journal

Nuclear proliferators happily exploit America's weakness and its short attention span. They exploit negotiations to gain the most precious asset: time to resolve the complex scientific and

technological hurdles to making deliverable nuclear weapons.

Twenty20

Scientific facts should supercede ideology

Benjamin Zycher | Washington Examiner

The leftist environmentalist groups' plea — more government subsidies for more expensive energy, less for cheaper energy — is highly problematic. It is yet another example of ideology masquerading as analysis, premised on energy and climate assumptions vastly at odds with the evidence.

Twenty20

Ignoring the lessons of effective presidents

Michael Barone | Washington Examiner

Donald Trump too often confides in the world things that great presidents such as Roosevelt, Eisenhower, and Reagan would have told no one else. We know his mood at 6:23 a.m., his reactions to hosts and guests on Fox & Friends, and how miffed he is with the attorney general.

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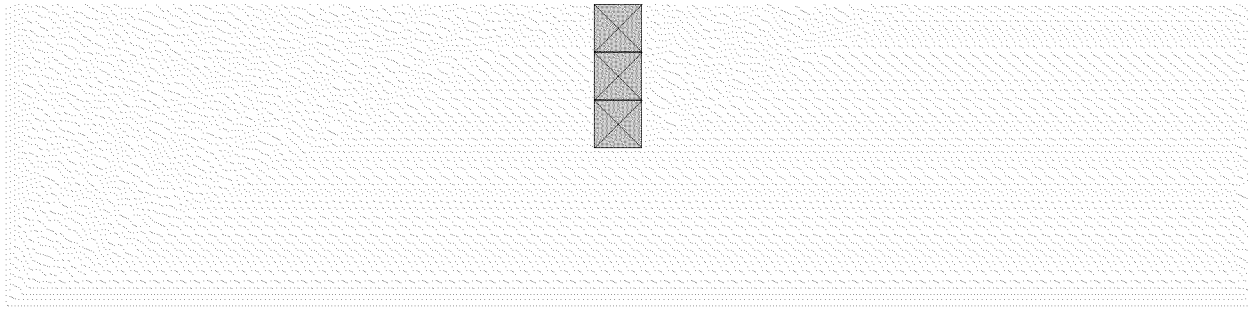
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Thur 11/2/2017 3:13:21 PM
Subject: BREAKING NEWS: Trump campaign aide Clovis withdraws from consideration for USDA job

Former Trump campaign aide Sam Clovis has withdrawn from consideration to be the Department of Agriculture's chief scientist, according to a letter Clovis sent on Wednesday to President Donald Trump.

Clovis has come under criticism recently for his lack of science credentials and for his role supervising George Papadopoulos, a Trump campaign foreign policy adviser who struck a plea deal on charges he lied to FBI investigators about his communications with Russia-linked contacts.

"The political climate inside Washington has made it impossible for me to receive balanced and fair consideration for this position," Clovis wrote. "The relentless assaults on you and your team seem to be a blood sport that only increases in intensity each day."

Read more: https://www.politico.com/story/2017/11/02/trump-campaign-aide-clovis-withdraws-from-consideration-for-usda-job-244458

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Tue 9/19/2017 9:42:02 AM
Subject: Morning Media: The conservative commentator shuffle -- Sean Spicer is sorry -- Happy anniversary, 'Morning Joe'

By Alex Weprin | 09/19/2017 05:40 AM EDT

THE CONSERVATIVE COMMENTATOR SHUFFLE: Laura Ingraham will take over the 10 p.m. hour on Fox News starting this Monday with her new show "The Ingraham Angle." Sean Hannity will move an hour earlier to 9 p.m., and "The Five" will go back to its old time slot at 5 p.m. The move will see yet another Fox News primetime lineup take shape, with Tucker Carlson leading into Hannity leading into Ingraham. One year ago, Fox News had a dominant primetime lineup, with Bill O'Reilly leading into Megyn Kelly leading into Hannity. Kelly has since decamped for NBC (her new morning show starts Monday too!), while O'Reilly was booted after new sexual harassment allegations surfaced.

-Notes from the press release: Fox clearly wants to send the message that they expect this lineup to last. "We are delighted to unveil this new primetime schedule for both our current and future generation of loyal FNC fans," said president of programming Suzanne Scott in a statement. As for what Ingraham's angle will be? "Ingraham will challenge the decision makers to focus on everyday, hard-working Americans who serve as the backbone of the nation," per the announcement.

-Ingraham was not the only major conservative voice in the news Monday. On ABC's daytime talk show "The View," conservative co-host Jedediah Bila unexpectedly announced her departure from the program. The New York Post's Page Six said that the show's interview with Hillary Clinton last week may have played a role.

-Who will replace Bila? Well, CNN's Oliver Darcy and Dylan Byers report that Meghan McCain, who left Fox News last week, is in advanced talks to join.

-Oh, and about Bill O'Reilly: He is in the middle of the book tour for his latest, "Killing England." he appeared on Hannity's radio show yesterday (despite the fact that the two do not have the friendliest of histories) and will be on NBC's "Today" show this morning.

Good morning and welcome to Morning Media. I always want to improve Morning Media and make it more useful to you, so please send me tips, ideas and feedback! I'm on Twitter **@alexweprin** and on email at **alexweprin@gmail.com**. Morning Media is produced with help from **Cristiano Lima (clima@politico.com / @ludacristiano)**. **Archives**. **Subscribe.**

FOX NEWS HIT WITH ANOTHER LAWSUIT: Former frequent guest Scottie Nell Hughes claims in the suit that she was raped by Fox Business anchor Charles Payne. Per The New York Times' Emily Steel : "According to the suit, Ms. Hughes was 'shocked and ashamed' and did not immediately report the episode. She said that over the next two years she was forced to engage in a sexual relationship with Mr. Payne. In exchange, she said, she received career opportunities, including increased appearances on Fox News and Fox Business and the promise that Mr. Payne

would help her land a contributor contract, a job that can pay several hundred thousand dollars a year."

-Payne, who was suspended in July while the channel investigated sexual harassment complaints against him, returned to the air this month after the investigation was completed.

-"The latest publicity stunt of a lawsuit filed by Doug Wigdor has absolutely no merit and is downright shameful," a Fox News spokesperson told Deadline, in part. "My client Charles Payne vehemently denies any wrongdoing and will defend himself vigorously against this baseless complaint," said Jonathan Halpern of Foley & Lardner LLP, in part.

SEAN SPICER IS SORRY: No, really. The former White House press secretary told The New York Times "Of course I do, absolutely," when asked whether he regrets what happened behind the press briefing podium on day one of the Trump administration, where he asserted that the inauguration crowd was the largest ever (an appearance he poked fun at during Sunday's Emmy Awards). Spicer said that his appearance "was an attempt to poke a little fun at myself and add a little bit of levity to the event." It certainly drew its fair share of criticism.

-Not unlike his January appearance behind the podium, Sunday's Spicer declaration also fell short of truthiness. The Emmys were not, in fact, the most-watched ever. In fact, they were nearly tied for the least-watched Emmys ever with 11.4 million people watching, on average. Last year's averaged 11.3 million. Did the heavy political nature of the broadcast take a toll? Maybe, but I'd wager so did "Sunday Night Football" on NBC, and an NFL game on Fox that spilled into primetime.

MUST WATCH: Fran Lebowitz talks about Donald Trump in this Vanity Fair video.

SPOTTED: At Old Town Bar in Manhattan last night, former POLITICO executives Josh Benson, Katherine Lehr and Tom McGeveran held a launch party for their new media company, appropriately named Old Town Media. We spied BuzzFeed News editor-in-chief Ben Smith, Hiltzik Strategies founder Matthew Hiltzik, Rubenstein Communications president Steve Rubenstein, Vanity Fair's Joe Pompeo and Matt Lynch, Recode's Johana Bhuiyan, The Hollywood Reporter's Jeremy Barr, Gizmodo Media Group's John Cook and Splinter's David Uberti, among others. Old Town Media's projects include Galley, an app for news media professionals, and Civil, a decentralized blockchain-based journalism platform.

HAPPY ANNIVERSARY "MORNING JOE." Yes, the official launch date for the show is a bit debatable (remember it started as a temporary program in the wake of Don Imus' suspension from MSNBC), but today is the day that MSNBC is choosing to commemorate one decade of the political chat show. There will be a live studio audience, and New Jersey Gov. Chris Christie, New York City Mayor Bill de Blasio and Mike Bloomberg are all scheduled to appear. TVNewser has an interview with Joe Scarborough and Mika Brzezinski here.

INSIDE ESPN: Sports Business Journal's John Ourand tackles the ESPN controversy from a different angle: talking to staffers at the channel about how it feels to be in the spotlight for politics, rather than sports. "The mood in Bristol, Conn., last week was a strange mixture of

embarrassment and frustration following a series of public missteps that culminated with the spokeswoman for the United States president calling for one of ESPN's highest-profile anchors to be fired."

-Speaking of ESPN, a carriage dispute with cable provider Altice could see the channel, as well as ABC and others, dropped. The current deal ends Sept. 30, and the two sides are still negotiating.

REVOLVING DOOR:

-A big hire at BuzzFeed News: Thomas Frank, a Pulitzer Prize finalist who resigned from CNN earlier this year in the wake of a since-retracted story about Anthony Scaramucci, will join BuzzFeed News as a reporter covering national security and counterintelligence. Joe Pompeo spoke to Frank about the move.

-Also at BuzzFeed News: Mike Giglio will move from Istanbul to Washington, D.C., as senior national security correspondent, while Adolfo Flores will become national security correspondent for immigration.

-Massimo Calabresi is now Time magazine's Washington bureau chief. Alex Altman will also become national editor.

-Former Twitter COO Adam Bain is joining Cheddar as a senior adviser.

-The Root has named Danielle Belton editor-in-chief. Belton had been the site's managing editor since May, 2016. Genetta Adams has been named managing editor, while Yesha Callahan has been named deputy managing editor.

EXTRAS:

-Pentagon reporters are becoming increasingly frustrated with a lack of access to Secretary Mattis, and his department's relationship to the press.

-A new project, Report For America, aims to place 1,000 journalists in local newsrooms across the country over the next five years.

-Shonda Rhimes is partnering with Hearst to launch a digital publishing platform, Shondaland.com.

-???The TV tabloid wars are heating up, with The Daily Mail and Page Six taking on TMZ.

-New York Times reporter Glenn Thrush said yesterday he was going to delete his Twitter account.

-Vox Media is hopping on the programmatic advertising bandwagon.

-BuzzFeed head of U.S. News Shani Hilton addresses BuzzFeed News' new morning news show, and why it isn't really a "pivot to video.'

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/09/19/the-conservative-commentator-shuffle-sean-spicer-is-sorry-happy-anniversary-morning-joe-001351

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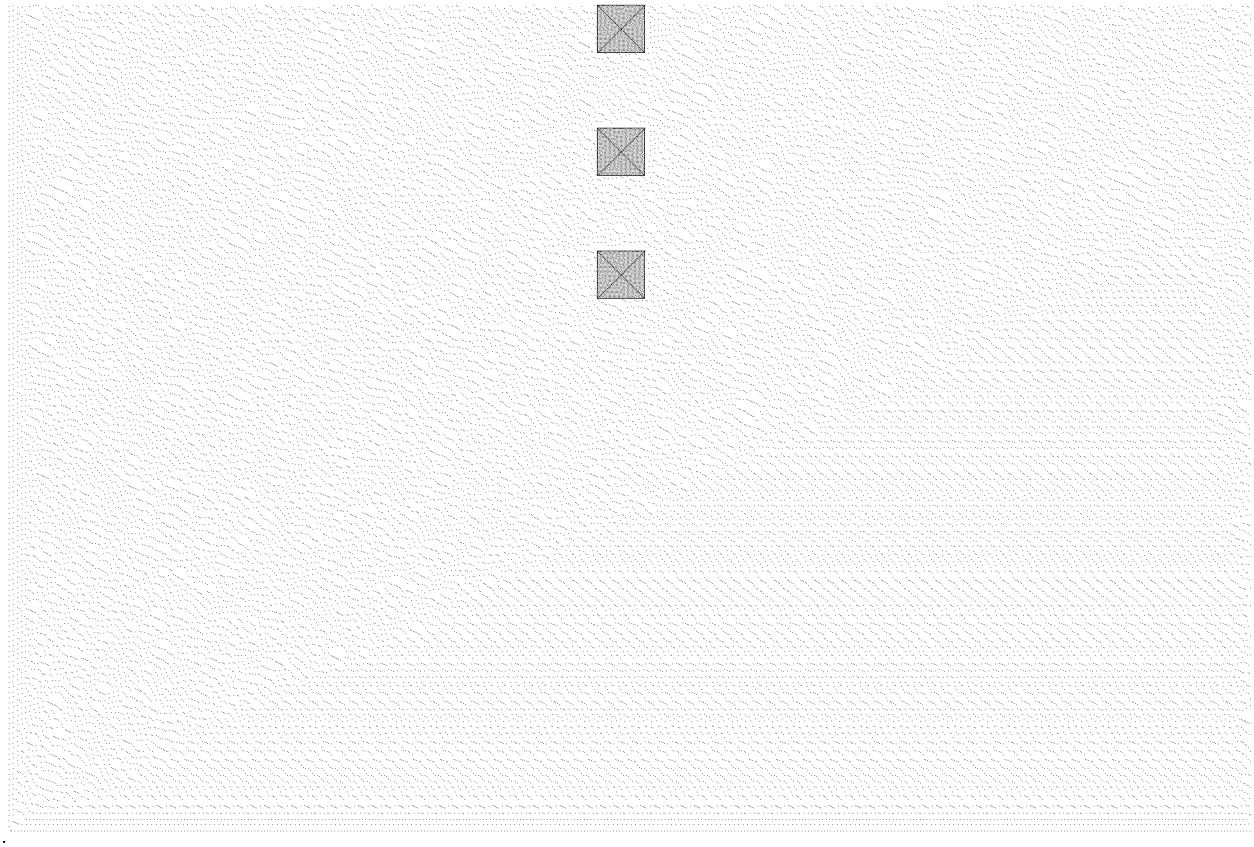
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/3/2017 3:24:02 PM
Subject: Corn state senators to meet with Pruitt Oct. 17

By Eric Wolff

10/03/2017 11:18 AM EDT

Sen. Chuck Grassley (R-Iowa) and at least two corn state Republican senators will meet with EPA Administrator Scott Pruitt to discuss the Renewable Fuel Standard on Oct. 17, a spokeswoman for Sen. Chuck Grassley said.

Sens. Joni Ernst (R-Iowa) and Deb Fischer (R-Neb.) will also attend the meeting in Grassley's office, their spokespeople told POLITICO.

President Donald Trump asked Pruitt to meet with Grassley after a Friday call between the president and the Iowa senator. Grassley has been public with his frustration over Pruitt's proposal last week to cut biodiesel requirements under the Renewable Fuel Standard.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/corn-state-senators-to-meet-with-pruitt-oct-17-093814

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Tue 8/8/2017 6:32:30 PM
Subject: PHOTOS: Pruitt Continues State Action Tour in Iowa

Contact Information: press@epa.gov

PHOTOS: Pruitt Continues State Action Tour in Iowa

Des Moines, Iowa (August 8, 2017) U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt continued his state action tour in Iowa on Tuesday, visiting his eighth state in four weeks.

"Iowa is home to a robust agriculture industry that EPA should not be obstructing with unnecessary and costly regulations that do little to promote environmental stewardship," **said EPA Administrator Scott Pruitt**. "By beginning the process to redefine WOTUS, EPA is providing regulatory certainty for farmers, ranchers, and landowners while respecting the traditional oversight role of states to help keep water clean."

Administrator Pruitt began his visit at the state capitol where he met with Iowa Governor Kim Reynolds, U.S. Senator Joni Ernst, Iowa Lt. Governor Adam Gregg, Iowa Secretary of Agriculture Bill Northey and other state officials to discuss how EPA's recent decision to begin the process of redefining 'Waters of the United States' (WOTUS) will help empower traditional state governing powers and keep water clean for Iowans. Following his meeting at the state capitol, Administrator Pruitt held a roundtable hosted by the Iowa Farm Bureau where he met with state agribusiness leaders to discuss how EPA is providing regulatory certainty with the Agency's recent WOTUS decision. U.S. Senator Chuck Grassley also joined Administrator Pruitt and state officials at the roundtable.

"The 2015 Waters of the United States rule was a significant and severe case of government overreach by the Obama administration," **said Iowa Governor Kim Reynolds**. "I want to thank Administrator Pruitt for traveling to Iowa to hear directly from farmers, once again showing his commitment to partnering with states."

"The federal government works for the people of Iowa and the rest of the United States," **said U.S. Sen. Chuck Grassley**. "Administrator Pruitt is right to come to Iowa and hear firsthand how the WOTUS rule and other regulations affect the farmers on the ground who are good stewards of the land while feeding the world."

"Today we heard more input from Iowans about the harmful impact the Obama administration's WOTUS rule would have on our state," **said U.S. Senator Joni Ernst**. "Here in Iowa, 97 percent of our land could see extensive overregulation by the EPA through this misguided rule, unnecessarily hamstringing our farmers, businesses, and manufacturers. I am pleased that Administrator Pruitt and the Trump administration are taking this feedback seriously and are working to eliminate the burdensome WOTUS rule."

"With the potential to regulate 97% of Iowa and hamper the ability of farmers to implement conservation efforts, we applaud EPA Administrator Pruitt for taking the steps to repeal the misguided Waters of the U.S. rule," **said Craig Hill, President of the Iowa Farm Bureau Federation**. "Farm Bureau looks forward to working with the EPA to draft a new rule that provides clarity and predictability to farmers and upholds the intent of the Clean Water Act."

EPA Administrator Pruitt (left) discusses WOTUS and other Agency priorities with U.S. Senator Joni Ernst (second from left), Iowa Governor Kim Reynolds (second from right), and Iowa Lt. Governor Adam Gregg (right).

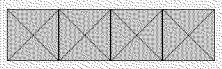
Iowa Lt. Adam Gregg (left), Iowa Governor Kim Reynolds (second from left), EPA Administrator Scott Pruitt (middle), U.S. Senator Joni Ernst (second from right), and Iowa Secretary of Agriculture Bill Northey (right).

EPA Administrator Scott Pruitt addresses roundtable at the Iowa Farm Bureau

U.S. Senator Joni Ernst (left), Iowa Governor Kim Reynolds (second from left), EPA Administrator Scott Pruitt (middle), U.S. Senator Chuck Grassley (second from right), and Iowa Farm Bureau President Craig Hill (right) hold roundtable on WOTUS .

EPA Administrator Scott Pruitt elaborates on EPA's decision to begin the process redefining WOTUS.

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Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

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Federal Ruling Could Block Coal, Oil and Gas Projects Across U.S.

Posted August 16, 2017, 03:37 P.M. ET

By Stephen Lee

Environmentalists say a recent district court decision stopping the expansion of a Montana coal mine provides a blueprint for them to block other coal, oil, and gas projects across the country.

"The decision has national significance, and it can and will be applied in other cases that we are bringing to challenge the federal government's analysis of coal development, oil and gas development, and other fossil fuel projects," Laura King, staff attorney at the Western Environmental Law Center, told Bloomberg BNA.

Especially vulnerable could be two Bureau of Land Management decisions. A 2015 decision made more than 80 billion tons of coal and nearly 10 million acres of land available for federal oil and gas leasing in Wyoming's Power River Basin. Another decision approved 147,000 acres for oil and gas leasing in Colorado, King said.

The U.S. District Court for the District of Montana found Aug. 14 that the Office of Surface Mining Reclamation and Enforcement (OSMRE) didn't consider the social cost of Signal Peak Energy's proposed expansion of Bull Mountain Mine in Montana (Mont. Envtl. Info. Ctr. v. U.S. Office of Surface Mining, 2017 BL 283856, D. Mont., No. CV 15-106-M-DWM, 8/14/17).

The court ruled OSMRE violated the National Environmental Policy Act by focusing on the benefits of the mine plan while minimizing the environmental and social impacts of trains transporting coal to ports in Canada and on the Great Lakes, as well as the air pollution emissions of coal combustion.

Strategy's Potential

Hayden Baker, an attorney with Sullivan & Worcester LLP, told Bloomberg BNA that the decision "really shows how courts—and, by extension, non-governmental organizations and states—can continue to use the other mechanisms at their disposal to slow down infrastructure in mining."

But Baker also cautioned that one impediment to environmentalists using the strategy again is that each case is different and highly contingent on specific sets of facts.

"What's more important is that they scored a win here and will therefore push their strategy further," he said. "Any case will be dependent on how good a job the agency or proponent did in justifying their National Environmental Policy Act Review. So yes, while opponents will push forward with this strategy, it's hard to gauge the precedential value this has because it's always so fact-specific."

Signal Peak Responds

Mike Dawson, a spokesman for Signal Peak Energy, told Bloomberg BNA that the company will be "evaluating all of our options" in the coming weeks and months. For now, the mine remains open, and no workers have been laid off, Dawson said.

"Depending on a number of factors, this court decision could affect some operations in the future," Dawson said.

Luke Popovich, a spokesman for the National Mining Association, told Bloomberg BNA that, "aside from the absence of any legal obligation to consider these wider costs, there is no actionable, reliable value in doing so."

Minamata Now in Force; Brings New Focus on Mercury Alternatives

Posted August 16, 2017, 02:20 P.M. ET

By Bryce Baschuk

The entry into force of the Minamata Convention on Mercury Aug. 16 will spur companies worldwide to restrict their use of mercury and pursue alternatives to mercury added products.

The convention seeks to protect human health and curb environmental contamination by obligating its parties to broadly limit the use and export of mercury and restrict mercury emissions into the air, soil, and water.

The legally binding treaty—named after Japan's Minamata Bay where industrial pollution led to widespread mercury poisoning in the 1950s—requires its signatories to phase out many common mercury-added products by 2020 and mercury-bearing processes by 2025. The U.S. and the European Union are among the 74 participants of the Minamata Convention, which also includes China, the world's largest producer of mercury.

"The treaty is designed to foster a simultaneous reduction in global mercury demand and supply," said Michael Bender, director of the Vermont-based Mercury Policy Project.

Inorganic mercury can become the more toxic methylmercury when discharged to lakes and other water bodies. Methylmercury is a neurotoxin that can affect IQ and cardiovascular health at sufficient concentrations.

Mercury Phase Out

Some companies have already begun the process of phasing out mercury products. Furniture

retailer Ikea announced in 2015 that it would sell only LED lightbulbs that do not contain mercury, unlike traditional fluorescent light bulbs.

"Mercury-added products represent one-third of total mercury demand and consumption," Bender told Bloomberg BNA. "So, by phasing out mercury-added products by 2020, this rather rapidly reduces global mercury demand."

Mercury is added to a variety of products, including batteries, watches, cameras, clocks, dental amalgam, automobile headlights, neon signs, laboratory chemicals, preservatives, fixatives, buffers, dyes, barometers, and thermostats.

Abbott Laboratories, Dell Inc., Energizer Battery Manufacturing Inc., and Ford Motor Co. are among the manufacturers with products that can contain mercury, according to the Interstate Mercury Education & Reduction Clearinghouse..

In addition, mercury cell chlor alkali factories make chlorine and caustic soda. Increasingly, chlorine producers are moving away from mercury cell to membrane technology, which has much less impact on the environment, according to Euro Chlor, an association of producers.

Gold Production

The Minamata Convention prohibits new primary mining of mercury, and bans mined mercury traded for certain uses—such as for artisanal and small-scale gold mining—the largest emissions source worldwide, Bender told Bloomberg BNA via email.

Members of the convention are obliged to promote mercury-free gold processing methods and end the practice of burning the mercury-gold amalgam in residential areas.

The treaty also obligates countries to promote heath care services for people who are exposed to mercury and protect vulnerable populations, including children and women of child-bearing age.

International Export Bans

The convention seeks to reduce the transboundary movement of mercury and promote more national mercury export bans such as those adopted by the U.S. and the EU.

Minamata Convention participants will gather for their first conference of the parties in Geneva from Sept. 24–29 to mark the convention's entry into force and discuss compliance.

China Coal Capacity Cuts Parallel Nudge Toward Gas Production

Posted August 16, 2017, 11:10 A.M. ET

By Michael Standaert

China is more than halfway to its goal of cutting 800 million metric tons of coal production capacity by the end of 2020, signaling to investors the government isn't projecting coal production to grow much more.

The National Energy Administration announced Aug. 14 that it cut 111 million metric tons in the first six months of 2017, following a cut of 290 million metric tons in 2016.

While most of the cuts have targeted operations with lower quality coal, and "zombie firms" that operated with minimal actual production, the efforts could mean reducing coal consumption and air pollution in the long term, and have beneficial climate impacts as funding moves toward utilizing coal-bed methane and shale gas.

"[The cuts] may not have visible [short-term] impact to reduce air pollution in urban centers, where coal consumption rather than production is the main culprit," Ranping Song, climate policy associate at the World Resources Institute in Washington, told Bloomberg BNA Aug. 16.

"However, closing mines send signals that the government does not project coal production to grow significantly and [that] the energy transition is already underway," Song said. "It encourages workers and investors to move on from coal."

The NEA aims to cap the coal-fired power supply at 1.1 billion kilowatts by the end of 2020, and seeks to cut or slow some 150 million kilowatts of planned coal-fired capacity to meet those goals, according to an Aug. 2 notice.

NEA officials said in late July that total coal consumption increased by about 1 percent in the first half of 2017 over the same period in 2016, but that coal power as a proportion of the energy mix dropped 0.6 percent in that period, reflecting increased use of natural gas and renewable energy.

Transforming the Coal Industry

Nudging the coal industry toward coal-bed methane and shale gas in areas within the Sichuan basin of central and southwest China goes hand-in-hand with efforts to reduce coal production capacity and cap coal-fire power.

In Guizhou province in the southwestern part of the country, the provincial government will provide 1 billion yuan per year ($787 million) in subsidies for coal companies to reduce production capacity and adopt more coal-bed methane and other upgrades.

Shanxi province is also in the process of auctioning coal-bed methane mining rights as part of a pilot program which is expected to start this year, state-run media reported Aug. 14.

China's Ministry of Land and Resources announced on Aug. 15 that in 2016, shale gas production reached 7.88 billion cubic meters while coal-bed methane reached 4.5 billion cubic meters.

The U.S. Energy Information Administration projects that around 40 percent of China's natural gas production will come from shale gas by 2040, making it second only to the US in shale-gas production.

Potential Climate Benefits

Capturing coal-bed methane before it leaks into the atmosphere from old coal mines could significantly reduce some of China's greenhouse gas emissions, according to Song.

Leaking methane from coal mining in China was estimated at around 300 megatons of carbon dioxide equivalent, or about 18 percent of annual non-carbon emissions, according to 2010 data.

"Capturing coal-bed methane, especially from coal mining activities, would have significant climate

benefits," Song said adding that research suggests that if China meets 13th Five-Year Plan (2016-2020) targets for coal-bed methane exploitation, coal mining-related methane emissions could drop to about 173 megatons of carbon dioxide equivalent by the end of 2020.

"These are efforts to modernize the energy industry as well as move to less polluting fuels," Song said.

Still, there is insufficient data at the moment to determine the amount of leakage occurring during coal-bed methane and shale gas production operations in China, Song cautioned.

U.S. Offshore Lease Sale Draws $121 Million in High Bids

Posted August 16, 2017, 02:29 P.M. ET

By Catherine Traywick (Bloomberg)

A U.S. auction of offshore oil and gas leases in the Gulf of Mexico drew $121 million in high bids from 27 companies Aug. 16. The top bidders were Royal Dutch Shell Plc, Chevron Corp., Exxon Mobil Corp., Total S.A., and Anadarko Petroleum Corp. The sale drew 99 bids on 90 tracts. The last Gulf of Mexico lease sale, in March, drew $275 million in high bids on 163 tracts.

Oil companies have reduced their capital spending over the last two years amid a prolonged market slump, a factor alluded to by Randall Luthi, president of the National Ocean Industries Association, in a statement issued after the sale.

"While the results of today's Gulf of Mexico oil and gas lease sale reflect market realities, they also demonstrate the offshore oil and gas industry's commitment to the U.S. Gulf of Mexico, even with extended low commodity prices and lingering regulatory dysfunction," Luthi said.

The sale was the first of 10 scheduled under Bureau of Ocean Energy Management's current five-year leasing program, which runs from mid-2017 to mid-2022.

—With assistance from Alan Kovski (Bloomberg BNA)

Climate Bonds Pioneered by Goldman Lure Storm-Plagued Cities

Posted August 16, 2017, 7:45 A.M. ET

By Christopher Flavelle

As climate change pushes U.S. cities to build protections against stronger storms and more frequent floods, the Rockefeller Foundation is helping cities with a novel kind of financing, one that transfers some of the risk of innovative projects from cities to investors.

The foundation, established with John D. Rockefeller's oil wealth, is set to announce Aug. 16 it will pay $342,000 to underwrite the costs for two municipalities in issuing environmental impact bonds, pioneered by The Goldman Sachs Group Inc. and Washington, D.C. More than a dozen cities have expressed interest in the bonds, which link an investor bonus or penalty to how well the underlying project works.

"You take the risk off the project not working" for city officials, said Saadia Madsbjerg, who leads the

Rockefeller Foundation's work on financial innovation. "There are many, many municipalities that have the exact same problem that D.C. has."

The goal is to give local governments room to experiment with ways of protecting their residents against the impacts of climate change by providing a sort of insurance policy against failure of the micro-grids, flood walls or other untested projects. For investors, there's a upside, too: If the project works better than expected, they get a bonus payment.

So-called green bonds, which are similar in purpose, grew to $95 billion in 2016, twice as much as the previous year, according to Bloomberg New Energy Finance. Many are issued by companies—Apple Inc. sold $1.5 billion last year to help its operations run 100 percent on renewable energy—but governments are also getting into the act.

Environmental impact bonds were first used in the U.S. last September. As part of the deal made last year, Goldman Sachs has $3 million riding on how well tree planting, rain gardens and porous asphalt keep stormwater from swamping Washington's aging sewers.

Green Bonds for Stormwater Plans

DC Water, Washington's water utility, issued a $25 million bond to help build "green infrastructure" for stormwater management. The utility had been ordered by federal regulators to cut the raw sewage flowing into the Potomac River after storms.

Climate change results in more and wetter storms hitting the mid-Atlantic region, and massive rains can overwhelm the city's water treatment plant.

The bond that DC Water issued is similar to regular municipal debt, with one difference: If the project reduces stormwater runoff by more than 41 percent during its first 12 months of operation, DC Water promises to give investors a one-time bonus of $3 million on top of the bond's 3.43 percent interest rate.

But if the project reduces runoff by less than 19 percent, investors instead have to pay DC Water $3 million—what it calls a "risk share" payment. That would reduce the effective interest rate on the bond from 3.43 percent to 0.5 percent.

That structure was attractive because it means DC Water will have money to design a new project if the green approach doesn't work, said George Hawkins, the utility's chief executive. "You never really know until you build" it, if it will work, he said.

Goldman Sachs bought $23 million of those bonds. The Calvert Foundation, a Maryland-based nonprofit, bought the other $2 million.

Margaret Anadu, who heads Goldman's Urban Investment Group, said the bond is a chance to "really put your money where your mouth is"—funding a climate-resilience project that will deliver better returns for Goldman the better it performs.

Not everyone is so optimistic that tying payments to outcomes will produce better results. Daniel Edmiston, who teaches sociology and social policy at the University of Leeds, published a paper earlier this year looking at the effectiveness of those social impact bonds, which got their start in the U.K. and were the inspiration for environmental impact bonds.

Whether a program triggers a bonus payment could have just as much to do with the quality of the lawyers who drew up the contract as it does with its actual performance, Edmiston said.

"Very intelligent, well qualified private sector consultants in the U.K. have managed to dictate the terms of contracts," Edmiston said. "These public authorities that are commissioning them, they have no idea what they're doing or how to go about it."

Others say there's no time to wait for the results of earlier projects. Eric Letsinger is founder and chief executive of Qualified Ventures, the company that helped structure DC Water's bond and is being paid by the Rockefeller Foundation to choose the next cities to sell similar bonds. He said his goal is continuing to improve the way environmental impact bonds are designed, so that more cities are willing to issue them.

"I don't think we have a capital problem," Letsinger said. "What we have is an adoption challenge."

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Trump Push for Natural Gas Exports Opposed by Manufacturers

Posted August 16, 2017, 11:22 A.M. ET

By Ari Natter

President Donald Trump's effort to boost U.S. energy is facing push back from manufacturers who say exporting more natural gas may undercut his "America First" jobs focus.

The Industrial Energy Consumers of America asked the administration Aug. 16 for a moratorium on U.S. approvals for liquefied natural gas projects. The trade association, which represents U.S. manufacturers that depend on cheap energy to fuel their factories, sent a letter to Energy Secretary Rick Perry Aug. 16.

It's "inconsistent with President Trump's fair trade and America-first policy," Paul N. Cicio, the group's president, said in a phone interview. "It's a stunningly breathtaking amount of natural gas that could be exported."

The dispute between oil and gas companies and manufacturers is but one among business groups over Trump's agenda. Oil companies oppose Trump's idea to require that pipelines be made in the U.S.; agriculture producers oppose some of his trade policies; and refiners have pushed the White House to drop consideration of sanctions on Venezuelan oil imports.

In its letter, the energy consumers group says that exports could drain as much as two-thirds of U.S. natural gas resources by 2050. The group doesn't disclose its members, but its 2015 tax filing says it represented The Dow Chemical Co., Corning Inc. and other factory owners. The chief executives of both companies, Andrew Liveris for Dow and Wendell Weeks for Corning, are members of the president's manufacturing council.

Neither Dow nor Corning responded to requests for comment.

More Approvals

"We remain alarmed at the volume of LNG exports that have been approved for periods of 20-30

years," the group says in its letter. "Of greatest concern, is that the administration has said publicly that it will approve more applications to export" to countries that don't have a free-trade agreement with the U.S.

The dispute shows how Trump's formulation of American energy dominance could have a downside for other U.S. companies, said Kevin Book, managing director of Washington-based ClearView Energy Partners LLC.

"The question isn't about the next five years, it's about the next 20 years," Book said in an interview. "For anyone who is making an industrial investment in the U.S. these days is thinking very much in that time frame."

U.S. natural gas futures have risen since the first cargo of liquefied shale gas left Louisiana's shores last year—and more of the fuel is slated to set sail this year as Cheniere Energy Inc. starts up another LNG plant at its Sabine Pass terminal.

Meanwhile, the natural gas industry rejects the idea the U.S. doesn't have enough natural gas supplies to do it all.

"It advances our national security interests by providing allies access to diverse sources of energy, improves the global environment and contributes to correcting the U.S. trade deficit," said Charlie Riedl, executive director for the Center for LNG, which represents companies such as Golden Pass LNG, a Texas export terminal being developed by a joint venture of Qatar Petroleum, ExxonMobil Corp. and ConocoPhillips. "The U.S. has a limited window to take advantage of new demand."

The number of countries seeking to import U.S. liquefied natural gas has increased to 39 from 10 in 2000, according to the Washington-based trade group. ©2017 Bloomberg L.P. All rights reserved. Used with permission

Scana Needs`Willing Partner' to Resume Nuclear Construction

Posted August 16, 2017, 12:43 P.M. ET

By Jim Polson, Robert Lavelle, and Mark Chediak

Scana Corp. executives said the company would need to sign new contracts to revive construction on a South Carolina nuclear power plant—and that federal tax credits would be "an important factor."

The executives were commenting on the company's withdrawal of a petition to abandon work at the V.C. Summer nuclear station in an Aug. 16 conference call.

Scana halted construction last month on the nuclear power plant after its price tag ballooned to more than $20 billion. It withdrew its petition to officially abandon the project on Aug. 15, giving state officials more time to review the plan.

On the conference call, Scana CEO Kevin Marsh said the company would need to find a "willing partner" before the project could be resumed. Restarting work would take about a year, including signing new agreements with a new partner, a construction contractor and with Westinghouse for nuclear services and support, and there would also be the issue of qualifying for tax credits.

Nuclear abandonment remains the right decision, the executives said. Scana still expects to seek abandonment costs from customers but hasn't set a deadline to revive abandonment cost request.

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Mishap Triggers Taiwan Blackout as Power Policies Questioned

Posted August 16, 2017, 9:54 A.M. ET

By Bloomberg News

A blackout caused by a blunder at Taiwan's biggest gas-fired plant is the latest challenge to an electricity grid recently pushed to its limit and to President Tsai Ing-wen's efforts to reshape the island's power mix.

A combination of unusually hot weather, infrastructure damage from typhoons, and Tsai's drive to abandon nuclear power left Taiwan barely able to supply sufficient electricity to residential and business users in the past week. That balance gave way late Aug. 15 when the Tatan power plant, which accounts for almost 9 percent of the island's generation capacity, stopped after workers accidentally shut off its natural gas supply.

Tsai publicly apologized for the power outage that hit more than 6 million households and disrupted some semiconductor production. Electricity was restored by 10 p.m., but not before Lee Chih-kung, Tsai's economy minister, offered his resignation. Both the operator and supplier of the plant, Taiwan Power Co. and CPC Corp., are state-run.

"The outages hurt President Tsai's creditability," Jeffrey Bor, economics professor at Chinese Culture University in Taipei, said by phone. "The impact on the economy is comprehensive. It's like sending a signal to companies to escape fast, because of the risks of electricity supply disruption."

Shift to Gas, Renewables

While the Aug. 15 outage was caused by human error, the blackouts heightened scrutiny of Tsai's policies, including a pledge to rid Taiwan of nuclear and cut its use of coal. The island, which plays a critical role in the world's electronics supply chain, will rely instead under her plan on natural gas, renewables, and distributed generation, which entails multiple, smaller power sources that decrease reliance on single plants and can offer greater grid stability.

The disruption occurred when engineers replacing power supply equipment for a control system at Tatan's metering station didn't switch the system from automated to manual before starting the work, according to CPC Corp., which provides the plant natural gas. That resulted in two valves being automatically closed, one for about six minutes, shutting off gas supplies.

There had been multiple warnings about Taiwan's electricity reliability before the blackouts. A week earlier, state-run utility Taiwan Power Co. issued a red alert as the operating reserve margin, the amount of maximum capacity available above peak demand on a particular day, fell to the second-lowest on record. Business associations, including the Chinese National Federation of Industries, had called for slowing the pace of closing nuclear plants.

Tsai's apology, posted on Facebook late Aug. 15, included a reiteration of her determination to push forward phasing out nuclear in favor of renewable energy.

"The government is promoting distributed green energy to avoid the situation where an incident at a single power station can affect the power supply for the whole country," Tsai wrote. "We will not change course. Today's incident only makes us more determined."

New Plants Delayed

New capacity not being delivered on schedule is compounding Taiwan's energy woes, according to Kerry Anne Shanks, a Singapore-based analyst at Wood Mackenzie Ltd.

"Commissioning of the new gas-fired units has been delayed again and again," Shanks said by email Aug. 16. "There are now appeals for a review of the nuclear phase-out policy. The government remains committed to a nuclear-free Taiwan by 2025, but this stance will depend on whether the power system can survive the summer."

Taiwan has mothballed one of its four nuclear power stations, and three of the remaining six remaining reactors are shut down. Wu Tsai-yi, president at Taiwan Research Institute, said the restart of two of the shut reactors has been stalled by lawmakers. Nuclear made up 12 percent of Taiwan's power mix last year, down from 17 percent in 2013, according to its Bureau of Energy.

Legislation passed in January set a goal of getting rid of nuclear power by 2025, as well as lowering the share of coal to 30 percent, and raising natural gas to 50 percent, with the remainder coming from renewables, according to Bloomberg New Energy Finance.

Taiwan's three shut reactors—both units at Jinshan and the No. 2 unit at Kuosheng—have combined capacity of almost 2.26 gigawatts, according to the Atomic Energy Council. The Tatan plant accidentally shut Aug. 15 can produce 4.38 gigawatts, according to Taiwan Power Co., known as Taipower. The country's total generation capacity is 49.9 gigawatts, according to Bureau of Energy, Ministry of Economic Affairs.

Semiconductors

The impact so far on Taiwan's technology industry has been limited. Advanced Semiconductor Engineering Inc. said production lines are operating again at two plants hit by the blackout and the company is evaluating any losses. ChipMOS Technologies Inc. said production has been restored, while Taiwan Semiconductor Manufacturing Co. said there was no impact on output, with all lines operating as normal.

Advanced Semiconductor and TSMC are both suppliers to Apple Inc. The main assembler of iPhones, Hon Hai Precision Industry Co., locates most of the production for the U.S. company in mainland China.

The power cut Aug. 15 hit Taiwan's Hsinchu Science Park, the "heart" of its semiconductor industry, said Annabelle Hsu, a senior research manager in Taiwan at International Data Corp.

"Factories there are running 24 hours a day, so sudden power cut without warning could cause a big damage," Hsu said.

—With assistance from Dan Murtaugh, Jing Yang, Aibing Guo and Gao Yuan.

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EU Automakers May Be Required to Produce Electric Vehicles

Posted August 16, 2017, 9:26 A.M. ET

By Brian Parkin

Making electric cars may become a regulatory requirement rather than a strategic choice for vehicle makers in the European Union as the bloc seeks to underpin a shift away from polluting combustion engines.

The EC is considering bringing forward targets this autumn for the number of electric cars automakers and importers should sell in the bloc, bolstering climate targets and pollution limits, Germany's Deputy Environment Minister Jochen Flasbarth told reporters in Berlin Aug. 16.

Pollution from vehicles has risen in Germany even as emissions from industry and utilities have fallen, adding to pressure on the government to tighten up rules applying to carmakers. An EU move would add to ambitions the U.K., Germany and France have set out to limit the number of cars using gasoline in the coming decades.

"I'm convinced a quota is coming even though the commission has diplomatically denied it," said Flasbarth. "In terms of meeting the EU's climate goals we're in the realm of legal obligation here."

Any EU quota might be lower than Germany's target to expand emissions-free car sales by 25 percent by 2025, he said.

Chancellor Angela Merkel is struggling to grapple with a diesel scandal and rising carbon dioxide emitted by the transport sector and may find it hard to help the EC push stricter regulations on the entire 28-nation bloc. She's already had to back off a goal of having 1 million electric cars on the road by 2020.

The minister's comments are an indication that Merkel may be prepared to water down her administration's support for the car industry's slant toward diesel engine technology where Germany is a leader.

France and the U.K. have already moved to set 2040 deadline as a deadline to phase out new gasoline and diesel cars. Merkel said in Germany's Super Illu magazine that's the "right approach."

"I can't right now name a precise year" for a ban, she is cited as saying in the interview due to be published Aug. 17.

All-electric and hybrid cars made up less than 1 percent of the 46 million passenger cars on German roads at the end of January.

The chancellor of Europe's biggest polluter is also struggling to explain how it will cope with an increase in greenhouse gas emissions, led primarily by vehicle pollution. Carbon dioxide from vehicle exhausts accounted for about 18 percent of output last year.

Merkel, who is campaigning for a fourth term in federal elections on Sept. 24, said in a July 17 ARD television interview she would double down action to meet national climate goals after the vote. Germans identify climate protection as their biggest concern, ahead of terrorism and unemployment,

according to a survey conducted by Emnid this month.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 8/29/2017 9:30:17 PM
Subject: Bishop to seek to one final term

By Esther Whieldon

08/29/2017 05:26 PM EDT

House Natural Resource Chairman Rob Bishop's 2018 reelection campaign will be his last, a committee spokeswoman said today.

Bishop first made the announcement that he would leave after 2020 at a Friday town hall in Utah, which was first reported by the Associated Press.

The eight-term Utah Republican is well known for sporting three-piece suits and has chaired the committee since 2015, championing efforts to hand more public lands over to states.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/bishop-to-seek-to-one-final-term-092231

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From: POLITICO
Sent: Fri 7/28/2017 5:43:12 AM
Subject: BREAKING NEWS: Senate defeats 'skinny' repeal, dealing substantial blow to GOP efforts to repeal Obamacare

The Senate defeated the "skinny" Obamacare repeal plan, dealing a substantial blow to the Republican effort to repeal the Affordable Care Act.

Sens. John McCain, Lisa Murkowski and Susan Collins voted with Democrats to defeat the measure.

Republicans had hoped to use the minimalist repeal plan to advance the overall effort to a conference with the House.

Read more here: http://politi.co/2v1sG3n

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From: POLITICO
Sent: Thur 8/31/2017 5:44:47 PM
Subject: BREAKING NEWS: RNC chief of staff resigns amid rash of departures

Sara Armstrong, the top staffer at the Republican National Committee, is departing, according to three people familiar with the move - the latest in a string of high-level departures at the committee. Armstrong, the RNC's chief of staff, is exiting to take a senior job at the U.S. Chamber of Commerce.

Read more: http://www.politico.com/story/2017/08/31/rnc-chief-of-staff-resigns-amid-rash-of-departures-242212

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Mon 8/7/2017 2:05:44 PM
Subject: POLITICO's Morning Energy: FERC may have an August pulse — Asian carp plan set to jump — No changes for Grand Canyon-Parashant

By Darius Dixon | 08/07/2017 10:00 AM EDT

With help from Esther Whieldon, Annie Snider, Alex Guillén and Eric Wolff

AUGUST WATCH: Free of Congress, wilting from the heat and anxious for some vacation time before the kids are back in school, most of Washington's policy apparatus is likely to shut down now for the rest of August. But this summer may be different for FERC since the Senate approved two nominees last week. After losing its quorum for the first time in its history early this year, the pressure is on for the agency to shrink the backlog that built up over the past six months. Remember, it's not just natural gas pipelines. There are also mergers, rehearings, and electric and natural gas rate cases, not to mention enforcement probes and potential settlements. Digging out from under that backlog - while dealing with the day-to-day workload - will take several months to get FERC caught up.

Neil Chatterjee and Rob Powelson were confirmed to FERC last Thursday, but it's not clear when they'll take the oath. When former FERC Chairman Norman Bay was confirmed by the Senate as a commissioner three years ago, he wasn't sworn in for 20 days. Of course, the circumstances are a bit more urgent now and a lot of people who depend on FERC may get more than a bit impatient if Chatterjee and Powelson head out for summer vacation. Just remember: They weren't the ones who brought FERC's work to a standstill or slowed the confirmation process. FERC commissioners don't normally hold a monthly meeting in August, but that's just tradition, not a rule. They also aren't limited to holding only one meeting a month, and there's plenty they can approve without having a public session. All in all, this may be a different sort of August for FERC.

BROUILLETTE IN THE BUILDING? One of the Senate's last votes before jetting out of town last week was to confirm Deputy Energy Secretary Dan Brouillette, a move that was welcomed by the Energy Department and those groups and companies who work with the agency. One of the most frequent complaints inside and outside the agency for months has been about the lack of confirmed nominees (Brouillette is just the second at DOE) to help take the bureaucratic busy work off of Perry's plate. Although it's August, we may see more activity out of the agency as Brouillette settles in. His swearing-in date hasn't been publicly released yet.

HAPPY MONDAY! I'm Darius Dixon, returning to the morning slot and attempting to fill Anthony's big ME shoes. Hayley Moller at Glover Park Group was the first by a mile to call out the myth/rumor of President William Howard Taft getting stuck in a bathtub. He apparently weighed about 354 pounds around the time of his inauguration in 1909. Annie dove into atomic history trivia last week and your new host can't resist jumping in the deep end. What Manhattan Project physicist later founded a science museum? Name the museum and its location. Send your answers to moi - along with your tips, energy gossip and commentary - at ddixon@politico.com, or follow us on Twitter @dariusss, @aadragna, @bjlefebvre, @Morning_Energy, and

@POLITICOPro. And tell me if that was too easy!

CARP PLAN A-COMING: The Army Corps of Engineers is poised to dodge a major controversy when it releases a long-awaited draft plan for blocking invasive Asian carp from reaching Lake Michigan. A notice posted in the Federal Register Friday indicates the plan, due out today, will recommend using noise, electric barriers, water jets and other measures to deter carp from migrating further upstream, where recreational and environmental interests fear they would devastate the ecosystem and pose a safety threat to boaters. That's a much less controversial approach than others under consideration, like shutting down barge traffic on the waterway. The draft plan was originally due out at the end of February, but the Trump administration put it on hold amid worries from shippers. That delay drew an outcry from Great Lakes lawmakers, and multiple appropriations riders were aimed at speeding its release.

One fish, two fish, every fish! If you're reading about Asian carp then you probably know how frustrating they are to deal with. But for the uninitiated, who may not know how crazy this fish is, watch this.

NEVERMIND! NO EPA RFS ANNOUNCEMENT AFTER ALL: EPA has changed course, and will not announce its intent to leave the Renewable Fuel Standard as-is, multiple sources tell ME. Instead, it will wait until the official documents are ready for the Federal Register, most likely in a few weeks. The sources say nothing has changed with the agency's policy decision, which is backed by the president: It will still leave refiners on the hook for the cost of complying with the program. But while it had been planning to announce the decision last week or today, it has now decided that industry and the public were sufficiently notified by POLITICO and other media reports last week. No public statement will be issued until all the t's are crossed and i's are dotted.

MC ZINKE WON'T TOUCH THIS: Interior Secretary Ryan Zinke announced on Friday that Arizona's Grand Canyon-Parashant national monument is "no longer under review" and that he's recommending that it be left alone amid a White House-directed study. The monument, which spans more than a million acres, was designated by President Bill Clinton in 2000. "The land has some of the most pristine and undeformed geological formations in North America, which show the scientific history of our earth while containing thousands of years of human relics and fossils," Zinke said. He has now officially removed five monuments from the original list. Seventeen remain under the microscope.

GREENS SCORE KEY WIN IN COAL ASH SUIT: A federal judge ruled for the first time Friday that a coal-fired power plant would have to remove the material from a leaky coal ash pond, rather than simply cap it and leave it in place - a pricey proposition. The lawsuit, brought by the Southern Environmental Law Center and a local Tennessee group, challenged the Tennessee Valley Authority's management of coal ash at its Gallatin Fossil Plant, although the conditions there are similar to those at plants across the south. "While the burden of closure by removal may be great, it is the only adequate resolution to an untenable situation that has gone on for far too long," Chief District Judge Waverly Crenshaw, Jr. of the Middle District of Tennessee wrote in his order.

DOCS SHOW ENERGY CONNECTIONS AMONG EPA APPOINTEES: Key Trump administration appointees at EPA previously provided legal representation or held investments in some of the companies the agency regulates, according to newly released financial disclosures. Erik Baptist, EPA's senior deputy general counsel who arrived from the American Petroleum Institute in June, recently sold off investments of less than $1,000 apiece in Exxon Mobil and ConocoPhillips. Another top appointee in the general counsel's office, David Fotouhi , still holds a number of energy-related investments, according to his disclosure. They include Phillips 66, Dow Chemical, Halliburton, Clorox, Solar Capital Ltd. and Energy Select Sector SPDF, an index with oil and gas holdings. Fotouhi, previously an attorney at Gibson Dunn & Crutcher, had a client list there that included Tesoro, General Electric and oil company Maxus Energy.

Meanwhile, Patrick Traylor, the deputy assistant administrator in the Office of Enforcement and Compliance Assurance, previously represented a number of energy interests at Hogan Lovells, including Southern California Edison, the American Petroleum Institute, Transocean, Koch Minerals, NRG Energy, Venture Global LNG, Delfin LNG, Denbury Resources, AES Corp., Vopak, Flint Hills Resources, The C. Reiss Coal Company, BHP Billiton and Bloom Energy, as well as Daimler Truck North American and U.S. Steel. And Byron Brown , EPA's deputy chief of staff, disclosed that his wife owns between $265,000 and $550,000 in stock in Hess, where she is a senior lobbyist.

Meanwhile, a new Interior nom is Mr. Clean: Trump's pick for Interior Department assistant secretary on land and minerals management, Joe Balash, has an ethics agreement and financial disclosure form that are as boring as they come, listing his pension fund and less than a handful of index funds. Balash, who works for Sen. Dan Sullivan , is a former Alaska Department of National Resources commissioner and ex-staffer for Sarah Palin when she was governor. Balash has advocated for opening up the National Petroleum Reserve in Alaska for additional leases - a goal he shares with Zinke.

BOEM WRAPS UP WORK ON STALLED CAPE WIND: The Interior's Bureau of Ocean Energy Management on Friday issued its final supplemental environmental impact statement for the stalled 468-megawatt Cape Wind project after a court in July 2016 held the agency should have used better data to determine the conditions of the seafloor for the project before it issued a lease for the project. The final EIS says that the additional data it gathered does not change its prior finding that drilling foundations for the project in the seabed would only temporarily disturb sedimentation and the overall impacts to water quality would be minor. Cape Wind is on ice after it missed a financing deadline, prompting National Grid and NStar (now Eversource) to cancel contracts to buy power from the project.

SCANA CHIEF 'SORRY' FOR SHUTTING NUCLEAR PROJECT: The CEO of SCANA made a public apology to its customers for its plans to walk away from its V.C. Summer nuclear project last week. "I want to express that I am deeply disappointed and sorry that we were unable to complete the new nuclear units. You put your trust in us to build these units in order to bring additional clean, reliable energy to our state," CEO Kevin Marsh wrote in an op-ed. "I understand your frustration and share in your disappointment."

MOVERS, SHAKERS: Susanna Murley has taken over as the head of communications for the

Energy Department's SunShot Initiative. Murley replaces Jamie Nolan who left last week. Murley's previous jobs include at the Solar Energy Industries Association and the Chesapeake Climate Action Network.

QUICK HITS

- Under Trump, coal mining gets new Life on U.S. lands. The New York Times.

- Keystone XL foes rally in Lincoln ahead of hearings on pipeline route. Omaha World-Herald.

- Power grid showing its age as more renewable energy produced. The Maui News.

- Pa. Senate's budget package raises hackles of environmental groups. Associated Press.

- South Carolina's cloudy energy future: Will it affect manufacturing? The Post and Courier.

- Rep. Polis touts green energy in gubernatorial campaign stop in Pueblo. The Pueblo Chieftain.

THAT'S ALL FOR ME!

Pack an umbrella. It's supposed to rain all day in the D.C. area, with a high of 74.

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Subject: Aug. 03 -- Daily Environment Report



Daily Environment Report

August 03, 2017 - Number 148

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Leading the News

Air Pollution
EPA Won't Delay Implementing Newest Federal Air Pollution Standards
The EPA reversed course on its plan to postpone for one-year the implementation of the newest federal air pollution standards for ozone, possibly in an attempt to forestall lawsuits challenging the delay as illegal.

Pesticides
Monsanto Pushed EPA to Fast-Track Pesticide Report in 2015
Monsanto Co. pressed the EPA in 2015 to publicize a report that would show its Roundup herbicide doesn't cause cancer, but the agency appeared reluctant to do so on the company's timeline, newly released documents show. The correspondence, part of a cache of documents posted Aug. 1 by attorneys representing cancer patients in multidistrict litigation against Monsanto, is an attempt to showcase what the attorneys claim is an inappropriately close relationship between the ...

Superfund
Senators Demand EPA Data on Future Superfund Costs
Senators are calling for the EPA to release its unpublished estimates of the Superfund program's future cost to assess the impact of President Donald Trump's proposed fiscal year 2018 cuts.

News

Agriculture
Farmers Groups Await More Details From Democrats on Rural Agenda
Farming groups want more specifics in congressional Democrats' recently unveiled

campaign agenda aimed at rural voters, but they said the overall outline's message resonates.

Chemicals

Chemical Risk Review Details Expected From EPA by Fall

Chemical manufacturers this fall should have a better idea of the processes, models, and reasoning the EPA will use to determine whether new chemicals can be manufactured and sold in the U.S.

Climate Change

Israeli-French Satellite to 'Observe in Detail Climate Change'

Israel and France launched an environmental observation satellite that will monitor climate, soil, water and pollution at more than 100 sites around the world.

Climate Science

Pruitt's Carbon Skepticism Didn't Violate Policy, Panel Says

The head of the Environmental Protection Agency did not run afoul of his agency's own scientific policies when he said in March he is skeptical that carbon emissions from human activity are largely driving climate change, an agency panel concluded.

Coal-Fired Power Plants

Coal Giant to Australia: Focus on Economy Before Paris Pact

Australia may need to consider delaying its goals to combat global climate change in order to prioritize energy security and economic prosperity, according to a senior executive at Glencore Plc.

Disclosure

Chemicals Are the New Carbon as Corporate America Rethinks Risks

Chemicals are the new carbon, according to a group of investors, retailers and others that's come up with a way to gauge corporate progress toward safer alternatives to toxic ingredients.

Energy

Electric Grid Traders Shocked Over Pennsylvania Proposed Tax

Energy traders from Michigan to Maryland have blown a fuse over a Pennsylvania proposal to tax virtual trading in the wholesale electricity market.

Energy

Energy Department Denies Perry's Move to Homeland Security Post

A Department of Energy official Twitter accounted denied the Trump administration is considering Energy Secretary Rick Perry for the top position at the Department of Homeland Security.

Energy

South Carolina May Spend 60 Years Paying for Nukes Never Built

Utility customers in South Carolina may end up spending the next 60 years paying billions for two nuclear reactors that'll never get built, based on a proposal that Scana Corp. filed with regulators late Aug. 1.

Enforcement

Guilty Plea Entered in Biodiesel Fraud Case

A New York man pleaded guilty in a case that involved the sale of at least $42 million worth of fraudulent biodiesel credits and claims of about $4.4 million in false tax credits, the

Justice Department announced Aug. 2.

Import Policy

Brazil Delays Decision on Tariffs for Imported Ethanol

Brazil postponed a decision on whether to impose tariffs on ethanol imports, with the country's Chamber of Foreign Trade (Camex) choosing to discuss the matter in 30 days, a spokeswoman at the Ministry of Development, Industry, and Foreign Trade told Bloomberg BNA July 25.

Pesticides

Pot Laced with Pesticides Forces States to Act as EPA Stays Away

Whenever Josh Wurzer buys legal California pot, he makes certain it was grown without pesticides.

Renewable Energy

GE Claims Vestas Infringes Wind Turbine Power Control Patent

General Electric Co., which lost its top spot in wind turbine sales this year, claims new market leader Vestas Wind Systems A/S is using its technology to protect their turbines from dramatic fluctuations in power.

Renewable Energy

Ikea Starts Selling Solar Batteries to U.K. Homeowners

Home retailer IKEA of Sweden AB will start selling batteries for rooftop solar panels in the latest sign that once-costly storage technologies are becoming mainstream.

Renewable Energy

Massachusetts to Choose Among 46 Renewable Energy Bids

Massachusetts received 46 bids from energy developers eager to provide renewable power to meet state clean-energy goals, including a Connecticut solar farm and a transmission line that would run nearly 200 miles from Canada to the state's border.

Solid Waste

Lawsuit Claims Duke Energy Storing Ash in 'Open Dump'

Duke Energy is operating an "illegal open dump" at its Roxboro, N.C., facility, an environmental group said in a lawsuit seeking to alter the utility's coal ash storage plans.

Water Infrastructure

Jacobs Seeks Splash in Water Business With $2.85 Billion Deal

Jacobs Engineering Group Inc. is opening up the checkbook to capitalize on growing demand worldwide for water and other infrastructure projects.

Water Pollution

California Town Threatens Suit Over Mexican Sewage

Discharges of sewage, trash, and toxic sludge from Mexico have one California border city threatening to sue a binational agency charged with managing water pollution along the U.S.-Mexico border.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 10/13/2017 11:52:32 PM
Subject: Oct. 16 -- Daily Environment Report



Daily Environment Report

October 16, 2017 - Number 198

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Leading the News

Chemicals
Costco Turns to Berkeley Researchers for Green Chemistry Help
Costco Wholesale Corp. will craft strategies for managing its products in what the retailer says is the first partnership between a major retailer and a university's green chemistry safety center.

Pesticides
EPA, Monsanto, BASF Take Steps to Curb Dicamba Drift
Monsanto Co., BASF Corp. and Dupont have agreed to limits on a pesticide linked to crop damage around the country.

REACH
Will U.K. Chemical Firms Lose EU Market Access Under Brexit?
Brexit may disrupt access to the European market for major chemical companies that register their products for sale from the U.K., legal professionals told Bloomberg BNA.

News

Air Pollution
Yeast Makers Get New Air Pollution Monitoring Requirements
Yeast producers face new requirements to monitor their toxic air pollution emissions after the EPA concluded a mandated review of the pollution limits for the industry.

Climate Change
EU Ministers Agree to Cuts for Non-Emissions Trading Sectors
European Union environment ministers agreed in principle to implement a range of

greenhouse gas emissions cuts through 2030 for certain sectors of their economies not covered by the EU's emissions trading system.

Coal Mining

Coal Plants Are Dying in America's Most Energy-Friendly State

Even in the heart of America's energy industry, coal can't catch a break.

Coal-Fired Power Plants

The End of Coal Will Haunt Navajo Power Station

Percy Deal, 67, lives in the same small, three-bedroom stone house he grew up in, situated in the remote Navajo village of Cactus Valley, Ariz. Like many homes in this part of the country, Deal's lacks running water, so once a month, he drives his pickup truck 17 miles to a public pump, where he fills three 55-gallon drums to bring back home. On the living room wall, his father's ceremonial feathers and sweat-stained cowboy hat hang over the couch next to a framed poem his father ...

Emissions Trading

EU Carbon Slides After Lawmakers Fail to Reach Overhaul Deal

European Union carbon allowances fell the most in almost three weeks after the bloc's negotiators failed to reach a deal Oct. 13 to overhaul the region's cap-and-trade program, prolonging uncertainty over the fate of a plan to alleviate a market glut.

Energy

Energy Regulator 'Sympathetic' on Perry's Coal, Nuclear Plan

Federal Energy Regulatory Commission Chairman Neil Chatterjee said Oct. 13 he's "sympathetic" to Energy Secretary Rick Perry's proposal aiming to prop up coal and nuclear plants in certain competitive energy markets.

Enforcement

Brazil Issues $2.3 Million in Fines for Poaching Amazon Turtles

Brazil issued 18 fines totaling 7.2 million reais ($2.3 million) for poaching endangered Amazon river turtles and their eggs, according to IBAMA, the enforcement arm of the Environment Ministry.

Environmental Reviews

Green Investors Seek More Data from Companies, More Frequently

Annual sustainability reports just aren't cutting it as investors pump more money into ethical investment funds.

Hydropower

Canada Wants to Solve U.S. Nuclear Problems with Faraway Dams

The key to replacing aging nuclear plants in the U.S. Northeast may lie 1,000 miles away, along a remote river tumbling through the Canadian wilderness.

Lead Paint

Michigan Lead Abatement Manager Cleared in Homeowner Suit

The head of Michigan's residential lead abatement program isn't liable for a Kalamazoo family's lead paint exposure, a Michigan appeals court ruled (Crawford v. Priem, 2017 BL 367007, Mich. Ct. App., No. 334172, unpublished 10/12/17).

Process Safety

Small Chemical Firms Face Safety Issues With Less Resources

Small and mid-size chemical companies face the same challenges as large chemical

companies when it comes to safety processes, but bigger firms have more manpower, money, and time to do so.

REACH

European Union Wants More Information on Companies' Nanomaterials

3M Europe, Solvay S.A., and other companies that produce chemicals at the nano-scale would have to provide the European Chemicals Agency more detailed information on their products under a draft European Union regulation.

Regulatory Policy

White House Environmental Adviser's Confirmation Faces Logjam

President Donald Trump's pick for the White House's top environmental adviser faces a slow path to confirmation and strong opposition from Senate Democrats.

Renewable Energy

Korean Company Planning $4.5 Billion Solar Project in Chile

The South Korean energy company Andes Green Energy is planning a $4.5 billion solar project in northern Chile that will combine conventional photovoltaic panels and thermal technology that will generate electricity at night.

Renewable Energy

Rooftop Solar, Batteries Go on Every Home in Arizona Development

Arizona's ample sunshine will be put to work to eliminate utility bills for residents of a residential development planned for Prescott Valley, the largest U.S. planned residential community to use systems linking each home to create a neighborhood-wide power grid.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 8/4/2017 9:43:13 AM
Subject: Morning Energy: FERC back to work — Trump and Justice, a coal country bromance — Interior IG to probe Zinke's Obamacare call

By Annie Snider | 08/04/2017 05:41 AM EDT

With help from Alex Guillén, Esther Whieldon, Eric Wolff and Emily Holden.

FERC IS BAAAAACK: Just before slipping out for August recess Thursday night, the Senate confirmed Republican FERC nominees Neil Chatterjee and Rob Powelson, effectively restoring a quorum at the agency after nearly six fallow months, during which billions of dollars in shovel-ready energy infrastructure projects have stalled.

Even as President Donald Trump has touted plans for a major infrastructure overhaul and cleared hurdles for high-profile pipeline projects like the Keystone XL, his biggest and most tangible impact on infrastructure so far may well be the $13 billion in projects, expected to generate more than 23,000 construction jobs, that went on hold during the bureaucratic morass that was partly of his making, Eric Wolff and Darius Dixon report this morning. For many of these projects, the loss of the quorum in February, shortly after Trump demoted FERC's former chairman, may have cost them a year of work, thanks to the limited construction season in much of the country.

No small matter: "I would not begin to minimize even the passage of another month," former FERC Commissioner Colette Honorable told Eric and Darius, "because there are high stakes in the matters that come before FERC each and every day — vast amounts of capital at issue, vast amounts of consumer cost or savings at stake."

Once Chatterjee and Powelson are sworn in — expected to happen in the next few days — the agency can begin working through the backlog. That's a win for project backers but a setback for anti-pipeline advocates, who accuse FERC of ignoring the climate and environmental implications of its decisions. Lena Moffitt of the Sierra Club blasted the confirmations Thursday night, arguing that the two soon-to-be commissioners are too aligned with the fossil fuel industry. "As the gas industry is threatening a massive expansion of fracked gas projects, it is more important than ever that our FERC Commissioners put the health and safety of the public and our climate first, not rubber stamp any project the industry puts in front of them," she said in a statement.

It's not just infrastructure: We previously laid out a lot of the policy work also piling up for FERC — and that was three months ago!

More hands coming: The Senate Energy and Natural Resources Committee has scheduled a September hearing for Trump's next two FERC nominees: Glick, a Democrat, and Kevin McIntyre, Trump's pick for the agency's chairmanship.

FINALLY FRIDAY! I'm your fill-in host, Annie Snider, and it's my last day with you. Susan Lafferty with Eversheds Sutherland US was first through the door answering that Transportation

Secretary Elaine Chao is constitutionally ineligible for the presidency, because she is originally from Taiwan. Here's Susan's question for today, inspired by a book she's reading with her kids: Which president is rumored to have been stuck in his bath on his Inauguration Day, and in what year did that inauguration take place? Send your guesses to Darius Dixon, who takes the ME reins for Monday — along with your tips, energy gossip and comments at ddixon@politico.com, or follow us on Twitter @Dariusss, @aadragna, @Morning_Energy, and @POLITICOPro.

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BASKING IN THE APPALACHIAN LOVE: After a rough couple of weeks for Trump in which Republicans failed to achieve their years-long bid to repeal Obamacare, a new communications director imploded and Russia allegations continued to dominate the news, the president turned to a friendly crowd Thursday night in Huntington, W.Va., where his favorite energy talking points drew roaring applause. After waving a supporter's "Trump digs coal" sign on his way to the podium, Trump touted his withdrawal from the Trans-Pacific Partnership and "the job-killing Paris climate accords" and took credit for an upswing in coal exports, which have seen a bump compared with 2016 but remain far below shipments in previous years.

West Virginia Gov. Jim Justice, a former coal businessman and the richest person in the state, also got a turn at the mic to announce that he will leave the Democratic Party to become a Republican. "I can't help you anymore as a Democrat governor," he told the crowd before lavishing praise on Trump's children and declaring, "Have we not heard enough about the Russians?" Justice said he's been in the Oval Office twice in two weeks to present ideas on coal and manufacturing.

MANCHIN OUT ON A LIMB: The announcement meant further political isolation for Sen. Joe Manchin, the sole Democrat in West Virginia's congressional delegation, as he faces reelection in 2018. The Senate Leadership Fund, a deep-pocketed GOP super PAC, launched a digital campaign Thursday attacking the Democrat. Manchin has refused to change parties and resisted entreaties to join Trump's Cabinet, a move that could have given Republicans one additional vote in the Senate (coincidentally, that's how many extra votes they needed on Obamacare last week). In a statement Thursday ahead of Trump's West Virginia rally, Manchin welcomed the president and said he is "particularly excited" to work with him on tax reform. "Our job is to fix things, not fight," Manchin said.

WIND AT GREENS' BACKS — BUT FOR HOW LONG? Environmentalists hope that EPA Administrator Scott Pruitt's deregulatory agenda is beginning to crumble after he hit two roadblocks this week, Alex Guillén reports: First a federal court reinstated an Obama-era methane regulation, and then Pruitt backed off on his attempts to delay implementation of a sweeping ozone rule. "This week's been a reality check for Pruitt and Trump that when they ignore the law, they're going to lose, and I think that may be starting to sink in," said Mary Anne Hitt, director of the Sierra Club's Beyond Coal campaign.

But Pruitt supporters aren't hanging their heads yet. For one thing, this week's losses were relatively minor, with the biggest battles over the most contentious Obama-era rules yet to come.

Moreover, argued Christi Tezak of ClearView Energy Partners, Pruitt has multiple paths to victory. "You can certainly win by vaporizing a rule, no doubt. You can win by putting in place a different rule that makes it harder to do a stricter rule later. You can win through delays, even if courts reverse you later," she told Alex.

INTERIOR IG LAUNCHES PROBE OF ZINKE-MURKOWSKI CALL: The Interior Department's inspector general has begun a preliminary investigation into Secretary Ryan Zinke's call to Sen. Lisa Murkowski in which he conveyed the administration's dissatisfaction with her vote against a motion to proceed on the GOP health care bill. IG Mary Kendall told Reps. Raúl Grijalva and Frank Pallone in a letter Thursday that she is looking into "potential legal and ethical violations" by Zinke during the July 26 call. But the Alaska Republican has said she didn't take the call as a threat, and Zinke posted a photo Thursday on Twitter of the pair sharing a beer. "My friends know me well," he wrote. Esther Whieldon has all the details.

SCHWARZENEGGER FLEXING CLIMATE MUSCLES AGAINST TRUMP: Former California Gov. Arnold Schwarzenegger today will announce an ambitious national effort aimed at countering Trump's withdrawal from the Paris climate accord by providing state and local lawmakers with a toolbox for passing substantive climate change legislation, POLITICO California's Carla Marinucci reports.

The project, dubbed a "digital environmental legislative handbook," offers a curated list of legal and legislative research, voting records, bill language and data to help lawmakers prepare bills on everything from air quality to renewable energy to climate change. "With his decision on the Paris agreement, it is even more so important to make this information available — because it shows the kinds of wonderful things states can do — without waiting for the federal government," Schwarzenegger told Carla. He's set to unveil the toolbox before the National Caucus of Environmental Legislators.

GREEN GROUPS PRESS COURT ON CPP RULING: Environmental groups are asking the D.C. Circuit Court of Appeals not to hold off on ruling on the Obama administration's Clean Power Plan, arguing that the White House's Unified Agenda indicates that it could be at least 12 months before the Trump administration will propose its repeal of the contentious rule. The classification of the CPP repeal as a "long-term" action "demonstrates that even the preliminary step of a *proposed* rule may be delayed for at least another year," the green groups wrote in a court filing Thursday, arguing that the court should not hold off on a fully-briefed case "for a period far longer than the Supreme Court presumed when it issued its stay pending this Court's disposition of the merits." Here's Alex with more.

ANOTHER SAGE GROUSE REBELLION? The team of Interior politicals and career staff assigned to review the agency's land-use conservation plans for sage grouse in Western states could send Zinke their recommendations as soon as today. The Obama administration's plans, which sparked ire across the West, aimed to avoid an Endangered Species Act listing by boosting protections on broad swaths of federal land. The new recommendations, due to Zinke by Sunday, could include ideas for easing the path for fossil fuel development on federal land in the bird's range.

EPA REMAINS QUIET IN METHANE APPEAL: EPA is staying mum in the ongoing legal battle over Pruitt's 90-day stay of the methane rule for new oil and gas wells. The agency did not file any brief taking a position on requests from industry groups and states that support the stay seeking a rehearing before the full D.C. Circuit Court of Appeals, and a spokesman had no comment on the record. The stay's supporters made one last argument Thursday for an *en banc* review, saying the court didn't have the jurisdiction to hear the case in the first place. It's not clear when the D.C. Circuit will decide whether to hear the appeal, but time is of the essence: Pruitt's stay would have expired in 27 days anyway.

EPA, DOT READY TO TAKE COMMENT ON MPG REVIEW: EPA and the Department of Transportation could move to reopen comments on a review of the 2022-2025 mileage standards as soon as today, a source tells ME. As part of setting vehicle emission requirements for both 2017-2021 and 2022-2025, EPA agreed to review the second set of standards for appropriateness. The review was completed over a year early under former Administrator Gina McCarthy, and she affirmed the mileage standard of 54.5 miles per gallon. Under pressure from the auto industry, Pruitt and Chao revoked that affirmation in March, and now the agency will announce that it will take the next step in the review by reopening the docket for further input.

GAO SEES ROOM FOR IMPROVING PHMSA'S SAFETY CALCULATIONS: The Government Accountability Office recommended Thursday that the Pipeline and Hazardous Materials Safety Administration take steps to ensure that the formula it uses to identify which pipelines pose the greatest safety risk is effective. PHMSA uses the formula to set its priorities each year and decide how often it checks on parts of the nation's 2.7-million-mile pipeline network. GAO said the agency needs to document its reasoning behind each component of its formula and create a process to periodically review its effectiveness.

SPRING'S COMING SOONER IN THE HIGH NORTH: Snow is melting earlier in the spring and coming later in the fall on the North Slope of Alaska, according to a study by NOAA and the Cooperative Institute for Research in Environmental Sciences published in the *Bulletin of the American Meteorological Society*. Between 1975 and 2016, the researchers found the snow-free season was growing by about one week per decade, with major ecosystem implications. Native birds have been laying eggs earlier, and rivers have broken through the ice to flow earlier in the season, the researchers found.

ENVIROS PLAN BORDER WALL RALLY: Dozens of environmental and social justice groups are planning a two-day rally and walk in southern Texas on Aug. 12-13 aimed at highlighting the potential social and environmental impacts that Trump's plan to expand the border wall could have on nearby towns and wildlife. The rally, which will include speakers such as Sierra Club President Loren Blackford, will also take aim at Trump's anti-immigration policies. The move is part of a new strategy by environmental groups to combine forces with social justice groups on this issue.

QUICK HITS

— On environment and energy, Trump often picks his own facts. New York Times.

— U.S. shale oil producers cannot shake impulse to keep producing. Reuters.

— Monsanto employee emails show efforts to marshal scientists. Wall Street Journal.

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Stories from POLITICO Pro

New FERC picks face a mountain of difficult business Back

By Darius Dixon | 05/09/2017 07:09 PM EDT

President Donald Trump's new picks for FERC should have little trouble winning Senate confirmation, and once they do they will face a mountain of decisions about the future of power markets, the agency's relationship with the states, and its approach to enforcement.

Trump's long-awaited announcement that he would fill two vacancies on the five-seat commission couldn't have come soon enough for Sen. Lisa Murkowski, who is angling for quick confirmation hearings before her Senate Energy and Natural Resources Committee.

"The FERC has been without a quorum since early February and they need the ability to get to work," Murkowski told reporters Tuesday.

Trump nominated Neil Chatterjee, a senior energy adviser to Senate Majority Leader Mitch McConnell , and Robert Powelson, a Pennsylvania regulator with strong relationships in Congress, to the commission, but he has yet to tap a permanent FERC chairman. That position has been expected to go to Kevin McIntyre, a Jones Day lawyer who also is an expert in the Federal Power Act, FERC's core statute. In more than two decades with Jones Day, McIntyre has had a slew of energy industry clients, including South Carolina Electric & Gas Co. and SCANA Corp., making his financial disclosures and ethics paperwork more complicated than those who have been in government for several years.

The agency has been experiencing a traffic jam of energy infrastructure projects needing the leadership's blessing.

"We are already building up quite a backlog," acting FERC Chairwoman Cheryl LaFleur said recently, noting that there'd been a steep drop-off in the number of orders issued since former Chairman Norman Bay's resignation in February dropped it to two members, preventing a quorum needed to conduct a lot of its most critical business.

Many of those orders, dealing with issues such as interstate natural gas pipeline projects and contested electricity rate plans, still require followup decisions to be made when more leaders are brought on. To help ease the agency's pileup, staff have been lining up draft orders for new

commissioners to review as soon as they're sworn in.

Perhaps the biggest issue looming over the agency is how it plans to address a growing number of state-level policies tailored to specific energy sources — such as nuclear incentive programs recently approved in New York and Illinois — that are complicating the markets under FERC's jurisdiction.

The Electric Power Supply Association, which represents independent generators, filed complaints in January calling on FERC to ensure electricity prices in upcoming spring auctions in the New York and the mid-Atlantic area PJM Interconnection markets were not artificially lowered by state programs that subsidize struggling nuclear plants. But until at least one new member is confirmed, FERC's hands are tied.

Meanwhile, Ohio, Connecticut, New Jersey and Pennsylvania have all started to mull their options for helping power plants in their states just as state regulators and a broad swath of the energy industry has increasingly looked to FERC for policy guidance.

Presidents and Congress typically aim to achieve geographic balance at FERC, and Powelson would be the only representative of a PJM state if he is confirmed.

In addition to being the largest power market overseen by FERC, PJM may test how the agency irons out differences — or butts head with —with states crafting lifelines for power plants. And Powelson has called for market operators to take a more forceful role in addressing issues such as aiding nuclear power through carbon pricing rather than leaving states to take bites out of the markets.

"I think it creates a bastardized market construct and at the end of the day, this issue is best resolved with the RTO — in our case PJM — putting that value on carbon and dealing with it," Powelson said in an interview with POLITICO last fall. "Sheepishly, RTOs are putting their heads down in the sand and not saying a word."

Carbon pricing got a lot of airtime at FERC's recent technical conference as perhaps the most market-friendly way to support nuclear power. Still, it was also clear that states within the same electricity market, like New England, couldn't agree on moving ahead with carbon pricing.

Another part of the policy deluge the new commissioners will feel pressure to act on is the agency's closely watched price formation initiative, which focuses on developing new market rules that boost how power plants are paid in an increasingly complex grid. That initiative, which was launched following the 2013-14 polar vortex that caused electricity prices in the Northeast to skyrocket, has been eyed particularly by companies with around-the-clock baseload power plants, like the nuclear industry.

The FERC vacancies also exacerbated uncertainty surrounding the commission's work to protect energy markets against alleged manipulation. Once a new commissioner is confirmed — and a permanent chairman in place — leaders will have to decide how to respond to recent court losses over how they run enforcement cases. While FERC lawyers handle the particulars of each case,

the commission leadership will have to debate any overarching change to its enforcement strategy, particularly if judges are going to force them to practically build the cases from scratch again.

FERC Commissioner Colette Honorable also recently announced that she will leave the agency later this year. Her departure provides another opening for Trump to fill but because FERC's board can't have more than three members of the same political party, tradition indicates that Democrats will pick who fills the seat.

To view online click here.

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West Virginia Democratic governor switches to GOP Back

By Matthew Nussbaum, Gabriel Debenedetti, Kevin Robillard and Daniel Strauss | 08/03/2017 04:40 PM EDT

West Virginia Gov. Jim Justice announced a party switch Thursday evening in a surprise appearance with President Donald Trump in Huntington, West Virginia.

"Today, I will tell you, with lots of prayers and lots of thinking, I can't help you anymore being a Democrat governor," Justice said. "So tomorrow, I will be changing my registration to Republican."

Justice's flip is further confirmation of his state's sharp rightward turn, and reflects Trump's widespread popularity in a state the president won by a landslide in 2016.

Trump, who has promised to restore lost coal industry jobs, has lavished attention on West Virginia since taking office.

Justice, who seldom worked with other Democrats, recently spent a well-publicized day hunting with Donald Trump Jr. — a familiar political optic in a largely rural state with a strong hunting tradition. But his move still blindsided his old party, which is now left with control of just 15 governor mansions.

Rumors that Justice was going to make the switch circulated throughout the day, but West Virginia Democrats and multiple national Democrats who have worked for Justice in the past said he gave them no notice on the party switch.

"We are sitting here in our office, everyone of us that is capable of standing on two feet, looking at each other, saying, 'Oh my goodness, did anybody see this coming?" said Steve Roberts, president of the West Virginia Chamber of Commerce. "I am surprised. However, when I worked with Gov. Justice during the last session of the Legislature, I could plainly see that he is a pragmatist who is trying to get things done and is not driven by ideological or party loyalty.

And he has a close connection to the Trump family and it is my hope that this will further solidify a national attention in favor of policies that will help economic development, job creation and education in West Virginia."

Former Democratic Rep. Nick Rahall described the governor as a close friend who put West Virginia first.

"Jim is a West Virginian true and blue and does what is best for West Virginia," Rahall said. "That's his No. 1 goal. His every move as governor has been in that direction. I have not discussed this situation with him to know what moved him to switch parties, but suffice it to say that much of West Virginia's been voting late this way. But most of the state is registered Democrats, so I'm sure he read the political winds."

Privately, the mood among many West Virginia Democrats was less understanding. Despite West Virginia's embrace of Republicans on the federal level, Democrats had held the state's governorship since 2001.

"Obviously, we're pissed. I mean let's face it, we put a lot of effort in the 2015 election to elect this man as governor," a top West Virginia Democratic operative said. "And we had two more progressive individuals in that primary but we knew that if Jim Justice went out of that primary he could win. So I mean, a lot people are pissed. There's a lot of hurt feelings. People are feeling betrayed right now."

The Democratic Governors Association had worked closely with Justice on his gubernatorial run, and combined with labor unions to spend about $1 million helping defeat GOP state Senate President Bill Cole. Justice, a populist-minded billionaire like Trump, funded much of his run out of his own fortune, made in the agriculture, coal, timber and tourism industries. Despite his status as the richest man in the state, he still lived in the house he grew up in and coached high school basketball.

Justice will not be a stranger in his new party. He's friends with Senate Majority Leader Mitch McConnell, and donated to McConnell's super PAC in 2014. He also donated to the Republican Governors Association just a few years before the RGA spent millions of dollars trying to defeat him in 2016, attacking him for failing to pay taxes and fines related to his businesses.

The governor's move stands to make the coming months more complicated for Sen. Joe Manchin, who now stands as the state's most prominent Democrat ahead of a tough reelection challenge in 2018. Manchin — a moderate Democrat who is often criticized by his own party's left wing — was already a top GOP target, with Rep. Evan Jenkins and Attorney General Patrick Morrissey challenging him.

"I certainly have wondered what the impact is likely to be on Manchin," said Roberts. "There had been some speculation that Manchin was going to change parties from earlier on. If Manchin is taken by surprise, my guess is that he just has a lot to think about."

Manchin's office declined to comment on Justice's switch in party affiliation but said that the

senator would continue to "be a proud West Virginia Democrat."

In a sign of the charged politics surrounding Trump, Manchin — who has maintained good relations with the White House — issued a long statement welcoming Trump to the state Thursday.

"The president is coming to West Virginia, and I'm excited he is," Manchin said. "I know some Democrats, especially those in Washington, D.C., would not want the president to visit their state. As Americans, we should always be honored to have a president visit our state — whoever he or she is, regardless of political party. All Americans should hope for the president to succeed, because if he does, the country succeeds — and West Virginia does as well."

When Trump touched down in the state Thursday, he was set to visit the place that explains his surprise 2016 victory as well as the challenges of turning his campaign promises into tangible results.

Commentators were often left scratching their heads at Trump's dark campaign rhetoric and description of a nation in decline, crushed by job loss, drugs and rising crime. In much of the country, particularly the urban centers Trump so often derided, the rhetoric simply did not match with reality.

But West Virginia was an exception. Trump's promises to renew American greatness, to "bring back jobs" and restore an idealized version of the American worker struck a chord in a long-suffering state. Trump won 68 percent of the vote there against Hillary Clinton, carrying every one of the state's 55 counties. In the state's coal-producing counties, he regularly racked up more than 70 [percent] and 80 percent of the vote.

"The demographic profile sort of fits your hypothetical Trump voter — we're older, we're lower income, lower levels of education, not very ethnically diverse," said Sean O'Leary, a senior policy analyst at the West Virginia Center on Budget and Policy. "If you were to take a stereotypical Trump voter it would look a lot like a stereotypical West Virginian."

For many in the state, Trump's dystopian rhetoric felt like a long-awaited acknowledgment. The state's population peaked around 1950 and, after some rebounding growth over the past two decades, has begun to shrink again since 2010. It has one of the country's lowest median household incomes at $42,824, well below the national average of $56,516. The life expectancy is more than three years below the national average, and in 2015 the rate of opioid overdose deaths was 3.6 times as high in West Virginia as nationwide. The state also had the highest rate of drug overdose deaths overall.

The economic scene is almost as bleak: The state's labor force participation is just 53.1 percent, meaning almost half of the state's adults are neither working or looking for jobs.

For an electorate that the Chamber's Roberts described as "rural populist," Trump's campaign pledge not to cut Medicare, Medicaid or Social Security carried special resonance. In supporting Republican health care plans since his inauguration, though, Trump has reneged on the promise

to protect Medicaid.

But that has done little to dent his popularity in West Virginia, where much of his appeal is wrapped in his promise to restore the state's coal industry. The industry, deeply entwined with the state's culture even as it wanes in economic importance, has seen a stark decline in recent years.

Coal mining jobs declined by half from 2011 to 2016, with the Commerce Department tallying just 11,343 coal miners in the state by the end of 2016 — down from more than 23,000 in 2011. Total mining and logging jobs, though, have increased by about 2,400 over the last year, with 1,200 of those jobs coming just between May and June — a sign that Trump's policies are working, supporters say.

"We love our coal miners. Great people," Trump said at an executive order signing in March. "Over the past two years, I've spent time with the miners all over America. They told me about the struggles they've endured. I actually, in one case, I went to a group of miners in West Virginia — you remember, Shelley — and I said, how about this: Why don't we get together, we'll go to another place, and you'll get another job; you won't mine anymore. Do you like that idea? They said, 'No, we don't like that idea — we love to mine, that's what we want to do.' I said, if that's what you want to do, that's what you're going to do. And I was very impressed. They love the job. That's what their job is. I fully understand that."

At a rally in the state during the campaign, Trump famously put on a coal miner's helmet and mimed as though he was shoveling while the crowd roared.

"We have a tradition of mining and producing coal that people here are really proud of," Roberts said, noting that Trump's pro-mining rhetoric — particularly after the Obama administration sought to curtail coal production due to environmental concerns — was a breath of fresh air.

"Plain-spokenness is not considered offensive here, the fact that he just sort of calls it like he sees it," Roberts said. "There probably is a very real feeling that the nation hasn't done much to help our state during at least the eight years of the Obama administration and now we have a president that says, 'I like coal, I support the military, I love the Boy Scouts.'"

"The president is proud to have the support of the men and women in places like West Virginia who had been left behind by the policies of the previous administration," White House spokesperson Lindsay Walters said in a statement to POLITICO. "He's working for them each and every day, unleashing American businesses and protecting their communities. Just look at the results he's already gotten. 42,000 mining and logging jobs have been added since January, and a new coal mine has opened its doors. The much-needed resources of the federal government are refocused towards combating the epidemic of drug and opioid addiction. He's getting better trade deals with our partners around the world. And this is only the beginning."

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Senate Leadership Fund launches digital campaign vs. Manchin Back

By Kevin Robillard | 08/03/2017 02:44 PM EDT

Senate Leadership Fund, the deep-pocketed GOP super PAC, is launching a digital campaign attacking Democratic Sen. Joe Manchin ahead of President Donald Trump's visit to West Virginia tonight.

The campaign will direct voters to a website labeling Manchin "The Joe You Don't Know," which notes Manchin voted against repealing Obamacare and has voted against 60 percent of Trump's judicial nominees. It's the first of what will be a slew of attacks aimed at pitting the former governor and second-term senator against Trump, who is ultra-popular in the state.

"The launch of this digital campaign is the first step in Senate Leadership Fund's commitment to ending the career of Joe Manchin," SLF spokesman Chris Pack said.

Manchin is the last Democrat remaining in West Virginia's congressional delegation, and Republicans have made him a top target in 2018. Pack said the West Virginia campaign is the first of multiple digital campaigns the group will launch around the country.

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Early hurdles slow Pruitt's deregulation push — but maybe not for long Back

By Alex Guillén | 08/03/2017 05:35 PM EDT

EPA Administrator Scott Pruitt is starting to hit roadblocks in his efforts to undo the agency's Obama-era regulations — a trend that has environmentalists crowing but may prove to be symbolic and short-lived.

Green groups were happy to take the wins this week after a federal court reinstated an Obama-era methane regulation and Pruitt backed off on his attempts to delay implementation of a sweeping ozone rule. Both rules are among dozens targeted by President Donald Trump's push to relieve regulatory burdens on businesses.

"This week's been a reality check for Pruitt and Trump that when they ignore the law, they're going to lose, and I think that may be starting to sink in," said Mary Anne Hitt, director of the Sierra Club's Beyond Coal campaign.

"I think these cases show the plain language of federal statutes will not be Administrator Pruitt's Achilles' heel, they'll be his Achilles' torso," said John Walke, the NRDC's clean air director.

Not everyone believes Pruitt's and Trump's deregulatory agenda is in danger, however.

Christi Tezak, managing director at ClearView Energy Partners, said these early snags represent "more of an evolution versus a faltering" for Pruitt's attempt to revoke, rewrite and delay as many Obama administration regulations as possible.

"They're pushing the envelope, just as the administration before them did, just 180 degrees in the other direction," Tezak said. "Winning in this administration is a broad term that can change. You can certainly win by vaporizing a rule, no doubt. You can win by putting in place a different rule that makes it harder to do a stricter rule later. You can win through delays, even if courts reverse you later."

Indeed, Trump's agencies have already scored a lot of early success in undermining Obama administration regulations, including the major water and climate rules that Pruitt has put on the chopping block.

EPA downplayed its setbacks on the methane regulation, which Pruitt had halted early this year following requests from the oil and gas industry to reconsider the rule.

"EPA is moving full speed ahead to enact common sense regulations, as evidence by the number of significant regulatory actions taken to implement President Trump's executive orders to protect the environment, save manufacturing jobs and reduce America's dependency on foreign energy sources," agency spokeswoman Liz Bowman said in an email.

A federal court said in July that Pruitt had unlawfully halted the methane rule. On Monday the court reinstated the rule, saying it was unreasonable to let an unlawful stay remain in place any longer.

Then on Wednesday, Pruitt made a hard U-turn on a one-year delay in implementing an Obama ozone standard — a postponement that had drawn lawsuits from environmentalists and Democratic attorneys general. EPA said in a notice that, on second thought, the national delay was not supported by the data it had.

Pruitt's ozone retreat came a day before EPA was going to have to defend itself in court.

These are "initial victories," Hitt acknowledged, but she hopes they prove an omen.

Pruitt "may be very creative in how he tries to unravel [regulations], but at the end of the day he has an obligation to protect public health, and if he unravels the standards that protect public health, he is going to be breaking the law," she said.

Walke rejected the idea that even temporary delays that are later overturned could count as victories for Pruitt.

"A cynical agency head willing to break the law can get away with a lot, that is sure. But that's

not winning. That's recklessness," Walke said. "They pay a price in adverse court rulings, public scorn and negative publicity."

Still, these are relatively minor losses for Pruitt in the grand scheme of the Trump agenda.

EPA will have a new freeze placed on the methane rule within weeks, and this one may be less vulnerable to court challenge because Pruitt took public comment first.

The agency also hinted that Pruitt could still delay ozone implementation decisions on a case-by-case basis. That could mean issuing decisions for regions that are indisputably above or below the limit while giving more time for others, particularly in the intermountain West, where background ozone levels have emerged as a difficult issue.

"There's probably plenty of stuff you can put out the door, and then you fight over what really matters," Tezak said.

Meanwhile, the underlying ozone standard remains under review by Pruitt's team. That prompted Democratic states to step up in court this week to defend the 2015 rule, since EPA no longer will.

For now, environmental groups are pressing forward in the handful of cases where they can.

Green groups teamed up with a union last month trying to reverse Pruitt's two-year stay of a rule meant to prevent explosions at chemical plants. Environmentalists are also trying to reinstate the compliance deadlines for a rule on toxic discharges from power plants, which Pruitt stayed until litigation over the rule concludes.

Still to come are many of the biggest battles, as Pruitt eventually moves to revise or rescind major Obama-era rules that were tied up in court when Trump took power. Cases frozen while Pruitt works to undo the underlying rules include the Clean Power Plan, the carbon rule for future power plants, the ozone standard itself and the Waters of the U.S. rule.

Pruitt's work to rewrite or revoke those regulations could take a year or more, with intense litigation sure to follow.

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D.C. Circuit orders EPA to resume enforcing methane rule Back

By Alex Guillén | 07/31/2017 06:39 PM EDT

The full D.C. Circuit Court of Appeals today ordered EPA to resume enforcing its methane rule for new oil and gas wells, a potentially temporary but important loss for EPA Administrator

Scott Pruitt's deregulatory agenda.

A three-judge panel ruled on July 3 that Pruitt improperly imposed a 90-day stay of the rule amid a reconsideration of key leak detection and repair requirements.

The court agreed to keep the stay in place for two weeks to give EPA time to decide on an appeal, a timeline that expired last week. The agency has not asked for an appeal, but industry groups and states critical of rule have. The court ordered responses to those appeal petitions be turned in by Wednesday afternoon, with any further reply due Thursday, indicating the court will move quickly on the appeal.

The order was issued by a 9-2 vote. Judges Janice Rogers Brown, who will retire from the court effective Aug. 31, and Brett Kavanaugh voted against reinstating the rule immediately.

EPA is taking comment through Aug. 9 on a proposed two-year stay of the rule through 2019 and could have it in place by September. That longer-term stay may not face the same legal issues as the 90-day one since EPA will incorporate public comment.

WHAT'S NEXT: The court could decide as early as this week whether to hear an en banc appeal. Pruitt's 90-day stay would expire on Aug. 31 anyway, putting a ticking clock on the court proceedings before the matter becomes moot.

To view online click here.

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Pruitt drops delay of ozone rule implementation Back

By Alex Guillén | 08/02/2017 07:55 PM EDT

EPA Administrator Scott Pruitt has dropped his one-year delay of an upcoming implementation step for the 2015 ozone standard, EPA announced today.

The withdrawal comes after lawsuits from environmental groups and Democratic states sued over the delay in deciding which areas meet the standard and which do not. EPA had been due to file its first defense of Pruitt's delay in court on Thursday.

Pruitt originally said he did not believe EPA had the necessary data to decide on the designations by the Oct. 1 deadline. But a pre-publication Federal Register notice signed by Pruitt on Wednesday says that "the information gaps that formed the basis of the extension may not be as expansive as we previously believed."

Some areas may be ready for designation in the coming months, and the notice hints that regional delays may be necessary on a case-by-case basis. "The Administrator may still determine that an extension of time to complete designations is necessary, but is not making such

a determination at this time," says the notice in withdrawing the nationwide delay.

"We believe in dialogue with, and being responsive to, our state partners. Today's action reinforces our commitment to working with the states through the complex designation process," Pruitt said in a statement.

Pruitt also said he intends to avoid any settlement agreements with "activist groups," a practice he has long opposed and said he ended at EPA. "We do not believe in regulation through litigation, and we take deadlines seriously. We also take the statute and the authority it gives us seriously," Pruitt said.

WHAT'S NEXT: EPA has until Oct. 1 to determine which areas of the U.S. meet the standard and which will have to submit plans to lower pollution, a years-long process.

To view online click here.

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Interior IG probing Zinke call to Murkowski over health care vote Back

By Esther Whieldon | 08/03/2017 04:18 PM EDT

The Interior Department's inspector general's office told lawmakers today that it has launched a preliminary investigation into Secretary Ryan Zinke's effort to get Sen. Lisa Murkowski to back Obamacare repeal last week.

In a letter to Reps. Raúl Grijalva and Frank Pallone, Deputy Inspector General Mary Kendall said she is looking into "potential legal and ethical violations" by Zinke. The secretary called Murkowski July 26 to convey the administration's dissatisfaction with her vote against a motion to proceed on the GOP health care bill.

Murkowski today said that pressure from the administration was one of several reasons she delayed a markup that had been scheduled for July 27 to consider several nominees. The panel voted today to advance the nominees.

"But we also were dealing with the very proximate timing of issues coming out of the White House related to health care that really had nothing to do with energy and yet some had made it tied to energy," Murkowski told POLITICO today. "But ... even if that had not happened, we still were looking at whether or not the timing was right to move forward with the markup."

Murkowski said that she did not take Zinke's call as a threat and that his department has not done anything to stop or slow down the issues she cares about since then.

Zinke posted a photo on Twitter today of him and Murkowski sharing a beer. "My friends know me well," he wrote.

Murkowski characterized their relationship as "very strong, professional, friendly, cordial and respectful."

WHAT'S NEXT: Murkowski said she is hopeful the Interior and Energy department nominees that cleared her committee today will be confirmed by the full Senate before adjourning for recess, which is expected later tonight. They were not part of a large batch of nominations confirmed earlier this afternoon, but negotiations continue.

To view online click here.

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Schwarzenegger unveils initiative to tweak Trump on climate Back

By Carla Marinucci | 08/04/2017 05:20 AM EDT

Former California Gov. Arnold Schwarzenegger, flexing his muscles in an effort to counter President Donald Trump's withdrawal from the Paris climate accord, will unveil an ambitious new national effort Friday aimed at providing lawmakers with a comprehensive set of tools to pass substantive climate change legislation at the state and local level.

The new initiative to tweak Trump on climate change is being touted as a first — a "digital environmental legislative handbook" which organizers say will provide political leaders around the nation with a comprehensive curated list of legal and legislative research, voting records, and bill language and data to help them prepare bills on a wide range of environmental action, including air quality, renewable energy, health and climate change.

The effort developed by the USC Schwarzenegger Institute and the National Caucus of Environmental Legislators will be unveiled Friday by the former California governor before more than 130 legislators at the NCEL's Boston conference.

"There's no reason why we shouldn't have a digital legislative handbook — and make it available to people who wanted to create environmental action now — because of the situation with Trump," Schwarzenegger told POLITICO in an interview Thursday. "With his decision on the Paris agreement, it is even more so important to make this information available because it shows the kinds of wonderful things states can do without waiting for the federal government."

"The message to legislators with the project is now 'you have the power to do it yourselves,'" he said. "The reality is each state now goes to work and passes great legislation that helps them...make great decisions."

Bonnie Reiss, global director of the Schwarzenegger Institute, and a longtime senior adviser to the former governor who helped developed the new digital website, told POLITICO that "even as governor, when he passed our landmark AB32, Arnold has always been a big believer in the

power of local and sub-national action on climate change."

"And now, with Trump both denying climate change and, frankly, reversing so much action on environmental protection across the board, Arnold is really doubling down on the need for action," she said.

The unveiling of Schwarzenegger's new effort comes just days after both he and California Gov. Jerry Brown appeared to seize the mantle as de facto national leaders on climate change — standing side by side at a triumphant ceremony to sign California's latest cap-and-trade bill. The Republican and the Democrat said the moment illustrated how California offers the nation an example of bipartisan cooperation on climate that benefits all Americans.

But in the first six months since Trump's inauguration, the former California governor and Hollywood star has been especially driven to spur international action on climate change to counter both a White House and an Environmental Protection Agency intent on rolling back some of the same environmental regulations and protections for which both he and Brown fought.

Schwarzenegger in Paris recently issued a direct challenge to Trump's position on climate change when he stood alongside French President Emmanuel Macron and vowed to "make our planet great again" on climate change issues. In a video message that has received nearly 2 million views, Schwarzenegger vowed: "One man cannot destroy our progress. One man can't stop our clean energy revolution. And one man can't go back in time."

Now, making good on a promise that states will move forward with environmental legislation — with or without the help of Trump — Schwarzenegger says the new resource site debuting today provides legislators with a range of categories in the area of environmental protection. The site provides comprehensive listings of examples of bills that have passed around the country, compete with data like fiscal impact and past votes, as well as full legal language. Lawmakers can also research new legislation including air quality, renewable energy, human health and climate change.

"It's interactive and it's about states helping states," said Reiss. "We've given legislators an opportunity to submit legislation in their states that may be duplicable in other states, and the research is done for them already."

The one-stop-shop is important "especially with Trump — what's happening in the Congress and the EPA and our parks," said Reiss. "Our focus is making sure we really reach out and create a meaningful resource that is huge for U.S. legislators," with the hope to eventually expand the effort internationally, she said.

Fran Pavley, the environmental icon and former California legislator who authored the landmark AB32 — the nation's first bill to take a long-term and comprehensive approach to the goals of cutting greenhouse gas emissions — said that the former governor, as a Hollywood star known to millions worldwide, is in a unique position to bring international spotlight to the issue.

"I'm thrilled that he's in this space," she told POLITICO. "Arnold consistently commands attention on a global stage like few people can...so it's critically important."

She told POLITICO that Schwarzenegger's determination to expand consciousness of a watershed moment in environmental protection has produced an entirely bipartisan new platform that will enable more legislation in the environmental arena.

"We've proven since the passage of AB32, eleven years ago when we started the multi-sector approach, that our economy has grown and we've reduced greenhouse gas emissions in California," said Pavley, who closely advised Schwarzenegger and Reiss on how to maximize the site's usefulness for legislators. "You don't have to make a choice between a healthy economy and a healthy environment."

In the wake of Trump's Paris decision, Pavley said,"everyone realizes it's really going to be up to the sub-nationals to do even more — cities, states and provinces working collaboratively together." The move to provide legislators with tools they need "is a natural progression," she said, "given that the federal government level is not moving forward and states need to share information."

Schwarzenegger, who in 2010 founded the non-profit global environmental effort called the R-20 Regions of Climate Action to advance the climate change message, said his goal looking forward is for the new digital legislative handbook to expand its scope and to assist lawmakers worldwide.

"California is not the only state that has done great things....the key thing is to show leadership," Schwarzenegger said. "There's a lot of great laws..there's great information out there and brilliant minds. We want to share it with the rest of the world."

To view online click here.

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Green groups ask court to issue Clean Power Plan ruling Back

By Alex Guillén | 08/03/2017 02:49 PM EDT

Environmental groups today asked the D.C. Circuit Court of Appeals to issue its ruling on the Obama administration's Clean Power Plan because it remains unclear when the Trump administration will propose its repeal of that rule.

The groups cite the White House's Unified Agenda, which was released last month. The document provided no deadline for proposing or finalizing the CPP repeal, which it classified as a "long-term action," those for which the agency does not expect to act for at least 12 months.

That classification "demonstrates that even the preliminary step of a *proposed* rule may be

delayed for at least another year," the green groups wrote.

"These facts further underscore that this Court should not continue to postpone a decision in this fully briefed case, which was argued en banc on September 27, 2016, for a period far longer than the Supreme Court presumed when it issued its stay pending this Court's disposition of the merits," the groups wrote. "The Court should decide the case on the merits, or terminate it by remanding the case to EPA."

WHAT'S NEXT: If the court decides to consider the request, it likely will ask EPA and the CPP's challengers to weigh in first.

To view online click here.

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Green groups to huddle on plan to challenge Trump's border wall Back

By Esther Whieldon | 02/08/2017 02:37 PM EDT

Environmentalists plan to meet this month to craft a strategy to try to stop President Donald Trump's plan to erect a border wall that they fear could wreak havoc on sensitive ecological areas and species.

The Feb. 23 meeting in Tucson, Ariz., among national and local environmental and human rights groups is part of green groups' broader goal to counter the Trump administration and Republican-led Congress' efforts to eliminate environmental laws and rules.

"The new administration is a game changer in terms of how we do our work," said Dan Millis, program coordinator for the Sierra Club's Borderlands Program, which is co-sponsoring the meeting along with Wildlands Network and the Center for Biological Diversity. "We have pivoted to a position of resistance on pretty much all of Trump's policies because they would be catastrophic for the environment."

The 1,954-mile U.S.-Mexico border includes designated wilderness areas and terrain with mountains so rugged that border guards can only patrol them on horseback. Green groups contend installing a high wall in ecologically sensitive spots along the border will not only drive up patrol traffic but also cut off important breeding and hunting grounds for wide-roaming species such as ocelots and jaguars.

The wall and fencing that are already along more than 650 miles of the border "have been a disaster for the environment," Millis said. "They have not stopped anybody from crossing the border except for the wildlife and the natural flow of water. ... Obviously, the problem would get much worse if Trump were to go through with his plans to build a larger and more solid wall."

Environmentalists hope to rally the progressive voter base that backed Sen. Bernie Sanders' (I-

Vt.) and the "Keep it in the Ground" movement, while drawing in civil rights, immigration, social justice and tribal groups that care about border issues.

"I think we have an opportunity to mobilize that energy in a way that maybe didn't necessarily exist back in 2005 or 2006 or some of the other times when the wall and border construction was being discussed," said Katie Davis, Western director for the Wildlands Network. Like the "Keep it in the Ground" movement, a stop-the-wall message could become a rallying cry that people use to pressure their lawmakers, she said.

The green groups are likely to push back against legislation like the bill House Natural Resources Chairman Rob Bishop (R-Utah) told POLITICO he would re-introduce that would expand the Homeland Security secretary's existing authority to waive environmental and other laws to build a wall.

Bishop wants to allow the DHS secretary to waive the laws in a zone extending 100 miles from the border, which would also give patrol officials more leeway to traverse the more than 40 percent of the Southwest border that is controlled by the Interior Department and the Agriculture Department's Forest Service. DHS secretaries have used the waiver authority five times in the past to build border fencing and walls, and the courts have upheld the constitutionality of those actions.

Environmentalists are also searching for new allies among right-leaning groups that are reluctant to fund a wall.

"There's a whole list of Republican deficit hawks who look at that price tag of $15 billion, which is probably significantly low-balled in fact ... and they say, 'There's no way I'm going to vote for that,'" said Randy Serraglio, Southwest conservation advocate at the Center for Biological Diversity.

And Davis envisions alliances like those that solar advocates in the Southeast struck with tea party members to push for more customer access to rooftop solar.

"It really doesn't matter why you are opposed to a wall, we don't want to see a wall and if people are also of the same mind I could see there being some potential opportunities to, if not work together, at least be on the same page," said Davis.

If all else fails, some environmentalists are prepared to resort to more extreme measures. "In the end, there will be civil disobedience if necessary. If it comes down to it, we will put our bodies in front of the bulldozers if necessary," said Serraglio.

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 1, 2017

Latest News

Utilities Fight Opposition To ELG Stay By Attacking EPA Benefits Estimate

Utilities are fighting environmentalists' opposition to EPA's stay of the Obama-era Clean Water Act (CWA) effluent limitation guideline (ELG) for power plants, rejecting the environmentalists' claims that the agency's estimated benefits for the rule justify keeping it in place and countering that the benefits data is flawed and should be disregarded.

Divided D.C. Circuit Issues Mandate To EPA For Reinstating Methane NSPS

A majority of the full U.S. Court of Appeals for the District of Columbia Circuit has granted a request from some states and environmentalists to issue its mandate vacating the agency's 90-day pause of key requirements in its methane rule for new oil and gas sources, putting the rule back into effect -- though two judges opposed the decision.

In Symbolic Move, California To Submit Final CPP Compliance Plan To EPA

California has approved its state compliance plan for EPA's Clean Power Plan (CPP) greenhouse gas rule for existing power plants, a largely symbolic step though officials say it nonetheless shows other states that cutting power sector GHGs is achievable under the stayed rule that the Trump administration is expected to soon propose to repeal.

EPA Budget Justification Provides Ambiguous Language On Superfund

Environmental advocates are criticizing EPA's plans to make significant budget cuts to the agency's Superfund program in fiscal year 2018 while at the same time saying the agency's budget justification document is ambiguous as to the effect of the reductions and uses "double talk" to explain how it plans to offset some of the cuts.

Environmentalists Seek Quick D.C. Circuit Mandate In Methane NSPS Suit

Environmentalists are urging an appellate court to quickly require EPA implementation of its ruling vacating the agency's 90-day pause of key requirements

in its methane standards for new oil and gas sources, arguing recent requests from industry and states for the court to reconsider the ruling are "transparent attempts to seek further delay."

District Court Case Poses Test Of Limits On Suits Over EPA CWA Permits

A federal district court in California is weighing whether to allow wastewater agencies' suit over test methods mandated in Clean Water Act (CWA) discharge permits to proceed despite EPA's claim that the case is time-barred and filed in the wrong court, posing a test of when and where dischargers can challenge EPA-mandated permit terms.

Daily Feed

6th Circuit reverses dismissal of Flint families' tort claims

The 6th Circuit's decision to reverse and remand a pair of tort suits related to the Flint, MI, drinking water crisis allows residents to proceed in seeking damages.

EPA plans to institutionalize 'Lean' initiative to streamline agency

In response to an EPA Inspector General report, the agency says it is taking steps to fully implement the initiative to streamline agency operations in order to achieve savings.

Our most read: Former Trump transition official criticizes EPA -- and EPA responds

Also: the new Superfund plan, judicial deference going forward, and DOJ's next environment chief.

9th Circuit seeks response to Trump appeal in youth climate suit

The Trump administration filed a rare appeal to the appellate court, claiming among other things that youth plaintiffs' discovery requests are overly burdensome.

Ewire: A daily news roundup

In today's news roundup: EPA chief Scott Pruitt downplays the notion of him running for Oklahoma governor in 2018, calling the idea "legendary."

EPA's new draft aluminum criteria reflects industry requests

EPA has unveiled new draft water quality criteria to protect freshwater aquatic life from excess aluminum, a move sought by industry groups.

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Today's Playbook Power Briefing presented by JPMorgan Chase & Co.

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Happy Friday afternoon. THE HOUSE FREEDOM CAUCUS will hold a conference call at 2 p.m. today to discuss the Senate's budget, and whether the House should swallow it. The Senate -- in consultation with House Republican leaders -- made a number of changes to the budget to try to get the House to pass it. The other option is a formal negotiation between the House and Senate. If the house just passes the senate's bill, that could shave a week or two off the tax reform process. The Freedom Caucus's support will be necessary.

REP. MARK MEADOWS (R-N.C.) told Jake this morning that they would support it: "Only if we get a commitment to move the actual tax reform bill much quicker than originally planned. HFC will be holding a conference call later today discuss this option, in anticipation of a vote that could be scheduled for as soon as Wednesday of next week. There is a strong motivation to pass the Senate version if it actually allows us to pass tax reform by Thanksgiving."

NYT'S MIKE GRYNBAUM emails us an alert he got: "Delta will co-locate its LaGuardia operations in Terminals C and D by relocating its Delta Shuttle to Chicago and Washington, D.C. from Terminal A (Marine Air Terminal) to Terminal C."

-- THIS MEANS the American Airlines shuttle between New York and D.C. will operate from terminal B. JetBlue is taking over the Marine Air Terminal.

REMEMBER THOSE EMAILS? -- "Cummings: Trump aides admitted to lawyers they used private email," by Kyle Cheney: "A top House Democrat says White House lawyers acknowledged this week that "several" Trump administration officials used their private email accounts for government business in violation of federal record-keeping law.

"But Rep. Elijah Cummings, the top Democrat on the House Oversight Committee, said the lawyers repeatedly refused to name the officials and now he's asking Chairman Trey Gowdy (R-S.C.) to issue subpoenas for the information. In a letter to Gowdy

delivered on Friday, Cummings described a Wednesday briefing on the email matter from three members of the White House counsel's office: deputy counsel Stefan Passantino, deputy counsel Uttam Dhillon and associate counsel Daniel Epstein.

"The lawyers 'stated that several White House employees came forward and 'confessed' that they failed to forward official records from their personal email accounts to their governmental email accounts within 20 days, as the Presidential Records Act requires,' Cummings wrote. 'However, the White House officials refused to identify these employees.' Asked specifically whether President Donald Trump's senior aide and son-in-law Jared Kushner was among the violators, the attorneys told committee staff, 'You should talk to Mr. Kushner's counsel about that,' Cummings added." http://politi.co/2zpdVFU

WEATHER.COM'S homepage right now: **"AMERICA, THIS IS STILL HAPPENING"** -- Linking to their coverage marking one month since Hurricane Maria hit Puerto Rico http://wxch.nl/2zDxOtK

ON COMEY -- "Grassley won't force Sessions to answer Trump-Comey questions," by Elana Schor: "Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) does not plan to force Attorney General Jeff Sessions to answer questions about his private conversations with President Donald Trump concerning the firing of FBI Director James Comey, a spokesman said Friday. Sessions sidestepped repeated questions about the Comey firing and the federal probe of Russia's election meddling during testimony before the Judiciary panel earlier this week, dismissing a bid by the committee's nine Democrats to force him to formally invoke executive privilege in declining to answer questions.

"While Democratic frustration simmers over Sessions' ability to evade questions about his private conversations with the president without claiming executive privilege, Grassley appears to have concluded that the matter isn't worth pressing because the Trump administration would likely prevail. 'No president is likely to invoke executive privilege until forced to do so,' Grassley spokesman George Hartmann said by email. 'In this case, it's premature and probably not a legitimate use of committee time and resources to force the issue.'" http://politi.co/2yC1IAj

THE FEUD CONTINUES -- "Wilson accuses John Kelly of lying: 'How dare he'," by Louis Nelson and Marc Caputo: "Rep. Frederica Wilson on Friday accused White House chief of staff John Kelly of lying about her during his emotional remarks in defense of the president's language during a condolence call to the widow of a soldier killed in action. ... 'You know, I feel sorry for Gen. Kelly. He has my sympathy for the loss of his son. But he can't just go on TV and lie on me. I was not even in Congress in 2009 when the money for the building was secured. So that's a lie. How dare he?' Wilson said Friday morning on CNN's 'New Day.' 'He didn't tell the truth, and he needs to stop telling lies on me.'" http://politi.co/2zDeUmU

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30 years since we reformed our tax code, putting good jobs and higher wages at risk. In fact, 90% of CEOs believe that inaction by lawmakers could slow hiring and wage growth. Learn more about what tax reform could mean for American workers: http://politi.co/2xE3I1i ******

SOMETHING TO WATCH -- "Proposed 'Honest Ads Act' Seeks More Disclosure About Online Political Ads," by WSJ's Byron Tau: "Driven by concerns about Russian online activity during the 2016 election, two senior Senate Democrats introduced new campaign finance legislation on Thursday that would force greater disclosure about the political advertising that runs online. In a press conference Thursday, Sens. Amy Klobuchar of Minnesota and Mark Warner of Virginia unveiled the Honest Ads Act, a bill that mandates large digital platforms keep a public repository of paid political advertising that appears on their sites. ...

"The proposed law would apply to sites with an average of 50 million or more viewers or users -- a standard that wouldn't only include tech giants like Facebook and Google but also online services like Twitter , Pinterest, LinkedIn, Snapchat and others. ... The proposed public repository would contain a copy of the advertisement. More important, the law would require the firms to disclose whom the ad was targeted at -- allowing the public a glimpse at how campaigns target messages at difference audiences online. And the bill would require companies to disclose the number of views generated by the ad, the date and time that it ran, the amount spent, as well as the contact information of the purchaser." http://on.wsj.com/2zDjuBL

ON THE PRESIDENT'S MIND -- @realDonaldTrump at 6:31 a.m.: "Just out report: 'United Kingdom crime rises 13% annually amid spread of Radical Islamic terror.' Not good, we must keep America safe!"

-- FACT-CHECK -- CNN's James Masters and Richard Allen Greene: "But although Trump was correct in asserting that there had been a 13% rise in 'victim-based crime' in the UK in the year ending June 2017 compared to the year before, there was no evidence that the rise was linked to 'Radical Islamic terror.' The Office for National Statistics -- which compiled the report, 'Crime in England and Wales: year ending June 2017' -- told CNN it did not draw any link between the rise in 'victim-based crime' and 'Radical Islamic terror.'" http://cnn.it/2zDDqEp

NEVER SAY NEVER -- "Bob Iger for President? Disney's Political Cat-and-Mouse Game," by The Hollywood Reporter's Jeremy Barr: "Officially, Walt Disney Co. CEO Bob Iger is not running for president. At least not yet. The 2020 election may feel eons away, but the Des Moines International Airport will soon start crowding with candidate wannabes, and while Iger has plenty of time to make up his mind, the clock is ticking and the whispers will only grow louder. While Iger, 66, hasn't explicitly said he's interested, he also hasn't ruled himself out, which sets him apart from Sens. Al Franken and Chris Murphy, who recently have taken themselves out of the hypothetical running.

"Those who know and work with Iger in Hollywood say he is seriously considering a

presidential bid, which would be perfectly timed with his plans to step down as Disney CEO in 2019. One fellow media titan tells THR that Iger would be a great candidate if he decides to run but stops short of saying he is encouraging him to do so." http://bit.ly/2zoMr3a

VALLEY TALK -- "How People Inside Facebook Are Reacting To The Company's Election Crisis," by BuzzFeed's Charlie Warzel: "To truly understand how Facebook is responding to its role in the election and the ensuing morass, numerous sources inside and close to the company pointed to its unemotional engineering-driven culture, which they argue is largely guided by a quantitative approach to problems. It's one that views nearly all content as agnostic, and everything else as a math problem. As that viewpoint has run headfirst into the wall of political reality, complete with congressional inquiries and multiple public mea culpas from its boy king CEO, a crisis of perception now brews.

"Inside Facebook, many in the company's rank and file are frustrated. They view the events of the last month and those that preceded it as part of an unjust narrative that's spiraled out of control, unchecked. Five sources familiar with the thinking inside the company told BuzzFeed News that many employees feel Facebook is being used as a scapegoat for the myriad complex factors that led to 2016's unexpected election result. What the public sees as Facebook's failure to recognize the extent to which it could be manipulated for untoward ends, employees view as a flawed hindsight justification for circumstances that mostly fell well beyond their control. And as the drumbeat of damning reports continues, the frustration and fundamental disconnect between Facebook's stewards and those wary of its growing influence grow larger still." http://bzfd.it/2zphqwd

SPORTS BLINK -- DUSTY BAKER will not be returning as The Nationals' manager next year, the team announced.

TV TONIGHT -- Bob Costa's guests on PBS' "Washington Week" tonight, talking about health care, the budget and the fallout from Niger: NYT's Yamiche Alcindor, CNN's Jeff Zeleny, The Atlantic's Molly Ball and WSJ's Nancy Youssef

2020 PREVIEW -- TOM STEYER, the billionaire Democratic donor, unveiled an ad from a new group he is backing called "Need to Impeach," which is calling on Americans to push for the president's impeachment. Steyer, whose name has been floated for president along with California governor or senator, appears in the ad. The group says there will be an eight-figure national TV buy and a seven-figure digital ad buy behind the initiative. ***The ad*** http://bit.ly/2zBIYPT

MEDIAWATCH -- "FAKER! Man admits he lied to Fox News about Navy SEAL service," by Navy Times' Geoff Ziezulewicz: "Navy veteran John Garofalo appeared on a Fox News segment this month, showing off a massive presidential seal he carved for President Trump while receiving praise for his service in Vietnam as a SEAL. The piece was broadcast nationally and featured cascading shots of all Garofalo's medals. Online, it went viral, racking up 1.5 million Facebook views on Fox's Facebook page. ... But

when Navy Times contacted Garofalo Thursday, Garofalo admitted he had lied and never served in Vietnam, never received a Purple Heart and was never a SEAL." http://bit.ly/2zDAUy7

-- @brianstelter: "Statement from Fox News: 'We apologize to our viewers, especially veterans and servicemen and women'"

-- DANA BASH was awarded GW's Alumni Achievement Award last night at an annual gala at The Ritz Carlton. ***Pic with GW Columbian School of Arts and Sciences dean Ben Vinson and Frank Sesno*** http://bit.ly/2zo4AOw

-- MARC THIESSEN will now write a twice-weekly column for WaPo on foreign and domestic policy. http://wapo.st/2zodyLN ... **DAVID J. LYNCH** is joining WAPo to cover the national and global economy. He was last at the Financial Times. http://wapo.st/2zEAGGP

TRANSITIONS -- Larry Burton recently started as chief of staff for Sen. Dan Sullivan (R-Alaska). He most recently was COO at the American Council of Life Insurers, SVP of government affairs at CVS Health and executive director of the Business Roundtable. ... **Erin Wilson** will start on Nov. 1 as a confidential assistant and policy adviser to the USDA's Food and Nutrition Service She was previously a legislative assistant for Rep. Glenn Thompson (R-Pa.) ...

... Terah Lyons is now the executive director of the Partnership on AI. She was previously a technology policy fellow at the Mozilla Foundation. ... **Lucy Vernasco** has been hired as digital director for Sen. Ron Wyden (D-Ore.) -- she'll also manage Democratic digital efforts for the Senate Finance Committee. Thursday was her last day as Democratic staff digital director for the Joint Economic Committee.

SPOTTED: Rahm Emanuel watching the Cubs playoff game at Wrigley last night. The Cubs lost the game (and the series) to the Dodgers. ***Pic*** http://bit.ly/2zBCiRP

OUT AND ABOUT -- The Bipartisan Policy Center, Electric Entertainment and honorary co-host Rep. John Lewis (D-Ga.) hosted a special private screening and reception of "LBJ" last night at the Burke Theater at the Navy Memorial. Woody Harrelson, who plays LBJ, and director Rob Reiner participated in a discussion moderated by Chris Matthews. ***Trailer:*** http://bit.ly/2yCwF7v **SPOTTED:** Dan Glickman, Rick Rickertsen, Paul Bengals, Amb. Howard Gutman, Mark Ein, Stephen Graham

SPOTTED last night at the 60th birthday party of former CMS administrator Tom Scully at Gypsy Sally's in Georgetown (Schuyler Fisk's country band played to a packed house -- Schuyler is the daughter of Sissy Spacek) -- (***pic of Scully and his family*** http://politi.co/2yvhVI7): Justin Hunter, Steve Ubl, Fred Graefe, Bob Wood, Lambert van der Walde, Ada Peters, Andrew Baird, Mark Rayder, Tim Trysla, Cassidy Dowling.

****** **A message from JPMorgan Chase & Co.: What's in it for me?** America's tax

system is outdated and complex, and it's putting American jobs and wages at risk. But that doesn't mean there isn't cause for optimism - according to a Business Roundtable CEO survey, tax reform would prompt more than 75% of business leaders to increase investment and expand hiring. And it's not just important in the boardroom. As JPMorgan Chase Chairman and CEO Jamie Dimon said, "Under our current system, workers bear up to 75% of the corporate tax burden through lower wages. I believe that tax reform should go further than that to boost wages. It should also be used to do more for lower- and middle-income workers by expanding programs such as the earned income tax credit, which already lifts more than 7.3 million workers out of poverty." Learn more about what tax reform can mean to the American economy and the American worker: http://politi.co/2z6j0D8 ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 9/19/2017 9:41:00 AM
Subject: Morning Energy, presented by the Nuclear Energy Institute: Climate talk looms throughout U.N. meetings — Senate Energy panel moves nominees today — Steyer hits Trump over climate

By Anthony Adragna | 09/19/2017 05:39 AM EDT

With help from Ben Lefebvre

CLIMATE TALK PROMINENT IN U.N. MEETINGS: Look for talk of climate change and the Paris climate agreement to continue to pop up throughout the United Nations General Assembly today, but any fog around the White House's position appears to be clearing. President Donald Trump reiterated his view that the landmark international accord was unfair to the U.S. during a Monday meeting with French President Emmanuel Macron, according to a White House official. "The President talked through that he believes it's just simply unfair — that he thought other countries, particularly China, received a better deal than the United States negotiated," State Department policy planning director Brian Hook said. "He does not believe that the Paris Agreement is a framework to achieve those goals around clean energy, protecting the environment, and promoting economic growth."

Chicago to host climate conference: Chicago Mayor Rahm Emanuel announced Monday his city would host a two-day conference to discuss how cities around the world are addressing climate change and implementing the Paris agreement. And former U.N. climate chief Christiana Figueres said in a statement the Dec. 4-5 event would "provide an opportunity for mayors to continue acting on the political will demonstrated in Paris, showing that local action is being taken to fulfill commitments." Participants will include Paris' Anne Hidalgo, Montreal's Denis Coderre, Austin's Steve Adler and Atlanta's Kasim Reed, among others.

MOVE ALONG, MOVE ALONG: It should be a quick and easy process for five FERC, DOE and Interior nominees to get through the Senate Energy and Natural Resources Committee this morning. On the agenda are votes on the selections of Kevin McIntyre for chairman of FERC, Richard Glick for FERC commissioner, David Jonas for DOE general counsel, and Ryan Nelson and Joseph Balash for solicitor and assistant secretary for land and minerals management at DOI, respectively. The vote is set for 9:30 a.m. in Dirksen 366. Watch here.

FIGHT AGAINST DOURSON HEATS UP: Outside groups are ramping up what's expected to be an intense push against the nomination of Michael Dourson to head up EPA's chemicals office (and the lead role in implementing the revamped Toxic Substances Control Act). Clean Air Moms Action is out with an ad hitting him for being a "toxicologist-for-hire for corporate clients" who minimized the dangers of second-hand smoke and dangerous chemicals. The Environmental Defense Fund and Environmental Working Group are holding their own press call today to draw attention to Dourson's past work.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and LCV's Gene Karpinski was first up to identify former EPA chief Doug Costle as the unsuccessful Senate candidate in Vermont. For today: Which Supreme Court justice once hosted the prime-time Emmys? Send

your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

#CONCORDIA17: POLITICO is the official media partner of the 2017 Concordia Annual Summit taking place in conjunction with the U.N. General Assembly in New York on Sept. 18-19. Join us in the Big Apple as we host conversations with world leaders, industry experts, current and former heads of states, C-suite executives, and senior congressional and administration officials. Among the POLITICOs: **Bryan Bender**, defense editor; **Jack Blanchard**, editor, Playbook London; **Helena Bottemiller Evich**, senior food and agriculture reporter; **Michael Crowley**, national security editor; **Susan Glasser**, chief foreign affairs correspondent & Global POLITICO host; **Nick Juliano**, deputy energy editor; **Matt Kaminski**, executive editor, POLITICO Europe; **Anna Palmer**, senior Washington correspondent and co-author of Playbook; and **Ben White**, chief economic correspondent. Register here.

MURKOWSKI ENERGY BILL BACK ON ICE? Congressional GOP lawmakers consider the bill S. 1460 (115) Sen. Lisa Murkowski introduced in June "too moderate" and don't expect it to move until next spring at the earliest, energy lobbyist and GOP sources tell ME. Republicans want to see language paring back DOE's role in approving LNG export projects in any energy bill package, sources said. One item lobbyists and Senate and House aides said would help jumpstart its chances would be adding language similar to the bills Republicans Ted Cruz and Bill Cassidy also introduced in June that would require DOE automatically approve LNG export applications to any country that isn't on a U.S. sanctions list.

But even with that included, the legislation could languish as the energy industry focuses its attention on the White House, said one GOP staffer familiar with the bill's negotiations. "I think something will happen this Congress, but there's no appetite to get anything done anytime soon. Spring sounds about right," the aide said.

** **A message from the Nuclear Energy Institute**: Nuclear is doing more than ever before. It's powering the grid, boosting the economy by billions, creating jobs, propelling space travel and even helping doctors. It's moving us forward in ways we never thought possible. Explore all nuclear energy is doing at discovernuclear.com. **

MORE CLIMATE LUMINARY CHATTER TODAY (AND LEO ALERT!): John Kerry's climate change summit is back for another packed day of action at Yale. First up at 10:30 a.m.: A session on what non-federal entities are doing to tackle the problem, featuring Govs. Jerry Brown and Jay Inslee, World Bank President Jim Yong Kim and Paris Mayor Anne Hidalgo. After that comes a panel at 2:30 p.m. on "potential new avenues for bipartisanship" with former Secretary of State James Baker and recorded video remarks from Sens. Lindsey Graham and John McCain .

Bringing it home: Kerry closes his summit at 5:00 p.m. along with remarks from actor/activist Leonardo DiCaprio. Watch all the events online here.

EXPECT MORE OF THESE! The Sierra Club filed a lawsuit Monday in the U.S. District Court for the District of Columbia seeking to compel EPA to release a host of records about the

activities of Administrator Scott Pruitt, including his schedule, list of meetings and records of communications with outside parties, your ME hosts report. The legal actions comes after the group filed Freedom of Information Act requests in June and the agency has not yet produced responsive records nor provided any indication of when it might be able to.

BISHOP SEEKS INVESTIGATION ON MONUMENT REPORT LEAK: As Democrats and outside groups condemned the leak of Zinke's recommendations on national monument (and threatened immediate legal action), House Natural Resources Chairman Rob Bishop said its release warranted investigation. "The fact this was leaked is troubling and merits an immediate and thorough investigation," Bishop said. "The President should have the time to evaluate the Secretary's review and develop actions without the encumbrance of incomplete information being leaked to the press."

CLINTON TO FEDERAL WORKERS: DON'T QUIT: Hillary Clinton urged federal employees to remain in their posts if possible, arguing their experience is needed more now than ever, POLITICO's Gabriel Debenedetti reports . "I don't want us to lose the decades — really, if you added it all up, the thousands of years — of experience in the EPA, in the State Department, in the Labor Department, in a lot of the places being targeted by the administration," Clinton said at an event at the Warner Theatre in Washington. "At some point they're going to need you, and the country is going to need you. And I hope you're still there."

VIRGIN ISLANDS NOT READY FOR HURRICANE: Utility restoration efforts are now on pause with Hurricane Maria bearing down, but the U.S. Virgin Islands lack adequate basic supplies like drinking water and electric generators, POLITICO's Sarah Ferris reports, citing internal FEMA briefing documents.

EXAMINING VEGETATION MANAGEMENT: The Senate Energy committee will hear testimony regarding "the vegetation management requirements for electricity assets located on federal lands." Witnesses include representatives from the Forest Service, BLM, the Wilderness Society, Arizona Public Service and a Montana electric cooperative. "I fully recognize that the fires burning in Montana today were all lightning sparked. But, for me, these fires serve as a vivid reminder and warning of what could occur as a result of long delays in permit approvals and inconsistent application of policies by federal land managers," Mark Hayden, Missoula Electric Cooperative general manager, will say.

STEYER HITS TRUMP OVER CLIMATE: Billionaire environmentalist Tom Steyer is criticizing Trump over his failure to act on climate in a full-page ad appearing today in *The New York Post,* one of the president's preferred papers. "The most dangerous part of a hurricane isn't the wind or the surge," the ad says. "It's a President who fails to act on climate change."

MAIL QUESTION! INTERIOR ORDER QUESTIONED: House Natural Resources Ranking Member Raul Grijalva sent a letter Monday seeking additional information on an Interior order setting page and time limits on National Environmental Policy Act reviews. Grijalva argues the agency failed to provide adequate evidence that NEPA analyses are indeed overly complex or that they have caused infrastructure project delays.

LEAKED EPA MEMO MANDATES ANTI-LEAK TRAINING: All federal agency employees this week will undergo a one-hour training course for employees on preventing leaks, according to a EPA memorandum slipped under the door to ME. "As federal government employees and federal contractors, we have a responsibility to properly protect this information from unauthorized disclosure," Donna J. Vizian, acting assistant administrator for EPA's Office of Administration and Resources Management, wrote. The agency didn't respond to request for comment.

RUFFALO SENDING CLIMATE PLEA: Actor Mark Ruffalo is emailing the Progressive Change Campaign Committee's 1 million members today, urging them to donate to Hurricane Irma relief and fight back against Pruitt. "As we help hurricane victims, we need to stay true to our progressive values," he'll say. "This means acknowledging climate change and remembering that marginalized communities who are least equipped to escape are hardest hit in crises like this."

SCIENTIST PAC ROLLS OUT ENDORSEMENTS: 314 Action, which backs scientific professionals seeking public office, announced endorsements of four House hopefuls Monday: Mai-Khanh Tran against Rep. Ed Royce; Joseph Kopser against House Science Chairman Lamar Smith; RD Huffstetler against Rep. Tom Garrett; and Kathie Allen, who's seeking to replace former Rep. Jason Chaffetz. The group also endorsed Ralph Northam's run for Virginia governor.

REPORT: ASSESSING RISKS TO RATEPAYERS: Oil Change International is out today with a report in partnership with Public Citizen and the Sierra Club arguing FERC offers little meaningful analysis of market need for new gas pipelines. "FERC fails ratepayers when it takes at face value pipeline company estimates of future gas demand while the momentum behind clean energy's disruption of fossil fuel markets is accelerating," Lorne Stockman, senior research analyst at Oil Change International, said in a statement.

REPORT: 15 PLACES LIKELY FOR ENERGY DEVELOPMENT: The Wilderness Society is out with a report today examining 15 places on public lands seen as likely targets for drilling, mining and other energy development by the Trump administration. "Some places are simply too wild to drill," Jamie Williams, president of The Wilderness Society, said in a statement. "The federal government must resist pressure from energy companies and other special interests to open up our last remaining wild places for development."

ZINKE'S 'HAVING A BALL': Interior Secretary Ryan Zinke invoked his well-known love of Teddy Roosevelt and said he was "having a ball" running his agency in a Monday interview with the Washington Examiner. "No one loves public land more," Zinke said. "Roosevelt, who've I've admired since I was a Boy Scout, had it right. He carved the path of putting under federal protection millions of acres and and beginning our experience of our public lands, unique to the U.S." The secretary added that Trump "has got a lot of Roosevelt in him, in that he's a man of action."

MOVER, SHAKER: Todd Snitchler has joined the American Petroleum Institute as group director for the association's market development department. He previously chaired both the

Public Utilities Commission and the Power Siting Board of Ohio.

SPOTTED: At the Capitol last night, STARZ screened "Age of Consequences," a new documentary examining how climate change is affecting U.S. national security and global stability. Sen. Sheldon Whitehouse delivered opening comments before the screening, which was followed by a panel discussion featuring David Titley, founding director of the U.S. Navy's Task Force on Climate Change and the film's executive producer Sophie Robinson. The documentary premiered on STARZ Monday.

QUICK HITS

— Study: 'Unprecedented' rain, warmth for Alaska by end of century. Alaska Dispatch News.

— GOP lawmakers: Move Appalachian agency out of Washington. AP.

— World reliance on coal will last for decades, report finds. The Australian.

— Judges request ending provisions for outside attorneys in DAPL cases. Bismarck Tribune.

— U.S. Governors at U.N. Assembly: 'You Have Allies' on Climate Change. New York Times.

— VC Summer nuclear expansion could be finished some day, Santee Cooper chief says. The State.

— Virginia's environmental agency to press ahead on pipeline permits as other states hit the brakes. Richmond Times-Dispatch.

HAPPENING TODAY

9:30 a.m. — Senate Energy and Natural Resources Committee markup on various nominations, 366 Dirksen

10:00 a.m. — "Full Committee hearing to examine the vegetation management requirements for electricity assets located on federal lands," Senate Energy and Natural Resources Committee, 366 Dirksen

10:00 a.m. — "IEA's World Energy Investment 2017," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

12:00 p.m. — Environmental Defense Fund and Environmental Working Group hold press call to discuss nomination of Michael Dourson, RSVP: slovell@edf.org

THAT'S ALL FOR ME!

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of high quality jobs. With a little help from nuclear energy, we're propelling space travel to the farthest reaches of the galaxy. And nuclear energy is even helping doctors diagnose and treat patients. Nuclear is doing all of these things while keeping the air clean. Explore all the extraordinary things nuclear is doing to help push us forward at discovernuclear.com. Nuclear. Power the Extraordinary. **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/09/climate-talk-looms-throughout-un-meetings-024654

Stories from POLITICO Pro

Sierra Club sues EPA over unfulfilled public records requests Back

By Anthony Adragna | 09/18/2017 05:42 PM EDT

The Sierra Club filed a lawsuit today in federal district court seeking to compel EPA to release a host of records about the activities of Administrator Scott Pruitt, including his schedule, list of meetings and records of communications with outside parties.

"EPA has chosen to engage in a pattern of unlawfully rebuffing, or vaguely and indefinitely delaying response to, FOIA requests from a variety of public-interest requesters, including Sierra Club," the group wrote in its lawsuit, filed in the U.S. District Court for the District of Columbia.

The green group originally filed its Freedom of Information Request in June and the agency has not yet produced responsive records nor provided any indication of when it might be able to.

In addition to Pruitt's communications, Sierra Club filed similar requests for several senior EPA officials. They included external communications and calendars of Chief of Staff Ryan Jackson and Associate Administrator Samantha Dravis; records from Pruitt's scheduler and communications between Senior Policy Advisor Mandy Gunasekara and specific members of the National Mining Association.

An EPA spokesperson said the agency would not comment on pending litigation.

To view online click here.

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Clinton urges government workers not to quit their posts Back

By Gabriel Debenedetti | 09/18/2017 08:56 PM EDT

Hillary Clinton on Monday urged federal employees who disagree with the Trump administration to stay in their jobs if they can, condemning what she called the "disregard, even

contempt, among many in this administration about what federal workers know and what they've done, and the advice they can give."

The 2016 Democratic presidential nominee, speaking at Warner Theatre in Washington in the first speaking event of the national tour for her new book, urged government workers to "stick it out, stick it out, because the tide has to turn."

Scores of federal workers held over from the Obama administration have left the government since President Donald Trump took over, but Clinton pointed to the ongoing North Korea crisis as an example of why their expertise is needed in Washington.

"I don't want us to lose the decades — really, if you added it all up, the thousands of years — of experience in the EPA, in the State Department, in the Labor Department, in a lot of the places being targeted by the administration," Clinton said. "At some point they're going to need you, and the country is going to need you. And I hope you're still there."

"If [Democrats] can take back one or both houses of Congress in 2018, you will have people you can talk to again," she added toward the end of the hourlong event, in which she largely stuck to the themes of her book, "What Happened," which rehashes the 2016 campaign and other portions of Clinton's life.

The event was formatted as a question-and-answer session hosted by former Clinton speechwriter Lissa Muscatine, owner of the Politics and Prose Bookstore, which sponsored the event.

To view online click here.

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

July 28, 2017

Latest News

Environmentalists Raise Concerns Over EPA's TSCA Scoping Documents

Several environmental groups are questioning multiple aspects of EPA's efforts to launch its new risk evaluation program for existing chemicals under the Toxic Substances Control Act (TSCA), and in a new letter are pressing EPA officials for reassurances that its first 10 risk evaluations will comply with the law's intent.

House Panel Approves Bipartisan Overhaul Of Drinking Water Protection

The House Energy & Commerce Committee has approved bipartisan legislation to reauthorize the Safe Drinking Water Act (SDWA), with increased authorization levels for infrastructure funding, expanded monitoring of emerging contaminants and targeted attention on replacing lead pipes, drawing praise from Democrats who initially criticized the bill.

GOP Backing For California Cap-And-Trade Expansion Key To Durability

Republican support for the landmark extension of California's greenhouse gas cap-and-trade program -- which was key to extending the program by a two-thirds vote of the state legislature -- is the latest evidence that bipartisan support is critical for the long-term durability of climate mitigation policies, according to one top analyst.

GOP's Push To Narrow EPA Deference Faces Unclear High Court Outcome

The Supreme Court's upcoming term could reshape judicial principles on deference to EPA and other agencies about their interpretations of law and regulatory text, given the GOP push to narrow or scrap precedents on the subject, observers say, but the fact that deference now benefits the Trump administration could blunt that effort.

EPA Clarifies Waste Manifest Requirements For Off-Shore Oil Rig Wastes

EPA's waste office has updated its interpretation of Resource Conservation & Recovery Act (RCRA) regulations for certain hazardous wastes generated from off-shore oil platforms, saying the agency is now making it clear that RCRA hazardous waste generator manifest requirements apply to such waste -- a reversal from its

previous position.

Daily Feed

House transportation committee approves brownfields bill

The House Transportation & Infrastructure Committee has approved brownfields legislation that reauthorizes the program until 2022 and creates multi-purpose grants.

EPA floats RFS GHG analysis for beet-based biofuel

EPA says it would use the analysis as part of any future case-by-case reviews of petitions for biofuel produced from sugar beets to qualify as a low-carbon fuel under the renewable fuel standard.

Quote-Unquote: On EPA's Superfund reboot and transition official at odds with new EPA

Also: Cost-benefit analysis going forward and consumer group gears up for fights to come.

Ewire: A daily news roundup

Republicans fail in efforts to use an energy and water spending bill to shield the Clean Water Act jurisdiction rule repeal from the Administrative Procedure Act.

EPA launches water infrastructure funding database

The online database from EPA's Water Infrastructure and Resiliency Finance Center will help communities locate funding sources for water infrastructure projects.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Tue 10/3/2017 2:09:07 PM
Subject: POLITICO's Morning Score: Collins agonizes over governor run — American Bridge goes after Trump on women's health — LCV launches digital ad buy opposing Gillespie

By Maggie Severns | 10/03/2017 10:00 AM EDT

With Zach Montellaro and Daniel Strauss

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

SUDDENLY SUSAN - "Collins agonizes over decision to ditch the Senate," by POLITICO's Burgess Everett: Sen. Susan Collins (R-Maine) "is torn over with whether to leave her prominent perch as one of the Senate's few true moderate legislators, according to her colleagues. If Collins had made up her mind by now, said Sen. Angus King (I-Maine), 'she already would have announced it.' ... She initially planned to make up her mind by the end of September, but pushed back her deadline to mid-October as she wrestled with the GOP's last Obamacare repeal effort.

"Republicans are fretting Collins will join retiring Sen. Bob Corker (R-Tenn.) and create a wave of pragmatic GOP senators fleeing the chamber. Though Collins holds sway as one of the chamber's few swing votes, she also faces the frustration of watching her party constantly doing the opposite of what she'd like. ... In the latest Obamacare repeal effort, even after party leaders had written her off as an automatic 'no,' she came under unyielding pressure from the White House." **Full story.**

FIRST IN SCORE - American Bridge launches women's health campaign: American Bridge is using its opposition research machine, candidate trackers and other resources to home in on President Donald Trump and his nominees' approaches to women's health, the liberal opposition research group announced today. Bridge is rolling out a "Protect Women's Health Care" website and a digital ad campaign on Facebook to kick off the new initiative. American Bridge has also started filing public records requests in order to dig up information on Trump nominees' past approaches to women's issues.

Emily Aden, who is directing the project, said in a statement that "this initiative is designed to shut out the noise and hone in on all of the the big and small ways the Trump administration is rolling back decades of progress for women."

FIRST IN SCORE - "LCV launches digital buy vs. Gillespie," by POLITICO's Kevin Robillard: "The League of Conservation Voters' Virginia arm is spending $200,000 on digital advertisements attacking Virginia Republican gubernatorial candidate Ed Gillespie. The group has now spent $2 million on the contest between Gillespie and Democratic Lt. Gov. Ralph Northam. Polls show Northam with a small but steady lead. The ads attack Gillespie over his

work for polluters during his long and lucrative career as a lobbyist.

"'Ed Gillespie has a long history working for corporate polluters who want to poison our air and water to boost their own profits,' said Michael Town, the executive director of Virginia LCV PAC. ... LCV worked with Priorities USA Action to design the ads, which will appear on social media platforms like Facebook, as YouTube pre-roll and on Pandora radio and local news websites." **Full story.**

Q3 CAMPAIGN FINANCE WATCH -

- VA-07: Democrat Dan Ward's campaign announced raising $263,000 in the third quarter for his challenge against GOP Rep. Dave Brat.

- WA-08: Democratic pediatrician Kim Schrier announced raising more than $270,000 in the third quarter. She is running for retiring GOP Rep. Dave Reichert's seat.

- WI-01: Democrat Randy Bryce has raised over $1.5 million in the third quarter in his bid to defeat Speaker Paul Ryan, POLITICO Playbook first reported.

Days until the 2017 election: 35.

Days until the 2018 election: 399.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

DAILY WAR EAGLE - Alabama Gov. Kay Ivey scheduled a special election for Alabama state Sen. Quinton Ross' seat on Dec. 12, the same day as the the special election for U.S. Senate. Ross announced Monday he had decided to take a job as the next president of Alabama State University. Ivey's decision could benefit Alabama Democratic Senate nominee Doug Jones. The Montgomery Advertiser's Brian Lyman tweeted that Ivey's move "will help Doug Jones in an area he needs to win big to have a shot at" winning the special election.

HOUSE CANDIDATE WATCH - Minnesota state Sen. Carla Nelson running for MN-01, per the Post-Bulletin's Heather J. Carlson: "Nelson made her announcement during a 10 a.m. press conference at Textile Care Services in Rochester ... set[ting] up a showdown with Blue Earth Republican Jim Hagedorn for the party's support. Hagedorn is making his third straight bid for the seat after narrowly losing to 1st District DFL Rep. Tim Walz last year. The open 1st District seat is expected to be one of the most watched races in the country. Walz announced in the spring he would not seek re-election to the seat and would instead run for governor." **Full story.**

- Obama alumni candidate watch: Former Assistant Secretary of State for Human Rights Tom Malinowski launched a campaign in NJ-07, joining the Democratic primary against GOP Rep. Leonard Lance. Among his early endorsers: former Secretary of State John Kerry. The Washington Post's Josh Rogin notes that Malinowski is part of a trend of former Obama-era natsec officials running for Congress.

BENEDICT RAUNER? - "Republicans rage at Rauner," by POLITICO's Natasha Korecki: "Until recently, the biggest question looming over Illinois politics has been whether Republican Bruce Rauner, the most vulnerable incumbent governor in the country, can win reelection next year. Now the question is whether Rauner can make it through a Republican primary. After the first-term governor signed a highly controversial bill last week expanding taxpayer-funded abortion in the state - becoming the first governor in decades to on his own authorize Medicaid payments for the procedure - Rauner's political universe began collapsing on itself.

"He found himself uninvited to GOP events, including a pro-life event that for weeks had boasted him as a headline guest. One-time GOP allies began searching for funding - and candidates - to challenge him. Chicago's Cardinal Blasé Cupich declared that Rauner had betrayed him. The Chicago Sun-Times summed up the reaction on the right with this screaming tabloid cover page: 'Benedict Rauner.'" **Full story.**

STAFFING UP - Tallahassee Mayor Andrew Gillum's gubernatorial campaign has added Akilah Ensley as finance director. Gillum campaign communications director Geoff Burgan said in a statement: "Our campaign is thrilled to add Akilah R. Ensley, a nationally-recognized leader in Democratic politics and non-profit causes, as our new Finance Director. She brings a wealth of knowledge to the Gillum campaign, including numerous statewide campaigns in the Southeast. With the Democratic primary under a year away, her addition comes at a critical time, and we're thrilled that she'll be leading the charge as we run a strong people-powered campaign to take back Florida."

FACEBOOK STATUS UPDATE - Facebook says 10 million people saw ads, POLITICO's Nancy Scola reports: "Facebook today said 10 million people saw ads placed by Russia's Internet Research Agency that the company shared with congressional investigators today. The cache, targeted at 2016 U.S. presidential election voters, includes paid spots 'focused on divisive social and political messages across the ideological spectrum' on topics like LGBT issues and immigration, the company said.

"That information came in a blog post from Elliot Schrage, Facebook's vice president of policy and communications. According to Schrage, many of the ads cost little. 'For 50% of the ads, less than $3 was spent; for 99% of the ads, less than $1,000 was spent,' Schrage wrote. And because Facebook's ad system only presents ads to users when they cross a minimum standard of relevance, about a quarter of the ads were never seen, he added. Moreover, only about half of the advertisements in question ran before election day." **Full story.**

- Facebook sent 3,000 ads to Congress, Scola reports: "Facebook today submitted the batch of 3,000 Russia-linked ads from the 2016 election to three congressional committees along with

data on 'targeting, payment and impressions' associated with the ads, according to a source familiar with the material." **Full Story.**

- Even more Facebook news: Facebook said Monday "it is making changes to better understand how one-off advertisements factor into advertisers' broader strategic goals." **Full story.**

QUOTE OF THE DAY: "I made some very specific prayers during that time." - House Majority Whip Steve Scalise, recounting the experience of being shot to POLITICO.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/10/03/collins-agonizes-over-governor-run-222608

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 8/8/2017 5:11:33 PM
Subject: Playbook Power Briefing, presented by the Coalition for Affordable Prescription Drugs (CAPD): TRUMP retweets story that NIKKI HALEY calls classified -- Hill staffers unhappy with amount of time members debate legislation -- KEN and EMILY SPAIN's new child

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Today's Playbook Power Briefing presented by the Coalition for Affordable Prescription Drugs (CAPD)

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

BULLETIN -- WAPO'S JOBY WARRICK, ELLEN NAKASHIMA and **ANNA FIFIELD: "North Korea now making missile-ready nuclear weapons, U.S. analysts say"**: "North Korea has successfully produced a miniaturized nuclear warhead that can fit inside its missiles, crossing a key threshold on the path to becoming a full-fledged nuclear power, U.S. intelligence officials have concluded in a confidential assessment.

"The new analysis completed last month by the Defense Intelligence Agency comes on the heels of another intelligence assessment that sharply raises the official estimate for the total number of bombs in the communist country's atomic arsenal. The U.S. calculated last month that up to 60 nuclear weapons are now controlled by North Korean leader Kim Jong Un. Some independent experts believe the number of bombs is much smaller." http://wapo.st/2vjepwJ

Happy Tuesday afternoon. SPOTTED this morning on the 7:15 a.m. flight from DCA to Los Angeles: Paul Manafort. He was in the first seat of first class on the American Airlines flight.

TWEETS FROM BEDMINSTER -- @realDonaldTrump at 7:11 a.m.: "I will be holding a major briefing on the Opioid crisis, a major problem for our country, today at 3:00 P.M. in Bedminster, N.J." ... **at 7:17 a.m.:** "After many years of failure,countries are coming together to finally address the dangers posed by North Korea. We must be tough & decisive!" ***The president also retweeted Fox and Friends three times.***

-- TRUMP retweeted this Fox News tweet: **@foxandfriends:** "U.S. spy satellites detect North Korea moving anti-ship cruise missiles to patrol boat" ... **NIKKI HALEY** would not comment on this story after the Trump tweet, saying "I can't talk about anything that's classified. And if that's in the newspaper then that's a shame." ***The Fox News story from Lucas Tomlinson*** http://fxn.ws/2fqi8Vf

ONE BIG TAKEAWAY from the Trump/Sen. Richard Blumenthal tiff: **THE ATLANTIC'S**

DAVID A. GRAHAM (@GrahamDavidA): "Two dudes who didn't fight in Vietnam are getting their chance to have their own endless, pointless, unwinnable war".

WAR REPORT -- "Trump White House weighs unprecedented plan to privatize much of the war in Afghanistan," by USA Today's Jim Michaels: "The White House is actively considering a bold plan to turn over a big chunk of the U.S. war in Afghanistan to private contractors in an effort to turn the tide in a stalemated war, according to the former head of a security firm pushing the project. Under the proposal, 5,500 private contractors, primarily former Special Operations troops, would advise Afghan combat forces. The plan also includes a 90-plane private air force that would provide air support in the nearly 16-year-old war against Taliban insurgents, Erik Prince, founder of the Blackwater security firm, told USA TODAY.

"The unprecedented proposal comes as the U.S.-backed Afghan military faces a stalemate in the war and growing frustration by President Trump about the lack of progress in the war. The U.S. military has 8,400 U.S. troops there to train and guide local forces. They do not have a direct combat role, and presumably would be replaced gradually by the contractors. The plan remains under serious consideration within the White House despite misgivings by Trump's national security adviser, H.R. McMaster, an Army three-star general, and Defense Secretary Jim Mattis. Other White House officials, such as chief strategist Stephen Bannon, appear open to using private contractors.

"'At what point do you say a conventional military approach in Afghanistan is not working,' said Prince, a former Navy SEAL. 'Maybe we say that at 16 years.' Blackwater, founded 1997, worked extensively in the wars in Iraq and Afghanistan. Prince sold the company in 2010. The White House did not respond to requests for comment." https://usat.ly/2fp2kCc

FIRST IN PLAYBOOK -- WHAT THE DSCC WANTS YOU TO SEE -- The DSCC has released a memo for what to watch for in Senate races over the August recess. What to watch: The "GOP primaries will get nastier", "health care remains top of mind for voters" and "the heat" on Sens. Dean Heller (R-Nev.) and Jeff Flake (R-Ariz.). ***The full memo*** http://politi.co/2hFWZHh

-- "Heller gets GOP primary challenger in Nevada," by Kevin Robillard: "Danny Tarkanian, the son of a legendary Nevada college basketball coach who has run for office several times, announced Tuesday morning that he will challenge Sen. Dean Heller in Nevada's Republican primary next year. Tarkanian announced his bid on 'Fox & Friends,' where he criticized Heller as a 'Never-Trumper' and said that his stance on the president helped Hillary Clinton carry the state." http://politi.co/2hGBENZ

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb

costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

ONE WEEK UNTIL ALABAMA'S SPECIAL ELECTION -- "Low turnout expected in Alabama primary to replace Sessions," AP/Montgomery, Ala.: "Alabama Secretary of State John Merrill said he is projecting that 20 percent to 25 percent of voters will go to the polls on Aug. 15. Merrill said a typical primary brings turnout of 30-32 percent. The closely watched race features crowded fields and heated matchups, particularly on the Republican side. However, the late summer special election comes at a time that state voters aren't accustomed to going to the polls, Merrill said. The Senate election is the only race on the ballot on Aug. 15, meaning there will be no other elections to help drive voters to the poll." http://bit.ly/2hEQzYS

THE NEW FACE OF THE ADMINISTRATION -- "Now Starring in the West Wing: Sarah Huckabee Sanders," by NYT's Michael Grynbaum: "Absurd as it was, the Pickle affair offered a low-stakes microcosm of the deep distrust that has developed between the Trump administration and the journalists whose work the president derides as 'fake news.' And it underscored the why-would-you-want-this nature of Ms. Sanders's new job: defending a president who is at war with the news media and an administration that has repeatedly been denounced for playing loose with facts. Now Ms. Sanders, who inherited her position when her celebrity predecessor Sean Spicer quit, is stepping into the glare, trying to manage coverage of a tumultuous White House while mollifying a boss who believes he is his own best spokesman. ...

"She is the first mother to serve as press secretary, and among the youngest to occupy the role. At the lectern, she is folksy, but nimble: She recently deflected questions about 'chaos' in the White House by inviting reporters to visit the three preschoolers in her living room. There were laughs, even as Ms. Sanders clearly sidestepped the subject. She is also unafraid to call out reporters and news coverage that she deems unfair. Asked in the interview if the establishment media is biased against Mr. Trump, she replied, 'Absolutely.'" http://nyti.ms/2hGxohx

COMING ATTRACTIONS -- "Trump White House quietly courts Democrats for tax overhaul," by Rachael Bade and Elana Schor: "'We'd prefer bipartisan support for the tax plan,' Marc Short, White House director of legislative affairs, said in an interview. 'We still think we can earn the support of [Democrats] on the tax package.' Short acknowledged, however, that Hill Republicans 'will choose the path that they want.'" http://politi.co/2viRLVa

-- TAX WRITERS on the Hill have said privately and publicly they do not expect Democratic support.

THE ATLANTIC'S NEW COVER STORY -- KURT ANDERSON'S latest -- **"How America Lost Its Mind":** "Each of us is on a spectrum somewhere between the poles of rational and irrational. We all have hunches we can't prove and superstitions that make no sense. Some of my best friends are very religious, and others believe in dubious conspiracy theories. What's problematic is going overboard-letting the

subjective entirely override the objective; thinking and acting as if opinions and feelings are just as true as facts. The American experiment, the original embodiment of the great Enlightenment idea of intellectual freedom, whereby every individual is welcome to believe anything she wishes, has metastasized out of control.

"From the start, our ultra-individualism was attached to epic dreams, sometimes epic fantasies-every American one of God's chosen people building a custom-made utopia, all of us free to reinvent ourselves by imagination and will. In America nowadays, those more exciting parts of the Enlightenment idea have swamped the sober, rational, empirical parts. Little by little for centuries, then more and more and faster and faster during the past half century, we Americans have given ourselves over to all kinds of magical thinking, anything-goes relativism, and belief in fanciful explanation-small and large fantasies that console or thrill or terrify us. And most of us haven't realized how far-reaching our strange new normal has become." http://theatln.tc/2hGm051 ... ***The cover*** http://bit.ly/2vJTJ2W

TOP EDS -- JEH JOHNSON in WSJ: **"Have a Heart, Mr. President, and Defend These Immigrants in Court":** "Deciding the future of DACA presents a chance for the president to show a 'great heart.' Public office and the manner in which we enforce the law permits us to do that once in a while. DACA recipients came here as kids, and they've been here for years. As Mr. Trump himself has observed, they are almost all outstanding young men and women who grew up and went to school here, work hard, follow the law, and hope to share in the American dream. They are American in fact though not in law." http://on.wsj.com/2fpBgT4

-- REP. DARRELL ISSA (R-CALIF.) in Variety: **"It's Time to Bring Pre-1972 Copyrights Out of the Dark Ages":** "When a musician records a song today, federal law grants a copyright in the 'sound recording' itself -- the captured version of the performance, separate and apart from the notes and lyrics. But thanks to an inexplicable gap in federal copyright law, the recordings by musical greats like John Coltrane, Aretha Franklin, Frank Sinatra and others before February 15, 1972 aren't given the same copyright protections as their modern peers. In recent years, disputes have arisen as to what these rights should consist of -- creating significant uncertainty for artists, record labels, and music distributors alike. Under the current system, there is no way for a recording artist to be guaranteed payment in all 50 states. Instead, they are captive to a patchwork of inconsistent and ultimately unworkable state laws - denying them millions in royalties for their older songs." http://bit.ly/2fp7EVT

SURVEYING SENIOR STAFF -- ONE BIG TAKEAWAY from The Congressional Management Foundation's interviews with senior Hill staffers: only 6 percent say they are very satisfied with the amount of time members have to deliberate legislation. ***Full report*** http://politi.co/2hGYNzK

FIRST IN PLAYBOOK -- MEDIAWATCH: Vera Bergengruen, previously a security correspondent for McClatchy, is joining Buzzfeed News as a Pentagon correspondent. She will start Aug. 28. ***National security editor Mark Seibel's memo to staff***

http://politi.co/2fpX4hx

-- "Political News Outlet Young Turks Raises $20 Million After Viewership Gains," by WSJ's Lukas Alpert http://on.wsj.com/2hGuRE1

FELLOW WATCH -- Harvard's Shorenstein Center on Media, Politics and Public Policy announced its fall 2017 fellows class. The group includes **Donna Brazile, Tyler Bridges, Claes H. de Vreese, Kathleen Hall Jamieson, Tom Wheeler** and **Wael Ghonim.** http://bit.ly/2hGpS6g

SPOTTED on the porch of Bombay Club this afternoon: Mike Allen, Sarah Huckabee Sanders and Jon Karl at one table. Jim VandeHei was inside.

TRANSITIONS -- Chris Armstrong and Jen Kuskowski have both been promoted in Sen. Orrin Hatch's (R-Utah) office. Armstrong will serve as the Senate Finance Committee's chief oversight counsel and Kuskowski will be health policy director.

WELCOME TO THE WORLD -- Ken Spain, partner at CGCN Group and a Koch Industries alum, and **Emily Spain,** legislative director for Sen. Carper, post on Facebook: "Elizabeth Maria 'Emma' Spain was born at 1:42 a.m. on August 8th, weighing in at 6 lbs 14.5 oz. She's excited to share her grandmother, Fatima Spain's birthday. Emily coasted through labor to the point Emma's arrival surprised the doctor and nurses. Jack can't wait to meet his baby sister." ***Pic*** http://politi.co/2ulKKp4

-- Ginny Badanes, Microsoft's Republican campaign tech lead, and **David Badanes,** global cybersecurity adviser for the AES Corporation, email friends and family: "We are elated to share the news that Baby Boy Badanes #3 has arrived! Henry Stone Badanes was born on [Thursday] at 7:24 p.m., weighing a healthy 8 lbs, 15 ounces and measuring 21.5 inches long. Dad is thrilled to round out his golfing foursome; Mom looks forward to a nap and a bourbon. For the moment, big brothers Miller and TJ are both excited to share August birthdays with their little brother -- less excited however to share their toys." ***Pics*** http://politi.co/2ulBVrg ... http://bit.ly/2fpMAyl

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Mon 8/7/2017 2:05:37 PM
Subject: POLITICO's Morning Transportation: Infrastructure grant proposals lean rural — FRA, FMCSA drop plans to propose sleep apnea screening mandate — Welcome to the reporting airlines club

By Brianna Gurciullo and Stephanie Beasley | 08/07/2017 10:00 AM EDT

With help from Tanya Snyder

INFRASTRUCTURE GRANT PROPOSALS LEAN RURAL: DOT is looking to award $78.9 million in fiscal 2017 grants to 10 transportation infrastructure projects, most of which are in rural areas of the country. Transportation Secretary Elaine Chao notified House Transportation Chairman Bill Shuster (R-Pa.) last week that DOT is proposing the grants for highway, rail, port and bridge projects. MT readers may remember that DOT is overhauling the FASTLANE grant program and re-titling it INFRA. But these grants for "small projects" (those expected to cost less than $100 million), for which applications had already been sent in, were decided using FASTLANE standards. Large projects seeking fiscal 2017 funding have until Nov. 2 to apply again, under INFRA criteria.

NY, NJ SENATORS TIE UP DOT NOMS OVER GATEWAY: New Jersey's and New York's senators prevented Derek Kan, Ronald Batory and Adam Sullivan from being included in their chamber's wave of confirmations last week because they question whether the Trump administration will help fund the Gateway program's Hudson tunnel project, The Wall Street Journal reports . The Democratic senators have shelved the nominations of Kan (to be under secretary of Transportation for policy), Batory (to be FRA administrator) and Sullivan (to be assistant secretary for governmental affairs) at least until lawmakers return in September.

Confirmation deprivation: The department told WSJ that it finds it "counterproductive to deprive DOT of highly qualified, noncontroversial nominees, who are needed to accomplish the department's work on behalf of the American people, for reasons having nothing whatever to do with their merits."

HAPPY MONDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Welcome to the lazy, hazy, crazy days of recess. Hit us up with tips, feedback and lyrics: sbeasley@politico.com or @Steph_Beasley and bgurciullo@politico.com or @brigurciullo.

"Don't hafta tell a girl and fella about a drive-in / Or some romantic moon it seems / Right from the moment that those lovers start arrivin' / You'll see more kissin' in the cars than on the screen."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with tunes (picked by us and readers) that are all about flying, driving, commuting and sailing?

TWEETS DU JOUR: How quickly is President Donald Trump nominating senior DOT officials during his first year in the White House compared to past presidents? Jeff Davis over at the Eno Center for Transportation broke it down. DHS Acting Secretary Elaine Duke and FEMA

Administrator Brock Long got in some face time with the president and vice president when they hosted a briefing on government efforts to prep for the looming Atlantic hurricane season.

STAY WOKE: FRA and FMCSA announced Friday that they're dropping plans to put forward screening and treatment mandates for commercial drivers and rail workers diagnosed with obstructive sleep apnea. As our Lauren Gardner and Tanya Snyder report, the administration claims that "current safety programs and FRA's rulemaking addressing fatigue risk management are the appropriate avenues" to deal with obstructive sleep apnea - though that rulemaking has languished for years. The move comes despite a slew of recent accidents, some deadly, in which untreated sleep apnea was found to be a causal factor, including a fatal 2000 tractor-trailer crash in Tennessee and a 2013 Metro-North derailment in the Bronx, N.Y.

Tweetmentary: "Focus - this is really important - the Trump admin killing common sense safety regulations like these mean more accidents, more deaths," former FRA Administrator Sarah Feinberg tweeted.

WELCOME TO THE CLUB: Six new airlines will be subject to reporting requirements starting next year because of a passenger-protection rule that lowers the threshold for reporting. Allegiant Airlines, PSA Airlines, Republic Airlines, Endeavor Air, Mesa Airlines, and Envoy Air - none of which currently report on-time performance and denied boarding data to the Bureau of Transportation Statistics - will have to start next year, Tanya reports for Pros.

See you in 2019: The rule also lowered the threshold for reporting mishandled baggage data, though airlines get an extra year before it kicks in because some carriers have "encountered challenges" in "reprogramming computer systems, developing procedures to account for gate-checked bags, and training personnel," a BTS spokesman said.

RAIL VS. TRUCKING WAR OF WORDS: After the head of the Association of American Railroads argued that big trucks aren't paying "their fair share for the infrastructure they use," the American Trucking Associations fired back last week, saying they also think "highway users should pay for their use of the system, but it is utterly false to suggest trucks are responsible for all highway maintenance costs." The trucking industry "is most certainly paying its fair share for maintenance," ATA President and CEO Chris Spear wrote in a column for HuffPost. Spear then knocked weight-distance taxes and mentioned the potential problems with a VMT tax, all while advocating for a federal gas tax hike.

Them's fightin' words: "Rather than creating division in the debate, railroads should be exploring ways to lower costs and stimulate competition in their own industry," Spear writes. "In essence, they maintain an oligopoly that is void of competition, but unlike public utilities which are regulated, the railroads are free to dictate prices and hold captive shippers hostage to them."

SO HAPPY TOGETHER: Toyota and Mazda announced Friday that they would jointly build a $1.6 billion manufacturing plant in the United States. The plant is expected to produce 300,000 cars per year and create 4,000 jobs, according to the companies, which have yet to disclose where they are planning to break ground. The facility is slated to open in 2021 and could also be a testing ground for the development of electric cars and safety technologies like vehicle-to-

vehicle and vehicle-to-infrastructure communication.

The opposite of 'sad': The Toyota/Mazda deal won high praise from Trump, who campaigned on promises to bring once-plentiful jobs in the auto industry back to the United States, POLITICO's Madeline Conway writes. "A great investment in American manufacturing!" he tweeted on Friday in response to the news. But Pro Trade's Doug Palmer writes that the companies' decision probably isn't just an attempt to curry favor with Trump, who has threatened to re-open NAFTA negotiations to tighten automotive trade rules and raise import taxes. Other policy factors "such as rising U.S. fuel economy standards and generous local incentives" more likely played a larger role in making up the Japanese automakers' minds to open the U.S. plant.

SIGNED, SEALED, DELIVERED: A resolution to create the D.C. area's Metro Safety Commission is awaiting action by Trump after lawmakers enacted it late last week. "The official congressional seal of approval is one of the last hurdles in the drawn-out legislative process that started more than two years ago to codify a new organization that would help prevent safety crises on Metro like the January 2015 L'Enfant Plaza smoke disaster," The Washington Post's Martine Powers reports. Martine (a former MT scribe) also notes that it's uncertain when FTA will stop holding back funding from D.C., Maryland and Virginia over their lateness in forming the commission.

THE SCANDAL THAT NEVER ENDS: An ex-Volkswagen official pleaded guilty Friday to crimes linked to the automaker's diesel emissions scandal. Oliver Schmidt, previously VW's U.S. Environment and Engineering Office general manager, pleaded guilty to "conspiracy to defraud the U.S., to commit wire fraud and to violate the Clean Air Act," as well as breaching that law. He owned up to hiding from the California Air Resources Board that diesel VW cars were equipped with so-called defeat devices that rigged emissions checks, the Justice Department said in a release. Schmidt, a German resident, will be sentenced in December.

PAW PATROL: TSA is at risk of being a few paws short for its bomb-sniffing units, according to a New York Times report that describes how DHS agencies and DOD are being forced to compete with each other to bid for a limited number of dogs - mostly sourced from breeders in Eastern Europe. "With terrorists increasingly attacking so-called soft targets, the demand for detection dogs that can sweep large areas for explosives has soared. So have prices, which can exceed $25,000 for a single dog," per the article. TSA currently has about 1,000 dogs but needs 350 new dogs every year to replace those that age out of the workforce.

Help! Earlier this year, the president issued a fiscal 2018 budget request that would slash funding for some of TSA's canine units. The House, however, recently passed a DHS reauthorization bill (H.R. 2825 (115)) that would block those changes.

AMTRAK PUTS RIDERS ON THE ROPES: In news that is sure to make a lot of New Yorkers groan, Amtrak announced Friday that service disruptions could continue at Penn Station through the fall and beyond. During a press call with reporters, Amtrak officials said they expect more repairs will be needed even after the organization completes its initial "infrastructure renewal" project on Sept. 4, NJ.com reports. "We will ask our partners at NJ Transit, the MTA and the LIRR for some extended (service) outages, after we've planned for them and determined

the need," said Chief Engineer Gery Williams.

LOBBYING UPDATE: FedEx hired Mehlman Castagnetti Rosen & Thomas to lobby on fiscal 2018 transportation appropriations, "issues related to supply chain management" and "general transportation issues." And Melissa Edwards, a former legislative assistant to Sen. Thad Cochran (R-Miss.), registered to lobby for the Truckload Carriers Association on surface transportation issues.

SHIFTING GEARS: Friday was Lauren Huston's last day as the Senate Commerce Committee's press secretary and digital director. She will be studying full time at Catholic's law school. Brianna Manzelli is taking Huston's place.

ICYMI: C-SPAN aired on Friday night an interview with Transportation Secretary Elaine Chao.

THE AUTOBAHN:

- "As NAFTA talks approach, Mexican officials meet with business leaders in border states." Arizona Daily Star.

- "Hosting the 2028 Olympics could fix Los Angeles." Wired.

- "Boeing Dreamliner crew draws enormous outline of their plane in the sky." NPR.

- "Toyota and Mazda join forces on electric vehicles. Is this the end of the road for gas cars?" The Washington Post.

- "Embattled NJ transit suspends compliance chief 6 months into job." Bloomberg.

- "Spotted: driverless vehicle cruising the streets of Clarendon." ARLnow.com.

- "Unbuckled in the back seat? You'll become a human missile in a crash." USA Today.

- "Infrastructure borrowing drops as U.S. states await Trump plan details." Reuters.

- "NYC mayor pushes for tax on the 1 percent to fund subway fix." The Associated Press.

THE COUNTDOWN: DOT appropriations run out in 54 days. The FAA reauthorization expires in 54 days. Highway and transit policy is up for renewal in 1,150 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/08/07/infrastructure-grant-proposals-lean-rural-221732

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Subject: Today on Climate Beat

October 13, 2017

Today on Climate Beat . . .

. . . we started at EPA, where the agency is poised to start the clock for public comments on its proposed rule to repeal the Clean Power Plan.

Speaking of the Clean Power Plan repeal, don't miss our weekly wrap-up of some our top stories, which this week focuses on the repeal plan and the threatened litigation over it.

In other litigation news, we reported on states' and environmentalists' briefs urging a federal appellate court to reject calls from trailer manufacturers to stay EPA's greenhouse gas rule for heavy-duty vehicles.

And, is always, our daily news roundup.

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From: Hadas Gold - POLITICO Media
Sent: Fri 8/4/2017 9:30:17 AM
Subject: Morning Media: Maria Elena Salinas to leave Univision -- Right wing media goes after McMaster -- Scaramucci cancels his big announcement

By Hadas Gold | 08/04/2017 05:28 AM EDT

With Alex Weprin

MARIA ELENA SALINAS IS LEAVING UNIVISION AFTER MORE THAN THREE DECADES as an anchor at the Spanish-language network. The longtime "Noticiero Univision" anchor announced on Thursday that she will leave at the end of the year. It's a big change for the network and will also mean that Jorge Ramos will get a new co-anchor as the network fends off competitor Telemundo. Salinas, an Emmy, Peabody, and Edward R. Murrow award-winning journalist, said in a statement she is beginning "a new stage in my career, and look forward to new projects to reach new and diverse audiences on multiple platforms." Some sources have suggested that the U.S.-born Salinas plans to break through on English-language platforms -- she recently wrapped up her first season as host of "The Real Story with Maria Elena Salinas" on Investigation Discovery.

"I haven't been pushed out, I haven't quit, I'm not retiring. And I'm not leaving to another place to do the same as I do here," she said on air last night.

RIGHT WING MEDIA HAS DECLARED WAR ON GEN. H.R. MCMASTER, the president's National Security Adviser, who replaced Gen. Michael Flynn. the siege against McMaster comes in response to his shakeup of the National Security Council, which has included removing three officials who were reportedly members of the more nationalist-minded faction of Trump's administration. A report on Thursday also said that McMaster allowed former National Security Advisor Susan Rice to keep her security clearance, angering many who say Rice was inappropriately "unmasking" members of Trump's team and other Americans during the campaign. Personalities like Sean Hannity, Mike Cernovich and outlets like Breitbart have suggested McMaster needs to go. On Twitter today, many right-wing personalities were encouraging their followers to call the White House switchboard and to call for McMaster's firing. Mediaite has a round up here.

-- For now, McMaster is safe, my colleagues reported yesterday. White House Chief of Staff John "Kelly told McMaster this week that he wanted him to remain as national security adviser, said two senior White House aides, and has encouraged him to make any staffing changes he deems necessary." But then again, this is Trump's White House where roles can come and go, as Anthony Scaramucci can attest.

Good morning, happy Friday, and welcome to Morning Media! I always want to hear from you -- **hgold@politico.com** / **@Hadas_Gold**. **Morning Media** is edited by **Alex Weprin** (**@alexweprin** / **alexweprin@gmail.com**) and produced with writing/reporting help from **Cristiano Lima**. (**clima@politico.com** / **@ludacristiano**). **Archives**. **Subscribe.**

"CBS THIS MORNING" PULLED A KELLYANNE CONWAY INTERVIEW after the senior counselor to the president showed up late on Wednesday, two sources tell me. The interview was teased on CBS in the early morning on Wednesday but it never aired after Conway showed up late to the stand-up spot on the north lawn of the White House. Morning shows run on tight timelines, but entirely ditching an interview with a senior counselor to the president struck me as pretty unusual. CBS News declined to comment and Conway did not respond to a request for comment.

SCARAMUCCI CANCELED HIS BIG ONLINE ANNOUNCEMENT TODAY, where he was supposed to address the American people. Former Fox News co-president Bill Shine was reportedly helping Scaramucci with the event, which was to be broadcast live on various platforms, but Scaramucci tweeted yesterday "No Press Event Tomorrow: Focusing on Family, My Work in The Private Sector. #MovingForward Stay Tuned!"

-- Meanwhile on Thursday, The New Yorker released audio excerpts of Scaramuccis' infamous conversation with Ryan Lizza. After initially saying last week that they would not release the audio The New Yorker included clips of the conversation as part of its weekly podcast "The New Yorker Radio Hour" hosted by editor-in-chief David Remnick. Listen to it here.

THE WASHINGTON POST GETS A HOLD OF TRUMP'S CONVERSATIONS WITH LEADERS OF MEXICO, AUSTRALIA: Leaked transcripts are making a lot of news this week! On Thursday The Washington Post published transcripts of Trump's phone calls with Mexican President Enrique Peña Nieto and Australian Prime Minister Malcolm Turnbull. There was tons of news in them, including Trump admitting to Peña Nieto that the border wall that has been such a mainstay of Trump's campaign "is the least important thing that we are talking about, but politically this might be the most important talk about" and that his phone call with Turnbull really was as tense as was reported at the time.

-- Out of this transcript came the renewed focus, especially in right-wing media, on leaks. While outlets like Fox and Breitbart covered the transcripts they focused on the fact that it was a leak -- that someone from the "deep state" sent the transcript of the private phone calls to reporters.

-- Some, like David Frum in the Atlantic, argued that the leaks are "unprecedented, shocking, and dangerous" and that as the president's opponents "violate norms to undermine him, they do lasting damage to American security." The Sunlight Foundation argued that "whistleblowing is essential to democratic accountability," and that "the American public is better off knowing what @realdonaldtrump has said to these world leaders" and that it's Trump's conduct that has lead people to leak. "President Trump's conduct in office threatens democratic stability. Dissent is an essential check to power."

-- Sen. Mark Warner, a Democrat, wants the leaks to be investigated, telling The Daily Beast "A president of the United States, a governor would tell us they've got to be able to have confidential conversations ... And I think it was disgraceful that those [came out]."

IS SEAN SPICER VIOLATING ETHICS RULES BY TALKING FUTURE JOBS? Former White House Press Secretary Sean Spicer is still technically employed at the White House and will be through August. Last week Spicer made the rounds with the television networks, while agents are fighting over who gets to represent him. However, my colleague Tara Palmeri reports that under federal law, senior government officials must file notice when opening employment negotiations and pledge to recuse themselves from anything that would affect the financial interests of their prospective employers. The government's former ethics director Walter Shaub (who has criticized the Trump administration's ethics program since his departure last month) told Palmeri "If [the networks] broach the topic of him coming to work for them, then he's seeking employment and the recusal under the standards of conduct kicks in." More from Palmeri here.

-- Here's one gig Spicer won't be doing: ABC's "Dancing With the Stars." According to TMZ Spicer "was flattered by the opportunity, but because he believes he'll have an 'overwhelming number of commitments in the Fall, he declined the offer." The New York Post also reports that Spicer has signed with Washington mega-lawyers Bob Barnett and Michael O'Connor to represent him for all post White House TV deals, business consultancies and speaking appearances.

FACEBOOK IS ROLLING OUT MORE TOOLS TO HELP FIGHT FAKE NEWS including a new effort to display related articles to limit the damage of false news without censoring posts, the Wall Street Journal reports. "Starting Thursday, when Facebook's U.S. users come across popular links-including made-up news articles-in their feeds, they may also see a cluster of other articles on the same topic. The 'related articles' feature, which will roll out widely in the U.S. after months of testing, is part of the Facebook news feed team's effort to limit the damage of false news without taking down those posts." Related: Here are some key takeaways from Facebook's Journalism Project hackathons, via Nieman Lab.

THE STATUE OF LIBERTY QUESTION, by Alex Weprin: CNN White House correspondent Jim Acosta's tough questioning of White House aid Stephen Miller on Wednesday made news, both for Acosta's line of questioning (he invoked Emma Lazarus' 1883 poem The New Colossus, which appears on a plaque by the Statue of Liberty), and for Miller's response. Buzzfeed's Steven Perlberg notes , however, that just two years ago CNN suspended a reporter for citing the poem in response to House lawmakers attempting to limit the number of Syrian refugees permitted into the U.S. "Times are very different" from 2015, said a CNN TV executive. "Acosta posed a question (albeit a loaded one) rather than making an affirmative statement."

REVOLVING DOOR:

-- NBC has announced a new investigative unit focused on national security and politics. The team will comprise of **Carol Lee**, who recently joined from The Wall Street Journal, **Mike Memoli**, who recently joined from the L.A. Times, **Vivian Salama** who joins from the Associated Press, **Keri Geiger** who joins from Bloomberg News and **Julia Ainsley** joins from Reuters. Current NBCers joining the team include **Courtney Kube and Ken Dilanian**. The team will be led by **Rich Greenberg and Dafna Linzer.**

-- NBC's "Meet the Press" has promoted **Sarah Blackwill** to senior producer, **Natalie Cucchiara** (a GWU classmate of mine!) to senior coordinating producer and **Sally Bronston** to producer.

-- The newest ABC News contributor: former Major League Baseball player **Alex Rodriguez.** Rodriguez is also set to host a new show on CNBC, and turned to CNN's Jessica Yellin for advice in breaking into TV. More from The Hollywood Reporter.

-- **J. David Ake, Kathleen Hennessey and Elizabeth Kennedy** are moving into deputy bureau chief roles at the Associated Press.

-- **Karen Miller Pensiero** has been appointed managing editor of the Wall Street Journal. She is currently editor for newsroom standards.

-- The Atlantic is making a few moves across the Atlantic**: Rachel Donadio,** recently the European culture correspondent for The New York Times, will be The Atlantic's culture and politics writer based in Paris; **Yasmeen Serhan** joins the newly established London bureau as a reporter; and in Washington **Krishnadev Calamur,** currently The Atlantic's news editor, will begin this fall as a global diplomacy correspondent covering U.S.-Europe relations, the State Department, and foreign policy. Already in place is The Atlantic's staff writer Sophie Gilbert, who returned to her native London this summer and continues her coverage of culture and entertainment. James Fallows, previously announced as The Atlantic's first European Editor, arrives to lead the London bureau later this month.

-- The Wall Street Journal's **Eli Stokols** is now an MSNBC contributor.

SOUNDBITE: "I was here when you got fired the last time and I'll be here when you get fired this time. ... I've been doing well. What were you doing last year? Nothing but selling cellphones." [April Ryan]

TIL: White House Chief of Staff John Kelly prefers Irish whiskey. [New York Times]

EXTRAS:

-- The Drum profiles POLITICO's upcoming U.K. expansion, which will include a London-based bureau and its very own Playbook. [The Drum]

-- NBC doesn't sound too concerned that Jimmy Fallon is stuck in second place behind Stephen Colbert, and the network isn't forcing him to do more political comedy to compensate. [USA Today]

-- Sorry news outlets: "The Campaign Against Facebook And Google's Ad "Duopoly" Is Going Nowhere" [BuzzFeed News]

-- The Baltimore Sun's iconic headquarters are set to be renovated into a mixed-use development site, with the paper weighing its future at the site. [Baltimore Business Journal]

-- Vanity Fair is responding to Angelina Jolie, after she claims she was misquoted in a cover story last month (spoiler: the magazine stands by its story, and has the audio recording to prove it). [Vanity Fair]

-- Chartbeat is expanding its analytics platform to include information on subscribers and nonsubscribers, the "single most requested feature" according to its team. [Nieman Lab]

-- This is a smart piece on how YouTube has become the new talk radio of the "new fair right." [New York Times]

-- Columbia University is offering a master of science degree in data journalism. Tuition price: $100,000. [Poynter]

-- The former contributor suing Fox News made seemingly contradictory statements regarding his defamation suit. [Law Newz]

-- Snopes.com prevails in tentative court ruling over finances and ownership. [San Diego Union-Tribune]

-- For one day next week, ESPN will rebrand its ESPNU cable channel as "ESPN8: The Ocho." Yes, it's based on a throwaway joke from the 2004 film "Dodgeball." The channel will air disc golf, roller derby and trampoline dodgeball. [ESPN]

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/08/04/maria-elena-salinas-to-leave-univision-right-wing-media-goes-after-mcmaster-scaramucci-cancels-his-big-announcement-001325

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Today's POLITICO Playbook presented by Morgan Stanley
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Driving the Day

Good Tuesday morning and welcome to August. **HERE'S AN IMPORTANT STORY** that developed yesterday late in the day when we were in the Capitol: **"Republicans ignore Trump's Obamacare taunts,"** by Burgess Everett and Jen Haberkorn: "Senate Republicans have no plans to revive their party-line attempts to repeal Obamacare this summer, despite President Donald Trump's increasing frustration over the chamber's failed attempts last week to gut the law.

"'Until somebody shows us a way to get that elusive 50th vote, I think it's over,' said Sen. John Thune of South Dakota, the third-ranking Republican. 'Maybe lightning will strike and something will come together but I'm not holding my breath.' ... Privately, Republican aides said there is essentially no chance McConnell will take another shot at repealing Obamacare soon. On Monday, there was discussion among Senate staffers of a 'hard pivot to tax reform,' one Senate aide said. ...

"'Do I think we should stay on health care until we get it done? I think it's time to move on to something else. Come back to health care when we've had more time to get beyond the moment we're in and see if we can't put some wins on the board,' said Sen. Roy Blunt of Missouri, a member of GOP leadership. 'Tax reform, infrastructure are the kinds of things we ought to be looking at.'" http://politi.co/2vcYzpJ

-- IN OTHER WORDS, members of the Senate don't really care what the president says they ought to do. Period.

NYT'S CARL HULSE: "Lesson for Trump: Hardball Against Senators Is a Game He Can Lose" http://nyti.ms/2uQR2f0

A QUICK REMINDER -- When the White House tells us -- as they did yesterday -- that tax reform is going to be done by September or October, remember that neither chamber has passed a budget resolution. Tax reform is very hard without reconciliation instructions (just ask Rich Rubin and Phil Mattingly!). And, if you've watched the squirming on, well, everything on the Hill, you wouldn't be surprised to hear that passing a budget isn't easy. This seems to be a bit lost on the White House. Oh, and by the way, in September and October, Congress also has to fund the government and lift the debt ceiling. This won't be quick and painless.

-- PLAYBOOK SCOOPLET: SPEAKER PAUL RYAN is wholeheartedly embracing the flood of outside group support for tax reform. From the speaker: "It is time to unleash the full potential of the American economy by creating a tax code that actually works for the middle class. A simpler, fairer tax system that puts working families first will strengthen our economy and generate more jobs. I am encouraged to see the Middle Class Growth Initiative, and American Action Network, working to give their voice to this critical issue, and I'm pleased for such allies and supportive efforts."

FIRST IN PLAYBOOK -- WHAT HOUSE DEMOCRATS WANT 2018 TO LOOK LIKE -- MARK PUTNAM, the top-flight Democratic ad maker, has cut a spot for Ret. Lt. Col. Amy McGrath, who is running against Rep. Andy Barr in a solid Republican district in Kentucky. The spot tells the story of McGrath's career -- she was the first female Marine to fly in an F-18 in combat and flew in 89 missions bombing al Qaeda and the Taliban. The ad has some familiar themes: Barr -- who she says is Mitch McConnell's hand-picked congressman -- wants to take health care away from people, according to McGrath. But the spot also highlights another theme in 2018: House Democrats are especially interested in veterans jumping in the race. The imagery in this ad shows how they might employ military ties in the midterm.

"This is my new mission: to take on a Congress full of career politicians who treat the people of Kentucky like they're disposable. Some are telling me a Democrat can't win that battle in Kentucky. That we can't take back our country for my kids and yours. We'll see about that." The ad ends showing her Marine dress uniform with all her medals, decorations and her personal sword, with the text "Amy McGrath: Democrat for Congress" on the screen. ***The two-minute spot*** http://bit.ly/2vohv5j

BUT, BUT, BUT -- "Democrats snub new party message," by Gabe Debenedetti, Elana Schor, and Heather Caygle: "Chuck Schumer, Nancy Pelosi, and Democratic leaders on Capitol Hill will spend the next 15 months talking up the new 'Better Deal' economic message they unveiled last week. What's not clear is if anyone else will follow. The national party remains far from consensus on a unified message -- Democrats can't even agree on whether the party needs one. ... [N]ot every incumbent wants to be associated with the party's message. And many of the party's influential constituent groups and moneyed organizations are busy pursuing their own messaging and branding initiatives, and remain in the early stages of their own investigations into what went wrong in November. Some - including the Democratic National Committee

and individual state party committees - are busy preparing their own, independent lines of messaging." http://politi.co/2uTGyKi

BREAKING LATE MONDAY -- "Trump dictated son's misleading statement on meeting with Russian lawyer," by WaPo's Ashley Parker, Carol Leonnig, Phil Rucker and Tom Hamburger: "On the sidelines of the Group of 20 summit in Germany last month, President Trump's advisers discussed how to respond to a new revelation that Trump's oldest son had met with a Russian lawyer during the 2016 campaign - a disclosure the advisers knew carried political and potentially legal peril. The strategy, the advisers agreed, should be for Donald Trump Jr. to release a statement to get ahead of the story. They wanted to be truthful, so their account couldn't be repudiated later if the full details emerged.

"But within hours, at the president's direction, the plan changed. Flying home from Germany on July 8 aboard Air Force One, Trump personally dictated a statement in which Trump Jr. said that he and the Russian lawyer had 'primarily discussed a program about the adoption of Russian children' when they met in June 2016, according to multiple people with knowledge of the deliberations. The statement, issued to the New York Times as it prepared an article, emphasized that the subject of the meeting was 'not a campaign issue at the time.'" http://wapo.st/2vnN67f

JOHN KELLY'S DAY ONE -- "Kelly flexes muscle his first day on the job at White House," by AP's Vivian Salama and Jill Colvin: "Raised voices could be heard through the thick door to the Oval Office as John Kelly - then secretary of Homeland Security - offered some tough talk to President Donald Trump. Kelly, a whip-cracking retired general who was sworn in as White House chief of staff on Monday, had demanded to speak to the president alone after Trump complained loudly that the U.S. was admitting travelers from countries such as Afghanistan, Iran and Haiti.

"Kelly first tried to explain to Trump that the admissions were standard - some people had legitimate reasons to visit the country - but the president insisted that it was making him look bad, according to an administration official familiar with the exchange about a month ago. Kelly then demanded that other advisers leave the room so he could speak to the president frankly. Trump refused at first, but agreed when Kelly insisted. It was an early indication that Kelly, a decorated retired Marine general who served three tours in Iraq, is not afraid to stand up to his commander-in-chief." http://bit.ly/2uTrrRl

... FOR THE RECORD -- "Kelly called Comey to express anger over firing, sources say," by CNN's Shimon Prokupecz and Pamela Brown: "New White House chief of staff John Kelly was so upset with how President Donald Trump handled the firing of FBI Director James Comey that Kelly called Comey afterward and said he was considering resigning, according to two sources familiar with a conversation between Kelly and Comey. Both sources cautioned that it was unclear how serious Kelly, then the secretary of homeland security, was about resigning himself. 'John was angry and hurt by what he saw and the way (Comey) was treated,' one of the sources said." http://cnn.it/2tTnfj1

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UNDERSTANDING KELLY ...

-- "Kelly's military approach to the media: The new chief of staff respects the press but will defer to his superior, Donald Trump," by Hadas Gold: "Should Kelly be presented with a situation in which Trump wishes to ban an outlet from the White House, Kelly would likely carry out the president's directive, [longtime press aide David] Lapan said. 'I think he would push back against banning a reporter from the briefing room, but he also recognizes that ultimately the president is the decision-maker and there is a time to have internal discussions and disagreements,' Lapan said. 'But at the end of the day ... Gen. Kelly is the one to carry out those orders and directions, but he certainly will have a say.'" http://politi.co/2vi8sC9

-- THE NEW BOSS -- "Kelly seizes control of the chaotic West Wing," by Andrew Restuccia, Josh Dawsey, Tara Palmeri and Darren Samuelsohn: "John Kelly and Reince Priebus had a joint -- and brief -- meeting with senior staff on Kelly's first day in charge to talk about the changes afoot in the West Wing. By Monday afternoon, Kelly was meeting with staff again, this time without Priebus. Kelly assembled senior aides in his office and laid down his rules of the road: More accountability on how jobs are done. More limitations on access to the Oval Office. More structure. Better briefings and information for the president. A White House staff where everyone reports to Kelly. ... To both Scaramucci's ouster and the new ground rules there was no public dissent ... Internally, people saw Scaramucci's firing as a good thing, several West Wing aides said. ...

"White House officials said Kelly is planning to lock down the Oval Office, restricting the number of aides and outside visitors who can wander in. One aide said Trump's daughter Ivanka Trump and son-in-law Jared Kushner have agreed to follow Kelly's rules when it comes to visiting the Oval and sharing information with the president. 'They are going to actually report to him,' the aide said." http://politi.co/2tZ8LSK

WSJ EDITORIAL BOARD -- "Kelly Sends a Message: The new White House chief of staff gives the Mooch the boot": "The big questions about new White House chief of staff John Kelly are whether he can impose discipline on a chaotic staff, and whether President Trump will listen to him. After one day on the job, Mr. Kelly appears to be 2-0." http://on.wsj.com/2uf2tK2

THE PRESSURE IS ON -- Yes, John Kelly made a dramatic mark on his first day as chief of staff firing controversial communications director Anthony Scaramucci. He also laid down the law to White House staffers, publicly saying that there would be a new chain of command -- and he was at the top. The question remains whether Kelly can

force order in an inherently chaotic environment. It also remains to be seen whether Kelly can actually stop top aides like Dan Scavino, Steve Bannon and others from going directly to Trump, not to mention Ivanka and Jared when they disagree with their new boss.

BIG QUESTIONS ...

-- WHO WILL BE THE NEXT COMMS DIRECTOR? Trump's White House has struggled to fill the communications director position since the beginning of this administration. Mike Dubke didn't last. Clearly, Scaramucci wasn't a good fit. It's unclear who Kelly will look to fill the critical role of trying to set the message for the administration. Several Republican sources floated **BLAIN RETHMEIER** as a potential replacement. Rethmeier, a veteran Republican communicator who has worked at trade associations and more recently at firms like Ditto PR and Edelman, has a relationship with Kelly. He was part of the sherpa team that helped get Kelly confirmed as DHS secretary. **JASON MILLER** is another communications vet who is perennially brought up to fill the top comms slot. Miller, who served as communications director of Trump's campaign, currently is a CNN contributor and works at Teneo Strategy. Neither Rethmeier nor Miller responded to a request for comment.

-- WHO WILL BE THE NEXT DHS SECRETARY? Republican sources said that the White House's focus is on getting the West Wing in order before turning to fill Kelly's slot at DHS. It's unclear whether Trump will want to continue with a military official in the position, or turn to a more political operator. Either way, multiple sources said Trump's operation wants someone who can be easily confirmed. House Homeland Security Chairman Mike McCaul (R-Texas) is on the shortlist for Kelly replacements. He's got the experience and political chops. Others in the mix include: ICE acting director Thomas Homan and Kansas Secretary of State Kris Kobach, though Kobach would likely have a hard time getting confirmed.

-- NOT ON THE SHORT LIST: "'America's toughest sheriff' found guilty of criminal contempt," by Ted Hesson: "A federal judge in Arizona found former Maricopa County Sheriff Joe Arpaio guilty of criminal contempt on Monday for violating an order in a racial-profiling case. U.S. District Court Judge Susan Bolton said the evidence in the case showed a 'flagrant disregard' for a 2011 court order that required the sheriff to stop detaining people unless they were suspected of a crime. The 85-year-old Arpaio, who lost a reelection bid last year, earned a reputation during his tenure for his tough stance against illegal immigration and headline-grabbing approach to criminal justice, dressing inmates in pink underwear and operating an open-air 'tent city' jail in the scorching Arizona heat." http://politi.co/2tY307Y

NOT THE ONION - JAKE TAPPER on CNN.com, "White House officials tricked by email prankster": "A self-described 'email prankster' in the UK fooled a number of White House officials into thinking he was other officials, including an episode where he convinced the White House official tasked with cyber security that he was Jared Kushner and received that official's private email address unsolicited. 'Tom, we are

arranging a bit of a soirée towards the end of August,' the fake Jared Kushner on an Outlook account wrote to the official White House email account of Homeland Security Adviser Tom Bossert. 'It would be great if you could make it, I promise food of at least comparible (sic) quality to that which we ate in Iraq. Should be a great evening.' Bossert wrote back: 'Thanks, Jared. With a promise like that, I can't refuse. Also, if you ever need it, my personal email is' (redacted). ...

"Masquerading as Priebus, the prankster emailed Scaramucci's official account using a mail.com account on Saturday, the day after Priebus' resignation was announced. ... The very real Scaramucci responded: 'You know what you did. We all do. Even today. But rest assured we were prepared. A Man would apologize.' Fake Priebus wrote back: 'I can't believe you are questioning my ethics! The so called "Mooch", who can't even manage his first week in the White House without leaving upset in his wake. I have nothing to apologize for.' Actual Scaramucci responded: 'Read Shakespeare. Particularly Othello. You are right there. My family is fine by the way and will thrive. I know what you did. No more replies from me.'

"In another exchange, Scaramucci was hoodwinked by the same prankster pretending to be Ambassador to Russia-designate Jon Huntsman Jr. ... After a few ... nice messages of support from faux Huntsman, Scaramucci wrote, 'Are you in Moscow now? If not please visit.'" http://cnn.it/2vcYYZh

WILD STORY -- "Capitol Police Responded to Wrong Site in Scalise Shooting," by Bloomberg's Billy House: "The U.S. Capitol Police department opened an internal investigation into why its elite tactical team was initially directed to respond to the wrong location when a gunman opened fire last month at a GOP congressional baseball practice, according to two people familiar with the matter. Instead of responding directly to the Virginia field where House Majority Whip Steve Scalise and several others were shot, members of the Capitol Police Containment and Emergency Response Team were signaled instead to go to House Minority Leader Nancy Pelosi's house in the Georgetown neighborhood of Washington, several miles away." https://bloom.bg/2uSnJqZ

RETIREMENT WATCH -- TENNESSEE REPUBLICAN JIMMY DUNCAN is retiring at the end of this Congress. The seat has been represented by a Duncan since 1965: he has been in Congress since 1988, and his father represented the same district before that. The move wasn't wholly unexpected and Republican sources predict several more lawmakers to join Duncan and Rep. Ileana Ros-Lehtinen (R-Fla.) in not seeking reelection.

NEW POLITICO/MORNING CONSULT POLL -- "Majority of voters believe White House is in chaos," by Steven Shepard: "While President Donald Trump claimed early Monday in a tweet that there was no 'chaos' in his White House, voters disagree: 60 percent say the administration is running somewhat or very chaotically, compared to only 33 percent who say it is running well. That's according to a new POLITICO/Morning Consult poll conducted last Thursday through Saturday. The survey was conducted

entirely prior to Monday's ouster of Anthony Scaramucci from his position as White House communications director, and was already in the field when Reince Priebus left the chief of staff position.

"In general, voters have a low opinion of how Trump's White House is operating. Fewer voters, 29 percent, say Trump's staff serves him well than the 39 percent who say his staff doesn't serve him well. Republican voters have a much more positive impression of how Trump's White House is operating: 63 percent say it is running well, though more than a third, 34 percent, say it is running chaotically. By comparison, very few Democrats (12 percent) or independents (25 percent) say Trump's White House is running well -- with 80 percent of Democrats and 65 percent of independents saying it is beset by chaos." http://politi.co/2uP9NzO

NEW ISAAC DOVERE PODCAST -- ISAAC DOVERE spoke to **DEVAL PATRICK** in his Bain Capital office in the John Hancock tower in Boston. "Barack Obama is nudging him to run. His inner circle is actively encouraging it. Dovere chatted with him about Donald Trump's governing by fear and a dishonest pitch to economic nostalgia, while encouraging a rise in casual racism and ditching any real commitment to civil rights. 'I'm trying to think about how to be helpful, because I care about the country, and I'm a patriot first. It's way, way too soon to be making plans for 2020,' he said. 'So I'll just leave it at that.'

"But he's clearly upset with what Trump is doing, on both policy and approach. 'The president, I believe, is at risk of diminishing the voice of the presidency because he pops off so often, and so, kind of, carelessly. I think there is a risk both domestically, and internationally for that matter, that we'll begin to tune him out,' he said. David Axelrod has had several conversations with Patrick about running, and eagerly rattles off the early primary map logic. Valerie Jarrett says that a President Patrick is what 'my heart desires.' Obama himself-who is personally close to Patrick, and counts him among the very small group of people whom he thinks has actual political talent-has privately encouraged him to think about it, among others." http://politi.co/2tZdmVj ... ***Listen to the full podcast*** http://apple.co/2e2dLvm

THE JUICE ...

-- FIRST LOOK: Stevie Wonder, Green Day, The Killers, The Lumineers, and The Chainsmokers will perform at the 2017 Global Citizen Festival Sept. 23 in New York. Pharrell Williams, Big Sean, Andra Day and Alessia Cara will also perform.

-- GAVIN NEWSOM has $16 million in the bank for his race for governor of California. John Chiang has $8.9 million. Former Los Angeles Mayor Antonio Villaraigosa has nearly $4.5 million.

-- MOOCH EMAILS BILL COHAN - "The Mooch is Dead! Long Live the Mooch!" -- Vanity Fair: "'Will make it better this week,' Anthony Scaramucci e-mailed me at 2:33 a.m. on Sunday morning. Alas, he would not get the chance. ... He was out of control

and knew it. His wild interview with Ryan Lizza of The New Yorker probably sealed his fate. He wrote in an e-mail on Saturday morning at 2:24 a.m. that it was 'a mistake' to talk to Lizza. 'I lost my temper,' he said." http://bit.ly/2tZeTKP

Playbook Reads

PHOTO DU JOUR: President Donald Trump presents the Medal of Honor to former Army Specialist James McCloughan of South Haven, Michigan, during an East Room ceremony at the White House on July 31. McCloughan was awarded with the medal for his heroic acts as a combat medic during the Vietnam War. | Win McNamee/Getty Images

FIRST PERSON -- SEN. JEFF FLAKE (R-Ariz.) in POLITICO Magazine, "My Party Is in Denial About Donald Trump: We created him, and now we're rationalizing him. When will it stop?" in an excerpt of his new book "Conscience of a Conservative": "I've been sympathetic to [an] impulse to denial, as one doesn't ever want to believe that the government of the United States has been made dysfunctional at the highest levels, especially by the actions of one's own party. ... [A]s I layered in my defense mechanisms, I even found myself saying things like, 'If I took the time to respond to every presidential tweet, there would be little time for anything else.'

"Given the volume and velocity of tweets from both the Trump campaign and then the White House, this was certainly true. But it was also a monumental dodge. It would be like Noah saying, 'If I spent all my time obsessing about the coming flood, there would be little time for anything else.' At a certain point, if one is being honest, the flood becomes the thing that is most worthy of attention. At a certain point, it might be time to build an ark." http://politi.co/2uSnrAp ... ***$20.79 on Amazon*** http://amzn.to/2uQ6eJy

MOOCH TICK TOCK -- "Scaramucci's short, wild ride through Trump's White House," by Josh Dawsey, Annie Karni and Tara Palmeri: "The retired Marine general was amazed Scaramucci hadn't been disciplined for his profane rants about other West Wing aides published in The New Yorker and couldn't imagine him staying in the West Wing, several White House officials said. Scaramucci was spotted at the swearing-in ceremony, looking grim-but at that point still unaware of what was coming, said people familiar with how the day unfolded. Scaramucci arrived at work Monday, Kelly's first day, with a plan to announce changes in the communications team ... Instead, Kelly told him he needed to go, meeting with Scaramucci in his West Wing office without President Donald Trump present. 'No way could he work with Kelly,' one White House official said. 'His antics over the past week were crazy by any standard.' ...

"In meetings, Scaramucci repeatedly reminded aides that he wasn't 'one of them,' one White House official said. He often talked about his close personal relationship with the president and the autonomy and leeway he had to make decisions, this official said.

In the few meetings he held with communications staffers, he mostly just talked about his desire to cut off embarrassing 'leaks' of anonymous quotes from inside the West Wing - and to fire anyone who had been talking to the press, according to one person familiar with the meetings. He would cut off former RNC staffers, telling them, 'I know you've been serving two masters in this place' - meaning the president and Priebus, whom Scaramucci believed had been undermining the administration. 'I really believe he was on track to fire everybody,' said the person familiar with the meetings. 'Sarah would try and keep the meeting on track, and he would interrupt to talk about leaks and firing everybody.'" http://politi.co/2vde29k

OOPS -- "Anthony Scaramucci erroneously listed as dead in the new Harvard Law alumni directory," by WaPo's Emily Heil: "Pity poor Anthony Scaramucci: reportedly getting divorced, sacked from his job after a mere 10 days - and now there's an erroneous report that he's dead. The blink-and-you-missed-him former White House communications director is listed as deceased in the new Harvard Law School alumni directory, which arrived in alums' mailboxes the very week that 'The Mooch' became the most talked-about guy in politics. An asterisk by the 1989 graduate's name indicates that he was reported dead since the last directory, which was published in 2011. It's unclear whether he was the victim of a prank - or just a typo." http://wapo.st/2ufnLXT

FROM THE PRESIDENT'S SENIOR ADVISER -- "Kushner to Interns: Trump Team Too Disorganized to Collude With Russia," by Foreign Policy's Jenna McLaughlin: "Donald Trump's election team could not have colluded with Russia because they were barely talking to each other, according to Jared Kushner, the president's son-in-law and top White House advisor. 'They thought we colluded, but we couldn't even collude with our local offices,' Kushner told congressional interns during a private talk at the Capitol Visitor Center in Washington on Monday afternoon. ... Before the lecture, the intern director warned those present not to leak the contents of the speech, which was given off the record. ... 'I'm a lot more comfortable talking to you guys today 'cause there isn't any press,' Kushner said." http://atfp.co/2tYRVU4

PIC DU JOUR -- @HotlineJosh: "Just passed Seb Gorka on the Hill. His license plate is 'ART WAR'". http://bit.ly/2tTblWl

WHAT THE PENTAGON IS READING -- "Pentagon Offers Plan to Arm Ukraine," by WSJ's Julian E. Barnes in London, Laurence Norman in Brussels and Felicia Schwartz in Washington: "The U.S. Pentagon and State Department have devised plans to supply Ukraine with antitank missiles and other weaponry and are seeking White House approval, U.S. officials said, as Kiev battles Russia-backed separatists and ties between Moscow and Washington fray. ... The official said President Donald Trump hasn't been briefed on the plan and his position isn't known. Some U.S. and Ukrainian officials said they expect it could be months before the White House makes a final determination." http://on.wsj.com/2uPLzVS

MONEY WATCH -- "Super PACs already racing toward 2018 - and 2020 -- Conservatives have edge over liberals as both camps raise millions," by Center for

Public Integrity's Ashley Balcerzak and Dave Levinthal: http://bit.ly/2vi7KEQ

COMING ATTRACTIONS -- "Watchdog wants investigation into Wasserman Schultz over IT staffer," by Heather Caygle: "A right-leaning ethics group is pushing for a congressional probe into Rep. Debbie Wasserman Schultz because she continued to employ an IT staffer for months after he became the focus of a criminal investigation. The Foundation for Accountability and Civic Trust ... a conservative accountability group, is requesting the Office of Congressional Ethics launch an investigation into what the nonprofit says is Wasserman Schultz's 'apparent breach' of House rules for continuing to employ Imran Awan, even after he was blocked from accessing the House IT system earlier this year." http://politi.co/2f1YRt5

****** **A message from Morgan Stanley:** Growing disparities in income and more are among today's greatest socio-economic challenges. Private sector capital can help create prosperous communities and reduce inequality globally. Morgan Stanley, with The Economic Intelligence Unit, created a tool to rank 20 countries in terms of finance, healthcare, education and gender disparities. Read more. ******

ARE YOU INVITED? -- CHRISTIAN BROADCASTING NETWORK'S JENNIFER WISHON: "Bible Studies at the White House: Who's Inside This Spiritual Awakening?": "A spiritual awakening is underway at the White House. Some of the most powerful people in America have been gathering weekly to learn more about God's Word, and this Trump Cabinet Bible study is making history. They've been called the most evangelical Cabinet in history - men and women who don't mince words when it comes to where they stand on God and the Bible. ... Health Secretary Tom Price, Energy Secretary Rick Perry, Education Secretary Betsy DeVos, Agriculture Secretary [Sonny] Perdue, and CIA Director Mike Pompeo are just a few of the regulars. ... America's top cop, Attorney General Jeff Sessions, also attends the study." http://bit.ly/2uPYt6o

WHAT TO EXPECT IN MOSCOW -- "After Russia's Retaliation, Embassy Workers Brace for a 'Shock to the System,'" by NYT's Neil MacFarquhar: "The last time the Kremlin forced a sweeping reduction of local staff at the American Embassy in Moscow, a young diplomat named Steven Pifer found himself working four days a week on arms control, as usual. But on the fifth day, he navigated the capital in a big truck to move furniture or haul mammoth grocery loads. The entire staff of the embassy, except the ambassador, was assigned one day each week to grunt work called All Purpose Duty ... when they shed their dark suits and polished loafers to mow the lawns, fix the plumbing, cook in the cafeteria and even clean the toilets. ... [M]any current and former diplomats expect a similar effort in the wake of President Vladimir V. Putin's announcement on Sunday that the United States diplomatic mission in Russia must shed 755 employees by Sept. 1." http://nyti.ms/2tZ6YgD

-- REUTERS/MOSCOW: "U.S. embassy in Moscow says locked out of diplomatic property": "The U.S. embassy in Moscow accused Russian authorities on Monday of barring diplomatic staff from a property on the outskirts of Moscow, after having earlier

agreed to grant access until midday on Tuesday for them to retrieve belongings. A Russian foreign ministry official, quoted by state news agency RIA, said the U.S. embassy had sent in its trucks without first obtaining permits which, the official said, are required by law because the property is in a conservation area. The property, in a picturesque spot on a bend in the Moskva river northwest of the capital, is leased by the U.S. embassy for its staff to use for recreation." http://reut.rs/2tZ1thU

WHAT YOUSEF IS SAYING BEHIND THE SCENES -- "Persian Gulf Rivals Competed to Host Taliban, Leaked Emails Show," by NYT's David D. Kirkpatrick: "In their long-running rivalry, the United Arab Emirates has often accused its neighbor Qatar of abetting Islamist militants, citing as one prime example the 2013 opening of a Taliban embassy in the Qatari capital, Doha. Now it turns out that the Emiratis tried to get the Taliban to open an embassy in their own country instead. The Emirati ambassador to Washington, Yousef al-Otaiba, even received 'an angry phone call' from the foreign minister at the time complaining that the Taliban had ended up in Qatar and not the U.A.E., according to leaked emails from the ambassador's account." http://nyti.ms/2ueRS1P

BUSINESS BURST - "While Other U.S. Companies Flee China, Starbucks Marches In," by NYT's Andrew Ross Sorkin: "Consider this mind-boggling statistic that I culled from the company's statement last week about its Chinese ambitions: Starbucks is opening more than 500 stores a year there -- which amounts to more than one new store a day. Starbucks is creating some 10,000 jobs in China annually. In Shanghai alone, there are already 600 stores. To put that in perspective, New York City has about half as many stores as Shanghai." http://nyti.ms/2uSI1R1

MEDIAWATCH -- "Corey Lewandowski Has Been Fired From The One America News Network," by The Daily Beast's Lachlan Markay and Asawin Suebsaeng: "Three sources with knowledge of the situation tell The Daily Beast that the former Trump campaign manager and current informal adviser to the president has been let go from One America News Network, a pro-Trump cable channel pitching itself as an aspiring Fox News. Lewandowski angered OANN leadership with his frequent appearances on Fox and other competitors, which one former OANN employee described as 'a big no-no' with the channel's leadership." http://thebea.st/2vdlSiX

POINT ON THE BOARD FOR CBS -- "Mercedes drops contractor in wake of CBS News investigation" http://cbsn.ws/2uTRrMa

Playbookers

SPOTTED: Sen. Ron Wyden (D-Ore.) yesterday at lunch at On Rye.

OUT AND ABOUT -- Americans for Prosperity yesterday hosted a forum at the Newseum entitled "Unrig the Economy" featuring Treasury Secretary Steven Mnuchin

and White House director of legislative affairs Marc Short to discuss the Administration's tax reform plans. ***Pic*** http://bit.ly/2vnK7f1 **SPOTTED:** Tim Phillips, Shannon McGahn, Jason Chung, Erik Telford, Suhail Khan and Heidi Neal.

TRANSITIONS -- Walmart hired **Christian Gomez, Jr.** as senior manager for global government affairs, with a focus on Latin America. He was previously economic growth adviser at USAID and is a Council of the Americas alum. ... **Jay Shambaugh**, a GWU professor and former Obama White House CEA member, has been named director of the Hamilton Project at Brookings. ...

-- Natasha Hickman, a longtime staffer to Sen. Richard Burr (R-N.C.), has been promoted from legislative director to chief of staff in Burr's personal office. She started her Senate career with former Sen. Kay Bailey Hutchison (R-Texas) and also served in the Bush administration. **Christopher Toppings**, deputy legislative director, has been promoted to legislative director for Burr.

BIRTHDAY OF THE DAY: CSIS' **Andrew Schwartz** , who co-hosts the new podcast "About the News," with Bob Schieffer, is 49. He's celebrating "on the beach in Tel Aviv with my wife Amy Goldberg and our friends Yani and Eva Xanthos who flew in from Athens." Read his Playbook Plus Q&A: http://politi.co/2uQfvkM

BIRTHDAYS: Dallas investor and Democratic fundraiser Cappy McGarr, executive producer of the Mark Twain Prize for American Humor and a creator of the award -- read a McClatchy profile of him http://bit.ly/2ac3RDv (hat tip: Robert) ... Ed Gillespie is 56 ... Dan Shapiro, former ambassador to Israel now at Israeli think tank INSS ... Politico's Azi Paybarah and Chris Buddie ... David Helfenbein, senior adviser at strategic branding firm Main & Rose and a Clinton State alum, is 31 (h/t fiancé Leigh Shirvan of @hungryobsession) ... Drew Littman, former Franken chief of staff and former senior counselor at HHS, now policy director at Brownstein Hyatt Farber Schreck (h/t Jon Haber) ... former Rep. Sue Myrick (R-NC) is 76 ... former Rep. Rick Boucher (D-Va.) is 71 ... Mikayla Marie Hall ... Josh Davenport ...

... Travis Burk, of CRC Public Relations and alum of Bush '04 and Rick Scott, is 37 (h/t wife Ginger Gibson) ... Joanna Knight, director of speechwriting at EMILY's List and Maisie's mom (h/ts Alexandra De Luca and John Weber) ... Corrie MacLaggan, managing editor of the Texas Tribune @corriemac (h/t Oliver Bernstein) ... David Cygielman is 36 ... Hillel International's Sheila Katz ... Avi Arad is 69 (h/ts Jewish Insider) ... Jeffrey Bush ... Ellen Brown ... former Sen. Alfonse D'Amato (R-N.Y.) is 8-0 ... Zachary Isaac Gold is 28 ... Adam W. G. Alles ... Chris Mayer ... Andrea Jones, McCain and ABC comms alum ... Karen Marangi ... Josie McSpadden (Duckett), senior comms officer at the Gates Foundation ... Benji Englander ... Rosanna Arlia ... Guy Short ... Andrew Gallo ... Ari Zoldan ... Mary Angela Moutoussis ... Scott Evertz ... Tom Dougherty is 6-0 ... Chris Steeples ... Larry Harrington ... Martin Hamburger is 54 ... Chris Hayler (h/ts Teresa Vilmain)

****** **A message from Morgan Stanley:** The Morgan Stanley Institute for Sustainable

Investing, with The Economist Intelligence Unit, created the Inclusive Growth Opportunities Index to explore technology investments that can increase access to finance, healthcare and education, and enhance gender inclusion. The report and interactive tool, which allows users to rank 20 emerging and developed countries, highlights the potential for investment opportunities that drive inclusive economic growth. See which countries indexed high on the list, and where there are opportunities to invest in inclusive growth. Read more from Morgan Stanley. ******

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Subject: TIME: "I Don't Spend Any Time With Polluters. I Prosecute Polluters." - Scott Pruitt

Pruitt: "I Don't Spend Any Time With Polluters. I Prosecute Polluters."

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TIME MAGAZINE

"I Don't Spend Any Time With Polluters. I Prosecute Polluters." - Scott Pruitt

Click Here To Watch The Video

Justin Worland
Time Magazine
October 20, 2017
http://time.com/4990060/scott-pruitt-interview-epa-schedule-meetings/

The head of the Environmental Protection Agency defended his meetings with energy companies, chemical manufacturers, automakers and other industry groups, arguing that they were "stakeholders" not "polluters."

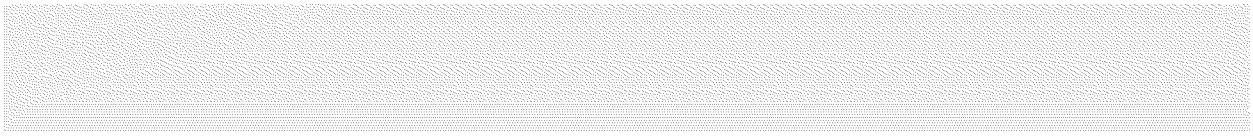
In an exclusive interview with TIME on Oct. 18, former Oklahoma attorney general Scott Pruitt argued that the recent criticism of his schedule, which showed he met with environmental groups less than 1% of the time, was inaccurate.

"I don't spend any time with polluters. I prosecute polluters," says Pruitt. "What I'm spending time with are stakeholders who care about outcomes. I think it's a wrong premise. It's Washington D.C.-think to look at folks across the country—from states to citizens to farmers and ranchers, industry in general—and say they are evil or wrong and we're not going to partner with them."

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From: POLITICO Pro
Sent: Tue 9/19/2017 2:08:38 AM
Subject: Clinton urges government workers not to quit their posts

By Gabriel Debenedetti

09/18/2017 10:04 PM EDT

Hillary Clinton today urged federal employees who disagree with the Trump administration to stay in their jobs if they can, condemning what she called the "disregard, even contempt, among many in this administration about what federal workers know and what they've done, and the advice they can give."

The 2016 Democratic presidential nominee, speaking at Warner Theatre in Washington in the first speaking event of the national tour for her new book, urged government workers to "stick it out, stick it out, because the tide has to turn."

Scores of federal workers held over from the Obama administration have left the government since President Donald Trump took over, but Clinton pointed to the ongoing North Korea crisis as an example of why their expertise is needed in Washington.

"I don't want us to lose the decades — really, if you added it all up, the thousands of years — of experience in the EPA, in the State Department, in the Labor Department, in a lot of the places being targeted by the administration," Clinton said. "At some point they're going to need you, and the country is going to need you. And I hope you're still there."

"If [Democrats] can take back one or both houses of Congress in 2018, you will have people you can talk to again," she added toward the end of the hourlong event, in which she largely stuck to the themes of her book, "What Happened," which rehashes the 2016 campaign and other portions of Clinton's life.

The event was formatted as a question-and-answer session hosted by former Clinton speechwriter Lissa Muscatine, owner of the Politics and Prose Bookstore, which sponsored the event.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/clinton-urges-government-workers-not-to-quit-their-posts-093117

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Subject: POLITICO Playbook, presented by BP: HEALTH CARE BILL GOES UP IN FLAMES as McCain sinks 'skinny' repeal -- FIRST IN PLAYBOOK: House GOP leaders raise big bucks for Scalise -- JAMES RISEN leaving NYT -- KASIE HUNT may get MSNBC show -- B'DAY: Richard Haass

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Today's POLITICO Playbook presented by BP
07/28/2017 06:42 AM EDT

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Friday morning. WELL, THAT'S THAT...FOR NOW. Sens. John McCain (R-Ariz.), Lisa Murkowski (R-Alaska) and Susan Collins (R-Maine) voted "no" early Friday morning on a "skinny" Obamacare repeal bill -- an effort Republicans, including Speaker Paul Ryan, framed as the way to begin a negotiation between the House and Senate on a large health care package. McCain and Murkowski have been targets of Trump's scorn in the last year or so.

THERE WAS PLENTY OF LATE-NIGHT DRAMA. GREAT TIDBITS from Seung Min Kim, Burgess Everett and Jen Haberkorn: "The president made a last-ditch effort, calling [McCain] on the GOP's Obamacare repeal measure, as the bill's fate hung in the balance, according to two sources familiar with the conversation. After Pence had spent about 20 minutes working McCain, the senator went off the floor to speak with Trump by phone, those sources said. ... 'I thought it was the right vote,' McCain told reporters as he left the Capitol. 'I do my job as a senator.' ...

"But his mind wouldn't change. McCain walked over to a gaggle of Senate Democrats and told them that he would be voting no on the Obamacare repeal measure. His mind had already sped ahead to what was next: the National Defense Authorization Act, a top priority for the Armed Services Committee chairman. 'Let's get this over with,' McCain told the cluster of Democrats, according to senators. 'I really want to do NDAA.'" http://politi.co/2h8bFih

-- Before the final vote was called, McCain walked to the Democratic side of the aisle and spoke to a happy Senate Minority Leader Chuck Schumer (D-N.Y.) and embraced Sen. Dianne Feinstein (D-Calif.). Pence, who was standing by to cast a tiebreaking vote,

was not presiding over the Senate during the final tally -- an ominous sign. ***John Bresnahan, Burgess Everett, Jen Haberkorn and Seung Min Kim with many more details*** http://politi.co/2v58VYk ... **WATCH:** Schumer's fist pump. http://bit.ly/2h8dqfi ... **WATCH**: McCain walks up to the desk, puts his thumb down and votes no. http://bit.ly/2uHOpdX

SEN. CHRIS MURPHY (D-CONN.) (@ChrisMurphyCT): "I ran into John McCain as we walked underground to the Senate for the final vote. Someday I'll get to tell my grandkids what he said to me."

-- HOW IT PLAYED IN PHOENIX -- LEAD IN THE MAINBAR OF THE ARIZONA REPUBLIC: "Capping his dramatic return to Capitol Hill while fighting brain cancer, Sen. John McCain cast the deciding vote to sink his fellow Republicans' so-called 'skinny repeal' of the Affordable Care Act." http://bit.ly/2vOZfPn

-- WHAT MCCAIN SAID: "We must now return to the correct way of legislating and send the bill back to committee, hold hearings, receive input from both sides of aisle, heed the recommendations of nation's governors, and produce a bill that finally delivers affordable health care for the American people. We must do the hard work our citizens expect of us and deserve."

--Drudge banner, "THE END -- MCCAIN KILLS REPEAL" ... **HuffPost banner,** "SHOCK VOTE: REPEAL DEAD -- 3 GOP CROSS AISLE" ... **N.Y. Post cover,** "SURVIVOR WHITE HOUSE" http://bit.ly/2tP12GI

REACTION FROM PRESIDENT TRUMP -- at 2:25 a.m.: "3 Republicans and 48 Democrats let the American people down. As I said from the beginning, let ObamaCare implode, then deal. Watch!"

A FEW TAKEAWAYS: Health care is a very tricky topic, and there's very little agreement among Republicans on the key issues like Medicaid and coverage. Legislating takes time and effort. Artificial deadlines don't help. The president needs allies, not skeptics and enemies on Capitol Hill. Shifting responses on Russia, constant chatter about the outcome of the 2016 election and berating your attorney general and members of Congress haven't been helpful for the president, broadly speaking. The president has to learn to be nice to members of Congress. That's all part of the game. It's not always fun. But that's the way to win. Not many people are interested in fighting for the president and taking tough votes for him at this point. Right now, Trump has just one major Capitol Hill win: a new Supreme Court justice.

WHERE DO THINGS GO FROM NOW? It is not completely clear. Talk to Hill Republicans and the big problem is this: House Republicans do not believe Senate Republicans can pass anything substantial -- period. And the idea that a bi-cameral negotiation -- called a "conference committee" -- would have somehow produced a compromise was also a bit of a fantasy.

WILL REPUBLICANS GIVE UP ON HEALTH CARE? No, almost definitely not. Repealing and replacing Obamacare is still the party's central tenet -- and has been for nearly a decade. But it will have to start anew, now. And it will continue to eat up much of the party's time and energy on Capitol Hill. Obamacare was on life support many times in 2009-2010. Democrats eventually got it through. **THE LIKELIHOOD?** A package of fixes from Republicans. Dismantling or fixing -- depending on your political orientation -- piece by piece. There will definitely be a push to starve the law of funding.

HOUSE REPUBLICANS have a 9 a.m. closed party meeting this morning. There's no reason why they'll stay for the weekend, but some might want to. **TOP REPUBLICANS** believe it's incumbent on the Senate to come up with something it can pass.

****** **A message from BP: We produced and refined 1.3 million barrels per day of oil and natural gas last year - enough energy to light the entire country.** *Flip through our Economic Impact Report to learn more.* ******

WELL, WELCOME TO AUGUST. Washington hasn't accomplished anything on health care, infrastructure, government spending, the debt ceiling or taxes. As we've been telling you, health care will stretch into the fall, and could damage the chance for tax reform. We're about two months away from a government shutdown, and not that far out from defaulting on the nation's debt.

THE WORST SCENARIO FOR HOUSE REPUBLICANS -- A bipartisan deal on health care emerges from the Senate. It would deeply divide the House, which is more conservative and factional than the Senate.

FIRST IN PLAYBOOK: House Republican leaders raised $515,000 this week at a fundraiser for House Majority Leader Steve Scalise's leadership fund.

WHAT EVERYONE IS TALKING ABOUT -- RYAN LIZZA on NewYorker.com, **"Anthony Scaramucci Called Me to Unload About White House Leakers, Reince Priebus, and Steve Bannon":** "'What I'm going to do is, I will eliminate everyone in the comms team and we'll start over,' he said. ... 'They'll all be fired by me,' he said. 'I fired one guy the other day. I have three to four people I'll fire tomorrow. I'll get to the person who leaked that to you. Reince Priebus-if you want to leak something-he'll be asked to resign very shortly.' The issue, he said, was that he believed Priebus had been worried about the dinner [with Sean Hannity and Bill Shine] because he hadn't been invited. 'Reince is a f***ing paranoid schizophrenic, a paranoiac,' Scaramucci said. He channelled Priebus as he spoke: "'Oh, Bill Shine is coming in. Let me leak the f***ing thing and see if I can c***-block these people the way I c***-blocked Scaramucci for six months.'" (Priebus did not respond to a request for comment.)"

"Scaramucci also told me that, unlike other senior officials, he had no interest in media attention. 'I'm not Steve Bannon, I'm not trying to suck my own c**k,' he said ... 'I'm not trying to build my own brand off the f***ing strength of the President. I'm here to serve the country.' (Bannon declined to comment.) He reiterated that Priebus would

resign soon, and he noted that he told Trump that he expected Priebus to launch a campaign against him. 'He didn't get the hint that I was reporting directly to the President,' he said. 'And I said to the President here are the four or five things that he will do to me.' His list of allegations included leaking the Hannity dinner and the details from his financial-disclosure form. ...

"I got the sense that Scaramucci's campaign against leakers flows from his intense loyalty to Trump. Unlike other Trump advisers, I've never heard him say a bad word about the President. 'What I want to do is I want to f***ing kill all the leakers and I want to get the President's agenda on track so we can succeed for the American people,' he told me. He cryptically suggested that he had more information about White House aides. 'O.K., the Mooch showed up a week ago,' he said. 'This is going to get cleaned up very shortly, O.K.? Because I nailed these guys. I've got digital fingerprints on everything they've done through the F.B.I. and the f***ing Department of Justice.' ... Scaramucci said he had to get going. 'Yeah, let me go, though, because I've gotta start tweeting some s*** to make this guy crazy.'" http://bit.ly/2h75I58z

-- @Scaramucci: "I sometimes use colorful language. I will refrain in this arena but not give up the passionate fight for @realDonaldTrump's agenda. #MAGA ... I made a mistake in trusting in a reporter. It won't happen again."

-- BUT ... PER RYAN LIZZA's piece: "Scaramucci, who initiated the call, did not ask for the conversation to be off the record or on background."

****** **A message from BP: We operate an oil and gas pipeline network across America that spans nearly 4,000 miles - farther than New York to San Francisco.** *Watch this short video for more on our U.S. footprint.* ******

JOSH DAWSEY - "Scaramucci declares war on Priebus, Bannon": "One person who talked with Scaramucci said he talks openly about getting rid of Priebus, the former Republican National Committee chairman whose job has appeared to be in jeopardy for months. 'He's got to go,' this person said, summarizing Scaramucci's comments about Priebus. ... One White House official described the incident as a bump in the road for Scaramucci - and said that there was no expectation that he would be fired or punished for the interview. Nor any expectation that Trump will be inflamed by it. 'He didn't say anything negative about Trump,' this person said. ...

"One person who spoke with Priebus over the weekend said he'd wanted to make it to one year in the White House, but has settled for staying 'at least through health care.' One reason Priebus and his allies opposed Scaramucci coming on board was that they knew 'he wouldn't just be a comms person going on TV,' one West Wing official said. Priebus has begun calling allies and asking for advice on whether he should stay in the job and how he should handle the situation, according to people familiar with the talks. One such call went to Speaker Paul Ryan earlier this week, who advised Priebus to stay and that the president needed him. ... Priebus has continued to hold daily meetings in his office, but people no longer feel like they have to attend, one senior White House

official said." http://politi.co/2tOKwqz

REINCE WATCH -- INTERESTING NUGGET from NYT's Peter Baker and Maggie Haberman: "Mr. Trump has openly told people that he has lost faith in Mr. Priebus. He has said he wants 'a general' as chief of staff, and has focused on John F. Kelly, the retired four-star Marine now serving as homeland security secretary. Many of his advisers, however, consider that a bad idea." http://nyti.ms/2u3RwLc

-- "Reince Priebus's Days Are Numbered, Trump Allies Say," by BuzzFeed's Adrian Carrasquillo: "The White House used to sternly push back on reports that Chief of Staff Reince Priebus was losing the president's favor and would soon be fired. ... Those days appear to be over. ... Privately, Kellyanne Conway, counselor to the president, has told people that Priebus is 'gone' and that he is trying to figure out his next steps, a source with knowledge said. Her message is that White House staffers who came from the [RNC], which Priebus ran before being named chief of staff, are out, and that the administration is 'going back to Trump loyalists.'" http://bzfd.it/2h8h4G1

REMEMBER WHEN the Trump administration said tax reform was easy, and would happen by the end of the year?

THE SKINNY TAX PLAN -- "Tax reform: Is that all there is?," by Nancy Cook and Aaron Lorenzo: "The White House, Treasury and congressional leaders issued a six-paragraph statement Thursday that tried to show off their commitment to pursuing tax reform without delving into any policy specifics. The only problem? Tax overhauls live and die on details -- and their absence, after months of weekly meetings aimed at achieving consensus, showed that the GOP's dream of achieving tax reform may be years from completion.

"Missing from the 'Big 6' leaders' statement were details such as what rates Republicans think major corporations, the wealthiest individuals and the middle class should pay. Also unresolved were the status of the estate tax and the fate of prized tax breaks, such as the ability to deduct business interest and state and local taxes. It was even briefer and less detailed than the one-page tax proposal that the Treasury Department and White House released in April, which drew widespread criticism at the time for being too short." http://politi.co/2u4lJd7

-- "Business Roundtable launching multi-million dollar push backing tax reform," by Nancy Cook: "The Business Roundtable is embarking on a multi-million-dollar national TV and radio campaign, beginning in early August, to give tax reform extra momentum over the congressional recess. Done in cooperation with White House, Treasury, and House and Senate leadership, this is BRT's effort to cast a potential tax overhaul as a once-in-a-generation opportunity." http://politi.co/2eT9f6g

FOR YOUR RADAR -- "Congress sends Russia sanctions to Trump's desk, daring a veto," by Elana Schor: "The Senate on Thursday delivered Donald Trump the first big bipartisan rebuke of his presidency, giving final approval to a package of sanctions on Russia, Iran, and North Korea that constrains his bid to defrost relations with Moscow. The Senate voted 98-2 to approve the sanctions bill that cleared the House earlier this week. ... The only no votes on the bill were Kentucky Republican Rand Paul and Vermont independent Bernie Sanders." http://politi.co/2tIGxrb

-- WAPO'S MICHAEL BIRNBAUM: "The bill ... gives Trump the power to impose sanctions on [a] pipeline under development between Russia and Germany, a project that many policymakers in Europe and the United States say will harm Ukraine by enabling Russian gas to completely bypass it. The pipeline ... may also increase European dependence on Russian gas imports. Days ahead of the vote, language was added to the bill saying that the president should coordinate with U.S. allies before moving on this front, in what backers view as an attempt to calm European concerns." http://wapo.st/2vOFyYb

-- NYT QUOTE OF THE DAY -- VLADIMIR PUTIN talking about the sanctions and the Russia investigations: "It is impossible to put up forever with this boorishness toward our country." http://nyti.ms/2tParyh

-- BULLETIN at 5:35 a.m. -- "MOSCOW (AP) - Russia's Foreign Ministry orders number of U.S. diplomats cut, seizes recreational retreat in response to U.S. sanctions."

FUN READ -- "Spicer on the loose," by Annie Karni: "Sean Spicer doesn't need the bushes anymore. Press secretary Sarah Huckabee Sanders had just wrapped up her daily briefing when her gleeful predecessor came bounding up the White House driveway Thursday afternoon. He had been in meetings off campus, he said, and hadn't been able to catch his old show on television. A departing press secretary with what appears to be at least a mild case of senioritis, smiling Spicer also didn't have much to say about the latest, drama-filled episode of 'As The White House Turns.'" http://politi.co/2tIzcbo

THE JUICE ...

-- JOSH GREEN SMILES: BLUMHOUSE TV has optioned "Devil's Bargain" as a Showtime miniseries. The book will be No. 1 on the New York Times bestseller list Aug. 6. Blumhouse is the same shop that developed Gabe Sherman's Roger Ailes biography into a Showtime series.

-- HILLARY CLINTON: Six hours after releasing the title and cover of her book yesterday, Hillary Clinton's "What Happened" was number one on Amazon. They are still six weeks from release. http://amzn.to/2v4U1Bp

--FIRST LOOK - *PIC* of the Steve Scalise Heart of a Warrior MVP award that will be

given to a player in the 19th annual Hoops for Youth Congressional Basketball Game on September 26th at the GW Smith Center. http://bit.ly/2vPiokg

TRUMP'S FRIDAY -- THE PRESIDENT is meeting with U.N. Ambassador Nikki Haley before going to Long Island to "give remarks on MS-13 to federal, state, and local law enforcement." New York Republican Rep. Lee Zeldin is traveling with him.

Playbook Reads

PHOTO DU JOUR: Sen. John McCain exits the Senate chamber after casting the decision "no" vote on a a measure to repeal parts of the Affordable Care Act on Capitol Hill on July 28. | Cliff Owen/AP Photo

DOJ WATCH -- "Justice Department briefing at White House fuels ethics worries," by Josh Gerstein: "A briefing a top Justice Department official and top Homeland Security official delivered at the White House Thursday on anti-gang efforts is drawing renewed warnings of blurred ethical lines between the White House and law enforcement. Principal Associate Deputy Attorney General Rob Hur and Immigration and Customs Enforcement acting director Thomas Homan spoke and took questions from the press briefing room podium in a previously-unannounced addition to the not-so-regular White House briefing.

"Hur and Homan were flanked by some compelling visuals: TV monitors showing images of tattoos belonging to MS-13 gang members, including enough of the face of one alleged gang participant to identify him. The scene troubled several former Justice Department officials, including Hur's predecessor in the Obama administration, Matthew Axelrod. He said the move was particularly unwise at a time when Justice's independence seems to be under challenge by President Donald Trump's extraordinary and sustained public criticism of Attorney General Jeff Sessions." http://politi.co/2v4WmvS

-- **"Sessions calls Trump criticism over Russia recusal 'kind of hurtful' in 'Tucker Carlson Tonight' interview"** http://fxn.ws/2tOMyGR

NSC DEPARTURE LOUNGE - "McMaster ousts senior official on National Security Council," by WaPo's Karen DeYoung and Greg Jaffe: "The National Security Council's top official for the Middle East has been removed from his job following internal complaints about his management style, according to senior Trump administration officials. The departure Thursday of retired Army colonel Derek Harvey, an influential voice on Iran, Syria and counterterrorism policy, came at the initiative of national security adviser H.R. McMaster, who has repeatedly clashed with him. ... Michael Bell, NSC director for Persian Gulf affairs, has been named to take Harvey's place temporarily until a permanent replacement is determined ... Harvey also drew the ire of Secretary of State Rex Tillerson, Defense Secretary Jim Mattis and Pentagon officials,

who thought that he was trying to set policy rather than coordinate among the different departments and agencies." http://wapo.st/2eTu4yp ... ***Derek's statement on his firing*** http://bit.ly/2ulwR1m

THE OPPOSITION -- ATTN. NANCY PELOSI -- REP. SETH MOULTON (D-Mass.) to CBS' Major Garrett and Steve Chaggaris for today's episode of "The Takeout": **GARRETT:** "You'd like to see the leadership changed before the 2018 elections?" **MOULTON:** "I think we're going to have a much better chance of winning if it does. And that's the bottom line." http://cbsn.ws/2uDWemE

WHAT MARCO IS UP TO -- "Marco Rubio stakes out role in Congress as human rights champion," by USA Today's Ledyard King: "Rubio's office maintains a spreadsheet of hundreds of political prisoners or human rights victims from more than 30 countries. ... The senator himself adds to the list when he comes across news accounts of particularly moving examples. He directs his office to advocate for some of them using back-channel communications with the State Department. More prominent dissidents might be strategically featured in hearings or floor speeches, often timed to coincide with a prominent anniversary, or the president's trip to a country with a documented pattern of human rights abuses. On occasion, he's had the opportunity to make his case directly to Trump and other world leaders." https://usat.ly/2v3aTsk

TRUMP INC. -- "Trump Organization employees must agree to keep info about Trump family secret," by CBS News' Julianna Goldman and Laura Strickler: "CBS News has obtained a new confidentiality agreement rolled out after the election. The Trump Organization is requiring employees at all levels to sign it, or else they will lose their jobs. Employees must agree to keep secret any information they learn about anyone in the 'Trump family' and extended family, including their 'present, former and future spouses, children, parents, in-laws.' 'I have reviewed confidentiality agreements in international, family-run hospitality organizations and ... I have never seen a loyalty code to a family like this,' said Debra Soltis, who has specialized in employment law for more than 25 years." http://cbsn.ws/2v4XIH2

FUTURE OF NEWS - "Facebook wants to help news publishers sell subscriptions, but says it doesn't want a cut of the revenue," by Recode's Peter Kafka: "Facebook [is talking] to publishers about a subscription tool it wants to launch later this year ... Industry sources say that instead of operating a subscription service itself, Facebook plans on creating a paywall it would implement after non-subscribers view 10 articles a month from a particular publisher. When users hit the 10-article limit, Facebook plans on sending users to that publisher's site to sign up for a subscription." http://bit.ly/2v5449h

MEDIAWATCH -- "Pulitzer Prize-Winner James Risen Leaving The New York Times," by HuffPost's Michael Calderone: "Pulitzer Prize-winning reporter James Risen is leaving The New York Times after nearly two decades, a distinguished run that included standout reporting on the Sept. 11 terrorist attacks, the Bush administration's bogus case for invading Iraq, and rampant government surveillance. Risen, a press-freedom advocate, successfully battled two Washington administrations trying to compel

him to reveal a confidential source." http://bit.ly/2v30ltk

-- "Kasie Hunt in talks for MSNBC show," by Hadas Gold: "MSNBC correspondent Kasie Hunt is likely to get her own show on Sunday evenings, two sources with knowledge of the situation tell POLITICO. The deal is not done yet and the show does not have its own name, but the two sources say it's more or less a done deal. One source suggested it would be a two-hour show on Sundays." http://politi.co/2uIdyFj

-- Cassie McNamara is leaving Media DC to be a booking producer at MSNBC for "Hardball" starting on Monday.

Playbookers

SPOTTED: Boris Epshteyn yesterday standing outside the Rosslyn tower which houses POLITICO World HQ speaking in Russian to an older gentleman for several minutes. After the conversation concluded, the two exchanged a deep hug and a kiss on each cheek before the older gentleman hopped into a cab. ... Rep. Dan Lipinski (D-Ill.) in casual clothing yesterday chatting with a young man in a Wisconsin shirt while waiting for his burger at Good Stuff ... Minority Whip Steny Hoyer stopping by an event last night in the back room upstairs at Sonoma wine bar ... Rep. Scott Taylor (R-Va.) at Bullfeathers yesterday between votes.

OUT AND ABOUT -- SPOTTED last night at a "transition soiree" in honor of Geoff Morrell's move to London for a new job at BP and Mary Streett, who was named head of U.S. comms and external affairs for BP: the rest of the Morrell family (Ann, his parents and brother Jarrett), Mary's husband Clyde Tuggle, Joe Hagin, Ashley Marquis, Julie Radford, Ash Carter, Dan Glickman, Jeremy Bash, Ken Duberstein, Jack Gerard, Tammy Haddad, Pete Williams, Steve McMahon, Mike Allen, Susan Brophy, Steve Elmendorf, Adrienne Elrod, Anne Gearan, John Hamre, Tom Nides, Neil Patel, Patrick Steel and Lee Satterfield, John Seifert, Jim Hoagland, Mike Berman, Mary Claire Murphy, Bill Webster, Jack Quinn, Tucker Warren, Bruce Haynes, Maria Pica Karp and Richard Karp.

SPOTTED last night at California GOP Rep. Jeff Denham's 50th birthday rooftop fundraiser in Penn Quarter: Speaker Paul Ryan, House Majority Leader Kevin McCarthy, Reps. Darrell Issa (R-Calif.), Rodney Davis (R-Ill.), Duncan Hunter (R-Calif.), David Joyce (R-Ohio), Brian Mast (R-Fla.), Carlos Curbelo (R-Fla.), and Garret Graves (R-La.), Matt Mazonkey, Norma Kaehler, Jeanne Slade, James Farrell, Amy Travieso, Jeff Strunk, Kyle Moore, Jill Rowlison Brubaker, Jeff Loveng.

SPOTTED at a birthday party last night at Cantina Marina for RNC director of media affairs Johanna Persing: Ali Pardo, Jahan Wilcox, Lauren Zelt, Britt Carter, Ben DeMarzo, Sara Sendek, Caroline Anderegg, Ninio Fetalvo, Lani Short, Steve Guest, Todd Cheewing, Michael Swetz, Alec Bingaman, Maeve Gallivan.

SUNDAY SO FAR - CBS' Face the Nation": Sen. Jeff Flake (R-Ariz.) ... Sen. Dianne Feinstein (D-Calif.) ... CBS News Elections Director Anthony Salvanto with the latest Nation Tracker poll results ... Political panel: Ruth Marcus, Ben Domenech, Nancy Cordes, and David Nakamura

--"Fox News Sunday": Brit Hume, Jane Harman, Karl Rove, Mo Elleithee

--NBC's "Meet the Press": Cornell Belcher ... Helene Cooper ... Hugh Hewitt ... Eliana Johnson

--CNN's "State of the Union," anchored from Los Angeles: Michael Caputo ... Rep. Barbara Lee (D-Calif.) ... Mike Murphy ... Rep. Ted Lieu (D-Calif.)

--CNN's "Inside Politics," hosted by John King: Mike Bender, Michael Warren, Margaret Talev, Sara Murray

WELCOME TO THE WORLD -- Amanda Harris, director of account management for POLITICO Pro, and **Jeff Harris,** Duke University's director for Duke in DC, recently welcomed Claire Evelyn Harris, weighing in at a strong 8lbs. 6oz. and measuring 21 inches.

BIRTHDAYS OF THE DAY: Richard Haass, president of the Council on Foreign Relations and author of "A World in Disarray: American Foreign Policy and the Crisis of the Old Order." **A fun fact about him:** "I went to Woodstock, am an addicted golfer, listen to country music and like my martinis dry." Read his Playbook Plus Q&A: http://politi.co/2v5Fyox ... **Beth Reinhard,** WSJ reporter covering criminal justice. **How she's celebrating:** "I will celebrate my birthday with my amazing husband and two daughters in Falls Church, Va. We'll go out to dinner at Idylwood Grill." Q&A: http://politi.co/2w63mpA

BIRTHDAYS: Huma Abedin ... BuzzFeed's Ruby Cramer (hat tip: Rosie Gray) ... Rep. Liz Cheney (R-Wyo.) is 51 ... Jay Zeidman, managing partner at Resolute Venture Partners ... Scott Pelley is 6-0 ... Bill Bradley is 74 ... Dick Ebersol is 7-0 ... Patrick Boland ... Torrie Miller Matous ... Kathy Dedrick ... Betsy Werronen ... Sam Mondry-Cohen, Nats' director of baseball R&D ... Scott Pearson, executive director of the DC Public Charter School Board (h/t Jon Haber) ... Rep. Mark Meadows (R-N.C.) is 58 ... Sarah Jackson ... Politico's Laura Nahmias, Amanda Fogarty, and Tanya Snyder ... Lauren Kaplan ... Greek Prime Minister Alexis Tsipras is 43 ... Carter campaign alum Becky Able is 7-0 ... Steve Deace, Iowa-based national conservative radio host ... Steve Glasser ... Abigail Alger ... New Hampshire's Kevin Smith ... George Cook of Brevan Howard Asset Management ... Sophie White ... Shannon Salk ... Brad Crowell ...

... Lyndsay Polloway, COS and executive director of operations for AtlanticLIVE and "the lady who makes the trains run on time" (h/t Patrick Garrigan) ... former U.S. attorney general Michael Mukasey is 76 ... sports columnist John Feinstein is 61 ... LA

Times Pulitzer Prize-winning food critic Jonathan Gold is 57 ... Anne Wojcicki, co-founder and CEO of 23andMe ... Grant Allen ... Bill Cheney ... Kelly Landis ... Courtney Kube of NBC News ... Chandler Thornton, national chairman of the College Republican National Committee ... Lea O'Neal ... Brian Dotts ... Kirsten Fedewa ... Christopher M. Schroeder ... Scott Ferrell ... Jesse Boatwright, the pride of Cedar Falls, Iowa ... Theresa Kehoe, the pride of Iowa City, Iowa and a happy grandmother ... Phil Rawson ... Solenne Trequesser ... John Lease ... Satish Narayanan ... Susanna Fleek Green ... Henry Wachs (h/ts Teresa Vilmain)

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Subject: POLITICO's Morning Energy, presented by Chevron: FERC sets quick timeframe to consider Perry's request — Trump heads to Puerto Rico today — Heavyweights weigh in on solar tariffs today

By Anthony Adragna | 10/03/2017 10:00 AM EDT

With help from Eric Wolff, Lauren Gardner and Alex Guillén

FERC AIMS FOR QUICK WORK: FERC is asking for initial comments on DOE's proposed rule that would benefit nuclear and coal-fired power plants to be submitted in just three weeks - a timeline that suggests the independent commission is eager to move quickly on the Trump administration's proposal that is already generating push-back from a diverse group of major industry players. In a notice out late Monday, FERC set an Oct. 23 comment deadline and said reply comments would be due by Nov. 7.

Energy super-group says slow down: Representatives of oil, natural gas, wind, solar and other sectors urged FERC in a Monday letter to pump the brakes on Energy Secretary Rick Perry's request for a quick turnaround on the new rules, Pro's Darius Dixon reports . "This is one of the most significant proposed rules in decades related to the energy industry and, if finalized, would unquestionably have significant ramifications for wholesale markets under the Commission's jurisdiction," wrote the 11 groups, including the American Petroleum Institute, Solar Energy Industries Association and Electric Power Supply Association. They called Secretary Rick Perry's proposed timeline "unreasonable on its face."

Murkowski seems lukewarm: Senate Energy Chairman Lisa Murkowski also seemed lukewarm to Perry's push, saying in a statement she respects "Secretary Perry for taking an action that he believes is necessary" and "will be following the proceedings closely" at FERC.

DOE's proposal should be a hot topic on the Hill today. The House Science Committee takes a look at grid resilience at a hearing at 10 a.m. in Rayburn 2318. Then this afternoon a House Energy and Commerce subcommittee will hear a wide variety perspectives on reliability in a changing electric sector, including representatives of the coal and nuclear industries as well as several of the groups who signed that letter, at 2 p.m. in Rayburn 2123.

TRUMP HEADS TO PUERTO RICO TODAY: President Donald Trump heads to the devastated island of Puerto Rico today even as information released Monday by the federal government hints at the lengthy recovery road ahead. Puerto Rican Gov. Ricardo Rosselló said at a news conference that just one in 10 of the island's nearly 3.5 million people are likely to have power within two weeks, and only a quarter of the island should have the lights on by next month. It's a similarly dire situation for drinking water: 47 percent of residents have potable drinking water right now, though Rosselló said that number should climb to around 60 percent by the end of the week.

The president summed up his view of the situation Monday. "It's been amazing what's been done in a very short period of time on Puerto Rico. There's never been a piece of land that we've

known that was so devastated," Trump said in Oval Office remarks. "The bridges are down, the telecommunications was nonexistent, and it's in very, very bad shape. The electrical grid, as you know, was totally destroyed. But we've gotten tremendous amounts of food and water, and lots of other things - supplies - generally speaking, on the island." The White House said San Juan Mayor Carmen Yulín Cruz, who drew Trump's wrath over the weekend, has been invited to events with him today.

Disaster relief request coming: Meanwhile, the Trump administration is expected to by the end of this week request between $10 billion to $15 billion to respond to the disaster, Playbook reports.

The Center for American Progress today is out with a policy roadmap for lawmakers as they consider the next round of assistance for Puerto Rico and other areas impacted by hurricanes. They urge Congress to enact policies to improve resiliency, update flood risk information and prioritize underserved communities, among other ideas, rather than just throwing money at the problem.

PERMANENT JONES ACT REPRIVE? Senate Majority Leader Mitch McConnell on Monday fast-tracked potential consideration of legislation S. 1894 (115) that would permanently exempt Puerto Rico from the Jones Act, which bans foreign-flagged ships from traveling between U.S. ports. After sustained pressure, Trump granted a 10-day Jones Act waiver for Puerto Rico last week.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and the American Chemistry Council's Jon Corley was first to ID former Rep. Cynthia McKinney as the 2008 Green Party nominee. For today: What "Love Boat" actor went on to serve four terms in Congress for Iowa? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro .

ITC TO GET AN EARFUL ON REMEDY FOR THAT SOLAR BURN: The U.S. International Trade Commission will hear arguments this morning about how to best level the playing field for U.S. solar manufacturers, and it looks like it's going to be quite a show, with hours' worth of speakers lined up. The commission found last week that U.S. solar manufacturing had been harmed by cheap solar imports, over the objections of the rest of the solar industry.

In this corner, for the installers: The Solar Energy Industries Association, along with solar producer SunPower, told the ITC in its brief that a tariff will result in the loss of 62,800 jobs in 2018 and 80,000 jobs in later years. Sen. Martin Heinrich will bat for the no-tariffs team, along with a laundry list of SEIA witnesses. They will also be backed by representatives from the embassies of China, Korea, Brazil, and Mexico.

And in this corner, for the petitioners: In their public briefs, Suniva and SolarWorld Americas offered the commission two choices: A tariff plus a price floor for solar cells, or a tariff plus a quota. Sen. Ron Wyden and Rep. Suzanne Bonamici , both of Oregon, will speak in support of their home-state SolarWorld, which wants tariffs and a price floor. "I urge the Commission to

recommend a remedy robust enough to repair the serious injury already experienced by the U.S. solar manufacturing sector and to ensure its long-term growth and competitiveness," Wyden will say according to an excerpt of his statement obtained by ME. "In practical terms, that means identifying a remedy that helps to revive a domestic manufacturing sector central to our leadership in energy innovation yet long under siege."

And First Solar shall be first: SEIA also locates a winner if tariffs are imposed, Arizona-based thin film manufacturer First Solar, which does much of its manufacturing in Malaysia. "Thin-film solar directly competes with CSPV solar in the marketplace. Consequently, global trade restrictions on [crystalline silicon photovoltaic] would raise rivals' costs and drive customers toward First Solar's products, strengthening First Solar's already strong hand."

MORE CONCERNS RAISED OVER RFS POTENTIAL CHANGES: Nearly all major biofuel trades and the corn growers are out with a letter this morning to Trump urging him to abandon "drastic, unprecedented changes" to change the Renewable Fuel Standard that they said would benefit a select few petroleum refiners. "The proposed changes are inconsistent with the law and threaten the growth and prosperity of the U.S. biofuels industry," wrote signatories of the letter, including National Corn Growers Association, Renewable Fuels Association and Growth Energy. "EPA's changes are also inconsistent with Administrator Pruitt's assurances to uphold the law and your long-standing support of ethanol and the RFS." EPA released a notice last week suggesting it might reduce the already set 2018 biomass-based biodiesel requirement and shrink the mandate in 2019.

Grassley confirms Trump conversation: Iowa Sen. Chuck Grassley told reporters he discussed his concern over potential changes to the RFS during a Friday phone conversation with Trump. "They're trying to respond to big oil and not take into consideration the needs of alternative energy, biofuels," he said. "Cutting back on the mandate isn't a way you're going to encourage capital and capital is what we need now to get pumps to pump E15 instead of E10."

Seems relevant: The White House previously granted EPA deputy general counsel Erik Baptist, a senior counsel to the American Petroleum Institute for more than six years, an ethics waiver to work on RFS issues given his "expertise in this program and its policy and implementation." Copy of that waiver here.

NO OZONE DESIGNATIONS AS DEADLINE PASSES: EPA appears to have missed the Oct. 1 deadline to say which parts of the U.S. meet the 2015 ozone standard and which don't, a key step toward implementing the regulation. The agency is remaining mum; a spokesperson told ME Monday that there is "no further information" on when the designations will be released. The matter has been controversial for months, ever since Administrator Scott Pruitt said he would delay the designations by a year - a delay he later reversed following lawsuits from Democratic attorneys general and environmental groups. (The 2015 standard itself is also under review, with no specific timeline attached.) It may be a while before green groups can take Pruitt to court. The Clean Air Act requires them to provide EPA with 60 days' notice before filing a lawsuit over a missed deadline, meaning any suit couldn't be filed until December at the earliest.

Also adding uncertainty to the process is a pending proposed rule at OMB that appears to set

new thresholds for how EPA classifies ozone areas. That rule arrived at OMB on Sept. 21. EPA had previously proposed classification details last November that the agency characterized as only minor changes to the implementation rules for the 2008 ozone standard. An EPA spokesperson declined to comment on a rule under review at OMB.

** **A message from Chevron**: When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: http://politi.co/2fVfOTm **

WHAT ABOUT LOLA? Two House Democrats want Interior's inspector general to expand its newly announced investigation into Secretary Ryan Zinke's non-commercial travel to also include his wife, Lola, in light of her involvement with a GOP Senate campaign in Montana, Pro's Esther Whieldon reports. "Because the secretary's spouse is leading a Senate campaign in Montana, tax-payer funded travel for Mrs. Zinke, especially to or from Montana, deserves heightened scrutiny," Raul Grijalva and Donald McEachin wrote in a letter Monday.

HEARING ROUNDUP! SEEMS LIKE A PATTERN HERE: The Senate Energy and Natural Resources Committee axed a vote slated for this morning on the nominations of Steven Winberg to be assistant Energy secretary for fossil energy and Bruce Walker to be assistant Energy secretary for electricity, delivery and energy reliability. No reason was given.

RALLY AGAINST DOURSON: Ahead of Wednesday's hearing on four EPA nominations, Sens. Tom Udall and Richard Blumenthal are holding a press conference with advocates today at 2:30 p.m. to protest Michael Dourson's nomination to run the agency's chemicals office. Udall, you'll remember, was a key architect of the revamped national chemicals law last year.

LIFELINE FOR NAVAJO GENERATING? Peabody Energy said Monday it had found "a number of highly qualified potential investors" interested in taking an ownership stake in the Navajo Generating Station that would allow it to continue operating beyond 2019. It did not provide further details. The plant's current owners said back in February they planned to close the facility after 2019, several decades before expected. But Zinke said in late June that "one of Interior's top priorities" has been finding a way to keep it operating.

MAINE ATTRACTION: Democrat Lucas St. Clair, who led a successful push to create the Katahdin Woods and Waters National Monument, announced Monday he'll challenge incumbent Rep. Bruce Poliquin, the Bangor Daily News reports. St. Clair is the 39-year-old son of Burt's Bees entrepreneur Roxanne Quimby and resigned his post as president of the Friends of Katahdin Woods and Waters to run for office.

NOT IN SLO'S BACKYARD: Energy company Phillips 66 will drop its lawsuit challenging a California county's denial of a proposal that would have let the refiner bring millions of gallons of oil per week by train to its facility in Santa Maria, environmentalists who opposed it said Monday. The county's decision to reject the project came after the Surface Transportation Board last year declined to prevent another California city from denying Valero Energy's bid to expand crude-by-rail operations. The San Luis Obispo Tribune reports that the parties reached a settlement, which must be approved by a court.

PAUSE BUTTON HIT: Amid the worst mass shooting in modern U.S. history, a broad sportsmen's package with controversial gun silencer provisions is no longer expected to get a House vote in the near future, POLITICO's John Bresnahan and Heather Caygle report. Democrats said the Las Vegas massacre was just one more reason to shelve the bill. "There's a lot we need to do in the wake of this mass shooting. We don't need to make it easier to get hold of items that could make mass casualty events even more deadly," Grijalva said in a statement.

TAKE A GLANCE! STUDY: U.S. PAYS BIG FOSSIL FUEL SUBSIDIES: Oil Change International is out with a report today finding the U.S. provides more than $20 billion toward oil, gas and coal production annually. Those include $14.7 billion in annual federal subsidies and $5.8 billion in yearly state-level incentives.

REPORT: GETTING EASIER TO HIT CLEAN POWER PLAN GOALS: The Institute for Policy Integrity at NYU's School of Law is out with a report today arguing the emissions reduction targets of the Obama administration's Clean Power Plan are more achievable due to changes in the electric sector. If the agency were to redo its regulatory impact analysis with recent developments, the report argues compliance costs would be even lower than originally thought.

MOVER, SHAKER: Peter Tomasi has joined Foley & Lardner LLP's environmental practice as of counsel in its Milwaukee office. He was previously a partner at Quarles & Brady LLP.

QUICK HITS

- In the heart of China's coal country, a city bans most coal: Xinhua. Reuters.

- Residents: Tests find toxic chemicals after Texas plant fire. AP.

- Trump closes WH event to highlight deregulation. Washington Post.

- Can Hollywood Movies About Climate Change Make a Difference? New York Times.

-Gina McCarthy holds out hope on climate policy. High Country News.

- EPA nominee has ties to WV chemical controversies. Charleston Gazette-Mail.

THAT'S ALL FOR ME!

** **A message from Chevron**: This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2fVfOTm **

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/10/03/heavyweights-weigh-in-on-solar-

tariffs-today-222612

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Tue 11/28/2017 3:03:41 PM
Subject: POLITICO's Morning Transportation: TSA releases Thanksgiving travel stats — Will Washington really take up infrastructure after taxes? — Strong outlook for airports

By Tanya Snyder | 11/28/2017 10:00 AM EDT

With help from Brianna Gurciullo and Adrienne Hurst

FIRST IN MT: Last week was one of the busiest Thanksgiving travel weeks in TSA's 16-year history. TSA will release data today that show, between Nov. 17 and Nov. 26, the agency screened 21.6 million passengers and crew at airport checkpoints nationwide. More than 2.6 million passengers and crew members passed through TSA screening Sunday, the busiest day of the holiday week and the fifth busiest day since the agency was established.

PreCheck yourself before you PreWreck yourself: TSA said in a statement that nationwide, 98 percent of all passengers waited less than 20 minutes in a checkpoint line and 99 percent of passengers in a PreCheck lane waited less than 10 minutes.

HANDS OFF: A new survey of more than 1,000 flight passengers by Stratos Jet Charters breaks down how different racial, religious and political groups feel about everyone's favorite aspect of air travel: TSA pat-downs. According to the report, nearly three-quarters of Republicans said they believe racial profiling by the TSA is acceptable; Jewish respondents were the likeliest to feel angry about being randomly selected in the security line; and African-Americans were the least likely to be surprised when they were chosen for additional screening.

IT'S TUESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Tanya is your pilot. Send tips, feedback and song lyrics to tsnyder@politico.com or @TSnyderDC.

"And as you packed up your load / There was one last look / And then the U-Haul broke free / Now the ditches are flooded over the backroads / And damn this stretch of 99 that takes so many lives / One of them was mine." (h/t Chris Rall, Transportation For America)

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) about lonely highways and south-bound trains?

WE'RE UP NEXT, RIGHT? Administration officials have been saying that work on an infrastructure package will have to wait until after the tax fight. But recently, President Donald Trump has indicated that welfare reform could come next, or that he could make another go at health care. Put simply, no one knows what's happening and when, report Eliana Johnson, Andrew Restuccia and Ben White. "White House policy initiatives are typically planned months in advance, with congruent strategies for communications and a view toward working them through Congress," they write. "But there is little agreement between White House officials and Republican leaders on the Hill about what should follow tax reform."

What's the problem? The president himself isn't as policy-oriented as his predecessors, and his staff is light on policymaking muscle. Aside from costing the president legislative victories, this disorganization "may also make it harder for the White House to retain staff or to attract replacements as administration officials begin to leave next year," report Eliana, Andrew and Ben.

All of them: "Senior White House officials did not dispute characterizations of the general confusion surrounding the sequencing of these legislative initiatives, and said the administration is likely to push welfare reform as well as infrastructure and a health care bill" over the next year, though the order will be determined by Congress, they write.

POSITIVE MOOD FOR AIRPORTS: Moody's said Monday that it predicts "strong growth" in the U.S. airport sector in 2018 thanks to continued economic expansion. In their 2018 outlook report, Moody's said it expects GDP to expand by 2.3 percent in 2018 and enplanements to expand by 3.7 percent. Even with Uber and Lyft cutting into airport parking revenue, Moody's expects that "enplanements for most airports will far surpass budgeted levels in 2017 and moderately surpass them in 2018, resulting in higher revenue than forecasted."

Big or small: Moody's expects airport growth to be concentrated at small and non-hub airports in 2018, with discount carriers expanding in those markets. It predicts slower growth at large airports next year "due to constrained growth at connecting hubs for carriers like American and Delta." But Fitch Ratings says large hubs are "again driving traffic for U.S. airports." Looking at fiscal 2016 data, Fitch said, "Median enplanements grew again [year over year], rising by over 5 percent to 4.71 million for fiscal 2016 compared to 4.16 million in fiscal 2015. Large hubs and international gateways again drove most of the growth [year over year]." The strongest growth was reported at Dallas Love, Orlando, Memphis, Boise and Broward airports.

GILLAN GOING, GONE: Advocates for Highway and Auto Safety President Jackie Gillan will step down in January, to be replaced at the helm by the organization's top lobbyist, Cathy Chase. Gillan has led Advocates since 1990, helping to bring about "numerous federal and state laws advancing motor vehicle and motor carrier safety standards," according to a statement by the organization. Chase has worked at Advocates since 1996.

2 CENTS FOR PENCE: U.S. automakers had a "candid discussion" with Vice President Mike Pence on Monday about proposed changes to NAFTA auto trade rules, the president of the American Automotive Policy Council told Pro Trade's Doug Palmer. "It was a productive and candid discussion ... about the importance of NAFTA to our industry as well as our concerns with some of the reported proposals," Matt Blunt wrote in an email to POLITICO. Also present at the session: U.S. Trade Representative Robert Lighthizer and National Economic Council Director Gary Cohn.

Don't forget your roots: With Pence's past in Indiana, one of the heaviest auto-producing states, industry leaders might've had their fingers crossed for more sympathy from the VP. As Doug reported last month, one trade association-commissioned study estimated the Trump administration's proposed changes could cost up to 24,000 U.S. jobs in the auto sector by making cars pricier to produce.

GROWING UP: Older drivers represent a growing proportion of licensed drivers, according to new data the FHWA published Monday. Of a record-high 222 million licensed drivers in the U.S. in 2016, 42 million, or almost 1 in 5, were 65 years or older. "This age group is growing faster than any other, and is far outpacing their teenage counterparts," the agency said in a statement. Drivers between 75-79 years old experienced the largest year-over-year increase with that cohort growing by 5 percent over the previous year, with drivers 85 and older in second place.

PROVE IT: In a study released Monday, Forbes Insights found global infrastructure executives and government officials are cynical when it comes to whether the Trump administration's proposed $1 trillion infrastructure initiative will be able to address the nation's infrastructure shortfalls - 49 percent of respondents said it won't. The survey also found strong support for streamlining regulations and bringing in the private sector.

TITLE AND REGISTRATION: Scott Weaver of Wiley Rein LLP is lobbying for in-flight entertainment company Panasonic Avionics on FAA reauthorization legislation. Weaver formerly worked for Airports Council International-North America.

MT MAILBAG: The Beyond the Runway Coalition sent a letter to Capitol Hill Monday, signed by 51 member organizations, expressing its support for provisions in the Senate Transportation-HUD appropriations bill (S. 1655 (115)) that would lift the cap on the Passenger Facility Charge for originating flights (while maintaining the cap for the subsequent legs of a connecting flight) and increase funding for the Airport Improvement Program.

THE AUTOBAHN:

- "Chuck Schumer says no to gas tax hike, complicating Trump's infrastructure push." The Daily Beast.

- "The GOP tax bills are infrastructure bills too. Here's why." Governing.

- Derailed train leaks 'hazardous molten sulfur' in central Florida. Orlando Sentinel.

- Bali airport closed Monday after ash from the Mount Agung volcano reached airspace. The Associated Press.

- "Senate tax bill targets some foreign airlines." The Wall Street Journal.

- "Waymo's fleet reaches 4 million self-driven miles." Medium.

- "Senate Commerce, Finance committees seek answers on Uber data breach." Senate Commerce Committee.

- "Autonomous cars will cut U.S. sedan sales in half." The Detroit Bureau.

- "Dallas-Fort Worth airport gets federal money for runway work." The Associated Press.

- "Report: Hyundai taking it slow with self-driving cars." Motortrend.

THE COUNTDOWN: DOT appropriations run out in 11 days. The FAA reauthorization expires in 124 days. Highway and transit policy is up for renewal in 1,038 days.

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From: Hadas Gold - POLITICO Media
Sent: Tue 8/1/2017 9:45:08 AM
Subject: Morning Media: Kelly's military approach to the media -- Scaramucci out -- Has Drudge soured on Trump?

By Hadas Gold | 08/01/2017 05:43 AM EDT

With Alex Weprin

THE ANTHONY SCARAMUCCI SHOW IS OVER after just ten days. It was a brief, stunning ride, with his ultimate ouster the result "of the very changes he promised to bring to the West Wing," as my colleagues wrote . Would this have happened without The New Yorker's Ryan Lizza publishing his now-infamous conversation with Scaramucci? Maybe - maybe not. Theories abound as to why Scaramucci was so worked up about the attendees of a dinner being leaked, but Scaramucci had said he was adamant about getting all the leakers out of the White House. If it wasn't going to be Lizza, at some point it likely would've been someone else. Consider that Scaramucci had already been caught on a hot mic between Sunday show appearances explaining his strategy.

Of note: The great leak hunter's departure was *leaked* out early, reported first by The New York Times and ABC News.

-- For those wondering, I asked ABC's "Dancing With the Stars" if they plan on adding Scaramucci to its cast in order to create what could be an epic Scaramucci vs. Sean Spicer dance-off. Spicer has thus far declined to comment on whether he'd join the show. ABC's response: "We do not comment on casting or casting rumors, but please stay tuned for a full announcement closer to our premiere date - September 18."

JOHN KELLY IS NOW IN CHARGE, SO WHAT DOES THAT MEAN FOR THE MEDIA? Yesterday I took a deep dive into the retired four star general and former Secretary of Homeland Security and his relationship with the fourth estate. In conversations with his former colleagues and reporters who have covered him, here's what I found:

-- Kelly deeply appreciates the role of press and the media's importance to a free democracy. But he sees it as a two-way street. He'll offer transparency and respect, but expects it in return.

-- He learned media relations from Secretaries of Defense Robert Gates and Leon Panetta, who were both known to have good relationships with their press corps.

-- Kelly oversaw the detention facility at Guantanamo Bay as head of the U.S. Southern Command from 2012 to 2016, and he was proud of the work he did there. He offered journalists access and information, but sometimes felt burned by the coverage.

-- He cares about leaks, but of a classified nature, which he's called close to "treason" before. But Kelly understands that leaks of non-classified information, like about personnel are just the nature of Washington.

-- But at his heart, Kelly is a military man. That means that while he respects the press, he reveres the chain of command, at the top of which is President Donald Trump. So if it were to come down to a situation where the president, for example, wanted to bar a reporter from the White House (not out of the realm of possibility considering he regularly blacklisted entire outlets from his campaign events), Kelly would strenuously object. But if he was unsuccessful in convincing the president otherwise, he'd carry out his commands.

Read my full piece here.

Good morning and welcome to Morning Media! I always want to hear from you -- **hgold@politico.com** / **@Hadas_Gold**. **Morning Media** is edited by **Alex Weprin** (**@alexweprin** / **alexweprin@gmail.com**) and produced with writing/reporting help from **Cristiano Lima**. (**clima@politico.com** / **@ludacristiano**). **Archives**. **Subscribe.**

HAS DRUDGE SOURED ON TRUMP? Matt Drudge doesn't tweet often from his personal account and when he does, people pay attention (because he also deletes his tweets in short order). So it was notable on Monday morning when Drudge tweeted "Life is a circle..." above a screenshot of a 1990 New York Daily News cover proclaiming "Trump in a Slump: Worried banks are pressing him on $2 billion in debt."

Some would argue that it's clear Drudge is losing faith in Trump. CNN's Oliver Darcy wrote last week that Drudge is firing "warning shots" at the White House, and that "Drudge has appeared irked by Trump and his White House, frustrated with the president's inability to carry out the ambitious agenda."

Others though, like my colleague Michael Kruse, are arguing that Drudge is pointing out that Trump has gone through slumps before, but always survives.

SINCLAIR TAKING LOCAL HEAT, by Alex Weprin: Sinclair Broadcasting is facing local criticism as it continues its bid to acquire the local TV stations owned by Tribune Media. In Maine, the state's largest newspaper the Press Herald wrote about Sinclair's "must-run" segments, which feature conservative commentary from people like former Trump advisor Boris Epshteyn. "Portland's WGME, a CBS affiliate, and its sister station WPFO, a Fox affiliate, are required to air them," the Press Herald's Colin Woodard wrote. "They are the only stations in Maine that are forced to run editorial commentary by their corporate parent."

In Cleveland, the Plain Dealer covers Sinclair's proposed acquisition of the city's Fox affiliate WJW, which is currently owned by Tribune. "Will Sinclair push a political agenda in Cleveland and those other stations? No doubt about it, but so what? If all Sinclair did was broadcast Boris Epshteyn round the clock, there still would be all of these other outlets where you can get the news," Fordham University professor Paul Levinson told The Plain Dealer.

SPEAKING OF SINCLAIR: TRUMP'S TEAM THOUGHT OF GIVING DETAILS OF DON TRUMP JR.'S MEETING WITH THE RUSSIAN LAWYER TO CIRCA, the online news organization owned by the company, according to The Washington Post . Circa, since its

acquisition by Sinclair in 2015, has become a favorite news outlet on the right, with Fox News' Sean Hannity regularly featuring its scoops on his program. The New York Times was hot on the trail of Don Jr.'s meeting with a Russian lawyer claiming to have dirt on Hillary Clinton (they ultimately broke the story) but the outside legal team "suggested that the details be given to Circa, an online news organization that the Kasowitz team thought would be friendly to Trump. Circa had inquired in previous days about the meeting, according to people familiar with the discussions."

WHOA - EMAIL PRANKSTER TRICKS ADMINISTRATION OFFICIALS, including Anthony Scaramucci, Tom Bossert, Jon Huntsman, and Eric Trump via CNN: "A self-described "email prankster" in the UK fooled a number of White House officials into thinking he was other officials, including an episode where he convinced the White House official tasked with cyber security that he was Jared Kushner and received that official's private email address unsolicited."

REVOLVING DOOR:

-- Corey Lewandowski has been fired from OANN for appearing too much on other cable channels. [Daily Beast]

-- Craig Swagler has been named general manager and Linda Coombs will be director of operations for CBS News Radio as Constance Lloyd, general manager of CBS News Radio since 2000, retires.

-- CNN reporter Kate Bennett will be a preliminary judge for Miss America

SOUNDBITES: "A great day at the White House!" [President Donald Trump]

TIL: John Popper, the singer for the band Blues Traveler has been doxxing a guy on Twitter, posting images and information about his home. [Daily Beast]

EXTRAS:

-- Discovery's deal to acquire HGTV owner Scripps Networks was made official Monday morning. [CNNMoney]

-- NowThisNews and Chase bank are teaming up to make #content, and Chase has a "newsroom." [Business Insider]

-- CNN and Anderson Cooper lead the pack in Twitter followers. [Poynter]

-- Barnes & Noble will now carry Milo Yiannopoulos' book. [New York Post]

-- Sean Hannity is partnering with actor Kevin Sorbo to produce a faith-based film that will be directed by and star the "Hercules" actor. [Variety]

-- Memo to Jared Kushner, never trust the interns, they will leak. [Foreign Policy]

-- Reddit raised $200 million in funding and is now valued at $1.8 billion. [Recode]

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http://www.politico.com/media/tipsheets/morning-media/2017/08/01/kellys-military-approach-to-the-media-scaramucci-out-has-drudge-soured-on-trump-001322

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Fri 10/20/2017 4:02:43 PM
Subject: Checkpoint: Some Afghan troops training in the U.S. feared violence and corruption at home. So they went AWOL.



Some Afghan troops training in the U.S. feared violence and corruption at home. So they went AWOL.

The report raises questions on the high costs of the war.
By Alex Horton • Read more »

John Kelly knows what happens when troops are killed. He experienced it firsthand.

The only phone calls that really matter are from a fallen soldier's buddies, Kelly said.
By Mary Hui • **Read more »**

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Listen: Soldier's widow shares her call with Trump

"It was a moment of niceness that we needed because we were going through hell," said Natasha De Alencar, whose husband was killed in Afghanistan.

By Thomas Johnson U.S. troops who searched for slain soldier missing in Niger

'I would just ask you not to question the actions of the troops who were caught in the firefight,' Mattis said.

By Dan Lamothe • Read more »

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The private life of Sgt. La David Johnson, the slain soldier ensnared in a Trump controversy

Johnson, a young father of two with another one on the way, was one of four soldiers killed in an ambush in Niger on Oct. 4.

By Kristine Phillips • Read more »

'It looks like we're afraid of foreigners': Army turns away some green-card holders

Critics deride the moves as potentially unlawful, and that they'll turn away prospective troops.

By Alex Horton • Read more »

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Hadas Gold - POLITICO Media
Sent: Fri 7/28/2017 10:28:09 AM
Subject: Morning Media: Scaramucci's tirade -- Healthcare's dramatic nightlong coverage -- N.Y. Times is failing up

By Hadas Gold | 07/28/2017 06:25 AM EDT

With Alex Weprin

SPLITSCREEN FRONT PAGE: This morning is one of those whiplash days between two major stories. The White House Communications Director's stunning interview, which in normal years would likely get him fired, and the Obamacare repeal's stunning failure during middle of the night votes.

IF YOU HAVEN'T ALREADY READ ANTHONY SCARAMUCCI'S NEW YORKER INTERVIEW, STOP RIGHT NOW AND READ IT. I unwittingly played a small part in making this story happen, since late Wednesday evening I contacted Scaramucci asking about President Trump's dinner with Sean Hannity, Bill Shine, and Scaramucci. Scaramucci asked "Can you tell me who told you that?" as though he was trying to get me to reveal my sources (which I would never do) but I simply notified him that the information had already been out there, pointing him to Ryan Lizza's tweets. Soon Scaramucci was calling Lizza and the rest is insane history.

-- The key takeaway from the conversation: Scaramucci thought leaking about a dinner was of paramount importance, to the point that he invoked Lizza's patriotism to try to get him to identify his source (he refused). "I ask these guys not to leak anything and they can't help themselves," he said. "You're an American citizen, this is a major catastrophe for the American country. So I'm asking you as an American patriot to give me a sense of who leaked it."

-- Breitbart did not take kindly to Scaramucci's outburst, perhaps because of the incredibly offensive things he said about Stephen Bannon. Their front page is covered with stories about this. "Move over President Donald Trump. You are yesterday's news. It seems like this is now The Anthony Scaramucci Show. And Trump better get used to it," the blistering Breitbart lead piece read , calling Scaramucci "drunk with power" who wasn't qualified to be communications director. Among the many noticeable lines: "His comments about Bannon also sound like someone falsely hating in another person what he secretly may hate about himself."

DEAR ANTHONY SCARAMUCCI, LET US DEFINE "LEAK" FOR YOU: Leak: /l??k/ *verb* a: to become known despite efforts at concealment confidential information leaked out. b: to be the source of an information leak (Thank you Merriam-Webster).

-- What is not a leak? A public disclosure form available to anyone who requests it, as my colleague Lorraine Woellert did on Tuesday, obtaining and publishing Scaramucci's financial disclosure form which he was required to file when he joined the government last month. The information is publicly available to anyone who asks.

--- Another thing that's not a leak, you yourself telling reporters that someone is going to be fired. On Tuesday Scaramucci told my colleague Tara Palmeri that Assistant Press Secretary Michael Short was going to be let go. But then he told other reporters that "the fact that you guys know about it before [Short] does really upsets me as a human being and as a Roman Catholic."

-- What is a leak then? Well it could be what Scaramucci did with Lizza. Lizza said Scaramucci did not request the conversation be off-the-record or on-background but it's clear that he thought it was at least somewhat private because he tweeted last night "I made a mistake in trusting a reporter. It won't happen again." Some people have suggested that Scaramucci, being new to Washington and politics, wasn't aware of the norms. But even if he *did* think he was talking privately, he initiated a phone call with someone he knew to be a reporter during which he was talking about internal feuds, trashing his colleagues, his own conversations with the president and that Priebus would be forced to resign soon. *That is leaking.*

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COVER: Check out The New York Post's take on the current situation in White House land, dubbing it "Survivor" with a tag line "Trump hates sessions. Scaramucci hates Priebus. Who will survive the administration that's become the biggest reality show on television?"

DESPITE SCARAMUCCI'S DRAMA, THE MOST IMPORTANT STORY LAST NIGHT WAS HEALTH CARE: Reporters were camped out at the Capitol through the morning as Senators held middle of the night votes, which ultimately failed to do a "skinny" repeal of Obamacare thanks to three Republicans who voted no, the most stunning of which was Sen. John McCain. Late night votes like these in the Capitol are fascinating, including for the moments on the Senate floor where reporters analyze every little body language move (and sometimes drop their notebooks on a Senator's head by accident). We also got a lesson in the importance of regional reporters, when the Alaska Dispatch reported yesterday that the Trump administration, via Interior Secretary Ryan Zinke had threatened both Alaska senators by saying their state would be punished for their health care votes. Ultimately, Sen. Lisa Murkowski was one of the three Republican 'no' votes.

A TURKISH REPORTER ADMITTED TO NOT ACCURATELY QUOTING JARED KUSHNER, the president's son-in-law and advisor on all things. The story published on Thursday caused quite a stir, because in it Kushner supposedly said Turkish President Recep Erdogan "is making Turkey great again like [the] U.S. We watch his efforts with appreciation." But the Daily Caller spoke with the reporter who wrote the article, who said the conversation lasted one to two minutes and in it, the reporter admitted "He did not say that. I asked him, 'Do you think, Erdogan is making Turkey great again, like Trump' and he only said, 'Yeah, I think so.'"

-- This is a good time to remind everyone that Turkey is now the biggest jailer of journalists in the world right now. Seventeen journalists and news executives are on trial this

week facing charges of helping terrorists for among other things, "reporting and writing columns, quoting social media posts, and in some cases being in contact with members of the groups."

TWITTER FAILS TO GROW USERS via Bloomberg: "Twitter failed to attract more monthly users in the second quarter, spooking investors looking for evidence that the company is on a sustainable long-term growth path. The shares tumbled the most in nine months, even as quarterly revenue topped analysts' projections ... A long-term turnaround depends on Twitter expanding its audience."

"FOX & FRIENDS" TROLLS NY TIMES BY PAYING FOR FULL PAGE AD IN THE NY TIMES: Fox News took out a full page ad in Thursday's New York Times quoting Times' TV critic James Poniewozik's review of "Fox & Friends" last week. Poniewozik called it "the most powerful show in America," for having the largest influence on President Trump by acting like a "two-way mirror" (and like a children's show). Those full page ads don't come cheap, so in a way, Fox and The New York Times are in a mutually beneficial relationship. "They decided to move up market and support our journalism with that money," Times CEO Mark Thompson said on the company's earnings call Thursday. "We're pleased to have them."

RELATED: THE 'FAILING' NEW YORK TIMES IS FAILING UP: Revenue is up 9 percent and subscriptions growing 69 percent faster than same quarter last year, the newspaper announced. The stock, as Bloomberg's Joe Weisenthal noted, is now at its highest level since May, 2008.

SOUNDBITES: "We can't repeat what Scaramucci said about Steve Bannon, which if true, would make Bannon a gymnast." [Brian Williams]

"Members of the band Journey were just spotted in the White House briefing room. That is all." [Margaret Brennan]

SPOTTED: Sean Spicer at the Monkey Bar in New York City (co-owned by Trump nemesis and Vanity Fair editor Graydon Carter) on Wednesday evening, after he spent the day making the rounds meeting with the television networks. A tipster says he was in a booth in the bar area having dinner with an unidentified woman.

-- Sinclair's Boris Epshteyn standing outside the tower which houses POLITICO World HQ (and Boris' offices with Sinclair) speaking in Russian to an older gentleman (mid-late 50's) for several minutes. After the conversation concluded, the two exchanged a deep hug and a kiss on each cheek before the older gentleman hopped into a cab.

STEVE BANNON MAY BE VIOLATING FEDERAL LAW BY HAVING PRIVATE SPOKESPEOPLE, the Center for Public Integrity reports. Bannon has for months now had his own PR rep (Alexandra Preate) who collaborates with other White House officials on public messaging and responses to press inquiries though she is not employed by the government. "Trump's chief strategist is potentially violating the Antideficiency Act, which provides that federal employees 'may not accept voluntary services for [the] government or employ personal services exceeding that authorized by law.'" Read more here.

KASIE HUNT LIKELY GETTING HER OWN MSNBC SHOW -- The network's tireless chronicler of Capitol Hill is set to get her own Sunday evening show from 6pm to 8pm I reported yesterday. The show has no name and the deal isn't set in stone yet but it's likely to happen soon. Congrats Kasie (a POLITICO alumna!)

REVOLVING DOOR:

-- This is a big one. Pulitzer Prize winning journalist James Risen is taking a New York Times buyout. Risen has worked for the paper for more than two decades and has not only broken tons of news but also battled two administrations who have tried to compel him to reveal his sources. More from HuffPost here.

-- And legendary New York Times book reviewer and Pulitzer Prize winner Michiko Kakutani is stepping down from her post at the paper, our friend Joe Pompeo reports. [The Hive]

-- **Daily Caller Editor-in-Chief Vince Coglianese is joining NewsTalk WMAL**'s "Mornings On The Mall" morning show as a co-host. He'll step down as editor and become Editorial Director at the Daily Caller. **Geoffrey Ingersoll** will take the helm as editor-in-chief and **Rachel Stoltzfoos** will become managing editor. [WMAL]

-- **Greta Van Susteren**, the former Fox News anchor who departed MSNBC after a brief hosting stint, is joining the USC Annenberg Center on Communication Leadership & Policy as a senior fellow. [Newswise]

-- **Former DNC communications vet April Mellody is joining the Thrillist parent-company** Group Nine Media as head of corporate communications. [The Hollywood Reporter]

-- **The AP has tapped Alex Sanz as their new deputy director for newsgathering** in the Southern U.S. [AP]

-- Cassie McNamara is leaving Media DC to be a booking producer at MSNBC for Hardball starting on Monday.

TIL: A drawing of the New York City skyline by President Donald Trump's is being auctioned. Bidding starts at $9,000 [NBC News]

EXTRAS:

-- Jeff Bezos, owner of the Washington Post (and Amazon) was briefly the world's richest man yesterday. [Bloomberg]

-- Stephen Colbert is producing an animated comedy show for Showtime, chronicling the misadventures of an a cartoon Donald Trump. [Variety]

-- Facebook wants to help news publishers sell subscriptions, but says it doesn't want a cut of the revenue. [Recode]

-- National Press Photographers Association writers a letter requesting the Capitol Hill Sergeant at Arms and Capitol Police review why telling blocking reporters on Capitol Hill and asking them to delete photos is not legal. [NPPA]

-- Sarah Palin's legal team want the internal communications of 20 New York Times reporters as part of her defamation lawsuit. [CNN]

-- Sarah Sanders is the first current mom to serve as White House Press Secretary. [CNN]

-- Jennifer Aniston and Reese Witherspoon are set to star in a series about TV morning shows. [THR]

-- Joshua Green's book about Stephen Bannon "The Devil's Bargain" has been optioned for a television series by Blumhouse, the same group that has rights to Gabriel Sherman's book on Roger Ailes. [Deadline]

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http://www.politico.com/media/tipsheets/morning-media/2017/07/28/scaramuccis-tirade-healthcares-dramatic-nightlong-coverage-ny-times-is-failing-up-001320

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From: Morning Transportation
Sent: Tue 10/3/2017 2:09:10 PM
Subject: POLITICO's Morning Transportation: The race to amend the Senate's self-driving car bill — DHS on alert after shooting — Independent truckers fighting ELD rule to the end

By Brianna Gurciullo | 10/03/2017 10:00 AM EDT

With help from Tanya Snyder, Lauren Gardner and Stephanie Beasley

TRUCK-IT LIST: Amendments are stacking up ahead of the Senate Commerce Committee's self-driving car bill markup Wednesday. Among the 65 first-round amendments submitted was one filed Monday by Sen. Jim Inhofe (R-Okla.) on one of the most contentious issues: whether to include trucks. Commercial motor vehicles were ultimately left out of the bill (S. 1885 (115)) that was introduced last week, but Inhofe wants them in. Still, on Monday he said he knows there's "a very strong union opposition to it, because they think it'll be automated to the point that it'll get rid of all the jobs. And, if that's automation, that's automation." Advocates say truck drivers will still have a major role to play for decades to come.

Also in the wings: Sen. Richard Blumenthal (D-Conn.) said he is considering offering several safety-related amendments. "For one thing, I am deeply concerned about the preemption of state laws, like Connecticut's, that provide greater assurance for safety," he said. He added that he's in favor of keeping trucks out of the bill. Meanwhile, Sen. Brian Schatz (D-Hawaii) said he's submitted amendments dealing with data collection from driverless vehicles - biometric data, energy efficiency data, etc. - "and then some language around metropolitan planning organizations utilizing open data, like Google Maps and Waze, for traffic engineering."

Nothing to see here: Sen. Gary Peters (D-Mich.), who co-wrote the bill with Commerce Chairman John Thune , had told Tanya last week that he didn't expect many amendments because "it's always been our intent to try to deal with everybody before the markup." Asked Monday evening if he was surprised by the number of amendments filed, he clarified: "We said we thought there was a lot of consensus on the bill, that doesn't mean [that on] every little piece of it you have 100 percent consensus." The committee will publish all amendments online Wednesday morning before the markup.

IT'S TUESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Send along tips, feedback and lyrics to bgurciullo@politico.com or @brigurciullo.

"Baby, you can drive my car / Yes, I'm gonna be a star / Baby, you can drive my car / And maybe I'll love you."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

DHS ON ALERT AFTER SHOOTING: Following the shooting Sunday in Las Vegas that left at least 59 people dead and hundreds wounded, DHS as of Monday morning had "no information

to indicate a specific credible threat involving other public venues in the country," spokesman David Lapan said via Twitter. The department "is closely monitoring & working with our federal, state and local partners," Lapan said in a separate tweet.

Flights affected: McCarran International Airport in Las Vegas stopped takeoffs and landings early Monday. Some service later returned, and the airport was running normally in a few hours. Overall, the shooting forced almost two dozen flights to divert elsewhere. The airport told ABC News that at one point a "perimeter fence near the concert venue was breached by people fleeing the scene of the incident." Monday afternoon, TSA spokesman Mike England told MT that the agency had made no changes to security at the airport.

HELP! I NEED SOMEBODY: Independent truck drivers are trying to grab the Trump administration's attention as a December deadline to use electronic logging devices looms, your MT host reports for Pros. "They've done a good job with pulling back some really harmful regulations on the trucking industry," Collin Long, the senior director of legislative affairs for the Owner-Operator Independent Drivers Association, said about the administration. "But on this one, they just haven't really latched on yet."

Full-court press: At the same time, OOIDA has rallied trade groups from the agriculture world to advocate for a bill (H.R. 3282 (115)) that would extend the deadline to 2019. But the American Trucking Associations, which has clashed with OOIDA over the mandate, sees little to no chance of anything changing. "This is sort of the last gasp of people wanting to not comply," said Bill Sullivan, ATA's executive vice president of advocacy.

FOR YOUR RADAR: Safety advocacy groups will brief reporters today on their push for revisions to the Senate's self-driving car legislation. The organizations claim the bill contains "provisions benefiting the auto industry [that] keep consumers in the dark about the limitations and performance" of self-driving vehicles. They argue that it "would unleash mass deployment of [autonomous vehicles] without essential consumer safety protections, adequate oversight and industry accountability." Blumenthal and Ed Markey (D-Mass.), both members of the Commerce Committee, will be on the call.

WHO BUDGETED IT BETTER? House Budget Committee Dems "unveiled a multitrillion-dollar fiscal wish list [Monday] to counter their Republican peers' budget resolution," our friends at Pro Budget & Appropriations Brief report. The Dem budget includes a so-called deficit-neutral reserve fund for "job creation through infrastructure and other investments and incentives." The Congressional Progressive Caucus also released a budget plan that "makes a down payment of $1.9 trillion to help close the nation's infrastructure deficit" and establishes a "public-private infrastructure bank." Lawmakers offered the proposal as an amendment to the Republican House budget.

NOT IN SLO'S BACKYARD: Energy company Phillips 66 will drop its lawsuit challenging a California county's denial of a proposal that would have let the refiner bring millions of gallons of oil per week by train to its facility in Santa Maria, environmentalists who opposed it said Monday. The county's decision to reject the project came after the Surface Transportation Board last year declined to prevent another California city from denying Valero Energy's bid to expand

crude-by-rail operations. The San Luis Obispo Tribune reports that the parties reached a settlement, which must be approved by a court.

ON-TIME ARRIVAL: The California High-Speed Rail Authority said Monday that it had spent over $2.55 billion in federal funding before a Sept. 30 deadline set by a 2009 law. The authority said the money went toward "advanced planning, design and environmental outreach," and that it "helped to create thousands of new jobs."

MT MAILBAG: Arizona's Republican senators wrote to the U.S. International Trade Commission late last week, saying that as the agency considers Boeing's case against Bombardier, it should "avoid levying unnecessary or politically motivated penalties that could have negative impacts on aerospace employees, U.S. air carriers and airline consumers." As Pro Trade's Adam Behsudi reports , Bombardier's biggest plane service center is in Tucson, Ariz. "The Commerce Department last week slapped a preliminary countervailing duty of nearly 220 percent on imports of Bombardier's new C-Series aircraft," Adam writes. "But duties won't take effect permanently unless the ITC makes a final determination that imports of the jets would cause harm to U.S. workers."

OFF YOU GO: The White House sent to the Senate on Monday the nomination of Diana Furchtgott-Roth to be assistant secretary for research and technology at DOT. Furchtgott-Roth is a senior fellow at the Manhattan Institute for Policy Research and the director of it Economics21 project. She was the Department of Labor's chief economist when Elaine Chao was Labor secretary.

SHIFTING GEARS: Terry Van Doren will be responsible for transportation, energy and agriculture issues at the office of Senate Majority Leader Mitch McConnell, per Huddle. ... Meanwhile, Uber's manager for Northern Europe is stepping down, our POLITICO colleagues across the Atlantic report . Jo Bertram was in charge of Uber's services in London, where the company is appealing a local agency's decision to effectively ban its ride-hailing operations.

SLICE OF PI: Tyler Roberts has left the office of Sen. Dan Sullivan (R-Alaska), where he served as a legislative assistant, to be a vice president at Venn Strategies and lobby for the Rail Security Alliance, among other clients, our friends at POLITICO Influence report.

SWIMMING IN THE DEEP END OF THE TRANSPO GENE POOL: Christine Brennan, press secretary for Delaware Sen. Tom Carper, the top Democrat on the Senate Environment and Public Works Committee, emails MT: "Rebecca Higgins, a professional staff member on EPW who handles transportation and infrastructure issues, and her husband Trevor Higgins, a legislative aide for Senator [Dianne] Feinstein who also handles transportation issues, welcomed their third child, a baby girl - Annabelle Dover Higgins - on Friday morning."

THE AUTOBAHN:

- "Brexit helps push U.K. airline Monarch into bankruptcy." POLITICO Europe.

- "Ohio River closed to shipping after lock failure: industry group." Reuters.

- "Putting the S in Tesla." Bloomberg Gadfly.

- "U.S. auto makers step up plans for electric vehicles." The Wall Street Journal.

- "Uber's internal investigation into allegedly stolen trade secrets was just made public." BuzzFeed News.

- "Interior watchdog opens investigation into Zinke's travel." POLITICO.

- "First passenger jet configured for cargo unveiled in Alaska." The Associated Press.

- "Rio Tinto steams ahead with first driverless ore train." The Wall Street Journal.

- "Takata says $1.6 billion KSS deal to be signed in within two weeks." Reuters.

THE COUNTDOWN: DOT appropriations run out in 67 days. The FAA reauthorization expires in 180 days. Highway and transit policy is up for renewal in 1,094 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/10/03/the-race-to-amend-the-senates-self-driving-car-bill-222618

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Tue 11/28/2017 3:04:11 PM
Subject: POLITICO's Morning Score: Moore buried under TV ad barrage — Gutierrez won't seek reelection, sources say — Tax reform ads fly

By Maggie Severns | 11/28/2017 10:00 AM EDT

With Zach Montellaro, Elena Schneider

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

MOORE PROBLEMS - "Moore buried under TV ad barrage," by POLITICO's Scott Bland and Daniel Strauss: "Doug Jones and Roy Moore both released new television ads on Monday. But many Alabama voters will see only one of them. That's because of the massive disparity in TV ad spending between the two candidates in the Alabama special election to a Senate seat, where Jones, the Democratic candidate, is outspending Moore roughly 7-to-1. ... Fueled by millions of online dollars pouring in to defeat Moore, Jones' campaign has flooded the airwaves with over $5.6 million of TV ads overall in the general election campaign. Moore has answered with about $800,000 in ad spending, according to Advertising Analytics."

"Jones' campaign built a big financial advantage even before women came forward accusing Moore of sexual misconduct in early November. ... A new campaign finance report from ActBlue, the widely used Democratic digital fundraising platform, shows Jones raised nearly $2.9 million online in October alone. But the firestorm that ensued after numerous allegations surfaced against Moore galvanized even more financial support for Jones, giving him the resources to relentlessly pound Moore on-air as a child predator." **Full story here.**

- Pro-Moore super PAC backed by Uihlein: A pop-up super PAC that has spent six figures supporting Moore in recent months received the majority of its funds from Wisconsin-based conservative megadonor Richard Uihlein, according to a new FEC filing. The PAC, called Proven Conservative PAC, has spent $147,649 since being formed in August and received $100,000 from Uihlein. One of Uihlein's donations came on Nov. 22, more than a week after the first allegations of sexual misconduct against Moore surfaced, according to the new disclosure.

RETIREMENT ALERT - Gutierrez won't seek reelection, via POLITICO Illinois' Natasha Korecki: "Rep. Luis Gutierrez (D-Ill.) a leading national voice on immigration reform, will not seek reelection and is expected to announce his decision [this] morning, three Democratic sources with knowledge of the decision told POLITICO. Gutierrez is expected to announce he's withdrawing his nominating petitions [today]."

"The sources say that former Chicago mayoral candidate Jesus 'Chuy' Garcia will begin circulating petitions for Gutierrez's post. Gutierrez's spokesman, Douglas Rivlin, said he couldn't comment." **Full story here.**

AIR WAR - Tax reform ads fly ahead of votes this week: A slew of liberal and conservative groups are out with television ads pressuring senators ahead of this week's Senate votes on tax reform. The DSCC is airing an ad featuring families receiving notices saying their tax bill is going up. "How much will the Republican tax scam cost you?" the ad's narrator asks after the spot notes the elimination of the state and local tax, student loan and medical deductions. **Watch it here.**

- The Chamber of Commerce airs holiday-themed spots in three states: The U.S. Chamber of Commerce is up with holiday-themed radio ads pressuring three GOP senators to support the bill: Maine Sen. Susan Collins, Montana Sen. Steve Daines and Wisconsin Sen. Ron Johnson. "What's the best gift [the senator] can give this holiday season?" the narrator of the 60-second spots asks. "The gift of tax relief." **Listen to the ads here, here and here.**

- Business for Responsible Tax Reform pressures Corker: Business for Responsible Tax Reform is up with a 30-second ad targeting Tennessee Sen. Bob Corker that notes the tax reform bill increases the deficit. **Watch the ad here.**

- Not One Penny targets Trump: Not One Penny, a coalition of Democratic groups, is out with a television ad set to air during "Fox and Friends." The ad notes President Donald Trump's frequent Twitter messages and challenges him to tweet about tax breaks for golf course owners. **Watch the spot here.**

- AAN adds $2.5 million in TV, digital ads on tax reform: American Action Network is out with a $2.5 million TV and digital ad effort, thanking GOP House members in 29 House districts who voted for the Republican tax bill. The ad will air in largely battleground seats. **Check out the full list of districts here. Watch the ad here.**

- National Immigration Forum launches DACA ad: The National Immigration Forum is spending five figures to run digital ads in five states and D.C. criticizing Republicans on DACA. The ads focus on a young, undocumented immigrant named Bernardo Castro. **More here.**

Days until the 2018 election: 343

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

Playbook Interview with Marco Rubio - Join POLITICO Playbook Co-authors Anna Palmer and Jake Sherman for a Playbook Interview with Sen. Marco Rubio (R-Fla.) on end-of-year Senate priorities, policy, politics and the news of the day. ***Nov. 29 - Doors open 8:00 a.m. - The Liaison Capitol Hill. RSVP: here.***

LONG-SHOT BID - "Former Kelly aide to mount last-minute Alabama Senate bid against Moore," by POLITICO's Cristiano Lima: "A former top aide to White House chief of staff John Kelly intends to launch a last-minute write-in campaign in the race for Alabama's open Senate seat. Retired Marine Col. Lee Busby, 60, of Tuscaloosa, Ala., said Monday he plans to challenge Democratic candidate Doug Jones and embattled Republican Roy Moore for the state's open seat. He also launched a bare-bones website counting down to the Dec. 12 special election." **Full story here.**

MOORE ON THOSE ADS - Moore denies allegations in new TV ad: "A new ad announced by Alabama Republican Roy Moore's campaign says the accusations that he pursued multiple women when they were teenagers and he was in his 30s are 'false allegations,'" Strauss reports. **Full story here. And read about Jones' latest ad here.**

- Pro-Jones super PAC dropped $1 million over last weekend: "Highway 31, the super PAC supporting Democrat Doug Jones in the Alabama Senate race, has disclosed spending another $1.1 million on ads boosting the candidate and hitting Republican Roy Moore," reports Strauss. **Full story here.**

NEW ON THE AIRWAVES - Pittenger talks 'War on Christmas' in TV ad: North Carolina Rep. Robert Pittenger is out with a new TV and digital ad, which started airing over Thanksgiving weekend, about Christmas. "Christmas - a time we honor the birth of Jesus Christ, yet some choose political correctness, attacking our faith and values, refusing to say 'Merry Christmas,'" the ad's narrator says. "Let's join together to honor the birth of Jesus Christ and Christmas traditions." Pittenger, directly addressing the camera, concludes: "I've dedicated my life to sharing God's love through Jesus Christ. Let's end political correctness and put the true meaning of Christ back into Christmas." Pittenger is up against a well-funded primary and general election opponent, both of whom outraised him last quarter. Mark Harris, a pastor who nearly beat him in a primary in 2016, is challenging him again. **Watch the ad here.**

- American Chemistry Council's new spot backs Barrasso: The American Chemistry Council's new ad praises Sen. John Barrasso as "Wyoming's conservative force." **Watch it here.**

SOMETHING TO WATCH - "Puerto Ricans could transform Florida politics, and parties are taking notice," by NBC News' Carmen Sesin: "So far, over 189,000 Puerto Ricans have migrated to the state after the hurricane left unimaginable destruction throughout the island. Planes arriving from Puerto Rico remain full and some estimate as many as half a million people will eventually make their way to Florida. Although some, particularly the older generations, will eventually return to the island, experts believe most will remain here. Central Florida is their preferred destination, but areas like South Florida and Tampa are also seeing an influx of Puerto Ricans." **Full story.**

GETTING THE NOD - Club for Growth PAC backs Fulcher in ID-01 primary: "The Club for Growth PAC is endorsing former state Sen. Russ Fulcher in the crowded Republican primary to replace Idaho Rep. Raúl Labrador, who's running for governor. ... Fulcher initially launched a gubernatorial bid but dropped out in June and endorsed Labrador. Fulcher, who also ran for governor in 2014, led the pack of GOP candidates in fundraising last quarter, bringing in more

than $100,000." **Full story.**

2018 WATCH - "Virginia Republicans anticipating state Del. Nick Freitas to announce run for U.S. Senate," by the Richmond Times-Dispatch's Patrick Wilson: "Virginia Republicans are anticipating that a state lawmaker will join the GOP primary race for a chance to challenge U.S. Sen. Tim Kaine, D-Va., next year, according to GOP insiders. The new contender would be Del. Nicholas J. Freitas, R-Culpeper, an Iraq combat veteran first elected to the General Assembly in 2015 and easily reelected this year. Freitas would join Corey Stewart, chairman of the Prince William Board of County Supervisors, in seeking the GOP nomination." **Full story.**

QUOTE OF THE DAY: "This so-called off-the-record conversation was the essence of a scheme to deceive and embarrass us," Washington Post Executive Editor Marty Baron said, explaining why the newspaper published an off-the-record exchange with a woman who appears to have tried to scam the paper with a false Roy Moore allegation while acting on behalf of the conservative group Project Veritas.

To view online:
https://www.politico.com/newsletters/morning-score/2017/11/28/moore-buried-under-tv-ad-barrage-033970

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 8/2/2017 11:57:46 PM
Subject: Pruitt drops delay of ozone rule implementation

By Alex Guillén

08/02/2017 07:55 PM EDT

EPA Administrator Scott Pruitt has dropped his one-year delay of an upcoming implementation step for the 2015 ozone standard, EPA announced today.

The withdrawal comes after lawsuits from environmental groups and Democratic states sued over the delay in deciding which areas meet the standard and which do not. EPA had been due to file its first defense of Pruitt's delay in court on Thursday.

Pruitt originally said he did not believe EPA had the necessary data to decide on the designations by the Oct. 1 deadline. But a pre-publication Federal Register notice signed by Pruitt on Wednesday says that "the information gaps that formed the basis of the extension may not be as expansive as we previously believed."

Some areas may be ready for designation in the coming months, and the notice hints that regional delays may be necessary on a case-by-case basis. "The Administrator may still determine that an extension of time to complete designations is necessary, but is not making such a determination at this time," says the notice in withdrawing the nationwide delay.

"We believe in dialogue with, and being responsive to, our state partners. Today's action reinforces our commitment to working with the states through the complex designation process," Pruitt said in a statement.

Pruitt also said he intends to avoid any settlement agreements with "activist groups," a practice he has long opposed and said he ended at EPA. "We do not believe in regulation through litigation, and we take deadlines seriously. We also take the statute and the authority it gives us seriously," Pruitt said.

WHAT'S NEXT: EPA has until Oct. 1 to determine which areas of the U.S. meet the standard and which will have to submit plans to lower pollution, a years-long process.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/pruitt-drops-delay-of-ozone-rule-implementation-091443

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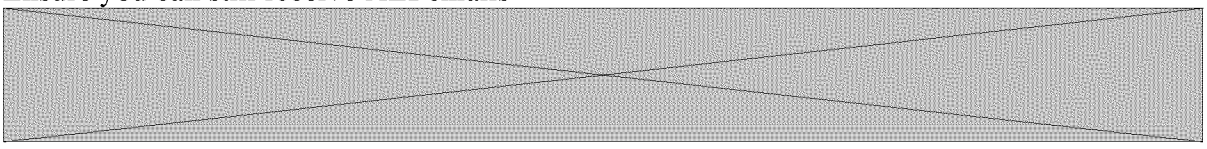
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From: Bloomberg BNA
Sent: Thur 8/3/2017 11:47:31 PM
Subject: Aug. 04 -- Daily Environment Report

Daily Environment Report

August 04, 2017 - Number 149

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Leading the News

Energy

U.S. Energy Agency Back in Business as Senate Confirms Nominees

The main U.S. energy regulator can get back to the business of approving multibillion-dollar natural gas pipelines after the Senate moved to fill two of four vacancies at the long-crippled agency.

Hazardous Waste

Gold King Critic Pruitt to Visit Colorado Mine Spill Site

EPA Administrator Scott Pruitt will visit Aug. 4 the site where the Gold King Mine spill in Colorado occurred two years ago.

Special Report

Oil & Gas

Methane Hot Spot in West Troubles Regulators and Industry

The Four Corners area of northwestern New Mexico and southwestern Colorado has been described as an especially prominent hot spot for methane leaking and venting—and illustrates why the Obama administration issued tougher federal regulations in 2016 to govern oil and gas operations on federal and Indian lands.

News

Air Pollution

EPA May Still Punt Decisions on Ozone Pollution Standards

The EPA could still postpone making some decisions on which regions fail to meet federal air pollution standards for ozone, even after it abruptly dropped plans to delay all of those determinations for a year.

Biodiversity

China Seen by Wildlife Group as Making Progress on Ivory Ban

China is on track to fulfill a pledge to close its domestic ivory markets by the end of 2017, an international nongovernmental group is expected to say in a forthcoming report.

Chemicals

Chemical Makers Told to Act Now, Duck Regulatory Hassles Later

Chemical manufacturers should have access to the EPA's electronic reporting system now to avoid headaches in six months as the deadline approaches to notify the agency about chemicals they have made or imported during the past 10 years.

Congress

Senate Panel Approves Energy, Interior Nominations

The Senate Energy and Natural Resources Committee on Aug. 3 approved by voice vote the nominations of Mark Menezes and Paul Dabbar to be Energy Department undersecretaries and Susan Combs to be an Interior Department assistant secretary.

Energy

Brouillette Heads to Energy Department Following Heller Sign-Off

The Energy Department is set to add a deputy for Secretary Rick Perry following the Senate's confirmation of Dan Brouillette Aug. 3.

Energy

Germany Giving Gigafactory a Home in Latest Challenge to Tesla

German executives are preparing to announce a new home for a lithium-ion battery plant designed to rival the output at Tesla Inc.'s Gigafactory.

Energy

Nuclear Plant's Shutdown Quashes Tax Credit Need, Graham Says

An early extension of a high-profile nuclear tax credit is no longer needed following the shutdown of a nuclear plant's construction in South Carolina, Sen. Lindsey Graham (R-S.C.) told Bloomberg BNA Aug. 3.

Energy

Portland City Council Votes to Appeal Fossil Fuel Terminal Ban

Portland, Ore., wants to see its ban on new fossil fuel terminals reinstated. The city council voted unanimously to appeal a decision striking the ordinance as unconstitutional.

Energy

U.K. Policy Change Seen Too Frequent for Smooth Energy Shift

The U.K.'s energy policies are confusing markets and limiting investment needed to spur a transition away from fossil fuels, according to a pro-business environmental group.

Enforcement

Justice Department Environment Pick a Step Closer to New Role

The Senate Judiciary Committee approved Jeffrey Bossert Clark to lead the Justice Department's environment division Aug. 3 over objections by Democrats that Clark doesn't

accept the scientific consensus on climate change.

Liable Parties

Pasadena Liable for Water Treatment Site Contamination

Pasadena, Calif. is liable under the Superfund law for contamination at a site where it formerly operated a wastewater treatment plant, the Southern District of Texas ruled (USOR Site PRP Grp. v. A&M Contractors, Inc., 2017 BL 269165, S.D. Tex., No. 14-CV-2441, 8/2/17).

Motor Vehicles

Electric-Car Revolution Shakes Up Biggest Metals Markets

The revolution in electric vehicles set to upturn industries from energy to infrastructure also is creating winners and losers within the world's biggest metals markets.

PFOA

Saint-Gobain Water Contamination Claims Dodge Dismissal

Saint-Gobain Performance Plastics Corp. and Honeywell International Inc. must face pollution claims by residents of Hoosick Falls, N.Y., who say a toxic chemical from a factory tainted their water, the Northern District of New York ruled Aug. 2 (Benoit v. Saint-Gobain Performance Plastics Corp., 2017 BL 268907, N.D.N.Y., No.16-cv-00930, 8/2/17).

Pesticides

Senator Holds EPA Pesticide Fees Bill Over Dow Spat

Sen. Tom Udall (D-N.M.) has frozen a bill that would keep the EPA's Office of Pesticide Programs running, in a bid to reverse recent decisions the agency made on pesticides.

Pipeline Safety

Pipeline Agency's Corrosion Monitor Outdated: Congress' Watchdog

The Pipeline and Hazardous Materials Safety Agency has been using an outdated, incomplete model to determine how often it should inspect pipelines for corrosion, Congress' investigative arm said in a report Aug. 3.

Renewable Energy

Arsenal Soccer Club Tackles Climate Change With Clean Energy

Arsenal Football Club plans to power its stadium with renewable energy produced from wasted food and solar panels in a bid to reduce greenhouse gas pollution.

Renewable Energy

Invenergy Issues Green Bond to Finance Wind Park in Uruguay

Invenergy Wind LLC, a Chicago-based energy company, issued a $137 million green bond to finance a wind park in Uruguay.

Renewable Energy

Turkey Awards First Wind-Power Contract to Siemens Gamesa

A consortium led by Siemens Gamesa Renewable Energy SA won the right to build 1 gigawatt of wind power in Turkey, outbidding competitors from China to the U.S. in the country's first wind auction.

Vehicle Fuels

Trump's EPA Said to Reject Icahn-Backed Biofuel Program Change

The Trump administration is set to deal a blow to billionaire investor and presidential adviser Carl Icahn by rejecting his bid to relieve refiners of a burden to satisfy U.S. biofuel mandates, according to people briefed on the move.

Practitioner Insights

General Policy

Practitioner Insights: Environmental Rights Amendment Revival

By Joseph Otis Minott and Paul Cohen: The Pennsylvania Supreme Court's decision in June in Pennsylvania Environmental Defense Foundation v. Commonwealth already has proved to be a game-changer. PEDF has accelerated the revival of Pennsylvania's Environmental Rights Amendment that began in 2013, altering the course of statewide environmental litigation and reshaping policy at all levels of Pennsylvania government. Those impacts will likely deepen—and may ripple ...

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 8/1/2017 9:42:51 AM
Subject: Morning Energy: EPA to get earful on corn ethanol — Court orders EPA to reinstate methane rule immediately — Trump finding tough balance on coal, nuclear — Mnuchin won't rule out blocking Venezuelan oil imports

By Alex Guillén | 08/01/2017 05:40 AM EDT

With help from Eric Wolff, Doug Palmer, Annie Snider and Esther Whieldon

RFS HEARING WILL BE POPPING LIKE CORN: EPA is throwing its annual Renewable Fuel Standard bash today, an all-day hearing for the agency to get feedback on its proposed rule that will set the amount of biofuel that must be blended into the nation's fuel supply. The agency kept the ethanol mandate at the legal maximum of 15 billion gallons, but it dramatically cut the amount of advanced biofuels, and it will surely get an earful on that.

A-listers of biofuels: EPA will hear from Iowa Gov. Kim Reynolds and Nebraska Gov. Pete Ricketts, Chris Bliley of Growth Energy, Bob Dinneen of the Renewable Fuels Association, Frank Macchiarola of the American Petroleum Institute, and Donnell Rehagen of the National Biodiesel Board. Reynolds, whose state leads the nation in ethanol production, will tell EPA she's glad they're on track for an on-time rule (they're actually a bit behind schedule). But "I urge the EPA to raise the advanced biofuel, biodiesel and cellulosic volumes. The RFS is a bold policy, and Iowans and the industry as a whole have always risen to the challenge," she plans to add.

If you go: L'affaire du RFS will be at the Hyatt Regency Washington, 400 New Jersey Avenue NW. It will start at 9 a.m. and end when everyone who wants to has had their say.

COURT REVIVES EPA METHANE RULE, AGAIN: The full D.C. Circuit Court of Appeals on Monday ordered EPA to resume enforcing its methane rule for new oil and gas wells, a potentially temporary but important loss for EPA Administrator Scott Pruitt's deregulatory agenda. A three judge panel reversed Pruitt's stay, but gave EPA time to appeal. The agency hasn't done so, but industry groups have. The court's order was issued by a 9-2 vote. Judges Janice Rogers Brown, who will retire from the court effective Aug. 31, and Brett Kavanaugh voted against reinstating the rule immediately. More here.

For those keeping track at home: EPA's methane rule has been on, off, on again, off again, and now back on again. Plus, it's likely to be off again within a couple months, once Pruitt's proposed two-year hold is finalized — and then possibly back on following a new judicial review.

TRUMP STRUGGLES TO BOOST BOTH COAL, NUCLEAR: President Donald Trump has promised to revive the nuclear industry and put more coal miners back to work, but he is already finding it difficult to do both at the same time. Dueling announcements on Monday illustrated how difficult it will be for the Trump administration to square its support for nuclear power — whose main attribute is its ability to deliver reliable, carbon-free electricity — with its position that reducing carbon emissions are no longer a priority for the federal government. A

pair of South Carolina utilities said Monday that they would be pulling the plug on two unfinished new nuclear reactors; Santee Cooper, one of the companies, pointed out that "the current political landscape has reduced the urgency for emissions-free base load generation" among the reasons for the decision. That announcement came just a few hours after Trump Cabinet members trumpeted newly announced exports from a Pennsylvania coal mine to Ukraine, a deal the administration said it helped to negotiate. Darius Dixon explains it all.

HAPPY TUESDAY AND WELCOME TO AUGUST. I'm your special guest host Alex Guillén. The NRDC's Joan Matthews was first to correctly name all five former presidents who were the same height as Trump (6 feet, 2 inches): George Washington, Chester A. Arthur, Franklin D. Roosevelt, George H.W. Bush and Bill Clinton. For today: How many presidents were born in August, and how many have died in August? Sadly, my time as guest ME host was even shorter than Anthony Scaramucci's time as White House communications director, so please welcome your guest host for the rest of the week, Annie Snider. Send your tips, energy gossip and comments to asnider@politico.com. Or follow us on Twitter @AnnElizabeth18, @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

MNUCHIN WON'T RULE OUT BLOCKING VENEZUELAN OIL IMPORTS: After taking the dramatic step Monday of slapping sanctions on Venezuelan President Nicolás Maduro, the Trump administration kept open the possibility of also shutting down oil trade with the South American country to punish Maduro's government. The U.S. "will continue to monitor the situation and consider additional sanctions," Treasury Secretary Steven Mnuchin said told reporters at a White House briefing Monday, one day after what U.S. officials called a sham election to give the Venezuelan government sweeping new powers.

The United States imports about 700,000 to 800,000 barrels per day of Venezuelan heavy crude oil to refineries in Texas, Louisiana and Mississippi. It also exports about 30,000 barrels per day of oil to Venezuela for blending with the heavier product. Mnuchin deflected questions on whether the Trump administration could impose an embargo on oil imports from Venezuela or shut down U.S. oil exports to the country. "This president is not going to advertise what he's going to do in the future. So, all options are on the table and we will consider everything," Mnuchin said.

BERNHARDT STARTS AT INTERIOR TODAY: Today is former lobbyist David Bernhardt's first day as Interior Deputy Secretary. Bernhardt had worked at Interior in several roles, including solicitor, during the George W. Bush administration and was a lobbyist for Westlands Water District.

TRUMP PICKS HEALTH COMPANY LAWYER FOR KEY INTERIOR POST: President Donald Trump plans to nominate Ryan Nelson to be the Interior Department's solicitor, its top lawyer and third in command. Nelson since 2009 has been general counsel for Idaho-based Melaleuca, an online "wellness shopping club." Nelson previous was the deputy assistant attorney general for the Environment and Natural Resources Division and a lawyer at the Office of Management and Budget. Melaleuca CEO Frank VanderSloot is a noted GOP donor who at first clashed with Trump on the campaign trail (even garnering a scornful tweet when he initially backed Marco Rubio) before backing Trump after he secured the GOP nomination. Donald

Trump Jr., who has shown influence over and interest in Interior nominees, then visited the company last September.

Trump will also nominate John Henderson to be assistant secretary of the Air Force for installations, environment and energy, the White House said. Henderson previously commanded the Army Corps of Engineers' Omaha district, where he oversaw work related to the Dakota Access pipeline — and recommended its approval under the Obama administration.

API: BORDER TAX, SHMORDER TAX, AS LONG AS WE PROMOTE GROWTH: API CEO Jack Gerard told ME Monday he was pleased Republicans in Congress and the White House had agreed to drop a border adjustment tax from plans to rewrite the tax code. He instead wants tax writers to give oil and gas companies the means to recoup their investments quicker with tools like accelerated depreciation. "We're encouraged they listen to the public and the consumers, leaving behind the border adjustment tax," he said. Gerard believes a pro-growth tax policy would replace the lost income from the proposed BAT. "The best tax policy is a job creation policy. If you want to grow taxes, you want people who are in a position to pay taxes." Gerard was touting a report sponsored by API that showed the oil and gas industry supported millions of jobs and added billions of dollars to the economy.

KOCH BACKS PRO-MORRISEY SUPER PAC IN WEST VIRGINIA: Koch Industries has been a major early contributor to a super PAC supporting West Virginia Attorney General Patrick Morrisey's campaign to challenge Sen. Joe Manchin. The group, 35th PAC, which was formed to boost Morrisey against his key Republican opponent, Rep. Evan Jenkins , reported to the FEC Monday that $10,000 of the $20,500 it raised as of the end of June came from Koch Industries. Koch is a contributor to the Republican Attorneys General Association, where Morrisey is currently chairman, and Morrisey is one of the most frequent challengers of Obama-era environmental regulations. Morrisey's actual campaign was only formed a couple of weeks ago and hasn't filed any FEC reports yet. Jenkins' campaign, meanwhile, has about $1.2 million thanks to his previously existing House campaign chest and more than $680,000 in donations this year.

CONTENTIOUS ASIAN CARP STUDY COMING NEXT WEEK: The Army Corps of Engineers has alerted lawmakers it will release a draft plan for halting the spread of dangerous Asian carp into the Great Lakes on Aug. 7. The study was originally due out Feb. 28, but was put on hold by the Trump administration amid concerns from the barge industry that it could hamper navigation between Lake Michigan and the Mississippi River. Both Republican and Democratic lawmakers have been pushing for the study's swift release, through methods including policy riders inserted in pending appropriations measures.

THE POSTMAN ALWAYS RINGS THRICE: Letters from ME's mailbag.

FERC quorum: The Electric Reliability Coordinating Council would very much like the Senate to approve the nominations of Robert Powelson and Neil Chatterjee to seats on FERC to get the commission back to a quorum. The group says $50 billion in capital is "hamstrung" in projects requiring FERC approval, with another $25 billion starting applications. "Every week's delay compounds the problem as seasonal windows for pipeline analyses close and potential for energy

price spikes increase," wrote ERCC Director Scott Segal.

'Red team' climate science review: The American Association for the Advancement of Science and 15 other science groups have asked for a meeting with EPA Administrator Scott Pruitt to talk over his forthcoming "red team" climate science review program. The existing peer review system is already "a multi-dimensional, competitive "red team/blue team" process whereby scientists and scientific teams are constantly challenging one another's findings for robustness," they write.

Monuments: The Northwest Guides and Anglers Association wants Interior Secretary Ryan Zinke to leave the Cascade-Siskiyou National Monument in Oregon and California intact.

GROUP LAUNCHES ZINKE-TARGETED ADS: The watchdog group Center for Western Priorities is launching a six-figure ad buy today pressuring Zinke against shrinking or revoking any national monuments. The spot will air in Washington starting today, with an online campaign running through the month.

Another watchdog group, the Western Values Project, will launch a website today cataloguing "the revolving door between special interest lobbyists and political appointees at the Department of the Interior." WVP's "Department of Influence" site has found 21 political appointees with backgrounds in oil, gas, coal or another resource extraction industry and three with conservation or recreational backgrounds. A dozen served in the Trump campaign.

INTERIOR SAW 79 NEW EMPLOYMENT DISCRIMINATION COMPLAINTS: The Interior Department on Monday posted its fiscal 2017 third quarter report on employee and job applicant discrimination complaints. In the last quarter, during which Interior Secretary Ryan Zinke was in office, the agency received 79 new complaints, 58 percent of which involved retaliation allegations. A former Interior senior staffer filed a whistleblower retaliation complaint earlier this month. The agency has received 260 discrimination complaints thus far this fiscal year. The numbers are largely in line with the data from the past five fiscal years.

ENVIRO ATTORNEY RUBIN DIES: Noted Washington energy attorney Jim Rubin died Friday just weeks after being diagnosed with cancer, reports Greenwire. Rubin spent almost 15 years at DOJ working on environmental trial issues and on a Clinton-era climate change task force. He spent the last decade at several D.C. law firms, most recently Dorsey & Whitney.

LOS ANGELES OLYMPICS PUT PRESSURE ON CITY POLLUTION: Los Angeles reached a deal with the IOC to host the 2028 Summer Olympics, giving the city about a decade to work on its historically high levels of smog and other pollution the world's athletes will be sucking into their lungs. The American Lung Association says Los Angeles has the worst smog pollution of any U.S. city, and despite significant strides in recent years, the area has a long way to go, ALA's Bonnie Holmes-Gen told ME. "In some parts of LA, we have over 140 bad air days every year," she said. "The good news is there are a lot of important initiatives underway. But the state of California and the South Coast air district need to step up the work to move away from polluting fossil fuels, which is the No. 1 cause of pollution in the LA region."

Smog-choked cities have hosted Olympics before — Beijing in 2008, for example. But China resorted to some serious steps to clear the skies for the games, including shutting down factories and construction projects and limiting car usage, none of which would likely go over well in La La Land. That may help temporarily, but Los Angeles' smog chronically plagues millions of residents. Coincidentally, Beijing organizers learned some of their smog reduction techniques from the 1984 Olympics in Los Angeles, when car-crazy L.A. implemented new vehicle restrictions and longtime residents were astounded to see haze clear and reveal mountain ranges.

MOVER, SHAKER: Vince Griffin is the new executive director of Indiana Advanced Energy Economy, the state branch of the national group with a similar name that promotes renewables and other advanced energy technologies. Griffin retired last year from the Indiana Chamber of Commerce, where he was vice president of energy and environmental policy.

Morning read: FERC has issued new guidelines for "reporting on culture resources investigations for natural gas projects," for compliance with laws protecting historic and preserved sites.

QUICK HITS

— Billionaire Behind the Dakota Access Is 'Baffled' by Complaints About His New Pipeline. Bloomberg

— Californians urged to save energy during solar eclipse. Fox News

— Alphabet Wants to Fix Renewable Energy's Storage Problem — With Salt. Bloomberg

— Devon Energy sells shale oil assets in Texas. USA Today

— Big Oil weighs in on Texas 'bathroom bill,' warning it will threaten state's economy. Los Angeles Times

— Suicides of nearly 60,000 Indian farmers linked to climate change, study claims. Guardian

HAPPENING TODAY

9 a.m. — EPA holds a public hearing on the RFS at the Hyatt Regency Washington on Capitol Hill, 400 New Jersey Avenue NW.

10 a.m. — "Oversight of the U.S. Environmental Protection Agency's Superfund Program," Senate Environment and Public Works Committee, Dirksen 406.

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https://www.politicopro.com/tipsheets/morning-energy/2017/08/epa-to-get-earful-on-corn-ethanol-024011

Stories from POLITICO Pro

D.C. Circuit orders EPA to resume enforcing methane rule Back

By Alex Guillén | 07/31/2017 06:39 PM EDT

The full D.C. Circuit Court of Appeals today ordered EPA to resume enforcing its methane rule for new oil and gas wells, a potentially temporary but important loss for EPA Administrator Scott Pruitt's deregulatory agenda.

A three-judge panel ruled on July 3 that Pruitt improperly imposed a 90-day stay of the rule amid a reconsideration of key leak detection and repair requirements.

The court agreed to keep the stay in place for two weeks to give EPA time to decide on an appeal, a timeline that expired last week. The agency has not asked for an appeal, but industry groups and states critical of rule have. The court ordered responses to those appeal petitions be turned in by Wednesday afternoon, with any further reply due Thursday, indicating the court will move quickly on the appeal.

The order was issued by a 9-2 vote. Judges Janice Rogers Brown, who will retire from the court effective Aug. 31, and Brett Kavanaugh voted against reinstating the rule immediately.

EPA is taking comment through Aug. 9 on a proposed two-year stay of the rule through 2019 and could have it in place by September. That longer-term stay may not face the same legal issues as the 90-day one since EPA will incorporate public comment.

WHAT'S NEXT: The court could decide as early as this week whether to hear an en banc appeal. Pruitt's 90-day stay would expire on Aug. 31 anyway, putting a ticking clock on the court proceedings before the matter becomes moot.

To view online click here.

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Trump's coal-boosting eats away at the case for nuclear Back

By Darius Dixon | 07/31/2017 08:30 PM EDT

President Donald Trump has promised to revive the nuclear industry and put more coal miners back to work, but he is already finding it difficult to do both at the same time.

Dueling announcements out of South Carolina and Pennsylvania illustrated how difficult it will be for the Trump administration to square its support for nuclear power — whose main attribute is its ability to deliver reliable, carbon-free electricity — with its position that reducing carbon

emissions is no longer a priority for the federal government.

Utilities in South Carolina said Monday they would stop construction on two new nuclear reactors at the V.C. Summer nuclear plant, about nine years after they launched the project. The announcement came a few hours after the Energy and Commerce departments trumpeted an agreement for a Pennsylvania-based company to sell U.S. coal to a Ukrainian utility. But analysts say there is little surprise that coal is thriving while nuclear continues to struggle, thanks to Trump's decision to abandon the Paris climate deal and unwind virtually all of the regulations former President Barack Obama put in place to bring down U.S. carbon emissions in line with that target.

In his June speech at the Energy Department outlining an "energy dominance" agenda, Trump said his administration would launch a "complete review" of U.S. nuclear policy in order to revive the industry, although it is unclear what progress has been made since then. Energy Secretary Rick Perry said a few weeks later that he had not seen any details of that work, nor a parallel review of grid reliability that may be beneficial for nuclear power. At the same DOE speech, Trump announced plans to lower barriers for overseas coal financing and pointed to Ukraine as an eager customer for U.S. coal exports.

"If the general approach to energy policy from Trump and the gang is going to be that 'we're okay with coal, we're okay with carbon,' then that's one significant reason less [for the private sector] to want to take a chance with other issues on a nuclear plant," said Kit Konolige, a senior utilities analyst with Bloomberg Intelligence.

SCANA, the majority owner of the unfinished South Carolina reactors, cited a long list of reasons for not finishing the Westinghouse-designed AP1000 units: cost concerns about the already over-budget project, "uncertainty" about a getting an extension of nuclear production tax credits from Capitol Hill, and the decision by co-owner Santee Cooper, a state-owned electric utility, to walk away from the project. Of course, cheap natural gas, construction delays, weak electricity demand and the bankruptcy of primary contractor Westinghouse didn't help, but the companies indicted that the change in attitude coming from the White House was a factor as well.

"Today, the business climate has changed considerably," Santee Cooper said in its own announcement that its board of directors sought to stop the project, referencing Obama's emphasis on climate change, the lingering effects of the most recent recession, and energy efficiency programs. "Natural gas prices plummeted after fracking began, and the current political landscape has reduced the urgency for emissions-free base load generation."

Investors rewarded the decision. SCANA's stock closed 5 percent higher than it opened Monday after it announced its plans to abandon the Summer project.

The South Carolina closures send a worrying signal for the fate of the two Westinghouse reactors under construction as part of the Vogtle nuclear expansion, a project similar to Summer being run by Southern Co., Oglethorpe Power Corp. and the Municipal Electric Authority of Georgia.

"I think Southern's gonna go the same way that SCANA is going," Konolige said. "I think, basically, the reasons are pretty much the same: The uncertainty of where policy wants you to put your money and of how long it's going to take to get this thing done — which is going to be a long time — and then they're going to look at the fact that SCANA's stock went up [Monday]."

But Georgia regulators are trying to tamp down any effort to compare the two situations.

"The dissimilarities of these projects should be recognized before making any suppositions on whether construction will continue at Plant Vogtle based on decisions made in South Carolina," Georgia Public Service Commission Chairman Stan Wise said in a statement.

Rich Powell, executive director for ClearPath, a conservative group concerned about climate change, said nuclear becomes increasingly competitive the bigger the emissions cut regulators and legislators aim for, but he argued that Obama's Clean Power Plan was weak for nuclear.

"There's been no indication so far that our policymakers are optimizing for getting our grid to zero emissions," he said. "That's where nuclear gets really valuable. Nuclear's expensive if you're trying to reduce emissions by 30 percent or 40 percent."

He added: "There hasn't been a clear line of support for zero-emissions baseload."

An Energy Department spokeswoman disputed the notion that the administration is not doing enough to help the nuclear industry.

"Secretary Perry shares President Trump's belief that an 'all of the above' energy strategy is what will help America become Energy Dominant," DOE spokesperson Shaylyn Hynes said in an email. "As we look to the future, nuclear power with its zero emissions and around the clock reliability should be a larger part of our nation's energy portfolio."

To view online click here.

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Treasury sanctions Venezuela's president Back

By Zachary Warmbrodt | 07/31/2017 03:44 PM EDT

The U.S. Treasury Department is targeting Venezuelan President Nicolás Maduro with sanctions, accusing him of widespread human rights abuses.

Treasury announced the sanctions following the election on Sunday of an assembly to rewrite the Latin American country's constitution.

In a statement, Treasury Secretary Steven Mnuchin called the vote "illegitimate" and said it

confirmed that Maduro was "a dictator who disregards the will of the Venezuelan people."

Maduro joins Zimbabwe President Robert Mugabe, Syrian President Bashar Assad and North Korean supreme leader Kim Jong Un as a head of state personally sanctioned by the U.S.

"By sanctioning Maduro, the United States makes clear our opposition to the policies of his regime and our support for the people of Venezuela who seek to return their country to a full and prosperous democracy," Mnuchin said.

Treasury said in a release that all of Maduro's assets subject to U.S. jurisdiction were frozen and that U.S. persons were prohibited from dealing with him.

Mnuchin warned that anyone who participates in the assembly that was the subject of Sunday's election "could be exposed to future U.S. sanctions."

He declined to comment on any further steps the U.S. government might take.

The move comes on the heels of President Donald Trump's reluctant agreement to sign a legislative package overwhelmingly passed by the Senate last week, consisting of sanctions on Russia, Iran and North Korea, constraining his bid to defrost relations with Moscow.

Victoria Guida contributed to this report.

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Trump's Interior pick lifts outdoors groups Back

By Esther Whieldon and Annie Snider | 12/15/2016 05:00 AM EDT

President-elect Donald Trump's selection of freshman Montana Rep. Ryan Zinke as Interior secretary is a sign that hunting and fishing groups may still wield clout in a Trump administration loaded with oil and gas executives — and in a Republican Party split between its Theodore Roosevelt and shrink-the-government wings.

Influencing Trump's choice for the post was the top priority for sportsmen's groups, which had two main criteria for any candidate: The new Interior secretary had to be a hunter or angler, and someone committed to keeping public lands public.

They said Zinke, a Republican and former Navy SEAL commander, fit the bill on both counts — in contrast with Rep. Cathy McMorris Rodgers (R-Wash.), who has co-sponsored legislation that would have forced the sale of millions of acres of federal land.

McMorris Rodgers appeared to be the front-runner for the post last week. But the outdoors

groups voiced their qualms about her to Donald Trump Jr., an avid hunter and member of the group Backcountry Hunters and Anglers, when he asked for their opinions, sources close to the discussions say.

While the groups can't claim all the credit for McMorris Rodgers' fall from grace, they said Zinke's nomination — officially announced Thursday — gives them reason to hope the new president will hear their voice. Other potential candidates that sportsmen groups had supported included Wyoming Gov. Matt Mead and Nevada Gov. Brian Sandoval.

"There was some negative reaction to some of the names that were put forward and those comments were shared all the way to the very, very top," said Collin O'Mara, CEO of the National Wildlife Federation. He added: "We're not going to win on every issue, but I think we'll have the ability to make our case. And at this point, that's all we can ask for."

Conservationists also hope Zinke will serve as a counterbalance to other Trump Cabinet picks, including Exxon Mobil CEO Rex Tillerson as secretary of state and Oklahoma Attorney General Scott Pruitt as head of the EPA, whose selections have raised fears that the decks are being stacked in favor of the oil and gas industry.

"This looks to me like a cabinet that's shaping up to be filled with special interests ... especially from the fossil fuel energy kind of side," said Peter Aengst, senior director of the Northern Rockies region for The Wilderness Society. "The hope here is that Zinke will be an important check on some really concerning other Cabinet picks."

Aengst said he also drew some hope from the fact that Zinke has opposed efforts by other Republicans in Congress, including House Natural Resources Chairman Rob Bishop, to transfer vast stretches of federal land to the states. "What would give me much more hope is if I could point to specific examples where he's also gone up against fossil fuel special interests," Aengst said.

Zinke's selection could also help Democrats keep the Senate seat held by Jon Tester — whose supporters include Backcountry Hunters and Anglers leader Land Tawney — by keeping Zinke from challenging him in 2018. But Tawney told POLITICO this week that his support for Tester played no role in his group's decision to praise Zinke as a contender for Interior.

Zinke accepted Trump's nomination Thursday while invoking the name of the conservation movement's favorite Republican president.

"As inscribed in the stone archway of Yellowstone National Park in Gardiner, Mont., I shall faithfully uphold Teddy Roosevelt's belief that our treasured public lands are 'for the benefit and enjoyment of the people,'" Zinke said in a statement released by Trump's transition. "I will work tirelessly to ensure our public lands are managed and preserved in a way that benefits everyone for generations to come."

Those words offered a contrast with years of conservative attacks on pieces of Roosevelt's legacy, including efforts by Republicans to loosen the power that Interior holds over Western

states as the owner of one-third of all U.S. land. The Heritage Foundation has urged Trump's administration to hand states the responsibility for all leasing and permitting of federal lands within their borders, while Texas Sen. Ted Cruz made similar promises during this year's Republican presidential primaries.

But Trump disagreed with that anti-Washington fervor during the campaign, telling Field & Stream magazine that he would not support proposals to divest federal lands to the states.

"I don't like the idea because I want to keep the lands great, and you don't know what the state is going to do," the New York billionaire said in January. "I mean, are they going to sell if they get into a little bit of trouble? And I don't think it's something that should be sold. We have to be great stewards of this land. This is magnificent land."

Conservationists, who want to ensure that people have access to public land for fishing, hunting and recreation, see Zinke as someone who shares their values and isn't afraid to stand his ground.

Besides bucking Bishop's efforts to transfer federal lands to the states, Zinke resigned as a delegate to last summer's Republican National Convention because the party's platform included language calling for the sale of public lands. Zinke was also the lone Republican on Bishop's committee to join with Democrats last year in trying to permanently authorize the Land and Water Conservation Fund, a 51-year-old pot of federal money that Bishop opposes renewing without major changes.

"He's definitely one who's not afraid — just look at his military background," said Steve Moyer of the group Trout Unlimited.

Hunting and fishing groups have raised concerns with some aspects of Zinke's record, however, and other environmental organizations are hardly sold on him. Defenders of Wildlife President CEO Jamie Rappaport called him "unsuitable for the job" because of votes he cast against Endangered Species Act protections for individual species and his support for fossil fuel development.

"Other than supporting the Land and Water Conservation Fund, we struggle to find something positive," Rappaport said in an interview.

Moreover, Zinke is firmly anti-regulation, voting the Republican line in opposition to the Environmental Protection Agency's Waters of the U.S. rule — an Obama administration effort that Trout Unlimited and the National Wildlife Federation strongly backed — as well the EPA's climate regulations for power plants. The League of Conservation Voters gave him a lifetime score of 3 percent on environmental issues.

Zinke has also backed legislation to rip up the Obama administration's plans for protecting the greater sage grouse, an imperiled bird that dwells on prime oil and gas land in the West. And he has criticized Interior's overhaul of the royalty and valuation process for fossil fuels on federal lands and co-sponsored a bill that would sunset the agency's moratorium on new coal leases in 2019.

Endangered Species Act issues are likely to be front and center in Congress next year, especially as Bishop angles for major changes to the bedrock law. That makes some of the groups that most frequently litigate on endangered issues nervous.

Zinke has "voted for legislation to remove grizzly bears from the endangered species list, wolves, lynx, he's fought protection for the sage grouse and at every turn and he wanted to exempt big water developers ... in California from the Endangered Species Act," said Kierán Suckling, executive director of the Center for Biological Diversity, a green group that frequently sues Interior over its species protections.

But sportsmen's groups hope that with Zinke at the table, the conversation will be more constructive than it would otherwise be with a Republican-controlled Congress and White House.

"He's not somebody saying we should eliminate the act or not care about the species," said the wildlife federation's O'Mara. He said he hopes Zinke can shift the conversation away from controversies about adding species to the endangered list, and focus instead more on how to manage them better.

Zinke could help cut through some of the politics around the 1973 law, said David Allen, CEO of the Rocky Mountain Elk Foundation.

"The Endangered Species Act has been hijacked and has gone way beyond what it was ever intended [to do] when it was introduced during [President Richard] Nixon's time," Allen said, arguing that he hopes Zinke can make the act a "conservation tool and less of a political tool."

To view online click here.

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Donald Trump Jr. taps hunting pal for Interior liaison Back

By Esther Whieldon | 03/17/2017 05:01 AM EDT

Donald Trump Jr. is still exerting influence at the Interior Department and has tapped a hunting buddy to serve as a go-between for the agency, sportmen's groups and his father's White House.

President Donald Trump's eldest son is an avid hunter and played a key role in picking Interior Secretary Ryan Zinke, who is also a hunter and fisherman. And now Donald Trump Jr. has asked Jason Hairston, a former San Francisco 49ers linebacker and founder of hunting gear company Kuiu, to serve as a liaison among himself, Zinke, sportsmen's groups and the White House on conservation and public lands issues, Hairston said on Thursday.

"I'm absolutely going to take the position," Hairston told POLITICO, but the job won't come

with a salary, and he plans on staying in California where he lives and manages his business.

But an official with the Interior Department said there had "been no discussion of creating of a new role like this" and White House deputy press secretary Stephanie Grisham said in an email there were no new personnel announcements.

Hairston said Donald Trump Jr. had hoped to play the liaison role between Interior and the White House himself, but his decision to stick with running his father's business empire with his brother, Eric Trump, put a kink in that plan.

"It's really a role he was hoping to fill, but he can't because of conflict of interest," Hairston said.

Hairston and Donald Trump Jr. have been hunting buddies for at least two years — and Donald Trump Jr. tweeted out his congratulations last year after Hairston's company was featured in a Bloomberg news article. The two have tracked game together in mountain ranges in the West and Canada, and Hairston helped to organize meetings between sportsman groups and Donald Trump during his campaign, including a February 2016 gathering in Las Vegas, Hairston said.

The president "knows that it's not just a sport, that it really is something that's more meaningful to hunters and how important wildlife and conservation are because of everything Don and Eric have experienced and shared with him," Hairston said. "So he's not just pacifying his kids over this. He understands it and gets it."

Outdoor recreation groups have recently stepped up their fight against efforts by some Western Republican lawmakers to force the Interior Department to transfer more of the vast amounts of public lands it controls in the West to states — a move the groups say would cut them off from prime hunting and fishing ground. And having Hairston as their advocate would give them a direct line to the White House.

While he said his position hasn't been given a formal starting day, Hairston said he has "already started with the work on it," including "meeting with different organizations to determine what challenges and issues we're facing and really just what we should be working on — what's important."

Hairston has met with Zinke twice: once before Zinke was confirmed as secretary and again on March 7 when Hairston traveled to Washington and talked with the heads of conservation and hunting organizations. Those included the National Rifle Association, Theodore Roosevelt Conservation Partnership, National Shooting Sports Foundation and Safari Club International.

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Interior official files whistleblower complaint over job reassignment Back

By Esther Whieldon and Ben Lefebvre | 07/19/2017 07:06 PM EDT

A former senior Interior Department official has filed a whistleblower complaint after the agency transferred him from a leadership position focused on climate change to a desk job collecting royalties from oil and gas companies.

In a complaint and disclosure filing with the Office of Special Counsel and in a Washington Post op-ed, former Interior Office of Policy Analysis Director Joel Clement claimed he was reassigned to a position at the Office of Natural Resources Revenue to stop him from publicly discussing climate change impacts on native Alaskan coastal communities.

Clement was among dozens of senior executive staff reassigned to other jobs in June.

Clement told POLITICO no Interior political staffers ever raised concerns about his activities prior to his reassignment. "It was kind of obvious to reassign the climate adaptation experts to the accounting office where they collect fossil fuel royalty checks. That was pretty flagrant, I would say, in terms of sending the message. So that message was received loud and clear that they wanted me to quit."

Clement said he'd like his old job back, and he hoped other staff would also complain.

Interior spokeswoman Heather Swift said the personnel moves were "conducted to better serve the taxpayer and the Department's operations."

Clement may have difficulty proving his case because agencies have wide discretion to reassign staff, according to Jeff Ruch, executive director of Public Employees for Environmental Responsibility. "It sounds like he's being retaliated against because of his job, not because of any disclosure he made," Ruch said. "He's suffering due to the nature of his job, and maybe because he did it too well."

Annie Snider contributed to this report.

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Yes, very	Somewhat	Neutral	Not really	Not at all

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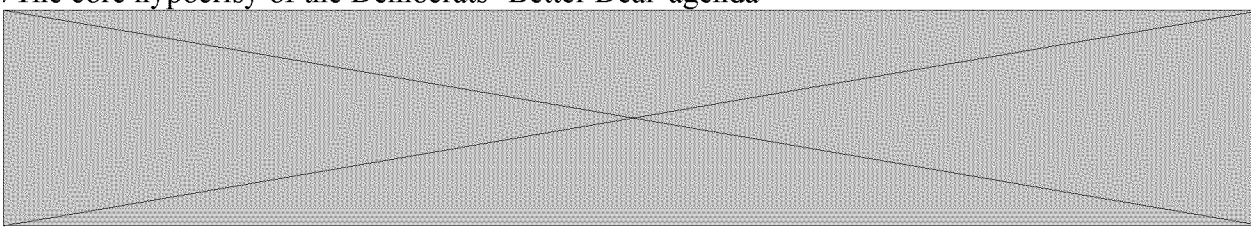
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Fri 7/28/2017 10:10:15 AM
Subject: AEI Today: The core misdirection of the Democratic 'Better Deal' agenda

. The core hypocrisy of the Democrats' 'Better Deal' agenda



AEI's daily publication of independent research, insightful analysis, and scholarly debate

Reuters

The core misdirection of the Democratic 'Better Deal' agenda

James Pethokoukis | The Week

Democrats this week proposed their "Better Deal" 2018 midterms agenda — a program that suggests pro-business Clintonites are in full retreat. The party now seems to take seriously the idea that unadulterated corporate power is hurting American workers. But it's difficult to take the left's anti-monopoly agenda seriously if they go after Big Beer but not Big Tech. To understand why, you just have to follow the money.

Reuters

Why is the White House empowering al Qaeda in Syria?

Marc A. Thiessen | The Washington Post

Imagine the president's national security team walked into the Oval Office and proposed the following US policy in Syria: Let's create an al Qaeda haven in southern Syria by working with Russia to establish a cease-fire area where the terrorist network behind 9/11 is free to operate without fear of US attack. Sound like a good plan? Because that is a description of precisely what the Trump administration is doing in Syria today.

Twenty20

A new scapegoat for colleges? Right-wing pathologies

Frederick M. Hess and Grant Addison | National Review

Nearly two-thirds of conservative Republicans say colleges and universities have a negative effect on the country, while 43 percent of moderate and liberal Republicans agree. These results have prompted predictable headshaking on the part of university officials. The most revealing response came from Terry Hartle of the American Council on Education. Who does he blame for the growing distrust? Hint: It's not the academy.

Twenty20

Kindergarten test scores aren't the goal of early development

Katharine B. Stevens | US News & World Report

Another pre-K study recently showed that kindergartners who attended preschool

programs focusing on academic skills score higher on assessments than peers who didn't attend pre-K. Well, so what? There's no evidence that kindergartners' scores on tests of basic academic skills correlate with success. In fact, a handful of little-noted studies indicate that nonacademic skills may be much more important.

More from AEI

Gutting the Congressional Budget Office won't make it easier to pass unpopular legislation
Joseph Antos | AEIdeas

Despite the proven success of charter schools, both the NEA and NAACP want them stopped

Mark J. Perry | AEIdeas

60-second take: Why having an 'open government' matters

Matt Jensen | AEI video

A bitter Republican showdown in West Virginia that remarkably has nothing to do with President Trump

Ramesh Ponnuru | Bloomberg View

If it wants to avoid Washington's wrath, Big Tech needs a better way to tell its story

James Pethokoukis | AEIdeas

Report: America's surprising new political battleground

Michael Barone | AEI

Excited when a company overseas invests $10 billion in the US economy? Yeah, thank America's trade deficit for that.

Mark J. Perry | AEIdeas

Handicapping the 2018 gubernatorial races

Karlyn Bowman | AEIdeas

Podcast: Myron Ebell and George Frampton debate the carbon tax

Spencer Moore and Cecilia Gallogly | AEI Banter

Around the web: Why Ronald Reagan embraced universal coverage — and conservatives should pay attention

Matt Winesett | AEIdeas

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 7/28/2017 2:12:33 AM
Subject: BREAKING NEWS: Senate Republicans introduce Obamacare bill that repeals individual mandate

Senate Republicans introduced a bill to repeal parts of Obamacare in an attempt to find 50 votes to get legislation through the chamber and to a conference with the House.

The bill would repeal the employer mandate for eight years and repeal the individual mandate. It would also repeal the medical device tax for three years and defund Planned Parenthood for one year, among other provisions.

Read more here: http://politi.co/2v1sG3n

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Tue 11/28/2017 3:03:23 PM
Subject: POLITICO's Morning Energy: Clean Power Plan fever takes hold today in West Virginia — Keystone pipeline restarts today after spill — McCaskill has more questions on Whitefish

By Anthony Adragna | 11/28/2017 10:00 AM EDT

With help from Emily Holden

HEARING TIME! Some of the Clean Power Plan's biggest critics will urge EPA to replace the regulation at hearings beginning today in West Virginia - a message that conflicts with political pressures Administrator Scott Pruitt faces from conservative interests who want him to deny man-made climate change. The National Rural Electric Cooperative Association, U.S. Chamber of Commerce and representatives of major utilities that all opposed the rule will nonetheless call for EPA to write a new one that will stand up to lawsuits and provide planning certainty.

What they're thinking: The Electric Reliability Coordinating Council, which represents heavyweight utilities such as Southern, Duke and Ameren, says EPA should write flexible standards aimed at improving coal plant efficiency. NRECA, which speaks for many coal-reliant, consumer-owned co-ops, wants EPA to draft a rule and defend it through lengthy legal battles before the end of this administration. "The swing of the pendulum back and forth doesn't make it any easier to keep power costs affordable and power reliable," said Kirk Johnson, NRECA's senior vice president of government relations. "We've urged EPA to advance the ball on replacing the Clean Power Plan. We do think it's worth moving expeditiously to craft a replacement regulation." The U.S. Chamber of Commerce, which has repeatedly attacked the Clean Power Plan as job-killing, will argue for "durable and achievable standards," according to prepared remarks.

But that's not the only take: The influential companies lobbying for a new rule could run up against climate change-denying groups like the Heartland Institute and coal CEO Bob Murray, who want Pruitt to fight a science-based endangerment finding requiring climate regulations and would see a new rule as tacit acceptance that the finding is unbeatable. EPA will have to address the issue in its advanced notice of proposed rulemaking, which is expected to raise questions about whether EPA should work on a replacement rule at all. And coal miners will appear today to support withdrawing the rule.

Greens out in force too: The Sierra Club will host its own alternative hearing at the nearby University of Charleston. Bill Price, a regional Sierra Club staffer, said EPA is holding the sole hearing in West Virginia to try to make it look like there's support for the repeal. But he says many West Virginians welcomed the rule because of the job opportunities it could create in energy efficiency and renewable power.

Reminder: EPA will accept comment on its proposed repeal through Jan. 16.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and Glover Park Group's Hayley Moller correctly guessed that approximately 42 percent of Americans have valid

passports (There were 136,114,038 valid passports in circulation in 2017, per the State Department, and the U.S. population at the start of the year was 324,309,805, according to the Census). For today: Who was the most recent House lawmaker to posthumously win reelection? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

KEYSTONE BACK IN (REDUCED) BUSINESS: TransCanada announced Monday its Keystone pipeline would resume operations today at "reduced pressure" as it recovers from a South Dakota spill. "We are communicating plans to our customers and will continue working closely with them as we begin to return to normal operating conditions," the company said. TransCanada said plans to restart the line have been reviewed and cleared by PHMSA.

ICYMI, the company also asked the Nebraska Public Service Commission to "address questions" raised by its decision approving an alternate route for a proposed expansion of the Keystone pipeline through the state, Pro's Ben Lefebvre reports.

LATEST IN ENCRYPTED APP PROBE: Cause of Action is today filing a lawsuit in federal court seeking to compel the release of records from EPA about its efforts to scan for whether encrypted messaging apps, especially Signal, had been installed on agency equipment by employees. A prior lawsuit related to unfilled FOIA requests revealed records showing the agency was probing the use of encrypted apps by career staff following a POLITICO story detailing how a small group of employees had resorted to encrypted communications as they figured out how to respond to the Trump administration.

HOW TO KEEP THE GOVERNMENT RUNNING: Congressional leaders meet with President Donald Trump today on the thorny issue of how to keep the government open but there are just 12 days left until funding runs out, Pro Budget & Appropriations Brief reports. But Washington is no longer wondering if Congress will need to lean on another stopgap spending bill - the question is: For how long?

KEEP AN EYE HERE: Supreme Court justices seemed divided Monday on a case focusing on two rival oil companies that challenged the constitutionality of the Patent and Trademark Office's system for handling patent challenges outside the courts, POLITICO's Sarah Karlin-Smith reports. Oil States Energy Services argued that the existing agency process, known as inter partes review, is unconstitutional because patents are private property that can only be taken away through the court system.

ACCESS DENIED: The 9th Circuit Court of Appeals said Monday it won't transfer a lawsuit over one of the agency's implementation rules under the reformed Toxic Substances Control Act to another court, Pro's Alex Guillén reports. The decision means the 4th Circuit, which said it would wait to decide its path forward until the 9th Circuit had ruled, could choose to transfer its evaluation rule lawsuit to the 9th Circuit or instead to keep it.

SCIENCE PANEL LOOKS AT WOTUS: The House Science Committee subpanel hears perspectives on states' role in the future of the waters of the U.S. regulation today at 10 a.m. Arguably the most interesting witness to appear is Ken Kopocis, who served for years as the top

water official at EPA during the Obama administration but never got a vote in the Senate.

FERC, DOE BRASS SPEAK THIS MORNING: FERC Chairman Neil Chatterjee delivers remarks to the Consumer Energy Association's "Future of Electricity Forum" today at 9:20 a.m., followed by DOE Under Secretary for Energy Mark Menezes. Other notables expected to speak include Reps. Richard Hudson and Bill Flores.

TAKING STOCK: The Environmental Defense Fund has completed an analysis of the Senate's proposed EPA and Interior spending package that it deems "a quiet assault" on public health and the environment. Of particular concern are provisions in the chairman's mark that would eliminate the Integrated Risk Information System, a chemical safety program, and significant cuts to enforcement and various Clean Air Act programs. "The White House, House and Senate budget cuts all would require EPA to continue to lay off public health experts, scientists, environmental engineers as well as staff that manage grants to state and local communities," EDF notes.

MAIL CALL! TIME'S OF THE ESSENCE! A bipartisan group of 11 senators sent a letter to the Army Corps of Engineers expressing serious concerns about potential delays in completing an action-plan for keeping Asian carp from reaching the Great Lakes. "It is imperative that the [Army Corps] meet the original timeline for completing the Chief's Report by January 2019," the letter, led by Debbie Stabenow and Rob Portman , wrote. "This timeline is particularly concerning given recent findings that demonstrated new ways for Asian carp to enter the Great Lakes."

Whitefish probes continues: Sen. Claire McCaskill, ranking member on the Homeland Security Committee, sent a letter Monday seeking a briefing on what, if any, role FEMA played in reviewing a draft contract from Whitefish Energy from grid repair work in Puerto Rico. "Recently released documents appear to indicate that FEMA attorneys in the local office and at headquarters reviewed versions of the draft contract by PREPA and Whitefish," she wrote.

SOLAR CAPACITY'S BIG YEAR: Bloomberg New Energy Finance is out with new research finding 34 gigawatts of new solar-power generating capacity came online in 71 emerging market countries last year. China, at 27 gigawatts, accounted for the bulk of the new capacity, but India, Brazil, Chile, Jordan, Mexico and Pakistan all reported strong installations as well.

NRDC HITS COMSTOCK: The Natural Resources Defense Council is out with a six-figure ad on television and social media urging Rep. Barbara Comstock to oppose the finished version of congressional tax legislation. The Virginia Republican backed the House-passed version H.R. 1 (115) previously. Watch it here.

HEADS UP: The Center for Climate and Energy Solutions and The Climate Registry will today announce Bloomberg Philanthropies as the replacement sponsor for their Climate Leadership Conference to be held next February in Denver. It'll fill the void left after EPA pulled out of sponsorship earlier this year.

NOW PRESENTING: New DOE Assistant Secretary for Fossil Energy Steve Winberg makes

his first public appearance since confirmation this morning as the Global CCS Institute releases its annual report on the status of carbon capture and sequestration technologies. Watch here.

TAKE A GLANCE! The Competitive Enterprise Institute is out with a paper today backing Pruitt's pledge red team - blue team climate science debate. Read here.

BIG PENALTY IN STORE: Fines stemming from the emissions cheating scandal may cost Fiat Chrysler up to ???9.6 billion in France, POLITICO Europe's Sara Stefanini reports, citing documents posted by Le Monde.

LIGHTER CLICK: Beatles legend Paul McCartney tweeted his support for climate action and NRDC on Monday. "Climate change is a real issue and no effort is too small when it comes to protecting and preserving our planet," he wrote.

MOVER, SHAKER: Melisa Klem has left her position as executive director of the Society of Environmental Journalists. The organization will immediately launch a search for a replacement.

QUICK HITS

- Environmentalists sue Forest Service to overturn Rosemont Mine approval. Arizona Daily Star.

- Wind Power Capacity Moves Past Coal in Texas. AP.

- U.S. oil falls on Keystone restart, doubts about Russia's resolve. Reuters.

- Stakes Are High for Solar Power as Puerto Rico Rebuilds. WNYC.

- Everglades oil well application rejected. Sun-Sentinel.

- Venezuela's military is reportedly taking over the country's state oil giant. CNBC.

THAT'S ALL FOR ME!

To view online:
https://www.politico.com/newsletters/morning-energy/2017/11/28/clean-power-plan-fever-takes-hold-today-in-west-virginia-033969

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From: Bloomberg BNA
Sent: Wed 8/2/2017 11:32:54 PM
Subject: Aug. 02 -- Energy and Climate Report



Energy and Climate Report

August 02, 2017 - Number 148

News

Climate Change
Israeli-French Satellite to 'Observe in Detail Climate Change'
Israel and France launched an environmental observation satellite that will monitor climate, soil, water and pollution at more than 100 sites around the world.

Climate Science
Pruitt's Carbon Skepticism Didn't Violate Policy, Panel Says
The head of the Environmental Protection Agency did not run afoul of his agency's own scientific policies when he said in March he is skeptical that carbon emissions from human activity are largely driving climate change, an agency panel concluded.

Coal-Fired Power Plants
Coal Giant to Australia: Focus on Economy Before Paris Pact
Australia may need to consider delaying its goals to combat global climate change in order to prioritize energy security and economic prosperity, according to a senior executive at Glencore Plc.

Energy
Electric Grid Traders Shocked Over Pennsylvania Proposed Tax
Energy traders from Michigan to Maryland have blown a fuse over a Pennsylvania proposal to tax virtual trading in the wholesale electricity market.

Energy
Energy Department Denies Perry's Move to Homeland Security Post
A Department of Energy official Twitter accounted denied the Trump administration is considering Energy Secretary Rick Perry for the top position at the Department of Homeland Security.

Energy
South Carolina May Spend 60 Years Paying for Nukes Never Built
Utility customers in South Carolina may end up spending the next 60 years paying billions for two nuclear reactors that'll never get built, based on a proposal that Scana Corp. filed with regulators late Aug. 1.

Enforcement
Guilty Plea Entered in Biodiesel Fraud Case
A New York man pleaded guilty in a case that involved the sale of at least $42 million worth of fraudulent biodiesel credits and claims of about $4.4 million in false tax credits, the

Justice Department announced Aug. 2.

Import Policy

Brazil Delays Decision on Tariffs for Imported Ethanol

Brazil postponed a decision on whether to impose tariffs on ethanol imports, with the country's Chamber of Foreign Trade (Camex) choosing to discuss the matter in 30 days, a spokeswoman at the Ministry of Development, Industry, and Foreign Trade told Bloomberg BNA July 25.

Renewable Energy

GE Claims Vestas Infringes Wind Turbine Power Control Patent

General Electric Co., which lost its top spot in wind turbine sales this year, claims new market leader Vestas Wind Systems A/S is using its technology to protect their turbines from dramatic fluctuations in power.

Renewable Energy

Ikea Starts Selling Solar Batteries to U.K. Homeowners

Home retailer IKEA of Sweden AB will start selling batteries for rooftop solar panels in the latest sign that once-costly storage technologies are becoming mainstream.

Renewable Energy

Massachusetts to Choose Among 46 Renewable Energy Bids

Massachusetts received 46 bids from energy developers eager to provide renewable power to meet state clean-energy goals, including a Connecticut solar farm and a transmission line that would run nearly 200 miles from Canada to the state's border.

Solid Waste

Lawsuit Claims Duke Energy Storing Ash in 'Open Dump'

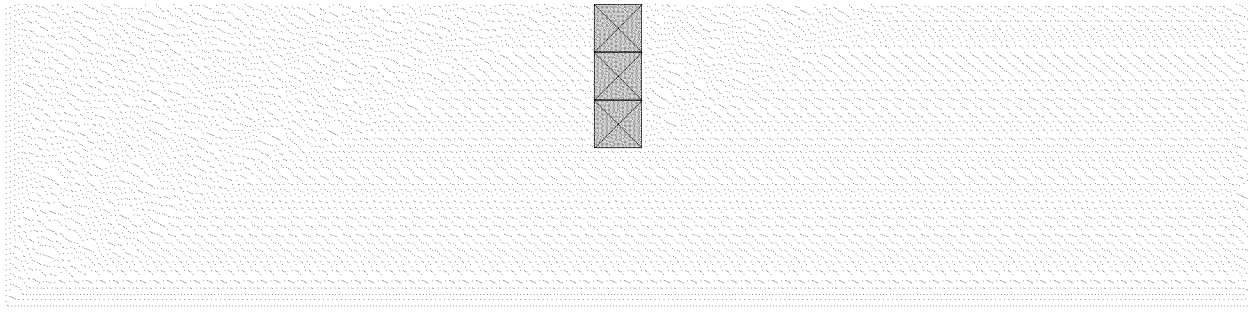
Duke Energy is operating an "illegal open dump" at its Roxboro, N.C., facility, an environmental group said in a lawsuit seeking to alter the utility's coal ash storage plans.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Mon 8/7/2017 12:16:03 PM
Subject: IED Blast in MN, Missing Marines, NYC Crime Stats, Trump Signs Law for Wounded Police





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/3/2017 11:44:59 PM
Subject: Aug. 03 -- Energy and Climate Report

Energy and Climate Report

August 03, 2017 - Number 149

News

Congress

Senate Panel Approves Energy, Interior Nominations

The Senate Energy and Natural Resources Committee on Aug. 3 approved by voice vote the nominations of Mark Menezes and Paul Dabbar to be Energy Department undersecretaries and Susan Combs to be an Interior Department assistant secretary.

Energy

Brouillette Heads to Energy Department Following Heller Sign-Off

The Energy Department is set to add a deputy for Secretary Rick Perry following the Senate's confirmation of Dan Brouillette Aug. 3.

Energy

Germany Giving Gigafactory a Home in Latest Challenge to Tesla

German executives are preparing to announce a new home for a lithium-ion battery plant designed to rival the output at Tesla Inc.'s Gigafactory.

Energy

Nuclear Plant's Shutdown Quashes Tax Credit Need, Graham Says

An early extension of a high-profile nuclear tax credit is no longer needed following the shutdown of a nuclear plant's construction in South Carolina, Sen. Lindsey Graham (R-S.C.) told Bloomberg BNA Aug. 3.

Energy

Portland City Council Votes to Appeal Fossil Fuel Terminal Ban

Portland, Ore., wants to see its ban on new fossil fuel terminals reinstated. The city council voted unanimously to appeal a decision striking the ordinance as unconstitutional.

Energy

U.K. Policy Change Seen Too Frequent for Smooth Energy Shift

The U.K.'s energy policies are confusing markets and limiting investment needed to spur a transition away from fossil fuels, according to a pro-business environmental group.

Energy

U.S. Energy Agency Back in Business as Senate Confirms Nominees

The main U.S. energy regulator can get back to the business of approving multibillion-dollar natural gas pipelines after the Senate moved to fill two of four vacancies at the long-crippled agency.

Enforcement

Justice Department Environment Pick a Step Closer to New Role

The Senate Judiciary Committee approved Jeffrey Bossert Clark to lead the Justice Department's environment division Aug. 3 over objections by Democrats that Clark doesn't accept the scientific consensus on climate change.

Motor Vehicles

Electric-Car Revolution Shakes Up Biggest Metals Markets

The revolution in electric vehicles set to upturn industries from energy to infrastructure also is creating winners and losers within the world's biggest metals markets.

Oil & Gas

Methane Hot Spot in West Troubles Regulators and Industry

The Four Corners area of northwestern New Mexico and southwestern Colorado has been described as an especially prominent hot spot for methane leaking and venting—and illustrates why the Obama administration issued tougher federal regulations in 2016 to govern oil and gas operations on federal and Indian lands.

Renewable Energy

Arsenal Soccer Club Tackles Climate Change With Clean Energy

Arsenal Football Club plans to power its stadium with renewable energy produced from wasted food and solar panels in a bid to reduce greenhouse gas pollution.

Renewable Energy

Invenergy Issues Green Bond to Finance Wind Park in Uruguay

Invenergy Wind LLC, a Chicago-based energy company, issued a $137 million green bond to finance a wind park in Uruguay.

Renewable Energy

Turkey Awards First Wind-Power Contract to Siemens Gamesa

A consortium led by Siemens Gamesa Renewable Energy SA won the right to build 1 gigawatt of wind power in Turkey, outbidding competitors from China to the U.S. in the country's first wind auction.

Vehicle Fuels

Trump's EPA Said to Reject Icahn-Backed Biofuel Program Change

The Trump administration is set to deal a blow to billionaire investor and presidential adviser Carl Icahn by rejecting his bid to relieve refiners of a burden to satisfy U.S. biofuel mandates, according to people briefed on the move.

Practitioner Insights

General Policy

Practitioner Insights: Environmental Rights Amendment Revival

By Joseph Otis Minott and Paul Cohen: The Pennsylvania Supreme Court's decision in June in Pennsylvania Environmental Defense Foundation v. Commonwealth already has proved to be a game-changer. PEDF has accelerated the revival of Pennsylvania's Environmental Rights Amendment that began in 2013, altering the course of statewide environmental litigation and reshaping policy at all levels of Pennsylvania government. Those impacts will

likely deepen—and may ripple ...

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/10/2017 8:26:38 PM
Subject: Aug. 10 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

$900 Million New York Natural Gas Plant at Critical Juncture

Posted August 10, 2017, 02:39 P.M. ET

By Gerald B. Silverman

Competitive Power Ventures Inc. is at a critical juncture in its plan to operate a 680-megawatt natural gas power plant 75 miles northwest of New York City.

The $900 million plant, scheduled to begin operations in February, is counting on the construction of a pipeline by Millennium Pipeline Co. LLC to supply the natural gas for operations. The state Department of Environmental Conservation is expected to decide by the end of August whether it will grant the permits needed for the pipeline.

The project has been a flash point in the larger battle between environmentalists and companies in the Northeast that contend that more pipelines are needed to meet the region's demand for natural gas.

Pramilla Malick, chairwoman of Protect Orange County, a leading opponent of the natural gas plant, told Bloomberg BNA Aug. 10 that Competitive Power Ventures put "the cart before the horse" by building the plant before the pipeline received the necessary permits.

She said the plant could not operate without the pipeline and should be "mothballed."

80 Percent Complete

But Chapin Fay, a spokesman for the company, said the plant will open in 2018, with or without the state's approval of the pipeline. He said the plant is about 80 percent complete.

"There is little to stop us from opening in February, when we can run on diesel," he told Bloomberg BNA in an Aug. 10 email. "The only real issue is the pipeline permit, which we believe we will get from [the Federal Energy Regulatory Commission], if not from DEC. It would mean we operate on diesel until we get approved and built."

The natural gas plant, which is backed by a coalition of business and labor groups, will generate $1 billion in economic activity over 10 years, including lower energy costs and new jobs, according to the company.

A number of environmental groups oppose the plant and the pipeline because of its impact on greenhouse gas emissions, including methane and carbon dioxide. Malick said the plant will have carbon dioxide emissions of 4.7 million tons per year, which would raise total carbon emissions from the state's power sector by more than 10 percent.

Protect Orange County and other groups also oppose the plant because it will rely largely on natural gas transported from states that permit high-volume hydraulic fracturing, known as fracking. New York has banned fracking.

Voting Quorum Restored at Federal Energy Regulator

Posted August 10, 2017, 12:38 P.M. ET

By Rebecca Kern

A quorum that the Federal Energy Regulatory Commission needs to vote on key infrastructure projects was restored today when Robert Powelson was sworn in as a commissioner.

Powelson joins Acting Chairman Cheryl LaFleur (D) and Commissioner Neil Chatterjee (R), who was sworn in on Aug. 8.

At least three commissioners are required for the agency to vote on key infrastructure filings and orders, including natural gas pipelines and liquefied natural gas pipelines, contested rate filings, and mergers and acquisitions. At least $14 billion worth of natural gas pipeline infrastructure is awaiting FERC approval, according to the natural gas industry.

The Senate confirmed Powelson, former president of the National Association of Regulatory Utility Commissioners and a commissioner on the Pennsylvania Utility Commission, and Neil Chatterjee, former energy staffer for Senate Majority Leader Mitch McConnell (R-Ky.), on Aug. 3.

FERC has been without a voting quorum since February, when former Chairman Norman Bay (D) left the agency.

President Donald Trump has nominated two other FERC commissioners—Kevin McIntyre, an attorney with Jones Day, and Richard Glick, Democratic general counsel for the Senate Energy and Natural Resources Committee. Their Senate confirmation hearing is Sept. 7.

Federal Scientists Say Climate Change No Hoax, Refuting Trump

Posted August 10, 2017, 01:46 P.M. ET

By Christopher Flavelle

Less than a week after President Donald Trump notified the United Nations of his intent to exit from the Paris climate accord, his government's chief science agency released a report demonstrating that global warming is real and getting worse.

The report, prepared by almost 500 scientists from around the world, shows that last year's average global temperatures were the highest ever recorded. There were more major tropical cyclones than usual, longer droughts, and less snow cover. After years of increasing, Antarctic sea ice declined,

undercutting an argument by those who dispute the science of global warming.

"The major indicators of climate change continued to reflect trends consistent with a warming planet," said the report, which was edited by Jessica Blunden and Derek S. Arndt of the National Oceanic and Atmospheric Administration.

Reports, such as the NOAA-supported one released Aug. 10 in the Bulletin of the American Meteorological Society, are "hard to dodge," according to David Schnare, who worked for a short time at the Environmental Protection Agency under Trump and wants the administration to abandon any efforts to tackle climate change. He said this and other federal reports documenting the severity of climate change could make it harder for the EPA to reverse its 2009 finding that carbon dioxide emissions pose a danger to the public.

Trump has labeled climate change a "hoax," and members of his administration have downplayed the impact that burning fossil fuels is having on the Earth and its changing weather patterns.

While Trump's administration seeks to unwind federal policies to address climate change, local governments are being forced to act. Nick Crossley, emergency management director for Ohio's Hamilton County, which includes Cincinnati, said his agency dealt with more flash flooding than usual last year.

"Some call it climate change; some call it something else," Crossley said in a phone interview. But whatever you call it, "it's putting a strain on local resources."

Crossley, who is also vice president of the International Association of Emergency Managers, said his counterparts around the country are dealing with similar problems. He said that while federal reports documenting the extent of climate change might not capture the public's attention, they can help persuade local officials to better prepare for future storms, floods, and other challenges.

Those steps can include building storm-resistant infrastructure, and helping people who live in vulnerable areas move someplace else.

One of the surest signals that local governments are taking climate change seriously is that they're looking for new ways to pay for it. In South Florida, which is struggling with both rapid sea-level rise and an increase in flooding, the city of Coral Gables is looking for ways to start saving now for higher stormwater-managements costs.

"The earlier you do stuff, the easier it is to prepare," said Abby Corbett, a lawyer who specializes in climate adaptation and is advising Coral Gables. She said that while cities in South Florida have long had to cope with flooding, climate change could cause people to leave, shrinking the city's tax base.

"It may be that we have to struggle with revenues, just as costs are increasing," Corbett said.

Local officials aren't the only ones trying to cope with the effects of climate change. The accumulation of scientific data on global warming has put pressure on the U.S. coal industry, which is already suffering because of competition from cheap natural gas prices and renewable energy. It increasingly has to deal as well with the perception that coal is ruining the planet.

"I don't think the public is in the dark" about the scientific consensus on climate change, said Luke Popovich, vice president of the National Mining Association, which represents coal companies. He

asked why the U.S. should reduce its own coal use when other countries, chiefly China and India, continue to burn it. And he said that for most people, climate change remains low on their list of worries.

"No matter how much information comes out of NOAA, it is not going to help put more pressure on the U.S. to do more," Popovich predicted. "We've got a hell of a lot of other problems to address."

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Trump Is Said to Be 'Really Interested' in Payments for Coal Use

Posted August 10, 2017, 8:58 A.M. ET

By Tim Loh

West Virginia Governor Jim Justice said Donald Trump is "really interested" in his plan to prop up Appalachian mining by giving federal money to power plants that burn the region's coal.

Justice, a coal and real estate mogul elected governor last year as a Democrat, announced at a West Virginia rally alongside President Trump last week that he's becoming a Republican. Justice has recently spent a "goodly amount of time" meeting one-on-one with Trump and has liked the feedback to his pro-coal proposal. The plan calls for the Department of Homeland Security to send $15 to eastern U.S. utilities for every ton of Appalachia coal they burn.

"He's really interested. He likes the idea," Justice said in a phone interview on Aug. 9 when asked about Trump's reaction. "Naturally, he's trying to vet the whole process. It's a complicated idea."

In Justice's eyes, the coal payments will be necessary because Trump's moves to roll back regulations on the Appalachian coal industry won't be enough to preserve it. The Appalachian coal sector has been shrinking for years as companies are forced to spend more money to access harder-to-reach seams of the fossil fuel. Meanwhile, competitors in regions including the Illinois Basin and Powder River Basin of Wyoming and Montana have much thicker coal seams that are cheaper to get to.

Critics say such a proposal would be expensive and misguided. U.S. power plants burned at least 110 million short tons of Appalachian coal in 2016, according to Andrew Cosgrove, an analyst at Bloomberg Intelligence. A payment of $15 for each of those tons would cost at least $1.65 billion.

Justice said he's discussed the plan with, among others, Department of Energy Secretary Rick Perry, Vice President Mike Pence and Jared Kushner, Trump's senior adviser and son-in-law.

Asked whether Trump is considering Justice's plan to prop up the coal industry, White House spokeswoman Kelly Love said there's nothing to announce at this time.

Too Reliant

While Appalachian coal production is up this year, if there's another "downtick" it'll cause a spate of bankruptcies, mine closures, and layoffs that could be impossible to recover from, Justice said.

At the heart of his pitch, Justice argues that the country is becoming too reliant on natural gas for power and it's not enough to supplement that with coal from the Midwest and West.

Justice rejects the notion that his plan amounts to a "bailout" or "subsidy" for Appalachian coal. Rather, it's a matter of national security, he said, because terrorists could easily blow up important gas pipelines or derail freight trains shipping coal to the east, leaving large swaths of the country lacking power-plant fuel.

'Absolute Chaos'

"Can you imagine what would happen if we lost the power in the east for a month, or two months, or three months?" Justice said. "It would be like a nuclear blast went off. You would lose hundreds of thousands of people. It would be just absolute chaos beyond belief."

Justice insisted that renewables could one day be the primary source of U.S. electricity generation, but says he's not sure whether that'll come in 10, 20 or 30 years.

"This may very well be a temporary fix, a temporary security blanket," he said. "But today we don't have the renewables in place. And today, we cannot lose our eastern coal fields."

While it's legitimate to worry about the reliability of the U.S. power grid, the decline of the coal industry isn't raising much of a threat at a time of cheap and abundant gas and fast-growing wind and solar power, said Jason Bordoff, director of Columbia University's Center on Global Energy Policy.

It's "unfortunate and irresponsible" to float a policy idea like this, Bordoff said, when U.S. and global forces are causing a structural decline in the Appalachian coal sector and communities need to diversify local economies.

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America's Power Plant Jobs, Ignored by Politicians, Are Dying

Posted August 10, 2017, 7:59 A.M. ET

By Naureen S. Malik and Tim Loh

A couple months ago, Donald Trump was cheering a new coal mine in Pennsylvania that will put 70 people to work—good news for a president whose pledge to revive the industry helped get him elected. But a bigger group of coal workers has already suffered sweeping job cuts, and it's bracing for more.

Coal-fired power plants employ more people than mines, and they're shutting down all over the country. Cheap natural gas, the rise of renewables backed by tax credits, and subsidies for nuclear energy will likely combine to keep the trend going—and leave more people like Lynnette Faje out of work.

Faje had spent more than a quarter century at an Illinois-based power company that's owned today by NRG Energy Inc. She had survived two buyouts and had spent her final three years at the company as a laborer on the plant floor after her office position was cut. She found out her $23.50-an-hour job was being eliminated entirely while taking minutes one day at a local union meeting.

"Pretty much everything I've worked for my whole life is pretty much gone," Faje, 51, said. She voted for Trump, and wants to go back to work at a coal plant, but sees little chance of that happening. Contractors have been hired to do her old job now and she's found work on the overnight shift at a candy factory, earning 28 percent less an hour than she did at NRG to watch Baby Ruth bars roll by on the conveyor belt.

'Going to Zero'

Coal-fired plants employed 86,035 people in the U.S. last year. That may not seem like a huge amount in a country of some 150 million workers but it's 16 percent more than the number employed at mines, according to the U.S. government. It's also a younger and more diverse workforce, with women making up more than a third of it, and ethnic minorities about a quarter.

Curiously, they haven't gotten nearly as much attention as the miners -- even though their numbers are shrinking fast. And coal comebacks like the one Trump hailed in Pennsylvania won't help them. Corsa Coal Corp.'s venture there is digging up metallurgical coal, which is used in steelmaking and often exported.

Under Trump, the Environmental Protection Agency is making efforts to save some of the coal-plant jobs by scaling back emissions regulations. But most experts expect more plants to shutter as new gas-fired units come online and costs keep plunging for solar and wind power. Some coal plants are being converted to gas, which still involves layoffs because gas generators typically employ about half as many people.

"All the power market people that I know, we all think coal is going to zero," said Alex Elsik, chief executive officer of Geosol Capital LLC, a Houston-based hedge fund. In the power market that the Chicago plants are part of, the cost of generation with coal is about 50 percent higher than with gas, he said.

If there's a sliver of hope for the industry, it may lie in a burgeoning debate among regulators and grid operators about the need to preserve fuel diversity.

Polar Vortex

The International Brotherhood of Electrical Workers has been pushing that case in Washington, according to Donnie Colston, director of its utilities department. A much-cited example is the polar vortex that froze the U.S. in early 2014. Gas prices surged to record highs in New York, and the PJM Interconnection grid—serving a fifth of the country's population, from the Midwest to the mid-Atlantic—lost 22 percent of its generation assets. Keeping some coal capacity can mitigate such risks.

Coal plants are "life-limited over time, but for the present, coal plants will continue to be needed for reliability and fuel diversity," David Gaier, a spokesman for NRG, said by email.

Still, last month saw a string of announcements that's left a growing group of coal-power workers uncertain about their future.

Faje's former employer, NRG, plans to overhaul its entire business to slash debt and costs, with about 4 percent of savings coming from plant payroll, though it didn't say how many jobs would be cut. American Electric Power Co. is closing almost all of its coal plants in Ohio and is exploring strategic alternatives for the last two. It's already cut about 670 jobs, more than a fifth of the coal-

plant workforce, since 2015.

Deep Discounts

The Texas power market is so depressed that all but two of the state's 15 coal generators are losing money, according to energy-focused investment firm Tudor Pickering Holt & Co. Houston-based Calpine Corp. may be on the verge of a buyout by a private-equity firm, a process that's kept plants alive in other states, but one that typically leads to staffing cuts. In a sign of how desperate some power companies are to get rid of their beleaguered coal units, they are being offered up at less than 10 percent of replacement cost.

Coal-plant shutdowns ripple across many other industries too, starting, of course, with the miners. Power generators accounted for 87 percent of U.S. demand for coal last year, according to analyst Wood Mackenzie Ltd. Temporary jobs in plant maintenance will be lost too. Generators need regular overhauls, and even small outages require hundreds of workers.

The big ones that take place every three to four years can involve a team of thousands. By contrast, gas-fired plants have few outages.

Faje says she's hearing a growing number of the personal stories that lie behind some of these numbers.

She recently found out that a former colleague had died after a battle with depression, and wrote a Facebook post in his memory. Others stepped forward with their own anxieties, about losing their homes, working longer hours and toiling under increasingly dangerous conditions as the industry's cost-cutting measures strain workers.

NRG's Waukegan plant north of Chicago had its own recent scare. One day in June, powdered coal ignited, triggering an explosion. No one was hurt but workers were spooked, according to an employee who asked not to be identified for fear of retaliation.

Later that month, a celebration was held at the Waukegan plant to commemorate 314 injury-free days. Bakers Square pies were spread across the lunchroom -- apple and cherry and blueberry. The staff wasn't in the mood, though, the worker said. The explosion was still on everyone's mind, and most of the pies were left untouched.

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World's Biggest Coal Shipper Talks a Lot About Electric Cars

Posted August 10, 2017, 7:40 A.M. ET

By Thomas Biesheuvel

Glencore Plc might be the world's biggest exporter of coal, the dirtiest fuel, but the mining giant is increasingly excited about electric cars.

"It looks like it's going to be the big growth area, no doubt," Ivan Glasenberg, Glencore's chief executive officer, said on a call with reporters August 10. "It's an area people definitely have to get into."

Battery-powered cars and gasoline hybrids are poised to grow so fast that by 2040 they'll make up more than half of vehicles sold globally, according to estimates from Bloomberg New Energy Finance.

Electric cars contain about three times more copper than a regular vehicle, according to Glencore. Even more is needed for charging stations, with Exane BNP Paribas predicting infrastructure will add about 5 percent to demand by 2025. Lithium, cobalt, graphite and manganese used in batteries will also see additional demand.

The battery in an electric car contains about 38 kilograms of copper (84 pounds), 11 kilograms of cobalt and 11 kilograms of nickel, according to Glencore.

The outlook for greener transportation got a boost this year after the U.K., France and Norway said they would ban sales of fossil-fuel cars in coming decades. Volvo AB has also announced plans to abandon the combustion engine and Tesla Inc. will soon sell its cheaper Model 3.

Glencore, a major producer of cobalt, copper and nickel, is not the only miner lining up to take advantage of the growth. The world's biggest miner, BHP Billiton Ltd., is looking to boost nickel supply.

"From the tough period we've just been through, people don't have big plans for new greenfield operations and this bodes well for the prices in these commodities," Glasenberg said. "It's going to be hard to grow in these areas."

At the same time, Glencore is also increasing its coal bet. The company recently agreed to pay $1.1 billion plus royalties for a large stake in an Australian coal mine.

Its pursuit of coal contrasts with other major miners such as Rio Tinto Group, who have moved away from the most polluting fuel. Glencore has consistently said that coal is essential to the needs of the developing world in the long term, especially in Asia.

Still, Glasenberg sees electric vehicles and coal as a win-win situation.

"You have to power these electric vehicles from the grid," Glasenberg said. "The amount of power that you have to throw into these electric vehicles when you're charging them, we definitely need more power supply."

Peter Grauer, the chairman of Bloomberg LP, is a senior independent non-executive director at Glencore.

--With assistance from Mark Burton.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 7/28/2017 9:45:22 AM
Subject: Morning Energy, presented by Chevron: Fallout spreads from Zinke's Alaska arm-twist — Energy and Water title clears House — Inhofe shrugs at red team-blue team climate debate

By Anthony Adragna | 07/28/2017 05:42 AM EDT

With help from Esther Whieldon, Ben Lefebvre and Eric Wolff

ALASKA-SIZED FALLOUT FROM ZINKE CALL: Swift pushback continues after Interior Secretary Ryan Zinke threatened repercussions for Alaska's energy priorities in light of Sen. Lisa Murkowski's vote against taking up Obamacare earlier this week. Two House Democratic ranking members — Energy and Commerce's Frank Pallone and Natural Resources' Raul Grijalva — sent requests for investigations into Zinke's actions to GAO and Interior's inspector general. In addition, the Western Values Project filed a FOIA request for all records related to Zinke's calls with Murkowski and Alaska Sen. Dan Sullivan, promising to sue for them if they don't get the response within statutory limits.

The White House didn't deny the phone calls occurred with Press Secretary Sarah Huckabee Sanders instead declining to "speak about conversations between Cabinet members and other individuals." But as POLITICO's Elana Schor and Ben Lefebvre report , Sullivan urged his senior senator and the Trump administration return to harmony. "From my perspective, the sooner we can get back to that kind of cooperation between the administration and the chairman of the [energy] committee, the better for Alaska and the better for the country," he told reporters. "I'm not telling Sen. Murkowski anything. I work super closely with Sen. Murkowski, but that's my statement."

Murkowski responds: In an interview with the Alaska Dispatch News' Erica Martinson (who broke the story), Murkowski confirmed she had a "difficult conversation" with President Donald Trump before the vote and spoke with Zinke, who "shared with me that the president was not pleased" afterwards. But she said she didn't feel pressured at all and didn't feel like her Interior priorities were at risk. "I certainly hope that those in the administration will continue to work with all of us — all of the Alaska delegation — on priorities that are not only important to Alaska, they're important to the country," she said.

Some Republicans said Zinke's pressure wasn't unusual: Sen. Lindsey Graham said lawmakers feel pressure from the administration all the time. "It won't matter one bit," he told reporters. "I think she's going to do what she likes. If you're in the Senate you get threatened all the time by everybody." And House Natural Resources Chairman Rob Bishop agreed: "That is not unprecedented, [he] has a right to do that," he told reporters in the Capitol. As Pro's Esther Whieldon reports, Bishop said former Interior Secretary Sally Jewell would call him "complaining about some things that we were doing."

Why this could backfire: Murkowski chairs the Senate Energy and Natural Resources Committee, which controls among other things how quickly Zinke may get personnel in place, and also holds the gavel of the Appropriations subcommittee that oversees Interior's funding.

Also, she's tough as nails and unlikely to be intimidated by anyone. She proved it early this morning, when she joined Sens. Susan Collins and John McCain to help Democrats defeat the last-ditch, slimmed-down Obamacare repeal bill, killing the effort for now.

TGIF EVERYBODY! I'm your host Anthony Adragna, and I am officially off to Scotland for my honeymoon today. See you in two weeks! In the meantime, a merry band of very talented energy Pros will fill in for me! Be nice! Theodore M. Pomeroy had the shortest tenure as House speaker (at just a day), but your end-of-the-week trivia is who was our shortest president? Send your tips, energy gossip and comments to Alex Guillén, who returns to the ME captain's chair on Monday, at aguillen@politico.com. Or follow us on Twitter @alexcguillen, @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

ENERGY AND WATER TITLE CLEARS HOUSE: It will almost certainly be substantially reshaped by the Senate — if not ignored altogether — but House lawmakers passed $789 billion mini-spending package, H.R. 3219 (115), that included energy and water infrastructure funding, Pro Budget and Appropriations Brief's Sarah Ferris reports . The $37.6 billion energy and water title includes funding for Yucca Mountain and a rider protecting the Trump administration's withdrawal of the Waters of the U.S. regulation from legal challenges, while zeroing out DOE's ARPA-E program and blocking any new loan guarantees. Senate appropriators cleared their own $38.4 billion energy spending package on July 20 with large differences compared to the House version.

The House package came together as centrist Republicans told leadership they would not back a massive 12-bill spending package sought by others in the caucus, POLITICO's Rachael Bade reports. It comes as moderate GOPers are increasingly banding together to undermine leadership as they take from the Freedom Caucus' playbook.

YOUR MOVE, MR. PRESIDENT: The Senate passed a package of sanctions on Russia, Iran, and North Korea by an overwhelming 98-2 margin Thursday, sending it to Trump's desk, POLITICO's Elana Schor reports. The White House has worked hard to avoid taking a clear position on the bill, H.R. 3364 (115) , with communications director Anthony Scaramucci telling CNN on Thursday that Trump "may sign the sanctions exactly the way they are, or he may veto the sanctions and negotiate an even tougher deal against the Russians." But Congress has shown they can easily override a veto if Trump elects that path. Remember the sanctions only kick in for energy projects in which a Russian company owns 33 percent or a controlling stake.

A former member of Congress with detailed knowledge of the legislation pointed our colleague Daniel Lippman to a provision of the legislation that the ex-member thinks hasn't gotten enough attention: "A lot of the coverage is about what the bill forces the president to do with the sanctions but what a lot of people are missing is that there is a key discretionary provision [in Section 232] that basically allows the president to avoid meddling in the energy affairs in our European and NATO allies. He can decide to allow to not to punish and not meddle in the affairs of Europe's energy policy ... [and] he actually has discretion to do absolutely nothing. It is not all mandatory language but it does have some discretionary language. And that could be a key provision."

WHERE DO WE GO FROM HERE? White House, Treasury and congressional leaders issued a statement on tax reform Thursday, acknowledging that they were giving up on plans for a border adjustment tax. But the lack of additional details in their six-paragraph statement suggests the GOP's dream of achieving tax reform may be years from completion, POLITICO's Nancy Cook and Aaron Lorenzo report. But Edison Electric Institute President Tom Kuhn applauded the statement and said his organization would work "to find tax reform solutions that will benefit all customers and encourage much-needed investment in critical energy infrastructure by helping to keep the cost of capital as low as possible."

OIL AND GAS INDUSTRY WANTS FULL COURT REVIEW OF METHANE STAY: EPA's stay of the Obama-era methane rule may be headed to the full D.C. Circuit Court of Appeals. EPA had not filed any petition as of the midnight deadline to decide whether and how to appeal the early July ruling striking down Administrator Scott Pruitt's 90-day stay of the methane rule for new oil and gas wells. The court agreed not to order EPA to immediately resume enforcing the regulation, but the judges gave EPA limited time to seek an appeal. While EPA did not file anything on Thursday, a coalition of industry groups did, requesting an *en banc* review by all 11 judges at the D.C. Circuit. It typically takes the court months even to decide whether to grant *en banc* review, long past the point at which Pruitt's 90-day stay would expire, but the court may speed things up under the circumstances. It's unclear whether the rule will take effect in the meantime, but the three-judge panel indicated it wasn't comfortable letting EPA keep it on hold indefinitely after Pruitt's action was found to be unlawful. The groups argued that the stay should remain in place in the meantime.

INHOFE NOT WILD ABOUT RED-BLUE CLIMATE DEBATE: EPA Administrator Scott Pruitt didn't discuss his plans to hold a red team-blue team public debate on the scientific consensus on climate change with him, but one of his normal allies, Sen. Jim Inhofe, thinks it isn't useful. "I don't think there's anything to be accomplished," he told ME.

HE'S GOING HOME: Energy Secretary Rick Perry will be in Waller, Texas, at 11 a.m. local time today to tour Daikin Texas Technology Park, which manufactures air conditioning equipment. He'll deliver remarks to employees and then hold a brief media availability.

Another unusual tweet: After their press shop blasted out a link to Perry's odd op-ed on Obamacare reform, DOE's official Twitter account tweeted: "In the fight between @SecretaryPerry and climate scientists — He's winning."

** **A message from Chevron**: When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat—buckwheat. Watch the video: http://bit.ly/2vFizh5 **

ICAHN GETS BEAT IN RFS CREDITS MARKET: Carl Icahn's CVR Refining lost $19 million in the second quarter of 2017, and it laid the blame for the loss on spending $106 million on credits needed to comply with the Renewable Fuel Standard, according to its income statement released Thursday. Reuters had reported that Icahn had been holding fewer credits than needed on the expectation that RIN prices would drop, a move that worked in the first part of the year. But prices have jumped from roughly 34 cents a credit to 80 cents a credit, and CVR

took it on the chin. "As I've said many, many times before, RINs continue to be an egregious tax on independent refiners and small retailers," CVR CEO Jack Lipinski said on the earnings call. "RINs prices have been extremely volatile this year, which only proves the fact that RINs market is manipulated...EPA continues to ignore this."

FRACKING RULE'S DAY IN COURT: The Trump administration may be having a hard time convincing appeals court judges to suspend the court case brought by the state of Wyoming over the BLM fracking rule. Lawyers for the administration said in court Thursday in Denver that suspension would help Interior as it works to rescind the rule, which went into place in 2015 but got caught up in a legal battle over BLM's jurisdiction before it took effect. Judges for the U.S. Court of Appeals for the 10th Circuit hearing the argument didn't seem too impressed, however, saying they were wary of ceding court process to another branch of government.

CORTEZ MASTO TO ZINKE: HANDS OFF: Nevada Democratic Sen. Catherine Cortez Masto released a video urging Zinke not to alter the boundaries of two national monuments — Gold Butte and Basin and Range — as he prepares to tour the sites next week. "Secretary Zinke, the people of Nevada have spoken," the first-term senator said. "They don't want their national monuments rescinded."

Zinke's still in New Mexico today where he'll go on a hike with local veterans and then host meetings with the Mescalero Apache, Fort Sill Tribe, and Friends of Organ Mountains Desert Peaks. All are closed press. Then, on Saturday, he'll go for a hike and horseback ride with Democratic Sens. (and outspoken public lands advocates) Tom Udall and Martin Heinrich.

MAIL CALL! OUR ADVICE ON ADVISORY PANELS: Three senior Senate EPW Republicans — John Barrasso, Shelley Moore Capito and Mike Rounds — sent a letter to Pruitt Thursday urging him to revamp past Clean Air Scientific Advisory Committee "practices to make them compliant with the statute." They write the scientific advisory panel has never detailed adverse social, economic, or energy effects stemming from the agency's National Ambient Air Quality Standards program because it has never requested that information. "CASAC must be constituted of experts who can provide independent counsel to you in all of the above areas," the senators wrote.

SECOND TIME'S THE CHARM? The American Fuel & Petrochemical Manufacturers is still worried about sanctions possibly being placed on Venezuela's crude oil exports. The trade association sent a second letter to the White House today asking it to consider the economic impact sanctions of Venezuela's heavy crude would have on U.S. refiners. The White House said earlier this week it would sanction more individuals in President Maduro's regime, but left sanctions on the South American country's oil on the table for the future. "AFPM supports the Administration's goal of bringing stability to Venezuela, but urges you to carefully consider the impact sectoral sanctions will have on U.S. businesses and consumers," the association wrote in its latest letter.

CONSERVATIVES BACK ANTI-SCC BILL: A group of 20 conservative organizations voiced support in a letter Thursday for Transparency and Honesty in Energy Regulations Act, which would halt the use of the social cost of carbon and similar figures in federal regulatory

proceedings. "The problems [with these figures] are too large to ignore, especially since they are being used to justify regulations that make energy more expensive for American families and businesses," the letter, signed by groups including the American Energy Alliance, Competitive Enterprise Institute and Heartland Institute, states.

MORE PRESSURE AGAINST GARRETT: Four senior House Democrats — Steny Hoyer, Gwen Moore, Maxine Waters and Denny Heck — sent a letter Thursday to Senate Banking Chairman Mike Crapo asking him to join their calls against the nomination of former Rep. Scott Garrett to lead the Export-Import Bank.

MORE THAN 2K WIND MEGAWATTS INSTALLED THIS YEAR: The American Wind Energy Association in a new report said 357 megawatts in new wind projects were brought online the second quarter of this year, bringing the annual total to 2,357 megawatts. There are now 84,405 megawatts of installed wind capacity in the US and another 25,819 megawatts under construction or in advanced development. Power purchase agreements with utilities continued to dominate the scene with more than 1,697 megawatts in new contracts in the second quarter.

SPOTTED: At a Chemistry Caucus event on non-traditional careers in chemistry in the Capitol Visitor Center yesterday, according to a PI tipster: Non-traditional chemists including Rep. John Moolenaar (R-Mich.), Tracy Caldwell Dyson of NASA, Dana Sedin of New Belgium Brewing Company and Bill Provine of Delaware Innovation Space; Tom Connelly of the American Chemical Society; and Rep. Dan Lipinski (D-Ill.) (h/t POLITICO Influence).

QUICK HITS

— Group files complaint regarding EPA Administrator Scott Pruitt's travel to Oklahoma. Fox 25 News, Oklahoma City.

— Fertilizers, a Boon to Agriculture, Pose Growing Threat to U.S. Waterways. New York Times.

— U.S. regulators approve VW plan to fix or buy back most emissions-cheating cars. Los Angeles Times.

— Environmentalists Provoke Pipeline Workers To Speak Up. NPR.

— How Climate Change Impacts Congressional Districts Over Next 80 Years. Roll Call.

— Cooper signs solar energy bill despite controversial wind project moratorium. News & Observer.

— Trade case opens door for Trump to upend solar industry. Houston Chronicle.

HAPPENING TODAY

Nothing scheduled

THAT'S ALL FOR ME!

** **A message from Chevron**: This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat—buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://bit.ly/2vFizh5 **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/07/fallout-spreads-from-zinkes-alaskan-strong-arm-023966

Stories from POLITICO Pro

Democrats vow investigation, lawsuit over 'political blackmail' against Murkowski Back

By Elana Schor and Ben Lefebvre | 07/27/2017 12:55 PM EDT

Democrats and their allies off the Hill pushed back hard at the Trump administration on Thursday after a report that Interior Secretary Ryan Zinke threatened projects important to Alaska in retribution for Sen. Lisa Murkowski's vote against health care legislation.

House Democrats vowed to seek an investigation into Zinke's call to Murkowski and fellow Alaska Sen. Dan Sullivan on Wednesday — a day after Murkowski voted against taking up Obamacare repeal — to warn them that the administration's support for energy projects in the state are now at risk. And a conservation group that often works with Democrats sought internal documents on Zinke's calls as well as to any others that he may have made to other GOP swing votes on health care.

The Freedom of Information Act request filed by the group, the Western Values Project, seeks records of any contact Zinke made with the Alaskan senators as well as Sens. Dean Heller (R-Nev.), Mike Lee (R-Utah), John McCain (R-Ariz.) and Susan Collins (R-Maine), according to a copy shared with POLITICO.

The group plans to sue Interior to force the release of any relevant information that it doesn't receive by the time its legal window closes, Executive Director Chris Saeger said.

Meanwhile, Democrats on the House Natural Resources Committee plan later Thursday to seek an investigation conducted by the Government Accountability Office or Interior's independent inspector general, according to a spokesman.

Murkowski confirmed to reporters Thursday that the call with Zinke took place, as well as a second call she received from President Donald Trump on Tuesday, the day she voted with Collins against taking up the GOP's Obamacare repeal bill.

She denied any suggestion that she had used her power as chairwoman of the Energy and Natural

Resources Committee, which has jurisdiction over Zinke's department, to hit back by postponing a committee meeting that would have included votes on three Interior nominees.

In addition to her energy panel gavel, Murkowski chairs the Senate Appropriations subcommittee in charge of deciding how much money Interior has to spend each year.

Zinke holds ample sway over the state of Alaska, where the federal government controls 61 percent of the land in the state. Interior is reviewing a multitude of projects tied to Alaska energy development, including a possible opening of the Arctic National Wildlife Refuge for oil and gas drilling and allowing offshore oil drilling in currently off-limits Arctic waters.

Sullivan touted that potential to develop more of the state's resources in urging that his senior senator and the Trump administration return to harmony.

"[T]hat cooperation has been very useful and very important in the last six months, reversing what the previous administration did to Alaska," Sullivan told reporters. "So, from my perspective, the sooner we can get back to that kind of cooperation between the administration and the chairman of the [energy] committee, the better for Alaska and the better for the country."

Asked if he had any advice for Murkowski, Sullivan demurred: "I'm not telling Sen. Murkowski anything. I work super closely with Sen. Murkowski, but that's my statement."

Sen. Roy Blunt (R-Mo.) offered advice of his own to the Trump administration on the matter. "I've been doing this for a long time and I've seldom seen threats to be very effective," Blunt said.

Arizona's Raul Grijalva, the House Natural Resources panel's top Democrat, said Zinke had crossed the line.

"Running a department of the federal government means you serve the American people as a protector of their rights and freedoms," Grijalva said in a statement. "It doesn't mean you serve the president as a bag man for his political vendettas. Threatening to punish your rivals as political blackmail is something we'd see from the Kremlin."

Beyond its stewardship over oil and gas resources, Interior also has the final say over whether to allow a road through Alaska's Izembek National Wildlife Refuge to take residents of an isolated village reach a nearby hospital, something Murkowski has pushed for years.

"Even if this road provides health care access to hundreds, which is very much in doubt, Secretary Zinke thinks the price to build it is a vote to deny health care access to millions," Grijalva said.

Zinke's phone call, first reported by the Alaska Dispatch News, came after Trump tweeted his displeasure with Murkowski's vote. But Murkowski is unlikely to face serious political consequences in the near term. She will not be up for reelection until 2022, and she has previously proved her political mettle in the state — winning a rare write-in victory to be

reelected in 2010 after she lost the GOP primary to a Tea Party challenger.

House Natural Resources Chairman Rob Bishop on Thursday defended Zinke's call to Murkowski.

"That is not unprecedented, [he] has a right to do that," Bishop told reporters in the Capitol. Bishop said former Interior Secretary Sally Jewell would call him "complaining about some things that we were doing."

Spokespeople for the Interior Department, Murkowski and Sullivan did not respond to requests for comment.

Alaska Oil & Gas Association President Kara Moriarty called the threats "unfortunate."

"As the secretary has said, they want to have American energy dominance, and the only way to do that is through Alaska," Moriarty told POLITICO. "When the time comes when Alaskan energy projects are in front of Congress, I hope they are considered on their merits and not used as a political chits."

Environmentalists were unsparing in their assessment.

"Ryan Zinke is revealing himself as Trump's hitman. He's now threatening to hold public lands and energy policy hostage over a health care bill. This is the U.S. government, not the Corleone family," Jennifer Rokala, executive director of the Center for Western Priorities, said in a statement.

Zinke is not the first member of Trump's Cabinet without a health care portfolio to insert himself into the debate over the Senate's effort to repeal and replace Obamacare. The Energy Department earlier this week posted, then deleted, a tweet saying it was time to "discard" the law, with a link to an op-ed on the subject from DOE Secretary Rick Perry.

Energy and Commerce ranking member Frank Pallone (D-N.J.) asked GAO Wednesday to investigate whether Perry or others at DOE violated federal laws relating to lobbying and influencing the public.

Meanwhile, some Republicans back in Alaska said Murkowski's vote was stirring up trouble for her at home, with state GOP Chairman Tuckerman Babcock saying his party is in "full revolt."

"I think among Republicans it is causing tremendous damage," Babcock said in a phone interview Thursday, citing "a grass-roots swell" of comments on Facebook pages for the party, Murkowski and Sullivan. "It's evident to me that the Republicans [in Alaska] are in full revolt over the idea that these promises aren't going to be kept."

He added that Interior's ownership of so much of Alaska raises the stakes of any clash with Zinke.

"What the secretary of Interior does will have a major impact on Alaska. He's absolutely vital to moving forward with the development of the coastal plain at ANWR, National Petroleum Reserve on the Western North Slope, building the road from King Cove, the land exchange that Congressman [Don] Young has gotten through the House of Representatives," Babcock said.

"I'm just hitting the tip of the iceberg on how important a cooperative relationship is with that department."

Seung Min Kim, Esther Whieldon and Jake Lahut contributed to this report.

To view online click here.

Back

Bishop defends Zinke pressure on Alaska senators Back

By Esther Whieldon | 07/27/2017 04:45 PM EDT

House Natural Resources Chairman Rob Bishop today defended Interior Secretary Ryan Zinke's recent call to Sen. Lisa Murkowski (R-Alaska) in which the secretary reportedly threatened to pull his support for energy and public land issues Murkowski cares about after she voted against taking up a bill to repeal Obamacare.

"That is not unprecedented, [he] has a right to do that," Bishop told reporters in the Capitol. Bishop said former Interior Secretary Sally Jewell would call him "complaining about some things that we were doing."

Bishop said President Barack Obama in 2009 had members of his Cabinet press senators over funding for F-22s in a defense authorization bill.

"When Obama sent his cabinet to lobby the Senate for a week on F-22, you don't think there was bullying and threatening that was going on with that? ... Come on, this has happened all the time," Bishop said. "There is nothing unique about this, there is nothing new about this. ... This is tradition."

Democrats are demanding an investigation into Zinke's calls to Murkowski and fellow Alaska Sen. Dan Sullivan.

To view online click here.

Back

Senate Appropriations approves $38.4B energy and water spending bill Back

By Annie Snider and Darius Dixon | 07/20/2017 01:10 PM EDT

The Senate Appropriations committee sent its $38.4 billion energy and water spending package to the floor with limited amendments.

On a 30-1 vote, the committee advanced the measure, which rebukes the Trump administration by providing $330 million for the Advanced Research Projects Agency-Energy and increases funds for DOE's science office and delivering record funding for the Army Corps of Engineers after the president's budget recommended steep cuts. However, the bill slashes DOE's contentious loan program and includes no funding for the Yucca Mountain nuclear waste project.

The sole no vote came from Sen. Lindsey Graham, who pressed his fellow appropriators to reconsider their decision to nix funding for the troubled MOX nuclear project in his home state. The South Carolina Republican said he would withhold an amendment related to the project until the energy and water measure reaches the Senate floor.

The manager's package approved by the committee includes a provision from Sens. Dick Durbin (D-Ill.) and Tammy Baldwin (D-Wisc.) to require the Army Corps of Engineers to release within 30 days of passage a draft plan for keeping Asian carp from reaching the Great Lakes, which was stalled by the Trump administration amid worries from the navigation industry.

Another amendment, from Sens. Steve Daines (R-Mont.) and Jeff Merkley (D-Ore.) would lift restrictions on the use of water that was moved via federal water projects for industrial hemp cultivation.

WHAT'S NEXT: The energy and spending measure heads to the full Senate for consideration, where it is expected to be one of the first appropriations measures taken up.

To view online click here.

Back

Pity Paul Ryan: Moderates adopt Freedom Caucus tactics Back

By Rachael Bade | 07/27/2017 05:11 AM EDT

Moderate Republicans have watched for years as conservative hard-liners tanked legislation in the House — all while dutifully falling in line with leadership and being knocked as "squishes" by some of their colleagues.

But lately, some in the centrist Tuesday Group have started to adopt the power-in-numbers strategy of the Freedom Caucus. And the get-tough approach is yielding results.

Resistance from moderates almost torpedoed the House Obamacare replacement this spring, and resulted in billions in additional funding to help people with pre-existing conditions — a

requirement for some centrists' support. Earlier this month, they banded with Democrats to sink two controversial amendments overwhelmingly supported by their GOP colleagues, including one barring the Pentagon from spending money on gender reassignment changes for troops.

Centrist Republicans have also told Speaker Paul Ryan they will not back a budget without a broader spending deal with Democrats. And this week, they helped crush a rank-and-file effort to pass a massive GOP appropriations package full of goodies for the base but that has no chance of passing the Senate. The spending bill was extremely popular with most of their Republican colleagues, infuriating those who supported the plan.

Tougher tactics from centrists will exacerbate Ryan's already-difficult job of wrangling his fractious conference. The Wisconsin Republican and his leadership team find themselves twisted in knots trying to find 218 votes to pass almost anything of consequence. Now they'll need to take more seriously the demands of vulnerable swing-district members as well as rabble-rousers on the right.

"I think there's a lot of us who are like, 'Don't put us in a position of having to vote for something that has tremendous political risk to us and, substantively, is just done for negotiation purposes,'" said Rep. Thomas Reed, one of several centrists who told leadership he would not back the 12-bill spending package.

Lacking the votes, leadership is set to pass a slimmed-down, less controversial measure that funds the Pentagon and a few other agencies.

It's quite a change for the House GOP. Tuesday Group members are typically leadership's greatest sympathizers, always more eager than their ideologically driven colleagues to show that Republicans can govern.

Take Reed for example. By all accounts, the New York Republican has always been considered a leadership ally. He helps muscle votes as a deputy whip, and he boasts a prized panel post on the powerful Ways and Means Committee.

But when Ryan and his team came up short on votes for their GOP spending package, Reed told them to look elsewhere for help. The fourth-term centrist said he's sick of taking tough votes for the team, then reeling from the political fallout back home — only to see the conservative plan die in the Senate.

"I think there is some frustration in a sense that we came here to govern," he said. "And to go through these exercises? ... I don't see a path to the finish line, and I don't see the strategy."

The Tuesday Group hasn't gone as far as the Freedom Caucus, of course. It's not churning out official positions against legislation and certainly isn't as vocal as the conservatives, who have nearly perfected their no-holds-barred tactics.

But GOP insiders said the change is notable, albeit subtler. For instance, most Republicans were shocked and furious when moderates sank the amendment on transgender troops during the

defense authorization bill in early July. Moderates knew what was coming, whispering among themselves on the floor in a loosely laid plan to bring it down.

Before President Donald Trump on Wednesday announced a ban on transgender people serving in the military, some Republicans had been trying to persuade GOP leaders to do an end run around the moderates and tuck the amendment into the bill using a procedural loophole.

Sources say Tuesday Group leaders Elise Stefanik of New York and Charlie Dent of Pennsylvania were adamant that leaders better not go there. And centrists made it clear that if a ban on gender reassignment surgery was included, moderates wouldn't hesitate to take down the entire "minibus" measure of spending increases for the Pentagon.

Moderates also recently sunk a controversial amendment on Islam from Rep. Trent Franks of Arizona. It would have instructed the Pentagon to, essentially, make a list of good and potentially bad Muslim thought leaders. Moderates, who worried about religious profiling, put their foot down, rejecting the proposal with Democrats in a defeat that stunned opponents of the text.

"I think a lot of members have learned from observing others," said centrist Republican Carlos Curbelo of Florida, referring to the Freedom Caucus.

On the GOP spending package, Curbelo continued: "Everyone knows that at the end of the day we're going to need a bipartisan deal and a bipartisan spending package, so let's get it done and focus less on messaging."

Rep. Dave Reichert, a centrist Republican from Washington, argued that moderates like him are the so-called Majority Makers. And since Republicans' hold on the House hinges entirely on them keeping their seats, they shouldn't be subject to controversial votes that could haunt them on the ballot.

That, Reichert said, is already happening too often: "I think that there are some members who feel like a certain group of people within the conference are taking some votes that they don't necessarily need to take... certain votes that might be bills that divide our constituency that we represent in our districts."

At some level, moderates have a certain amount of leverage conservatives don't — even if they've rarely used it. Leadership relies on them to support must-pass, often-controversial legislation that the far right refuses to back, including votes to avert government shutdowns.

This fall, House Republican leaders will look to these very members to help raise the debt ceiling since a majority of the GOP Conference likely won't be on board.

"They rely on us to achieve outcomes that they can't always advocate themselves, OK? And please, use that on the record," said Dent, who's often referred to as the ringleader of the GOP's centrist flank.

Moderates say they'll be ready to support GOP leaders when they take steps toward bipartisan solutions. But until then, they can expect more resistance from the center.

"I know how to push the red button," Dent warned.

To view online click here.

Back

Tax reform: Is that all there is? Back

By Nancy Cook and Aaron Lorenzo | 07/27/2017 07:21 PM EDT

The White House, Treasury and congressional leaders issued a six-paragraph statement Thursday that tried to show off their commitment to pursuing tax reform without delving into any policy specifics.

The only problem? Tax overhauls live and die on details — and their absence, after months of weekly meetings aimed at achieving consensus, showed that the GOP's dream of achieving tax reform may be years from completion.

Missing from the "Big 6" leaders' statement were details such as what rates Republicans think major corporations, the wealthiest individuals and the middle class should pay. Also unresolved were the status of the estate tax and the fate of prized tax breaks, such as the ability to deduct business interest and state and local taxes.

It was even briefer and less detailed than the one-page tax proposal that the Treasury Department and White House released in April, which drew widespread criticism at the time for being too short.

The lone policy detail Thursday came in paragraph five when, after urging Congress to take the lead in writing tax legislation in the coming weeks, the group collectively killed off the so-called border adjustment tax, a pet project of House Speaker Paul Ryan and Ways and Means Chairman Kevin Brady (R-Texas).

The border tax, which would have applied to goods brought into the U.S., was one of the key ways that House tax writers had devised to pay for the lower rates that President Donald Trump covets, particularly his desire to reduce the corporate tax rate to 15 percent. Supporters had estimated that the border tax would bring in as much as $1 trillion over the coming decade that could have offset cuts elsewhere. But it prompted fierce opposition from retailers, other import-dependent industries and conservative activists.

A House leadership aide said Ryan dropped the idea willingly.

"His top priority is getting meaningful tax reform done," the aide said. "He had no interest in

holding up reform over this one policy, no matter how right he believes it to be."

Border adjustment had to go now for the good of demonstrating consensus to constituents during August, rank-and-file Ways and Means members said.

"There is not question that this provision was controversial," said Rep. Carlos Curbelo (R-Fla.), adding that "Kevin Brady is not a my-way-or-the-highway kind of guy."

But some people who had been awaiting the statement expressed deep disappointment with the results.

"This literally started as principles yesterday and morphed into mindless pablum in 24 hours," said one tax lobbyist, disappointed by the statement's brevity.

"A few vague paragraphs isn't even a 'broad strokes' proposal — it's more like finger painting," Rep. Sander Levin (D-Mich.) said in a statement.

Among other things, the death of the border tax leaves open the question of how the administration and Congress plan to offset deep tax cuts, as well as how low they intend to bring rates.

"The big pieces are simplification and helping take off relief for the middle class," White House press secretary Sarah Huckabee Sanders said during Thursday's briefing. "Those are big places we are really focused. We will continue to do that. As you saw from the statement, the border adjustment tax was taken off the table. That's another big step forward in the process."

Besides Ryan and Brady, Treasury Secretary Steven Mnuchin, Senate Majority Leader Mitch McConnell, Senate Finance Chairman Orrin Hatch (R-Utah) and National Economic Council Director Gary Cohn signed the statement.

The joint statement gave no details as to how the leaders planned to address middle-class anxiety through the tax code.

That lack of specificity underscored the difficulties of the revenue and policy battles ahead. And Republican lawmakers know it.

"That makes the conversation more difficult because we all now — 50 out of 52 of us — have to agree on some number for short-term deficits," said Sen. Tim Scott (R-S.C.), a Finance Committee member.

He and others on the panel see rate reduction as the key to unlocking more economic growth for the U.S. But the joint statement's lack of rate targets for companies and individuals indicates that the leaders acknowledge that Trump's 15 percent business tax goal would be too expensive.

It also indicates that other options for taxes on international income remain in play, such as a minimum tax favored in the Senate. The idea hasn't proven popular in the past, but Congress is

under pressure to address corporations' motivations to shelter their money overseas instead of bringing it back to the U.S.

As part of a switch to a territorial tax system, the minimum tax would affect the profits that U.S. companies book in foreign tax havens. It's likely to face opposition from the pharmaceutical and technology industries that now enjoy low effective tax rates.

To some analysts and lobbyists, the statement also seemed to sideline the idea of letting all businesses immediately write off all new investments, known as full expensing.

In the meantime, the six principals who signed the statement will play a steering role as committee staffers begin drafting legislation over the coming recess. That coordination is meant to keep the process within the broadly agreed framework so that a unified plan emerges in September — avoiding the kind of disjointed effort that's plaguing Republican efforts to upend the Affordable Care Act.

Rachael Bade contributed to this report.

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Subject: Aug. 07 -- EHS State Regulatory Alert

EHS State Regulatory Alert

August 07, 2017 - Number 150

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California

HAZARDOUS MATERIALS TRANSPORTATION
Motor Carrier Safety/Modified Limousine Buses
California HAZARDOUS MATERIALS TRANSPORTATION

Emergency rule of the California Highway Patrol amends regulations under 13 CCR 1212.5, 1218, 1239, and 1264 and adopts regulations under 13 CCR 1231.3 to establish requirements for a modified limousine terminal inspection program. The rule also establishes a terminal inspection fee based on carrier fleet size. In addition, the rule applies certain requirements regarding maximum driving and on-duty time, fueling restrictions, commercial vehicle safety out-of-service criteria, and passenger compartment signaling devices to modified limousines. The rule is effective July 31, 2017, and expires Jan. 30, 2018. Contact: Joseph Mosinski; CHP; 916-843-3400; cvsregs@chp.ca.gov

—California Regulatory Notice Register (08/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Conveyance Inspection Program Fees
California OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Industrial Relations, Division of Occupational Safety and Health, announces the readoption of a Jan. 31, 2017, emergency rule that amended regulations under 8 CCR 344.30 to reduce fees for permits, certifications, and inspections of elevators and other types of conveyances. The readoption was filed July 31, 2017. Contact: Denise Cardoso; DIR, Division of Occupational Safety and Health; 510-286-0306; dcardoso@dir.ca.gov

—California Regulatory Notice Register (08/02/2017)

Regulatory Update

Delaware

GENERAL ENVIRONMENT AND SAFETY

Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions

Delaware GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Natural Resources and Environmental Control, Division of Energy and Climate, repeals regulations under 7 DEAC 2102 regarding procedures for the director to freeze implementation of the renewable portfolio standards. The repeal is intended to avoid inconsistencies with similar Public Service Commission regulations under 26 DEAC 3008 and to comply with an agency commitment made in recent state court proceedings. The rule is effective Aug. 11, 2017. Contact: Thomas Noyes; DNREC, Division of Energy and Climate; 302-735-3480; thomas.noyes@state.de.us

—Delaware Register of Regulations (08/01/2017)

Regulatory Update

SOLID WASTE

Solid Waste/Coal Combustion Residuals

Delaware SOLID WASTE

Proposed rule of the Department of Natural Resources and Environmental Control, Division of Waste and Hazardous Substances, amends regulations under 7 DEAC 1301 regarding solid waste. The rule incorporates federal requirements on the management of coal combustion residuals and modifies obsolete provisions. The rule also clarifies requirements for industrial landfills concerning stormwater plans, data evaluation, weekly inspections, interim-closure care, and post-closure care. A hearing is scheduled for Aug. 30, 2017, in Dover. Comments are due Aug. 31, 2017. Contact: Alison Kiliszek; DNREC; 302-739-9403; Alison.Kiliszek@state.de.us

—Delaware Register of Regulations (08/01/2017)

Regulatory Update

WATER

Delaware River Basin Commission Hearing and Meeting

Delaware WATER

Notice of the Delaware River Basin Commission announces a hearing to discuss draft dockets for withdrawals, discharges, and other water-related projects. The commission also announces a business meeting to address the adoption of minutes from the commission's June 14, 2017, meeting; a report on hydrologic conditions; reports by the commission's executive director and general counsel; upcoming event and meeting announcements; and consideration of additional matters including authorization resolutions regarding the executive director. The hearing is scheduled for Aug. 16, 2017, in Washington Crossing, Pa., and the meeting is scheduled for Sept. 13, 2017, in Newtown, Pa. Comments are due Aug. 21, 2017. Contact: Pamela Bush; DRBC; 609-883-9500; pamela.bush@drbc.nj.gov

—Delaware Register of Regulations (08/01/2017)

Regulatory Update

Mississippi

OCCUPATIONAL SAFETY AND HEALTH
Safety Conveyance Act
Mississippi OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Insurance Department amends regulations under Title 19, Part 8, Chapter 1, regarding the Safety Conveyance Act. The rule updates provisions to prevent the retroactive application of the 2011 National Safety Code for Existing Elevators and Escalators (American Society of Mechanical Engineers A.17.3). The rule also requires that certain hydraulic elevators have the hydraulic jacks pressure tested annually and specifies that those with jacks determined to be leaking underground must be immediately shut off until the jack unit is replaced. The rule is effective Sept. 2, 2017. Contact: Daniel Bradshaw; Insurance Department; 601-359-1074; daniel.bradshaw@mid.ms.gov

—Mississippi Regulations (08/03/2017)

Regulatory Update

Oregon

OCCUPATIONAL SAFETY AND HEALTH
Recording Workplace Injuries and Illnesses
Oregon OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Consumer and Business Services, Occupational Safety and Health Division, amends regulations under OAR 437-001-0700, Table 1, regarding recording workplace injuries and illnesses. The rule removes elementary and secondary schools, other schools of instruction, and educational support services from the recordkeeping exempt status list and requires those employers to keep safety injury and illness records. The rule is in response to a petition by the Oregon School Employees Association. The rule is effective Jan. 1, 2018. Contact: Sue Jove; DCBS, Occupational Safety and Health Division; 503-947-7449

—Oregon Bulletin (08/02/2017)

Regulatory Update

Utah

SOLID WASTE

Waste Management/Solid Waste Facility Location Standards
Utah SOLID WASTE

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-302-1 regarding location standards for solid waste disposal facilities. The rule removes the prohibition on new solid waste landfills being located within farmland classified or evaluated as "prime," "unique," or of "statewide importance" under federal standards. The rule is effective Aug. 1, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (08/01/2017)

Regulatory Update

Virginia

WATER
City of Fairfax/State Water Control Law Consent Order
Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed special consent order with Nutley Street Service Center LLC for alleged State Water Control Law violations associated with underground storage tank release detection, recordkeeping, and reporting requirements at the settling party's facility in Fairfax. The order requires the settling party to pay a civil penalty of $3,851. Comments are due Sept. 7, 2017. Contact: Stephanie Bellotti; DEQ, Northern Regional Office; 703-583-3800; stephanie.bellotti@deq.virginia.gov

—Virginia Register (08/07/2017)

Regulatory Update

WATER
City of Roanoke/State Water Control Law Special Consent Order
Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed special consent order with Conny Oil Inc. for alleged State Water Control Law violations associated with the release of gasoline from one of the facility's underground storage tanks into a city of Roanoke storm water sewer. The order requires the settling party to pay a civil penalty of $19,425 and to perform actions specified in an incorporated schedule of compliance. Comments are due Sept. 6, 2017. Contact: Jerry Ford; DEQ, Blue Ridge Regional Office; 540-562-6817; jerry.ford@deq.virginia.gov

—Virginia Register (08/07/2017)

Regulatory Update

WATER

Henrico County/State Water Control Law Consent Order

Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with Atack Investors LLC for alleged State Water Control Law violations regarding maintenance of erosion and sediment controls in wetlands and streams on the company's property in Henrico County. The order requires the settling party to pay a civil penalty of $3,413 and to perform actions described in an incorporated schedule of compliance. Comments are due Sept. 6, 2017. Contact: Lee Crowell; DEQ; 804-698-4000; lee.crowell@deq.virginia.gov

—Virginia Register (08/07/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Thur 8/3/2017 10:23:53 PM
Subject: PHOTOS: Pruitt Continues State Action Tour in Colorado

Contact Information: press@epa.gov

PHOTOS: Pruitt Continues State Action Tour in Colorado

DENVER (August 3, 2017) — U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt continued his state action tour in Colorado today, marking the seventh state visit in three weeks.

"There is now hope and optimism for farmers, ranchers and agribusinesses across the country. Two years ago, senior EPA officials with the previous Administration visited Frasier Ranch promising this same audience that agriculture would experience no adverse effects by the 2015 WOTUS rule," **said EPA Administrator Scott Pruitt**. "Unfortunately, that couldn't have been further from the truth. Today, I returned to the farm to ensure Coloradans regulatory certainty and return traditional oversight back to the states and prioritize keeping Colorado's water clean."

Administrator Pruitt began his visit by addressing Cloud Peak Energy in Broomfield, Colo. to discuss the Agency's agenda to enact sensible energy policy that promotes environmental stewardship while unnecessarily harming jobs. Following his address, Administrator Pruitt visited Fraiser Ranch in Woodrow, Colo. where he discussed EPA's recent decision to begin the process of redefining the definition of a "Waters of the United States" (WOTUS) rule that would seek to provide regulatory certainty for farmers, ranchers, and land owners and also empower traditional regulatory roles for state governments.

EPA Administrator Scott Pruitt discusses WOTUS with Fraiser Ranch employees in Woodrow, Colo.

EPA Administrator Scott Pruitt greets Fraiser Ranch employees in Woodrow, Colo.

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Daily Environment Report

July 11, 2017 - Number 131

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Leading the News

Climate Change
Trump's Paris Withdrawal Leaves U.S. Isolated on World Stage
Heads of state from 19 of the world's largest economies isolated U.S. President Donald Trump for withdrawing from the Paris climate accord and said their disapproval would not abate in the years to come.

Pesticides
Herbicide Makers Say They'll Work With Missouri After Dicamba Ban
The Missouri Department of Agriculture said it hopes to be able to lift its ban on the herbicide dicamba as early as this week, a restriction it ordered after complaints that use of the weed killer by some farmers was damaging crops in adjacent fields.

Water Pollution
House Tries to Speed Up Water Rule Rollback by Waiving Procedure
Speeding up the rollback of the Obama-era Clean Water Rule by circumventing the normal rulemaking process is the goal of a provision in the energy and water spending bill the House Appropriations Committee will consider July 12.

News

Chemicals
Advocates Could Sue EPA, Companies Over Solvent Data
Environmental advocates are threatening lawsuits against seven chemical makers and the EPA to improve information about a solvent the agency could regulate.

Chemicals

EPA Issues First Chemical Controls Under Amended Law

The EPA released its first batch of 29 rules setting controls on using new chemicals under the amended chemicals law.

EPA

Environmentalists Tell EPA: Do Not Delay Methane Rule

Oil and gas companies should comply with the EPA's methane limits even as the agency reconsiders the rule, environmentalists said at a July 10 hearing in Washington.

Energy

Correction

An article, "Release—Finally—of Appliance Efficiency Standards Applauded," incorrectly identified an April 3 notice of intent to sue as a lawsuit. The online version has been corrected.

Energy

Former FERC Commissioner Honorable Joins Reed Smith

Global law firm Reed Smith LLP jumpstarted its new Federal Energy Regulatory Commission team with the addition of former Commissioner Colette Honorable.

Energy

France's Utility May Have to Shut 17 Nuclear Reactors

Electricite de France SA, the state-controlled operator of 58 nuclear reactors, may have to shut as many as 17 to fulfill government plans to reduce the share of atomic power in France's electricity output to 50 percent by 2025, Ecology Minister Nicolas Hulot said.

Energy

Ohio EPA Urges Suit Against Energy Transfer for Pipe Cleanup

Ohio EPA is taking the unusual step of urging the state to sue a pipeline construction company that allegedly spilled two million gallons of drilling mud and is ignoring the agency's directives.

Food

General Mills Must Face Groups' Suit Over Glyphosate Residue

General Mills, Inc. must face, for now, a suit alleging it deceptively touts Nature Valley granola products as "100 percent Natural Whole Grain Oats" when they contain detectable levels of the weed-killer chemical glyphosate (Organic Consumers Ass'n v. General Mills, Inc., D.C. Super. Ct., No. CA 6309, 7/6/17).

Formaldehyde

Lumber Liquidators Class Complaint Survives Dismissal Bid

A would-be class action against Lumber Liquidators Inc. largely survived a bid by the company to dismiss fraudulent concealment and breach of warranty claims July 7 (In re Lumber Liquidators Chinese-Manufactured Flooring Durability Mktg. & Sales Practice Litig., 2017 BL 235267, E.D. Va., No. 16-md-2743, 7/7/17.

Motor Vehicles

VW's Porsche Brand Probed as Diesel Fraud Scandal Spreads

Volkswagen AG's Porsche brand faces a formal probe by German prosecutors as the diesel-emissions scandal spreads to VW's iconic sports-car maker.

Pesticides

EPA Pesticide Fee Reserve Growing: Inspector General

The EPA is sitting on a growing reserve of pesticide company fee money, according to the agency's inspector general.

REACH

EU Chemicals Agency Tags Environmental Contaminant Ban

The European Chemicals Agency added a substance used in soft plastics to a list of hazardous chemicals that could be prioritized for phaseout under the European Union's REACH regulation.

Regulatory Policy

'Disingenuous' to Deregulate on Appropriations Bills: Analyst

The House Appropriations Committee has been reporting out bills that would deregulate as well as fund the federal government, but one long-time budget analyst said such a strategy is intended only to get the spending bills through the House, after which the regulatory riders will most likely fall away.

Regulatory Policy

Rao Confirmed Easily as Trump's Regulatory Chief

Neomi Rao was confirmed easily by the Senate July 10, in a bipartisan 54-41 vote, to be President Donald Trump's chief regulatory officer and leader of the administration's efforts to deregulate and streamline rules.

Renewable Energy

Shell Plans to Spend $1 Billion a Year on Clean Energy by 2020

Royal Dutch Shell Plc plans to spend as much as $1 billion a year on its New Energies division as the transition toward renewable power and electric cars accelerates.

Renewable Energy

Wall Street Sours on $9 Billion Mechanism for Green Projects

Wall Street investors have gone cold on one of the main mechanisms banks invented to fund the green-energy revolution.

Toxic Substances

EU to Amend Rules for Import, Export of Hazardous Chemicals

A European Commission initiative published July 7 would amend a European Union regulation that sets out rules for companies importing and exporting hazardous chemicals to include 11 new chemicals that the bloc recently restricted or banned.

Water Pollution

Correction

The June 6 articles, "Ex-NASA Official, Lobbyist Joins EPA's Water Office," and "Petroleum Institute Lawyer Picked for EPA Legal Counsel" mischaracterized the lobbying activities of Lee Forsgren, EPA's new deputy assistant administrator for the EPA Office of Water. He did not lobby for pipeline projects, but his firm HBW Resources did. He lobbied for the Miccosukee Tribe of Indians of Florida until the end of 2016. The online versions of the stories have been ...

Water Pollution

Delaying EPA Power Plant Discharge Limits Sparks Debate

Power plants want the EPA to delay their deadline for meeting new discharge limits on toxics in wastewater, saying they need more time to plan, construct, and test controls.

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Daily Environment Report for EPA

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Subject: Aug. 10 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Ford Sued Over Chemicals Seeping Into Michigan Groundwater

Posted August 10, 2017, 01:45 P.M. ET

By Alex Ebert

More than 130 residents of Livonia, Mich. are suing Ford Motor Co. for alleged damages caused by the release of cleaning chemicals from a company plant.

The complaint alleges that Ford's release of vinyl chloride and trichloroethylene from the Livonia Transmission Plant endangers more than 90 households, which now have chemicals in their groundwater. The residents seek damages for loss of property value and loss of the use of personal wells (Tenniswood v. Ford Motor Co., Mich. Cir. Ct., No. 17-11941, 8/9/17).

The Aug. 9 lawsuit follows a July consent decree with the Michigan Department of Environmental Quality, under which Ford is responsible for chemical cleanup and monitoring. The release occurred between the 1950s and 1980s, but Ford discovered it in 2014, according to the state's complaint.

Ford's Livonia plant, located in a Detroit suburb, employs about 1,740 people, according to the company's website.

Shawn Collins, attorney for the residents, told Bloomberg BNA the state's lawsuit was prompted by his clients. The residents sent Ford notice in April that since the state had not acted on the pollution, they would sue in 90 days under the Resource Conservation and Recovery Act. The consent decree came 88 days later.

Ford spokesperson John Cangany told Bloomberg BNA in a statement that samples have shown no health risks to residents or drinking water.

"When we discovered the issue, we promptly alerted the MDEQ and the plant's neighbors," Cangany said. "Since then, we have actively worked with the MDEQ and investigated the potential for groundwater contamination, culminating in our settlement with the State of Michigan in July that includes plans for addressing the neighborhood and continued public outreach."

Collins said no confirmed cases of illness are related to the chemical release. However, his firm is investigating an unusually high prevalence of auto-immune diseases in the neighborhood.

Clock Starts Ticking to Keep Chemicals in Commerce

Posted August 10, 2017, 01:56 P.M. ET

By Pat Rizzuto

Chemical makers and importers will have six months to notify the EPA about chemicals they've made over the last 10 years if they want to continue to enjoy access to the U.S. market.

The Environmental Protection Agency will publish its final inventory notification rule (RIN:2070-AK24) on Aug. 11, which starts a 180-day clock for companies to provide that information. The rule, required by the Toxic Substances Control Act amendments of 2016, requires that the EPA establish two lists: an active inventory of chemicals that have been in commerce since June 21, 2006, and an inventory of chemicals that used to be in commerce but currently are dormant.

Only chemicals on the active inventory can continue to be made in, imported into, or used in the U.S. once the agency establishes the list. That means companies that use chemicals to make cars, airplanes, semiconductors, cleaners, and a myriad of other products may want to make sure the chemicals they need remain on the active list.

Chemicals on the inactive inventory could possibly be made and used once again, but only after notifying the agency ahead of time.

Chemical processors—companies that mix chemicals into products such as paint, wax, and kitchen cleaners—can choose to notify the agency about chemicals they use, but they aren't required to. They have up to 420 days after the rule is published to notify the agency if a chemical they use wasn't put on the active chemicals inventory.

Voting Quorum Restored at Federal Energy Regulator

Posted August 10, 2017, 12:38 P.M. ET

By Rebecca Kern

A quorum that the Federal Energy Regulatory Commission needs to vote on key infrastructure projects was restored today when Robert Powelson was sworn in as a commissioner.

Powelson joins Acting Chairman Cheryl LaFleur (D) and Commissioner Neil Chatterjee (R), who was sworn in on Aug. 8.

At least three commissioners are required for the agency to vote on key infrastructure filings and orders, including natural gas pipelines and liquefied natural gas pipelines, contested rate filings, and mergers and acquisitions. At least $14 billion worth of natural gas pipeline infrastructure is awaiting FERC approval, according to the natural gas industry.

The Senate confirmed Powelson, former president of the National Association of Regulatory Utility Commissioners and a commissioner on the Pennsylvania Utility Commission, and Neil Chatterjee,

former energy staffer for Senate Majority Leader Mitch McConnell (R-Ky.), on Aug. 3.

FERC has been without a voting quorum since February, when former Chairman Norman Bay (D) left the agency.

President Donald Trump has nominated two other FERC commissioners—Kevin McIntyre, an attorney with Jones Day, and Richard Glick, Democratic general counsel for the Senate Energy and Natural Resources Committee. Their Senate confirmation hearing is Sept. 7.

$900 Million New York Natural Gas Plant at Critical Juncture

Posted August 10, 2017, 02:39 P.M. ET

By Gerald B. Silverman

Competitive Power Ventures Inc. is at a critical juncture in its plan to operate a 680-megawatt natural gas power plant 75 miles northwest of New York City.

The $900 million plant, scheduled to begin operations in February, is counting on the construction of a pipeline by Millennium Pipeline Co. LLC to supply the natural gas for operations. The state Department of Environmental Conservation is expected to decide by the end of August whether it will grant the permits needed for the pipeline.

The project has been a flash point in the larger battle between environmentalists and companies in the Northeast that contend that more pipelines are needed to meet the region's demand for natural gas.

Pramilla Malick, chairwoman of Protect Orange County, a leading opponent of the natural gas plant, told Bloomberg BNA Aug. 10 that Competitive Power Ventures put "the cart before the horse" by building the plant before the pipeline received the necessary permits.

She said the plant could not operate without the pipeline and should be "mothballed."

80 Percent Complete

But Chapin Fay, a spokesman for the company, said the plant will open in 2018, with or without the state's approval of the pipeline. He said the plant is about 80 percent complete.

"There is little to stop us from opening in February, when we can run on diesel," he told Bloomberg BNA in an Aug. 10 email. "The only real issue is the pipeline permit, which we believe we will get from [the Federal Energy Regulatory Commission], if not from DEC. It would mean we operate on diesel until we get approved and built."

The natural gas plant, which is backed by a coalition of business and labor groups, will generate $1 billion in economic activity over 10 years, including lower energy costs and new jobs, according to the company.

A number of environmental groups oppose the plant and the pipeline because of its impact on greenhouse gas emissions, including methane and carbon dioxide. Malick said the plant will have carbon dioxide emissions of 4.7 million tons per year, which would raise total carbon emissions from the state's power sector by more than 10 percent.

Protect Orange County and other groups also oppose the plant because it will rely largely on natural gas transported from states that permit high-volume hydraulic fracturing, known as fracking. New York has banned fracking.

Federal Scientists Say Climate Change No Hoax, Refuting Trump

Posted August 10, 2017, 01:46 P.M. ET

By Christopher Flavelle

Less than a week after President Donald Trump notified the United Nations of his intent to exit from the Paris climate accord, his government's chief science agency released a report demonstrating that global warming is real and getting worse.

The report, prepared by almost 500 scientists from around the world, shows that last year's average global temperatures were the highest ever recorded. There were more major tropical cyclones than usual, longer droughts, and less snow cover. After years of increasing, Antarctic sea ice declined, undercutting an argument by those who dispute the science of global warming.

"The major indicators of climate change continued to reflect trends consistent with a warming planet," said the report, which was edited by Jessica Blunden and Derek S. Arndt of the National Oceanic and Atmospheric Administration.

Reports, such as the NOAA-supported one released Aug. 10 in the Bulletin of the American Meteorological Society, are "hard to dodge," according to David Schnare, who worked for a short time at the Environmental Protection Agency under Trump and wants the administration to abandon any efforts to tackle climate change. He said this and other federal reports documenting the severity of climate change could make it harder for the EPA to reverse its 2009 finding that carbon dioxide emissions pose a danger to the public.

Trump has labeled climate change a "hoax," and members of his administration have downplayed the impact that burning fossil fuels is having on the Earth and its changing weather patterns.

While Trump's administration seeks to unwind federal policies to address climate change, local governments are being forced to act. Nick Crossley, emergency management director for Ohio's Hamilton County, which includes Cincinnati, said his agency dealt with more flash flooding than usual last year.

"Some call it climate change; some call it something else," Crossley said in a phone interview. But whatever you call it, "it's putting a strain on local resources."

Crossley, who is also vice president of the International Association of Emergency Managers, said his counterparts around the country are dealing with similar problems. He said that while federal reports documenting the extent of climate change might not capture the public's attention, they can help persuade local officials to better prepare for future storms, floods, and other challenges.

Those steps can include building storm-resistant infrastructure, and helping people who live in vulnerable areas move someplace else.

One of the surest signals that local governments are taking climate change seriously is that they're

looking for new ways to pay for it. In South Florida, which is struggling with both rapid sea-level rise and an increase in flooding, the city of Coral Gables is looking for ways to start saving now for higher stormwater-managements costs.

"The earlier you do stuff, the easier it is to prepare," said Abby Corbett, a lawyer who specializes in climate adaptation and is advising Coral Gables. She said that while cities in South Florida have long had to cope with flooding, climate change could cause people to leave, shrinking the city's tax base.

"It may be that we have to struggle with revenues, just as costs are increasing," Corbett said.

Local officials aren't the only ones trying to cope with the effects of climate change. The accumulation of scientific data on global warming has put pressure on the U.S. coal industry, which is already suffering because of competition from cheap natural gas prices and renewable energy. It increasingly has to deal as well with the perception that coal is ruining the planet.

"I don't think the public is in the dark" about the scientific consensus on climate change, said Luke Popovich, vice president of the National Mining Association, which represents coal companies. He asked why the U.S. should reduce its own coal use when other countries, chiefly China and India, continue to burn it. And he said that for most people, climate change remains low on their list of worries.

"No matter how much information comes out of NOAA, it is not going to help put more pressure on the U.S. to do more," Popovich predicted. "We've got a hell of a lot of other problems to address."

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Trump Is Said to Be 'Really Interested' in Payments for Coal Use

Posted August 10, 2017, 8:58 A.M. ET

By Tim Loh

West Virginia Governor Jim Justice said Donald Trump is "really interested" in his plan to prop up Appalachian mining by giving federal money to power plants that burn the region's coal.

Justice, a coal and real estate mogul elected governor last year as a Democrat, announced at a West Virginia rally alongside President Trump last week that he's becoming a Republican. Justice has recently spent a "goodly amount of time" meeting one-on-one with Trump and has liked the feedback to his pro-coal proposal. The plan calls for the Department of Homeland Security to send $15 to eastern U.S. utilities for every ton of Appalachia coal they burn.

"He's really interested. He likes the idea," Justice said in a phone interview on Aug. 9 when asked about Trump's reaction. "Naturally, he's trying to vet the whole process. It's a complicated idea."

In Justice's eyes, the coal payments will be necessary because Trump's moves to roll back regulations on the Appalachian coal industry won't be enough to preserve it. The Appalachian coal sector has been shrinking for years as companies are forced to spend more money to access harder-to-reach seams of the fossil fuel. Meanwhile, competitors in regions including the Illinois Basin and Powder River Basin of Wyoming and Montana have much thicker coal seams that are cheaper to get to.

Critics say such a proposal would be expensive and misguided. U.S. power plants burned at least 110 million short tons of Appalachian coal in 2016, according to Andrew Cosgrove, an analyst at Bloomberg Intelligence. A payment of $15 for each of those tons would cost at least $1.65 billion.

Justice said he's discussed the plan with, among others, Department of Energy Secretary Rick Perry, Vice President Mike Pence and Jared Kushner, Trump's senior adviser and son-in-law.

Asked whether Trump is considering Justice's plan to prop up the coal industry, White House spokeswoman Kelly Love said there's nothing to announce at this time.

Too Reliant

While Appalachian coal production is up this year, if there's another "downtick" it'll cause a spate of bankruptcies, mine closures, and layoffs that could be impossible to recover from, Justice said.

At the heart of his pitch, Justice argues that the country is becoming too reliant on natural gas for power and it's not enough to supplement that with coal from the Midwest and West.

Justice rejects the notion that his plan amounts to a "bailout" or "subsidy" for Appalachian coal. Rather, it's a matter of national security, he said, because terrorists could easily blow up important gas pipelines or derail freight trains shipping coal to the east, leaving large swaths of the country lacking power-plant fuel.

'Absolute Chaos'

"Can you imagine what would happen if we lost the power in the east for a month, or two months, or three months?" Justice said. "It would be like a nuclear blast went off. You would lose hundreds of thousands of people. It would be just absolute chaos beyond belief.''

Justice insisted that renewables could one day be the primary source of U.S. electricity generation, but says he's not sure whether that'll come in 10, 20 or 30 years.

"This may very well be a temporary fix, a temporary security blanket," he said. "But today we don't have the renewables in place. And today, we cannot lose our eastern coal fields."

While it's legitimate to worry about the reliability of the U.S. power grid, the decline of the coal industry isn't raising much of a threat at a time of cheap and abundant gas and fast-growing wind and solar power, said Jason Bordoff, director of Columbia University's Center on Global Energy Policy.

It's "unfortunate and irresponsible" to float a policy idea like this, Bordoff said, when U.S. and global forces are causing a structural decline in the Appalachian coal sector and communities need to diversify local economies.

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Disclosing Monsanto Messages Could Cost Lawyers in Lawsuit

Posted August 10, 2017, 11:41 A.M. ET

By Tiffany Stecker

Lawyers for cancer victims suing Monsanto could be booted from the case after disclosing confidential documents detailing the pesticide manufacturer's communications with regulators and scientists.

U.S. District Court Judge Vince Chhabria told the lawyers Aug. 9 that posting 75 instances of emails and text messages allegedly showing Monsanto influencing scientists and regulators on the safety of their Roundup herbicide appears "to have violated the requirement that lawyers work with opposing counsel in good faith" (In re Roundup Products Liability Litigation, N.D. Cal., No. 3:16-md-02741, 8/9/17).

The firm Baum, Hedlund, Aristei, and Goldman PC must now show by Aug. 14 why the firm should remain one of the leaders in coordinating the litigation, and why it shouldn't pay penalties. More than 1,000 people are suing the company in state and federal courts, saying Roundup exposure caused their non-Hodgkins lymphoma.

Baum Hedlund is one of the firms responsible for consolidating the cases in the U.S. District Court for the Northern District of California. Starting over with new attorneys would be a big setback for the plaintiffs.

The other plaintiffs' firms also must tell the court why they should not be replaced as a result of Baum Hedlund's actions. The court will hear arguments on the matter Aug. 24.

Baum Hedlund posted the correspondence on Aug. 1, saying that Monsanto missed a deadline to extend the protective order. The company disputes this, saying that plaintiffs did not have proper grounds to lift the confidentiality seal on the documents, and that the judge specifically denied that certain files be made public. The documents have been widely covered in media reports, and may remain online until at least Aug. 24.

"You can't unring the bell," Scott Partridge, vice president of global strategies for Monsanto, told Bloomberg BNA. "To repair the violation is impossible."

Managing partner Michael Baum said in a statement that the firm will respond to the court's order to show cause.

EPA Issues Checklist for State Coal Ash Permit Programs

Posted August 10, 2017, 11:20 A.M. ET

By Emily McCormick (Bloomberg) and Sylvia Carignan (Bloomberg BNA)

States and Indian tribes now have details on how to develop EPA-approved coal ash disposal programs.

States had long been aware that their coal ash disposal programs must be at least as protective as federal standards, but had received few additional details until the Environmental Protection Agency released guidance Aug. 10. The EPA announced in May it was developing a framework for those programs.

The guidance responds to inquiries about the provisions of Water Infrastructure Improvements of the Nation Act, enacted in December, to allow states to be chief regulators over coal ash through EPA-approved state permit programs.

To gain federal approval, states must be able to show they can determine whether coal ash storage owners and operators are complying with state requirements. States also must show they can monitor or test them for compliance, and can enter sites for inspections, sampling or to review operation records.

According to the interim guidance, the EPA generally expects states to develop permit programs before seeking federal approval, but has not set deadlines for any of those actions. The agency expects to update the guidance document as its receives feedback from states.

The 2016 Water Infrastructure Improvement for the Nation Act delegates coal ash disposal permits to states. EPA has 180 days to act on a state's application for approval and must provide an opportunity for public comment.

The EPA promised states a "swift" review of their programs in May.

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World's Biggest Coal Shipper Talks a Lot About Electric Cars

Posted August 10, 2017, 7:40 A.M. ET

By Thomas Biesheuvel

Glencore Plc might be the world's biggest exporter of coal, the dirtiest fuel, but the mining giant is increasingly excited about electric cars.

"It looks like it's going to be the big growth area, no doubt," Ivan Glasenberg, Glencore's chief executive officer, said on a call with reporters August 10. "It's an area people definitely have to get into."

Battery-powered cars and gasoline hybrids are poised to grow so fast that by 2040 they'll make up more than half of vehicles sold globally, according to estimates from Bloomberg New Energy Finance.

Electric cars contain about three times more copper than a regular vehicle, according to Glencore. Even more is needed for charging stations, with Exane BNP Paribas predicting infrastructure will add about 5 percent to demand by 2025. Lithium, cobalt, graphite and manganese used in batteries will also see additional demand.

The battery in an electric car contains about 38 kilograms of copper (84 pounds), 11 kilograms of cobalt and 11 kilograms of nickel, according to Glencore.

The outlook for greener transportation got a boost this year after the U.K., France and Norway said they would ban sales of fossil-fuel cars in coming decades. Volvo AB has also announced plans to abandon the combustion engine and Tesla Inc. will soon sell its cheaper Model 3.

Glencore, a major producer of cobalt, copper and nickel, is not the only miner lining up to take advantage of the growth. The world's biggest miner, BHP Billiton Ltd., is looking to boost nickel supply.

"From the tough period we've just been through, people don't have big plans for new greenfield operations and this bodes well for the prices in these commodities," Glasenberg said. "It's going to be hard to grow in these areas."

At the same time, Glencore is also increasing its coal bet. The company recently agreed to pay $1.1 billion plus royalties for a large stake in an Australian coal mine.

Its pursuit of coal contrasts with other major miners such as Rio Tinto Group, who have moved away from the most polluting fuel. Glencore has consistently said that coal is essential to the needs of the developing world in the long term, especially in Asia.

Still, Glasenberg sees electric vehicles and coal as a win-win situation.

"You have to power these electric vehicles from the grid," Glasenberg said. "The amount of power that you have to throw into these electric vehicles when you're charging them, we definitely need more power supply."

Peter Grauer, the chairman of Bloomberg LP, is a senior independent non-executive director at Glencore.

--With assistance from Mark Burton.

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America's Power Plant Jobs, Ignored by Politicians, Are Dying

Posted August 10, 2017, 7:59 A.M. ET

By Naureen S. Malik and Tim Loh

A couple months ago, Donald Trump was cheering a new coal mine in Pennsylvania that will put 70 people to work—good news for a president whose pledge to revive the industry helped get him elected. But a bigger group of coal workers has already suffered sweeping job cuts, and it's bracing for more.

Coal-fired power plants employ more people than mines, and they're shutting down all over the country. Cheap natural gas, the rise of renewables backed by tax credits, and subsidies for nuclear energy will likely combine to keep the trend going—and leave more people like Lynnette Faje out of work.

Faje had spent more than a quarter century at an Illinois-based power company that's owned today by NRG Energy Inc. She had survived two buyouts and had spent her final three years at the company as a laborer on the plant floor after her office position was cut. She found out her $23.50-an-hour job was being eliminated entirely while taking minutes one day at a local union meeting.

"Pretty much everything I've worked for my whole life is pretty much gone," Faje, 51, said. She voted for Trump, and wants to go back to work at a coal plant, but sees little chance of that

happening. Contractors have been hired to do her old job now and she's found work on the overnight shift at a candy factory, earning 28 percent less an hour than she did at NRG to watch Baby Ruth bars roll by on the conveyor belt.

'Going to Zero'

Coal-fired plants employed 86,035 people in the U.S. last year. That may not seem like a huge amount in a country of some 150 million workers but it's 16 percent more than the number employed at mines, according to the U.S. government. It's also a younger and more diverse workforce, with women making up more than a third of it, and ethnic minorities about a quarter.

Curiously, they haven't gotten nearly as much attention as the miners -- even though their numbers are shrinking fast. And coal comebacks like the one Trump hailed in Pennsylvania won't help them. Corsa Coal Corp.'s venture there is digging up metallurgical coal, which is used in steelmaking and often exported.

Under Trump, the Environmental Protection Agency is making efforts to save some of the coal-plant jobs by scaling back emissions regulations. But most experts expect more plants to shutter as new gas-fired units come online and costs keep plunging for solar and wind power. Some coal plants are being converted to gas, which still involves layoffs because gas generators typically employ about half as many people.

"All the power market people that I know, we all think coal is going to zero," said Alex Elsik, chief executive officer of Geosol Capital LLC, a Houston-based hedge fund. In the power market that the Chicago plants are part of, the cost of generation with coal is about 50 percent higher than with gas, he said.

If there's a sliver of hope for the industry, it may lie in a burgeoning debate among regulators and grid operators about the need to preserve fuel diversity.

Polar Vortex

The International Brotherhood of Electrical Workers has been pushing that case in Washington, according to Donnie Colston, director of its utilities department. A much-cited example is the polar vortex that froze the U.S. in early 2014. Gas prices surged to record highs in New York, and the PJM Interconnection grid—serving a fifth of the country's population, from the Midwest to the mid-Atlantic—lost 22 percent of its generation assets. Keeping some coal capacity can mitigate such risks.

Coal plants are "life-limited over time, but for the present, coal plants will continue to be needed for reliability and fuel diversity," David Gaier, a spokesman for NRG, said by email.

Still, last month saw a string of announcements that's left a growing group of coal-power workers uncertain about their future.

Faje's former employer, NRG, plans to overhaul its entire business to slash debt and costs, with about 4 percent of savings coming from plant payroll, though it didn't say how many jobs would be cut. American Electric Power Co. is closing almost all of its coal plants in Ohio and is exploring strategic alternatives for the last two. It's already cut about 670 jobs, more than a fifth of the coal-plant workforce, since 2015.

Deep Discounts

The Texas power market is so depressed that all but two of the state's 15 coal generators are losing money, according to energy-focused investment firm Tudor Pickering Holt & Co. Houston-based Calpine Corp. may be on the verge of a buyout by a private-equity firm, a process that's kept plants alive in other states, but one that typically leads to staffing cuts. In a sign of how desperate some power companies are to get rid of their beleaguered coal units, they are being offered up at less than 10 percent of replacement cost.

Coal-plant shutdowns ripple across many other industries too, starting, of course, with the miners. Power generators accounted for 87 percent of U.S. demand for coal last year, according to analyst Wood Mackenzie Ltd. Temporary jobs in plant maintenance will be lost too. Generators need regular overhauls, and even small outages require hundreds of workers.

The big ones that take place every three to four years can involve a team of thousands. By contrast, gas-fired plants have few outages.

Faje says she's hearing a growing number of the personal stories that lie behind some of these numbers.

She recently found out that a former colleague had died after a battle with depression, and wrote a Facebook post in his memory. Others stepped forward with their own anxieties, about losing their homes, working longer hours and toiling under increasingly dangerous conditions as the industry's cost-cutting measures strain workers.

NRG's Waukegan plant north of Chicago had its own recent scare. One day in June, powdered coal ignited, triggering an explosion. No one was hurt but workers were spooked, according to an employee who asked not to be identified for fear of retaliation.

Later that month, a celebration was held at the Waukegan plant to commemorate 314 injury-free days. Bakers Square pies were spread across the lunchroom -- apple and cherry and blueberry. The staff wasn't in the mood, though, the worker said. The explosion was still on everyone's mind, and most of the pies were left untouched.

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Brazilian Bank Issues Record Grant Money to Guard Amazon

Posted August 10, 2017, 11:10 A.M. ET

By Michael Kepp

Brazil's Development Bank issued a public call Aug. 9 for projects eligible to receive an unprecedented 150 million reais (US $47.5 million) in grants from a fund dedicated to preserving the Amazon rainforest.

The bank (BNDES) is doubling its efforts to solicit environmental projects, after the bank awarded a combined $42.8 million in grants to 15 projects in 2012 and 2015.

It's the latest public call is the largest award to projects since the bank set up the Amazon Fund in 2008, Juliana Santiago, the BNDES director of the Amazon Fund, told Bloomberg BNA Aug. 9.

The bank's solicitation comes at a time when Norway—the biggest contributor to the Amazon Fund's $1.135 billion supply— is reducing its contributions after the country's Ministry of Climate and Environment announced in June that Brazil's commitment to environmental protection "might be in retreat."

Germany has contributed $28 million to the fund. Norway will contribute a maximum of $35 million in 2017—only about one-third of its yearly average—because of a spike in Brazilian Amazon deforestation rates, the ministry said.

Projects eligible for grants must focus on the conservation and sustainable use of the Amazon, and will be awarded in April 2018 with grants of $3.6 million to $9.5 million.

The BNDES has committed $565 million worth of Amazon Fund grants, around half the $1.135 billion in donations it has received, and has disbursed most of it. But only $90.3 million in grants have been awarded based on public calls for project submission proposals.

Enforcement

Around $475 million of the $565 million has been for larger projects outside of the bank's calls for projects, mainly for enforcement of Amazon protection efforts.

In November 2016 the BNDES agreed to give IBAMA, the enforcement arm of the Environment Ministry, $17.8 million from the fund to pay for leasing helicopters and four-wheel drive vehicles, the second such award to IBAMA, which normally operates with government funds.

The BNDES will soon issue another public call for Amazon Fund projects to reforest the rainforest, eligible for an additional $47.6 million, Santiago told Bloomberg BNA.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 7/31/2017 11:29:09 PM
Subject: July 31 -- Energy and Climate Report

Energy and Climate Report

July 31, 2017 - Number 146

News

Climate Policy
New Zealand Could Link Greenhouse Gas Trading Program
New Zealand wants to make its decade-old carbon emissions trading system easier to link with similar programs elsewhere under recently proposed changes.

Climate Regulation
Greenhouse Gas Measurement Delay for Highways Draws Lawsuit
Dropping greenhouse gases from the criteria for evaluating the condition and performance of the nation's roadways will hamper states' ability to recognize health risks caused by air pollution and climate change, environmental groups said in a lawsuit.

Energy
Cheniere Liquefying Natural Gas Fuel at Fourth Plant
Cheniere Energy Inc., the only company sending America's shale gas overseas, has begun liquefying the fuel at a fourth plant, keeping the company on a track that will double its export capacity this year.

Energy
SCANA Corp. Abandons Half-Finished Reactors in South Carolina
One of two nuclear power projects under construction in the U.S. was scrapped after one of the co-owners said halting work would save customers almost $7 billion.

Energy
Ukraine Turns to Pennsylvania Coal Imports Amid East Blockade
Ukraine, starved of supplies of a key type of coal from its easternmost regions amid a three-year conflict with Russian-backed separatists, secured shipments of the fuel from the U.S.

Oil & Gas
Trump Team Wants Fracking Rule to Come Before Court Opinion
States and energy companies complain that federal regulation of hydraulic fracturing could drive up costs and discourage oil and gas production on government lands, but a trio of appeals court judges could upend the Bureau of Land Management's plan to revisit its own rules.

Radioactive Waste
How Japan Could Remove Fukushima's Melted Nuclear Fuel
More than six years after three nuclear reactors melted down in Japan, the country is homing in on the lost fuel inside one of them. Japan's biggest utility and owner of the wrecked

Fukushima Dai-Ichi plant, Tokyo Electric Power Co. Holdings Inc., last week released images that for the first time showed what's likely melted fuel inside the No. 3 reactor.

Renewable Energy

Alphabet Wants to Fix Renewable Energy Storage Problem—Using Salt

Alphabet Inc.'s secretive X skunk works has another idea that could save the world. This one, code named Malta, involves vats of salt and antifreeze.

Renewable Energy

Amazon and Wal-Mart Finally Give Hydrogen Power a Reason to Be

Andy Marsh sees his future—and it's forklifts.

Practitioner Insights

Water Resources

Practitioner Insights: Dry, Crowded World Poses Challenges for Water Utilities

By Rob McDonald: If there's any big city in the United States that could lay claim to being the poster child of water scarcity, it's Phoenix.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 7/28/2017 12:20:34 AM
Subject: July 28 -- Daily Environment Report

Daily Environment Report

July 28, 2017 - Number 144

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Leading the News

Pesticides
Bee Pesticide Ban Debate Could Arise in Next Farm Bill
Rep. Earl Blumenauer (D-Ore.) wants to include a ban on pesticides linked to declining bee health in next year's farm bill, one of several initiatives he is pushing in the legislation to reauthorize agriculture and nutrition programs.

News

Air Pollution
Germany Considering Fund to Pay for Reducing Diesel Emissions
Chancellor Angela Merkel's government is considering setting up a fund to help pay for programs to cut diesel emissions as cities consider bans and allegations of cheating by German automakers cast doubts on the survival of the technology.

Brownfields
Brownfields Funding Bills Advance to Floor on Bipartisan Effort
Brownfields bills headed to the House and Senate floors would continue funding projects that put contaminated land back into productive use.

Climate Policy
Ontario's 'Green' Building Code Could Cause Sticker Shock
Construction costs could rise in Ontario for contractors and their customers under proposals to "green" the province's building codes.

Coal Mining
House Bills Easing Coal Industry Burden Likely to Move in Fall

Two House bills intended to ease regulatory burdens on the coal industry appear to be the next pieces of environmental legislation that the Natural Resources Committee will take up following the August recess.

Congress

Russia Sanctions Bill Passes Senate With Limits on Trump

The U.S. Senate gave final approval to legislation strengthening sanctions on Russia and giving Congress the power to block President Donald Trump from lifting them, setting up a possible clash with the White House.

Contribution

Expert Pins Down Car Dealer's Superfund Liability

A car dealership's affidavit is no match for an expert opinion that waste from the business contained hazardous materials, the Southern District of Texas ruled July 26 (USOR Site PRP Grp. v. A&M Contractors, Inc., 2017 BL 259050, S.D. Tex., No.14-cv-2441, 7/26/17).

Drinking Water

Water Infrastructure Bill Draws Bipartisan House Panel Support

The House this fall is expected to take up a rare bipartisan bill involving the Environmental Protection Agency.

Electronic Commerce

Amazon-Like Marketplaces Taxed Under Pennsylvania Proposal

The Pennsylvania Senate narrowly approved a proposal that would generate $43.5 million by requiring internet marketplaces like Amazon.com Inc., Etsy Inc., and Ebay Inc., to collect a 6 percent sales tax on third-party sales facilitated through their platforms.

Energy

Alaska Threatened by Zinke on Senator's Health Bill Vote

Interior Secretary Ryan Zinke has threatened Alaska's senators with retribution on major energy and public lands decisions because one of them voted against repealing Obamacare.

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GOP Renews Fight for Edison's Light Bulb as Industry Goes LED

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House Passes Energy Funding, But Stopgap Bill Possible

The House passed a $37.6 billion energy and water spending bill to fund the Energy Department, the Army Corps of Engineers and related agencies as part of a larger spending package with an uncertain future.

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Pipelines Awaiting Approval Pile Up at Federal Energy Regulator

The backlog of natural gas pipelines awaiting Federal Energy Regulatory Commission approval is piling up as the agency enters its sixth month without enough members to approve $14 billion worth of infrastructure projects, and gas suppliers and pipeline companies could face longer-term impacts.

Mergers and Acquisitions

Dow, DuPont Mull Post-Deal Split into More Than Three Companies

Dow Chemical Co. and DuPont Co. are weighing whether to carve out more separate companies following their historic $75 billion merger than the three originally envisioned.

Michigan

Enbridge Energy Wins Oil Spill Appeal

Enbridge Energy is entitled to summary dismissal of illness claims arising from a pipeline rupture that spilled 840,000 gallons of oil, the Michigan Supreme Court ruled July 25 (Lowery v. Enbridge Energy L.P., 2017 BL 258807, Mich., No. SC:151600, 7/25/17).

Motor Vehicles

Volkswagen Gets Green Light for Emissions Fix to Diesel Cars

Volkswagen can begin fixing an additional 326,000 diesel engine cars across the U.S. that included software to cheat on nitrogen oxides emissions tests after the EPA and California signed off on its buyback and repair plan July 27.

Natural Gas

If Petronas Can't Beat U.S. LNG Suppliers, It Could Join Them

By Natalie Obiko Pearson, Ryan Collins and Kevin Orland: Malaysia's Petroliam Nasional Bhd has pulled the plug on its $27 billion plan to ship liquefied natural gas from Canada's west coast to Asia, losing out to U.S. suppliers who got to market first.

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Renewable Energy

Growth-Starved Utilities Have Found a New Way of Making Money

By Chris Martin, Jim Polson and Mark Chediak: There's a new model emerging for growth-starved utilities looking to profit from America's solar and wind power boom.

Renewable Energy

N.C. Governor Signs Solar Bill, Despite Wind Moratorium

North Carolina Gov. Roy Cooper (D) signed into law a bill aimed at expanding the solar industry, despite the inclusion of a moratorium on wind power generation that he opposed.

Renewable Energy

U.S. Wind Farms in Construction or Development Rises 41 Percent

U.S. wind farm developers increased the generation capacity under construction or in advanced development by 41 percent in the past year, according to an industry report.

Water Pollution

EPA Water Rule Repeal Based on Sloppy Cost Analysis: Economists

The Trump administration was sloppy in how it estimated the economic impact of a proposal to repeal an Obama-era water pollution regulation, relying on data and assumptions that industry previously criticized, according to economists and regulatory analysts interviewed by Bloomberg BNA.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Wed 8/2/2017 10:58:39 PM
Subject: EPA CONTINUES TO WORK WITH STATES ON 2015 OZONE DESIGNATIONS

Contact Information: press@epa.gov

EPA CONTINUES TO WORK WITH STATES ON 2015 OZONE DESIGNATIONS

EPA continues to work with states on technical issues, disputed designations and insufficient information

(WASHINGTON) – The U.S. Environmental Protection Agency (EPA) is moving forward with 2015 ozone designations, working with states to help areas with underlying technical issues, disputed designations, and/or insufficient information. This will help ensure that more Americans are living and working in areas that meet national ambient air quality standards (NAAQS).

"We believe in dialogue with, and being responsive to, our state partners. Today's action reinforces our commitment to working with the states through the complex designation process," said **EPA Administrator Scott Pruitt.**

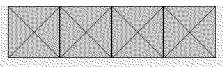
The Clean Air Act gives EPA the flexibility to allow one additional year for sufficient information to support ozone designations. EPA may take future action to use its delay authority and all other authority legally available to the Agency to ensure that its designations are founded on sound policy and the best available information.

Earlier this summer, it was evident that the Agency would not meet the October 1 deadline to designate all areas, due to underlying complexities, methodological, and informational questions with regard to this new ozone NAAQS standard. For example, the question of whether or not this ozone NAAQS was set so low as to implicate natural "background" ozone levels in some parts of the country has repeatedly been raised.

In June, EPA issued a Federal Register notice announcing that it was delaying its deadline for designations by one year, from October 1, 2017 to October 1, 2018. Previous EPA administrations had repeatedly invoked this statutory power to delay designations for part or all of the country. Today's announcement replaces our earlier action that delayed the Agency's designation deadline on a nationwide basis and clarifies our path forward, so that the Agency can be more responsive to local needs.

"Under previous Administrations, EPA would often fail to meet designation deadlines, and then wait to be sued by activist groups and others, agreeing in a settlement to set schedules for designation," said **EPA Administrator Scott Pruitt.** "We do not believe in regulation through litigation, and we take deadlines seriously. We also take the statute and the authority it gives us seriously."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Thur 8/3/2017 9:00:31 PM
Subject: Today on Climate Beat

August 3, 2017

Today on Climate Beat . . .

. . . we headed West, highlighting a pair of stories about how President Trump's moves on climate change are affecting both sides of the partisan divide in California, including GOP activist pushback against a Republican state lawmaker who voted to extend the state's greenhouse gas cap-and-trade system.

Staying out in the states, we highlighted a new op-ed from a University of Virginia law professor arguing that the Trump administration's efforts to cast its deregulatory agenda as empowering states will stifle rather than promote state innovation in addressing environmental policy challenges because few states are likely to step up.

And back at EPA, we looked at whether the agency's sudden reversal of its plans to delay implementing Obama-era ozone standards is the second strike in Administrator Scott Pruitt's deregulatory agenda, after a court rejected the agency's attempt to pause implementation of methane oil and gas rules.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 7/11/2017 12:00:34 AM
Subject: July 10 -- Energy and Climate Report



Energy and Climate Report

July 10, 2017 - Number 131

News

Climate Change
Trump's Paris Withdrawal Leaves U.S. Isolated on World Stage
Heads of state from 19 of the world's largest economies isolated U.S. President Donald Trump for withdrawing from the Paris climate accord and said their disapproval would not abate in the years to come.

EPA
Environmentalists Tell EPA: Do Not Delay Methane Rule
Oil and gas companies should comply with the EPA's methane limits even as the agency reconsiders the rule, environmentalists said at a July 10 hearing in Washington.

Energy
Correction
An article, "Release—Finally—of Appliance Efficiency Standards Applauded," incorrectly identified an April 3 notice of intent to sue as a lawsuit. The online version has been corrected.

Energy
Former FERC Commissioner Honorable Joins Reed Smith
Global law firm Reed Smith LLP jumpstarted its new Federal Energy Regulatory Commission team with the addition of former Commissioner Colette Honorable.

Energy
France's Utility May Have to Shut 17 Nuclear Reactors
Electricite de France SA, the state-controlled operator of 58 nuclear reactors, may have to shut as many as 17 to fulfill government plans to reduce the share of atomic power in France's electricity output to 50 percent by 2025, Ecology Minister Nicolas Hulot said.

Energy
Ohio EPA Urges Suit Against Energy Transfer for Pipe Cleanup
Ohio EPA is taking the unusual step of urging the state to sue a pipeline construction company that allegedly spilled two million gallons of drilling mud and is ignoring the agency's directives.

Renewable Energy
Shell Plans to Spend $1 Billion a Year on Clean Energy by 2020
Royal Dutch Shell Plc plans to spend as much as $1 billion a year on its New Energies division as the transition toward renewable power and electric cars accelerates.

Renewable Energy

Wall Street Sours on $9 Billion Mechanism for Green Projects

Wall Street investors have gone cold on one of the main mechanisms banks invented to fund the green-energy revolution.

Water Pollution

Correction

The June 6 articles, "Ex-NASA Official, Lobbyist Joins EPA's Water Office," and "Petroleum Institute Lawyer Picked for EPA Legal Counsel" mischaracterized the lobbying activities of Lee Forsgren, EPA's new deputy assistant administrator for the EPA Office of Water. He did not lobby for pipeline projects, but his firm HBW Resources did. He lobbied for the Miccosukee Tribe of Indians of Florida until the end of 2016. The online versions of the stories have been ...

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 7/31/2017 10:42:19 PM
Subject: D.C. Circuit orders EPA to resume enforcing methane rule

By Alex Guillén

07/31/2017 06:39 PM EDT

The full D.C. Circuit Court of Appeals today ordered EPA to resume enforcing its methane rule for new oil and gas wells, a potentially temporary but important loss for EPA Administrator Scott Pruitt's deregulatory agenda.

A three-judge panel ruled on July 3 that Pruitt improperly imposed a 90-day stay of the rule amid a reconsideration of key leak detection and repair requirements.

The court agreed to keep the stay in place for two weeks to give EPA time to decide on an appeal, a timeline that expired last week. The agency has not asked for an appeal, but industry groups and states critical of rule have. The court ordered responses to those appeal petitions be turned in by Wednesday afternoon, with any further reply due Thursday, indicating the court will move quickly on the appeal.

The order was issued by a 9-2 vote. Judges Janice Rogers Brown, who will retire from the court effective Aug. 31, and Brett Kavanaugh voted against reinstating the rule immediately.

EPA is taking comment through Aug. 9 on a proposed two-year stay of the rule through 2019 and could have it in place by September. That longer-term stay may not face the same legal issues as the 90-day one since EPA will incorporate public comment.

WHAT'S NEXT: The court could decide as early as this week whether to hear an en banc appeal. Pruitt's 90-day stay would expire on Aug. 31 anyway, putting a ticking clock on the court proceedings before the matter becomes moot.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/07/dc-circuit-orders-epa-to-resume-enforcing-methane-rule-091324

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 7/28/2017 12:20:24 AM
Subject: July 27 -- Energy and Climate Report

Energy and Climate Report

July 27, 2017 - Number 144

News

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Tue 11/28/2017 2:00:07 PM
Subject: ICYMI: Sen. Shelley Moore Capito: Trump EPA Bringing Positive Change

CHARLESTON GAZETTE-MAIL

ICYMI: Sen. Shelley Moore Capito: Trump EPA Bringing Positive Change

Charleston Gazette-Mail
November 27, 2017
Senator Shelley Moore Capito
https://www.wvgazettemail.com/opinion/daily_mail_opinion/commentary/sen-shelley-moore-capito-trump-epa-bringing-positive-change-daily/article_1a739990-2eb7-5a57-a274-d9069e795c83.html

This Tuesday and Wednesday, the Environmental Protection Agency is holding a listening session in Charleston on its proposal to withdraw from the Obama administration's so-called Clean Power Plan.

The Trump administration's decision to withdraw from this plan, and the decision to hear directly from West Virginians, demonstrate a positive change from the job-killing policies of the previous administration.

West Virginians expect federal agencies to follow the law. We want leaders to consider the impact of regulations on jobs and the economy. And, importantly, officials must listen to those Americans who will be most impacted by their decisions. It's clear that this administration and EPA Administrator Scott Pruitt are changing course.

The Clean Power Plan was an effort by the Obama administration to force states to turn away from coal-powered electricity. Congress never gave EPA the authority to implement such a sweeping regulatory change — and that is why the U.S. Supreme Court took the rare step of blocking implementation of the rule before it could take effect.

Legislation I introduced to overturn the rule was passed by both the Senate and the House, but was vetoed by President Barack Obama.

West Virginia is the nation's second-largest coal producing state. Because coal accounts for over 94 percent of electricity generation in our state, West Virginians would have been disproportionately impacted by the Clean Power Plan.

Our state lost thousands of good-paying jobs due in large part to other EPA overreaches. And government budgets at the state and local levels were decimated by the loss of tax revenue that coal has long provided in our state.

But Obama's EPA refused to hold a listening session on the Clean Power Plan in West Virginia.

Instead, the previous administration chose to listen in places like San Francisco, Boston and New York City.

It was clear that Obama's EPA had no desire to hear from the miners, truck drivers, railroad workers, small businesses and many others across coal country whose livelihoods would be most impacted by the rule.

At a Senate hearing, I asked former EPA Air Chief Janet McCabe why the Obama administration chose not to visit West Virginia. She responded that EPA held its public events where it was "comfortable."

After a difficult eight years, it is refreshing to see that the Trump administration is comfortable listening to the needs of working families here in West Virginia.

President Donald Trump and our Republican congressional majority are rolling back some of the worst regulatory abuses of the previous administration. In February, Congress passed, and Trump signed, legislation to block a last-minute rule proposed by Obama's Interior Department that could have cost thousands of jobs.

Everyone agrees that we need clean air and clean water; still, West Virginians should not be forced to choose between economic prosperity and a clean environment. We expect both.

That is why federal environmental laws like the Clean Water Act, and the Clean Air Act provide for cooperation between federal authorities and state officials. This structure allows states to make decisions that are best for local communities' economic and environmental needs.

The last administration upset that balance in favor of heavy-handed control from Washington. That led more than half the states to follow West Virginia's lead in filing suit against the Clean Power Plan.

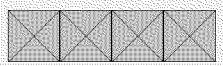
Congress and the Trump administration are working to restore the proper balance that enforces our environmental laws while protecting our jobs. And we are already seeing positive results. West Virginia coal production was up 23 percent in the first half of 2017 as compared with the first half of 2016.

The Trump administration is bringing the change to regulatory policy that West Virginians voted for. I welcome the new EPA to Charleston and will continue working with President Trump to keep West Virginia a leading energy producer for generations to come.

To Read The Full Op-Ed Click Here

U.S. Sen. Shelley Moore Capito, R-W.Va., chairs the Clean Air and Nuclear Subcommittee on the Senate Environment and Public Works Committee

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Thur 9/7/2017 2:05:33 PM
Subject: POLITICO's Morning Score: Feinstein could face challenge from left — GOP frets over Trump midterm role — Trump Jr. to meet with senators

By Maggie Severns | 09/07/2017 10:00 AM EDT

With Zach Montellaro and Kevin Robillard

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

TO THE LEFT - "Odds grow that Feinstein faces 2018 primary challenge from the left," by POLITICO's Carla Marinucci in San Francisco: "Dianne Feinstein has dominated California politics for more than a quarter of a century. But facing blistering criticism that she's out of touch with the progressive left, Feinstein - the oldest member of the Senate - is facing fresh criticism from liberals for her centrist politics."

"Buzz in state political circles increasingly centers on one prospective Democratic challenger, Kevin de Leon of Los Angeles, the first Latino to hold the powerful position of state Senate pro tem in more than 120 years. ... De Leon won national notice last week when he took public umbrage after Feinstein's seemingly conciliatory remarks about Trump. His public rebuff - the toughest from any prominent state Democrat - was pointed: 'This president has not shown any capacity to learn and proven he is not fit for office. It is the responsibility of Congress to hold him accountable - especially Democrats - not be complicit in his reckless behavior.'" **Full story here.**

THE BIG QUESTION - POLITICO's Josh Dawsey and Burgess Everett ask, "Does President Donald Trump want to wallop or woo Democrats?": "Trump's aides have teamed up with the National Republican Senatorial Committee to target vulnerable Democrats and plan presidential travel to help the GOP maintain its congressional majorities during the elections that are 14 months away. ... But, as shown Wednesday, Trump is a wild card - and seems increasingly inclined to work with Democrats. Trump took a soft touch during a tax reform event with Sen. Heidi Heitkamp , who is among the most at-risk Democrats in a state that Trump carried by 36 points in November." **Full story here.**

HAPPENING TODAY - Trump Jr. to meet with Senate: Donald Trump Jr. is slated to meet with the Senate Judiciary Committee today to discuss the Trump campaign's contacts with Russian officials. POLITICO's Darren Samuelsohn reports: "The closed-door session involving aides and senators has long been in the works, though the exact details of when the meeting would occur have remained under wraps until now. Trump Jr. was called to publicly testify before the Senate committee in July, but the president's oldest son instead offered to conduct both a private interview and hand over documents for committee investigators. Alan Futerfas, Trump Jr.'s attorney, confirmed in an email to POLITICO the interview would take place on

Thursday." **Full story here.**

- Darren also reports: "Facebook says Russian-linked accounts bought election ads": "Facebook accounts with apparent Russian ties purchased about $150,000 in political ads aimed at American voters during key periods of the 2016 presidential campaign, according to a new analysis released Wednesday by the social networking company. The internal Facebook findings - which it said in a blog post it had already turned over to U.S. authorities - comes as the Silicon Valley giant faces intense scrutiny from special counsel Robert Mueller and congressional committees concerned about how both real internet trolls and fake news bots preyed on U.S. voters during last year's election." **Full story here.**

- Good government groups immediately looked at the FEC: The Facebook report indicates the agency should be more aggressive on Russian election interference, they argue. "The Commission's intransigence on the issue of curbing the threat of foreign influence in our elections must stop now as this is likely only the tip of the iceberg," Common Cause President Karen Hobert Flynn said in a statement.

Days until the 2017 election: 61.

Days until the 2018 election: 425.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

RETIREMENT SIREN - "Reichert to retire from House after this term," by Campaign Pro's Elena Schneider: "Rep. Dave Reichert (R-Wash.) announced he would not run for another term on Wednesday, opening a key pickup opportunity for Democrats for a seat that hasn't backed a Republican presidential candidate in years. ... Reichert, who was first elected in 2004, has frustrated Democrats for more than a decade by holding on to the central Washington seat, even as Democratic presidential candidates continued to win the district." Full story here.

- Of note: The Cook Political Report swiftly moved Reichert's district all the way from "likely Republican" to "toss up" after the announcement.

FIRST IN SCORE - NRSC targets Casey in digital ad: The NRSC is running a digital ad attacking Democratic Sen. Bob Casey as a flip-flopper. "The 2006 Bob Casey is gone," a male narrator says. "The new Bob Casey is just another Washington liberal." The ad notes Casey's 100 percent rating from NARAL and support for Manchin-Toomey. Watch the ad here.

OUCH - "Biss Drops Ramirez-Rosa From Ticket in Bid for Illinois Governor," by NBC5's Mary Ann Ahern and Shelby Bremer: "Biss announced the change to his ticket less than a week after revealing Ramirez-Rosa as his choice for lieutenant governor, and after backlash -

including a lost endorsement - over Ramirez-Rosa's past comments on Israel. Congressman Brad Schneider withdrew his support for Biss' campaign Sunday, citing concerns about Ramirez-Rosa's 'past comments about the United States support of our ally Israel, and his affiliation with a group that is an outspoken supporter of the Boycott, Divestment and Sanctions movement against Israel.' The group Schneider was referring to is the Democratic Socialists of America, a political activism organization that is, according to its website, the largest socialist organization in the country." Full story.

ADS ADS ADS - SLF runs first digital ad against McCaskill: The Senate Leadership Fund launched its first digital ad against Missouri Sen. Claire McCaskill on Wednesday. The ad, backed by a $5,000 buy, focuses on last spring's flap over McCaskill's contact with Russian officials and dubs her "comrade Claire." **Read more in The Hill.**

- Not One Penny, a liberal group fighting tax reform, pressured Heitkamp with a five-figure television ad buy ahead of Trump's visit. **Watch it here.**

YOUR DAILY ROLL TIDE - Endorsements edition: "U.S. Chamber of Commerce endorses Strange," by POLITICO's Daniel Strauss: "The U.S. Chamber of Commerce is endorsing Sen. **Luther Strange** in the Republican runoff for the Alabama special Senate race, a top Republican with knowledge of the move confirmed to POLITICO. The endorsement comes just 20 days before the runoff between Strange and former state Chief Justice Roy Moore. The move marks another major establishment-aligned Republican group backing Strange and bucking Moore." **Full story here.**

- Meadows endorses Moore, Strauss reports: House Freedom Caucus Chairman Mark Meadows endorsed former Alabama Chief Justice Roy Moore for the Senate on Wednesday, delivering another conservative boost to Moore in the hotly contested primary. **Full story here.**

IN THE COURTS - Lawmakers file brief opposing gerrymandering: "Arnold Schwarzenegger's push for nonpartisan redistricting gained significant Republican support on Tuesday, with Ohio Gov. John Kasich signing on to his amicus brief at the Supreme Court and Arizona Sen. John McCain filing a separate friend-of-the-court brief," POLITICO's Edward-Isaac Dovere reports. "The court is scheduled to hear a case in October, *Gill v. Whitford* , that could abolish partisan gerrymandering. Schwarzenegger, the former California governor, has made gathering support for it a priority. He spent last week calling members of Congress and governors directly, urging them to sign on."

YOUNG GUNS - Heller and Flake are much younger than previous GOP senators facing primaries, SmartPolitics notes: University of Minnesota professor Eric Ostermeier notes Nevada Sen. Dean Heller and Arizona Sen. Jeff Flake are different than previous GOP senators who faced serious primary challenges in two major ways: They're much younger, and have spent much less time in the Senate. "The average age of the aforementioned 10 Republicans at the time of their primary challenge was 74.6 years," Ostermeier writes. "By contrast, Heller will be 58 and Flake 55 at the time of their 2018 primaries." Most challengers were a decade younger than senators they ran against. Previous senators facing tough primaries had served an average of 25 years in the upper chamber, much longer than Heller and Flake. **Full story.**

QUOTE OF THE DAY: "You listening, Heidi? She's listening. She heard that. We're not going to put her on the spot. I'm not doing it." - President Donald Trump, while speaking about tax reform in North Dakota on Wednesday with Heitkamp in attendance.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/09/07/feinstein-could-face-challenge-from-left-222153

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Thur 11/30/2017 8:20:02 PM
Subject: PHOTOS: EPA Administrator Pruitt Visits Kentucky

EPA Administrator Pruitt Visits Kentucky
Meets with Farmers and State Officials

Louisville, Ky. (November 30, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt visited Kentucky to address members of the Kentucky Farm Bureau Federation and meet with Governor Matt Bevin and members of his cabinet to discuss ways to strengthen the Agency's partnership with the state.

"Farmers and ranchers are some of the nation's first environmentalists," **said EPA Administrator Scott Pruitt**. "We should be working with them, as partners, to conserve our natural resources – while continuing to support and grow our local economies."

While meeting with the Kentucky Farm Bureau, Administrator Pruitt discussed a variety of environmental issues. The topics included EPA's recent proposal to rescind the 2015 "Waters of the United States" (WOTUS) rule to help ensure regulatory certainty for America's farmers and landowners and prioritize keeping America's water clean. He also discussed the Agency's new requirements on the pesticide dicamba that will allow farmers to make informed choices for seed purchases for the upcoming 2018 growing season and minimize potential drift to damage neighboring crops.

Following the farm bureau meeting, the Administrator joined Kentucky Governor Bevin and some of his cabinet officials for a working lunch.

"America is blessed to have a public servant like EPA Administrator Scott Pruitt, who works diligently to be a good steward of the earth and protect America's working class," **said Governor Matt Bevin**. "His time spent with local, state and federal officials to enact thoughtful environmental regulations has been extraordinary, and we are thankful for his leadership."

"We appreciate the EPA Administrator visiting our annual meeting to listen to farmers about their conservation efforts and concerns related to their operations," **said Kentucky Farm Bureau President Mark Haney.** "Administrator Pruitt, a fellow Kentuckian, knows the hard work our farmers put in on a daily basis to keep our farms financially and environmentally sustainable."

EPA Administrator Scott Pruitt addresses members of the Kentucky Farm Bureau.

EPA Administrator Scott Pruitt meets with Kentucky Governor Matt Bevin and members of his cabinet.

Visit The EPA's Newsroom



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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Thur 7/27/2017 11:39:12 PM
Subject: BREAKING NEWS: Ryan: House willing to go to conference on Obamacare repeal

Speaker Paul Ryan (R-Wis.) issued a statement saying the House is willing to go to conference on Obamacare repeal in a bid to adress the concerns of GOP senators who won't vote for the "skinny repeal" bill otherwise.

"Senators have made clear that this is an effort to keep the process alive, not to make law. If moving forward requires a conference committee, that is something the House is willing to do," Ryan said in his statement.

Read more here: http://politi.co/2v1sG3n

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From: InsideEPA/climate
Sent: Mon 9/18/2017 9:57:32 PM
Subject: Today on Climate Beat

September 18, 2017

Today on Climate Beat . . .

. . . we reported on former Obama administration officials' optimism on climate change and clean energy despite Trump administration efforts.

Speaking of the Trump administration, our daily news round up examined reports that officials may remain in the agreement "under the right conditions.

And we went to court, where EPA is asking to continue to to hold in abeyance a case that challenges the agency's first-time rule requiring trailers to take steps to cut greenhouse gas emissions.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 11/28/2017 1:34:12 PM
Subject: Nov. 28 -- EHS State Regulatory Alert



EHS State Regulatory Alert

November 28, 2017 - Number 227

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Arkansas

RADIATION
Control of Sources of Ionizing Radiation
Arkansas RADIATION

Final rule of the Department of Health, Radiation Control Section, amends regulations regarding the control of sources of ionizing radiation. The rule addresses reportable safety events involving special nuclear material by increasing the time Nuclear Regulatory Commission licensees are allowed to submit a written follow-up report from 30 to 60 days after the initial report of an event, updating the reporting framework for certain situations, and removing unnecessary reporting requirements. The rule also conforms provisions with NRC regulations based on International Atomic Energy Agency 2009 standards for the international transportation of radioactive material and ensures consistency with other federal standards. In addition, the rule clarifies transportation requirements, re-establishes restrictions on materials that qualify for the fissile material exemption, and updates administrative procedures. The rule is effective Oct. 1, 2017. Contact: DOH, Radiation Control Section; 501-661-2301; adh.ram@arkansas.gov

—Arkansas Register (10/02/2017)

Regulatory Update

WATER
Floodplain Administrator Accreditation Program
Arkansas WATER

Proposed rule of the Natural Resources Commission would amend regulations under Title 18 regarding the floodplain administaror accreditation program. The rule would allow for expedited accreditation for active duty military, returning military veterans, and spouses; for military training and experience to be accepted in lieu of experience or education; and for temporary accreditation for active duty military, returning veterans, and spouses when they hold a substantially equivalent accreditation issued by another state that is in good standing. The rule also would allow an exemption from continuing education requirements for such individuals. In addition, the rule would provide that certification issued to active duty military members or

spouses will not expire until 180 days following their return from active deployment. A hearing is scheduled for Dec. 11, 2017, in Little Rock. Comments are due Dec. 27, 2017. Contact: Bruce Holland; NRC, Water Resources Management Division; 501-682-1611

—Arkansas Register (11/21/2017)

Regulatory Update

WATER
Nutrient Management Applicator Certification
Arkansas WATER

Proposed rule of the Natural Resources Commission would amend regulations under Title 21 regarding the nutrient management applicator certification program. The rule would allow for temporary accreditation for active duty military, returning veterans, and spouses when they hold a substantially equivalent accreditation issued by another state that is in good standing. The rule would allow for such individuals to receive expedited certification, a continuing education exemption, and consideration of military training experience in lieu of experience or education. In addition, the rule would provide that certification issued to active duty military members or spouses will not expire until 180 days following their return from active deployment. A hearing is scheduled for Dec. 11, 2017, in Little Rock. Comments are due Dec. 27, 2017. Contact: Bruce Holland; ANRC, Water Resources Management Division; 501-682-1611

—Arkansas Register (11/21/2017)

Regulatory Update

WATER
Nutrient Management Planner Certification Program
Arkansas WATER

Proposed rule of the Natural Resources Commission would amend regulations under Title 20 regarding the nutrient management planner certification program. The rule would allow for temporary accreditation for active duty military, returning veterans, and spouses when they hold a substantially equivalent accreditation issued by another state that is in good standing. The rule would allow for such individuals to receive expedited certification, a continuing education exemption, and consideration of military training experience in lieu of experience or education. In addition, the rule would provide that certification issued to active duty military members or spouses will not expire until 180 days following their return from active deployment. A hearing is scheduled for Dec. 11, 2017, in Little Rock. Comments are due Dec. 27, 2017. Contact: Bruce Holland; NRC, Water Resources Management Division; 501-682-1611

—Arkansas Register (11/21/2017)

Regulatory Update

WATER
Permit Fees
Arkansas WATER

Final rule of the Department of Environmental Quality, Pollution Control and Ecology

Commission, amends Regulation 9 regarding permit fees. The rule adds a definition of "quantity" and clarifies formulas for calculation of water permit fees. The rule also incorporates a fee calculation for minor municipal and nonmunicipal facilities with National Pollutant Discharge Elimination System permits for limits of toxic pollutants based on total maximum daily load to allow the agency to assess lower water permit fees for qualifying facilities. In addition, the rule updates the fee schedule to reflect permits currently offered by the Office of Water Quality and removes four obsolete general permits. Finally, the rule modifies provisions concerning contribution fees for the Nonmunicipal Domestic Sewage Treatment Works Trust Fund. The rule is effective Oct. 8, 2017. Contact: Kelly Robinson; DEQ; 501-682-0916; reg-comment@adeq.state.ar.us

—Arkansas Register (10/02/2017)

Regulatory Update

WATER
Water Well Construction Commission Rules and Regulations
Arkansas WATER

Proposed rule of the Water Well Construction Commission would adopt Rule 3.11 regarding water well standards. The rule would allow for temporary accreditation for active duty military, returning veterans, and spouses when they hold a substantially equivalent accreditation issued by another state that is in good standing. The rule would allow for such individuals to receive expedited certification, a continuing education exemption, and consideration of military training experience in lieu of experience or education. In addition, the rule would provide that certification issued to active duty military members or spouses will not expire until 180 days following their return from active deployment. A hearing is scheduled for Dec. 11, 2017, in Little Rock. Comments are due Dec. 27, 2017. Contact: Bruce Holland; WWCC; 501-682-1611

—Arkansas Register (11/21/2017)

Regulatory Update

Florida

WATER
St. Johns River WMD/Consumptive Use Permits
Florida WATER

Final rule of the St. Johns River Water Management District amends regulations under FAC 40C-2.031 through .900 (nonconsecutive) to revise consumptive use permit (CUP) procedures and exemptions. The rule removes the secondary user permit requirement and allows only one pending CUP application at a time. The rule also establishes a general permit-by-rule for temporary emergency water uses, expands the permit exemption for fire protection, removes water quality permitting criteria, and expands the use of permit modifications by letter. In addition, the rule clarifies the Water Audit Form and adds market conditions to the list of factors for agricultural CUPs for irrigation that will not result in reduction of the permitted allocation during the permit term. The rule is effective July 1, 2018. Contact: Thomas Mayton; SJRWMD; 386-329-4108; tmayton@sjrwmd.com

—Florida Administrative Weekly (11/14/2017)

Regulatory Update

South Dakota

AIR
Title V Air Quality Permitting Program/Air Emission Fees
South Dakota AIR

Final rule of the Department of Environment and Natural Resources amends regulations under ARSD 74:37:01:03.01, :04, :05, :07, :07.01, :07.02, and :07.03 regarding air emission fees for the Title V air quality permitting program. The rule increases application and administrative fees; annual air emission fees; and annual flat fees for rock crushers, asphalt plants, and coal-fired power plants. The rule also provides for annual adjustments for the various fees based on the consumer price index. The rule is effective Dec. 5, 2017. Contact: Kyrik Rombough; DENR; 605-773-3151

—South Dakota Register (11/20/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Thur 9/7/2017 2:05:35 PM
Subject: POLITICO's Morning Transportation, presented by Citizens for On Time Flights: FAA could be on House floor next week — Eyes turn to the Senate on self-driving cars — NY, NJ pols to talk Gateway with Trump today

By Brianna Gurciullo | 09/07/2017 10:00 AM EDT

With help from Tanya Snyder and Kathryn A. Wolfe

MARK YOUR CALENDARS: The House's FAA bill is currently scheduled to hit the floor Sept. 13, but that date could slip depending on how negotiations on appropriations and an aid package for Hurricane Harvey go. Next Wednesday "was what the original schedule was. So hopefully we'll stick to that," Rep. Sam Graves (R-Mo.) told us . No matter what, lawmakers will have to clear an extension before the end of the month, and Graves said his preference would be to extend the FAA's authorization through the end of the year. Asked about the length of an extension, Rep. Bill Shuster (R-Pa) would only say: "Whatever makes sense." Senate Commerce Chairman Sen. John Thune (R-S.D.), meanwhile, said he preferred something more like six months.

Hitching a ride? Thune indicated that an FAA extension could be attached to the continuing resolution Congress is expected to pass this month. But Shuster and Graves said they didn't think the House would go that route.

Working vacation: Graves told MT that some of his colleagues asked him to discuss Shuster's bill (H.R. 2997 (115)) with members of their general aviation communities over the August recess. He said he made about 20 calls while Congress was out.

At an impasse: We also checked in with Thune on the provision he championed in the Senate's FAA bill (S. 1405 (115)) to tweak co-pilot training requirements. "Not making any headway at the moment," he said.

IT'S THE DAY BEFORE FRIDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Be sure to send tips, feedback and lyrics to bgurciullo@politico.com or @brigurciullo.

"But the girl on the car in the parking lot / Says, "Man you should try to take a shot / Can't you see my walls are crumbling?"

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

HOUSE SPENDING BILL MOVING: Late Wednesday evening, the House began considering the fiscal 2018 bill that funds transportation programs (H.R. 3354 (115)). The eight-billed hydra, of which the THUD spending bill is one, wasn't completed Wednesday, but lawmakers effectively concluded consideration of the DOT portion. That includes adopting an amendment

that would "reduce and restore" cuts to transit formula grant programs. Other amendments that attempted to hew to President Donald Trump's proposed fiscal 2018 budget cuts to Amtrak and the Essential Air Service program were defeated. Final passage of the bill could come Thursday. Mary Lee has more for Pros. The Homeland Security-related section of the broader bill will be up Thursday.

IATA CHIEF IN SHUSTER'S CORNER: The head of the International Air Transport Association backs Shuster's air traffic control proposal, which he said would "eliminate one of the primary roadblocks to ATC modernization: the unpredictable annual federal budget process." Alexandre de Juniac, the director general and CEO of IATA, made his comments in a blog post Wednesday.

WHO SAYS NOTHING GETS DONE IN WASHINGTON? The House passed a bill (H.R. 3388 (115)) to create a regulatory framework for self-driving cars Wednesday, a first-of-its kind effort. The Senate hasn't quite moved as quickly. Thune said he hopes to release the text of the Senate's self-driving car bill "maybe by the end of this week." Thune's committee also announced a hearing on the topic for next week.

Haggling over trucks: One reason the Senate is lagging may have to do with an ongoing spat over whether a driverless car bill should exempt commercial trucks. The House's bill deals primarily with passenger cars. Democrats insist that trucks should be kept out of the bill over concerns about safety and effects on the workforce. But Thune told reporters Wednesday, "at some point we have to address trucks." Thune, like many people, thinks trucking could be one of the earliest sectors to adopt self-driving technology.

TRUMP AND NY, NJ POLS TO TALK GATEWAY: Trump will sit down today with New York and New Jersey leaders to discuss the multibillion-dollar project, The New York Times' Shane Goldmacher and Emma G. Fitzsimmons report. The invitees: Gov. Andrew Cuomo (D-N.Y.), Gov. Chris Christie (R-N.J.), Senate Minority Leader Chuck Schumer (D-N.Y.), Sen. Kirsten Gillibrand (D-N.Y.), Sen. Cory Booker (D-N.J.) and House lawmakers representing parts of New York and New Jersey. (Note: Sen. Bob Menendez (D-N.J.) is out of town because of his trial for alleged corruption.)

TBT: Cuomo visited Washington in late July to speak with Transportation Secretary Elaine Chao about Gateway.

NO FINES FOR UNITED: After a customer was dragged off a United Airlines flight, DOT has chosen not to fine the carrier over the incident, Reuters reports. Consumer group Flyers Rights blasted DOT, telling Reuters that for the government "to conclude that United Airlines' conduct did not warrant an enforcement action is a dereliction of duty." In a letter to United, DOT said the airline failed give David Dao or his wife an over-sales notice in writing.

** **A message from Citizens for On Time Flights:** America invented aviation, yet our Air Traffic Control System is a World War II relic. This costs you time and money. After decades of falling behind, Congress must lead us forward. Tell your Member of Congress to seize this chance to modernize America's ATC system. Visit OnTimeFlights.org to be heard. **

RISING UP, BACK ON THE STREET: State and local officials have until Oct. 16 to apply for $500 million in TIGER grants, DOT said Wednesday. "The selection criteria remain fundamentally the same as previous rounds of the TIGER grants program, but the description of each criterion was updated," DOT said in a release. "Additionally, the FY 2017 TIGER program will give special consideration to projects which emphasize improved access to reliable, safe, and affordable transportation for communities in rural areas." The White House proposed killing TIGER in its fiscal 2018 budget request.

POINT: A little bird sent MT a copy of a "Dear Colleague" letter by Rep. Jason Lewis (R-Minn.) panning the passenger facility charge cap hike included in the Senate's THUD spending bill. "If an airport has valid infrastructure needs, each individual airport has revenue streams in their control that can be used to fund projects while remaining accountable to the traveling public," the letter reads. "There is no need for Congress to authorize a tax increase." The letter asks that Senate Appropriations Committee leaders strip the hike from the THUD bill before it reaches the floor.

Counterpoint: In a letter to Lewis responding to his appeal to colleagues, the Transportation Construction Coalition wrote: "Given the drastic needs of our nation's airports, it is long-overdue that we lift the restrictions imposed at the federal level on local officials to collect necessary revenues to make much-needed improvements."

MT MAILBAG: The Senate Democratic duo we have dubbed "Blumenarkey" wants DOT to look into alleged airfare price gouging amid Hurricane Irma. In a letter to Chao, Sens. Richard Blumenthal of Connecticut and Ed Markey of Massachusetts write that "a number of troubling reports ... have surfaced that detail exorbitantly high airfares on a number of airlines."

SHIFTING GEARS: Lyft brought on Jake Swanton as a senior federal public policy manager, Pro Technology's Li Zhou reports. Swanton was a legislative director for former Sen. Mark Udall and a director of government relations at the Pew Charitable Trusts. Lyft also hired Tommy Leander to be a federal public policy associate. Leander served as a legislative assistant to Rep. David Schweikert (R-Ariz.). Meanwhile, Lauren Belive was promoted to director of federal government relations at the ridesharing company.

Bonus shift: Emily Feenstra has left the US Water Alliance, where she served as deputy director, to once again be the American Society of Civil Engineers' director of public affairs and infrastructure initiatives. (h/t POLITICO Influence)

MEMBER UP: Lyft, Third Way, the American Council of the Blind, the R Street Institute and the Competitive Enterprise Institute have joined the Coalition for Future Mobility, which advocates on legislation related to self-driving cars.

THE AUTOBAHN:

- "Appropriators prepare 'anomalies' list for spending stopgap." Pro Budget & Appropriations Brief.

- "Pruitt tightens political reins on key operations." E&E News.

- "This Delta flight raced Irma and won." The Washington Post.

- "JetBlue, American capping fares at $99 ahead of Irma." The Miami Herald.

- "Alarm didn't ring at Waymo before Uber was sued for theft." Bloomberg.

- "No shortage of drama as Menendez trial kicks off." POLITICO New Jersey.

- "JetBlue: help wanted. Pilots can be paid as instructors while training to join airline." USA Today.

THE COUNTDOWN: DOT appropriations run out in 24 days. The FAA reauthorization expires in 24 days. Highway and transit policy is up for renewal in 1,120 days.

** **A message from Citizens for On Time Flights:** Flying shouldn't be us vs. them. Yet it's hard to look past the fact that the millions of Americans flying commercial every day are subsidizing the .01 percent flying private jets. Their sweetheart deal is surely why private jet owners oppose Air Traffic Control reform. The status quo has been good to them. But the ATC reform bill before Congress would make air travel better for everyone: shorter flights, lower emissions, and fewer cancellations and delays. That's time, and that's money. A modern system benefits all Americans. Visit OnTimeFlights.org and tell Congress it's time to leave the status quo behind. **

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Thur 7/27/2017 10:36:29 PM
Subject: BREAKING NEWS: Senate overwhelmingly approves Russia sanctions bill

The Senate voted 98-2 to send a bipartisan sanctions package against Russia, Iran, and North Korea to President Donald Trump's desk. The White House remains noncommittal on whether he will sign it, though a veto would almost certainly be overridden.

Read more: http://politi.co/2eRtXmZ

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From: POLITICO Pro Energy Whiteboard
Sent: Mon 9/18/2017 9:45:24 PM
Subject: Sierra Club sues EPA over unfulfilled public records requests

By Anthony Adragna

09/18/2017 05:42 PM EDT

The Sierra Club filed a lawsuit today in federal district court seeking to compel EPA to release a host of records about the activities of Administrator Scott Pruitt, including his schedule, list of meetings and records of communications with outside parties.

"EPA has chosen to engage in a pattern of unlawfully rebuffing, or vaguely and indefinitely delaying response to, FOIA requests from a variety of public-interest requesters, including Sierra Club," the group wrote in its lawsuit, filed in the U.S. District Court for the District of Columbia.

The green group originally filed its Freedom of Information Request in June and the agency has not yet produced responsive records nor provided any indication of when it might be able to.

In addition to Pruitt's communications, Sierra Club filed similar requests for several senior EPA officials. They included external communications and calendars of Chief of Staff Ryan Jackson and Associate Administrator Samantha Dravis; records from Pruitt's scheduler and communications between Senior Policy Advisor Mandy Gunasekara and specific members of the National Mining Association.

An EPA spokesperson said the agency would not comment on pending litigation.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/sierra-club-sues-epa-over-unfulfilled-public-records-requests-093106

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EHS Federal Regulatory Alert

November 28, 2017 - Number 227

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Summaries

AIR
Missouri SIP/2008 Ozone NAAQS Infrastructure Requirements
AIR

Notice of the EPA announces the withdrawal of an Oct. 6, 2017, direct final rule (82 FR 46679) that would have approved portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2008 ozone NAAQS. The revisions address prevention of significant deterioration of air quality (prong 3). The agency took no action on significant contribution to nonattainment (prong 1) or interference with maintenance of the NAAQS (prong 2) because those elements were not addressed in the SIP revision submittal. The agency will act separately on proposed revisions concerning protection of visibility (prong 4). The withdrawal is in response to adverse comments. The agency will proceed with a final rule based on the related proposed rule (82 FR 46741; 10/06/2017). The withdrawal is effective Nov. 28, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 56172 (11/28/2017)

Regulatory Update

AIR
Missouri SIP/2010 SO2 NAAQS Infrastructure Requirements
AIR

Notice of the EPA announces the withdrawal of an Oct. 6, 2017, direct final rule (82 FR 46672) that would have approved portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2010 sulfur dioxide (SO2) NAAQS. The rule would have approved revisions concerning prevention of significant deterioration of air quality (prong 3). The agency took no action on revisions concerning significant contribution to nonattainment (prong 1), interference with maintenance of the NAAQS (prong 2), or certain requirements for designated nonattainment areas. Revisions concerning protection of visibility (prong 4) will be addressed in a separate rulemaking. The withdrawal is in response to adverse comments. The agency will proceed with a

final rule based on the related proposed rule (82 FR 46742; 10/06/2017). The withdrawal is effective Nov. 28, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320(e)

82 FR 56172 (11/28/2017)

Regulatory Update

AIR
Nebraska SIP/Operating Permits Program
AIR

Notice of the EPA announces the withdrawal of an Oct. 5, 2017, direct final rule (82 FR 46420) that would have approved portions of revisions to the Nebraska SIP, the operating permits program, and the Section 112(l) program. The revisions incorporate by reference the list of organic compounds that are exempt from the definition of volatile organic compound and update notification requirements for the operating permits program. The revisions also extend the process of off-permit changes to Class I operating permits. The withdrawal is in response to adverse comments. The agency will proceed with a final rule based on the related proposed rule (82 FR 46453; 10/05/2017). The withdrawal is effective Nov. 28, 2017. Contact: Greg Crable; EPA Region 7, Air Planning and Development Branch; 913-551-7391; crable.gregory@epa.gov. Citations: 40 CFR 52.1420; 70, Appendix A

82 FR 56173 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Army Corps of Engineers Regulatory Review Report
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Army Corps of Engineers announces the availability of a report that assesses potential changes to regulations to reduce limitations on the development and use of domestic energy resources, including oil, natural gas, coal, nuclear energy, and renewable energy. The report, which is required by Executive Order 13783 on promoting energy independence and economic growth (82 FR 16093; 03/31/2017), proposes changes to nine nationwide permits that authorize activities under Section 10 of the Rivers and Harbors Act and Section 404 the Clean Water Act. The permits relate to maintenance, utility line activities, hydropower projects, surface coal mining, commercial and institutional developments, coal remining, underground coal mining, land-based renewable energy generation projects, and water-based renewable energy generation pilot projects. Contact: David Olson; USACE; 202-761-4922

82 FR 56192 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Pure Water San Diego Program, North City Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Reclamation announces the availability of a draft environmental impact

statement regarding the North City Project in San Diego. The project is the first phase of the Pure Water San Diego Program, a water and wastewater facilities plan to produce potable water from recycled water via construction of new water and wastewater treatment facilities, pump stations, and pipelines. The proposed project involves expansion of the North City Water Reclamation Plant through construction of an adjacent North City Pure Water Facility with a purified water pipeline to Miramar Reservoir. The project also involves construction of the North City Renewable Energy Facility to receive landfill gas from the Miramar Landfill gas collection system via a gas pipeline. The notice specifies that a project alternative would involve the installation of a longer pipeline to deliver water to San Vicente Reservoir. Comments are due Jan. 8, 2018. Contact: Doug McPherson; Department of the Interior, Bureau of Reclamation; 951-695-5310; dmcpherson@usbr.gov

82 FR 56264 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Electric Utilities/Performance During Faults, Training for Personnel
GENERAL ENVIRONMENT AND SAFETY

Proposed rule of FERC would approve reliability standards PRC-027-1 (coordination of protection systems for performance during faults) and PER-006-1 (specific training for personnel) submitted by the North American Electric Reliability Corp. (NERC). The rule would maintain the coordination of protection systems installed to detect and isolate faults on bulk electric system elements and ensure that personnel are trained on specific topics essential to reliability to perform or support real-time operations of the bulk electric system. The commission proposes that NERC modify proposed reliability standard PRC-027-1 to require an initial protection system coordination study to ensure that applicable entities will perform a study demonstrating proper coordination of its protection systems. The rule also would approve associated violation risk factors, violation severity levels, implementation plans, and effective dates proposed by NERC and approve the retirement of reliability standard PRC-001-1.1(ii)(system protection coordination). In addition, the rule would approve new and revised definitions of "protection system coordination study," "operational planning analysis," and "real-time assessment." Comments are due Jan. 29, 2018. Contact: Juan Villar; FERC, Office of Electric Reliability; 772-678-6496; Juan.Villar@ferc.gov. Citations: 18 CFR 40

82 FR 56186 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Energy Conservation Standards Program Design
GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department, Office of Energy Efficiency and Renewable Energy, announces a request for information regarding the potential advantages and disadvantages of revising the U.S. Appliance and Equipment Energy Conservation Standards (ECS) program to include additional compliance flexibility. Feedback is requested on the possible design of such a program, with particular interest expressed for designs that incorporate market-based policy mechanisms, such as averaging, credit trading, or feebate programs. Feedback also is requested on possible economic efficiency gains, impacts on consumer and manufacturer costs and on energy savings, and suggestions for a pilot product category and/or phase-in of revisions across

the ECS program. In addition, the agency requests feedback on potential challenges with designing and implementing flexible program approaches as well as possible solutions. Comments are due Feb. 26, 2018. Contact: DOE, Office of Energy Efficiency and Renewable Energy; 202-287-1445; ProgramDesign2017STD0059@ee.doe.gov. Citations: 10 CFR 430

82 FR 56181 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Lower Colorado River Multi-Species Conservation Program/Northern Mexican Gartersnake
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Fish and Wildlife Service announces the availability of a draft environmental assessment for a draft amendment to the existing Endangered Species Act permit for the Lower Colorado River Multi-Species Conservation Program (LCR MSCP) that would add the northern Mexican gartersnake as a covered species. The amendment would provide incidental take coverage to the gartersnake for activities associated with river operations and water and power delivery for the entire program area in Arizona, California, and Nevada. Contact: Steve Spangle; USFWS, Arizona Ecological Services Field Office; 602–242–0210; incomingazcorr@fws.gov

82 FR 56261 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
New Mexico/Farmington District Resource Advisory Council
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Land Management announces a meeting of the Farmington District, N.M., Resource Advisory Council and field trip to the Chockcherry Canyon in the Glade Run Recreation Area. The agenda includes updates on the Farmington resources management plan amendment and the land use planning in the Taos Field Office, updates on the Taos general recreation plan and the Farmington Glade Run recreation implementation plan, and an overview of fire and fuel plan treatments for the Farmington District. The agenda also includes a presentation of the BLM's role in the Four Corners Air Quality Group and the introduction of new RAC members and election of a new RAC chair. The meeting and field trip are scheduled for Jan. 30 and 31, 2018, respectively, in Farmington, N.M. Comments are due Jan. 29, 2017. Contact: Zach Stone; BLM, Farmington District Office; 505-564-7677; zstone@blm.gov

82 FR 56263 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
New Mexico/Las Cruces District Resource Advisory Council Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Land Management announces a meeting of the Las Cruces District, N.M., Resource Advisory Council and field trip to the northern Potrillo Mountains. The agenda includes updates on current and proposed lands including realty, planning, and energy projects in the

district; the Tri-County Supplemental Resource Management Plan; and the land-use planning process in the district. The field trip and meeting are scheduled for Jan. 30 and 31, 2018, respectively, in Las Cruces, N.M. Comments are due Jan. 29, 2018. Contact: Deborah Stevens; BLM, Las Cruces District; 575-525-4421

82 FR 56264 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Regulatory Review Period/Rapivab
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination of the regulatory review period for the human drug product Rapivab (peramivir) in response to a patent term restoration application from BioCryst Pharmaceuticals Inc., of Durham, N.C. The product is indicated for the treatment of acute uncomplicated influenza in patients 18 years and older who have been symptomatic for no more than two days. Comments are due Jan. 29, 2018. Petitions for a determination of whether the applicant for extension acted with due diligence during the regulatory review period are due May 29, 2018. Contact: Beverly Friedman; FDA, Office of Regulatory Policy; 301-796-3600

82 FR 56244 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Regulatory Review Period/Savaysa
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination of the regulatory review period for the human drug product Savaysa (edoxaban tosylate monohydrate) in response to a patent term restoration application from Daiichi Sankyo Co., of Tokyo. The product is indicated to reduce the risk of stroke and systemic embolism in patients with nonvalvular atrial fibrillation and for the treatment of deep vein thrombosis and pulmonary embolism following five to 10 days of initial therapy with a parenteral anticoagulant. Comments are due Jan. 29, 2018. Petitions for a determination of whether the applicant for extension acted with due diligence during the regulatory review period are due May 29, 2018. Contact: Beverly Friedman; FDA, Office of Regulatory Policy; 301-796-3600

82 FR 56252 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Regulatory Review Period/Senza Spinal Cord Stimulation System
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination of the regulatory review period for the medical device Senza spinal cord stimulation system in response to a patent term restoration application from Nevro Corp., of Redwood City, Calif. The product is indicated as an aid in the management of chronic intractable pain of the trunk and/or limbs, including unilateral or bilateral pain associated with failed back surgery syndrome, intractable low-back pain, or leg pain. Comments

are due Jan. 29, 2018. Petitions for a determination of whether the applicant for extension acted with due diligence during the regulatory review period are due May 29, 2018. Contact: Beverly Friedman; FDA, Office of Regulatory Policy; 301-796-3600

82 FR 56250 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Regulatory Review Period/Yondelis
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination of the regulatory review period for the human drug product Yondelis (trabectedin) in response to a patent term restoration application from Pharma Mar SA, of Madrid. The product is indicated for the treatment of patients with unresectable or metastatic liposarcoma or leiomyosarcoma who received a prior anthracycline-containing regimen. Comments are due Jan. 29, 2018. Petitions for a determination of whether the applicant for extension acted with due diligence during the regulatory review period are due May 29, 2018. Contact: Beverly Friedman; FDA, Office of Regulatory Policy; 301-796-3600

82 FR 56246 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Regulatory Review Period/Zerbaxa
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination of the regulatory review period for the human drug product Zerbaxa (ceftolozane sulfate and tazobactam sodium) in response to patent term restoration applications from Astellas Pharma Inc., of Tokyo, and Wakunaga Pharmaceutical Co., of Osaka, Japan. The product is indicated for the treatment of complicated intra-abdominal infections, used in combination with metronidazole and for complicated urinary tract infections, including pyelonephritis. Comments are due Jan. 29, 2018. Petitions for a determination of whether the applicant for extension acted with due diligence during the regulatory review period are due May 29, 2018. Contact: Beverly Friedman; FDA, Office of Regulatory Policy; 301-796-3600

82 FR 56253 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
U.S.-Chile Environmental Cooperation Agreement Work Program
GENERAL ENVIRONMENT AND SAFETY

Notice of the State Department requests comments and suggestions regarding items for inclusion in the 2018-2020 Work Program to be established by the U.S. and Chile pursuant to the U.S.-Chile Environmental Cooperation Agreement. Comments are due Dec. 6, 2017. Contact: Keri Holland; State Department; Bureau of Oceans and International Environmental and Scientific Affairs; 202-647-6777; HollandKJ@state.gov

82 FR 56321 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Variant Classification and Interpretation in Precision Oncology Workshop
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a workshop to discuss precision oncology variant classification and interpretation to weigh evidence of sequencing results. The workshop is intended to collect input from internal and external experts in precision oncology to discuss how genetic sequencing data is best implemented in patient management so that regulatory strategies can be advanced to support the development of safe and effective precision-based drugs and devices for marketing. The workshop is scheduled for Jan. 29, 2018, in Silver Spring, Md. Contact: Hisani Madison; FDA, Center for Devices and Radiological Health; 240-402-6581; hisani.madison@fda.hhs.gov

82 FR 56245 (11/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
X-Ray Imaging Device Premarket Notifications/Pediatric Information
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a guidance for industry concerning pediatric information for X-ray imaging device premarket notifications. The guidance details what information should be included in premarket notification submissions and device labeling for X-ray imaging devices indicated for pediatric populations or general use X-ray imaging devices for which considerable pediatric application is anticipated. The guidance also provides recommendations for labeling, including the instructions for use. The guidance applies to both new devices and modifications of existing X-ray imaging devices that require submission of a new premarket notification, regardless of whether the device is a complete X-ray imaging system, a component part of an X-ray imaging device, or an accessory. Comments may be submitted at any time. Contact: Laurel Burk; FDA, Center for Devices and Radiological Health; 301-796-5933

82 FR 56248 (11/28/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Connecticut/Bridgeport Fire Superfund Site
HAZARDOUS WASTE CLEANUP

Notice of the EPA announces a proposed settlement agreement under CERCLA with Rowayton Trading Co., of Rowayton, Conn., regarding the Bridgeport Fire Superfund Site in Bridgeport, Conn. The agreement requires the settling party to pay $50,000 to the Superfund and includes a covenant not to sue. Comments are due Dec. 28, 2017. Contact: Cynthia Lewis; EPA, Office of General Counsel; 617-918-1889; lewis.cindy@epa.gov

82 FR 56234 (11/28/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Kansas/CERCLA Stipulation and Order
HAZARDOUS WASTE CLEANUP

Notice of the Department of Justice announces a proposed stipulation and order in In re Hawker Beechcraft Inc. (No. 12-11873 (SMB)), lodged on Nov. 20, 2017, with the U.S. Bankruptcy Court for the Southern District of New York. The proposed stipulation and order addresses the recovery of past response costs under CERCLA incurred by the U.S. concerning contamination at the Tri-County Public Airport (TCPA) site in Morris County, Kansas. Under the stipulation and order, the defendants agree that the U.S. will have an allowed general unsecured claim of $738,337 for response costs and agree that any claim for costs incurred on or after the petition date at the site and three other Kansas sites is not discharged or impaired. The defendants also agree that they will comply with CERLCA administrative orders related to the TCPA site. The U.S. agrees not to sue the parties for any pre-petition response costs at the four sites. Comments are due Dec. 28, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 56269 (11/28/2017)

Regulatory Update

MINING
National Coal Council Charter Renewal
MINING

Notice of the Energy Department, Office of Fossil Energy, announces the renewal of the charter for the National Coal Council for two years. The council provides advice, information and recommendations to the secretary of Energy regarding coal policy issues. Members consist of representatives from the coal industry, including from large and small companies; commercial and residential consumers; and environmental, labor, research, and academic organizations. Contact: Daniel Matuszak; DOE; 202-287-6915; daniel.matuszak@hq.doe.gov

82 FR 56226 (11/28/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Nationally Recognized Testing Laboratories/Intertek
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces a final decision to expand the scope of recognition for Intertek Testing Services NA, of Cortland, N.Y., as a nationally recognized testing laboratory. The expansion involves the addition of seven test standards to its scope of recognition. The decision is effective Nov. 28, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov. Citations: 29 CFR 1910.7

82 FR 56270 (11/28/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerance Exemption/Polyethyleneimine
PESTICIDES

Final rule of the EPA establishes an exemption from the requirement of a tolerance for residues of polyethyleneimine when used as an inert ingredient in a pesticide chemical formulation on growing crops and raw agricultural commodities after harvest. The rule is issued in response to a petition filed on behalf of BASF Corp., of Florham Park, NJ. The rule is effective Nov. 28, 2017. Objections and hearing requests are due Jan. 29, 2018. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.910

82 FR 56173 (11/28/2017)

Regulatory Update

RADIATION
Missouri/Discovery Ridge Radioisotope Production Facility
RADIATION

Notice of the NRC announces a hearing to receive testimony and exhibits related to Northwest Medical Isotopes LLC's application for a permit to construct a radioisotope production facility at the Discovery Ridge Research Park in Columbia, Mo. The agenda includes presentations and discussions regarding safety and environmental matters related to the project. The commission previously issued a final environmental impact statement (82 FR 22858; 05/18/2017) recommending that the permit should be issued. The hearing is scheduled for Jan. 23, 2018, in Rockville, Md., and will continue on subsequent days if necessary. Documents and comments are due Jan. 2, 2018. Contact: Denise McGovern; NRC, Office of the Secretary; 301-415-0681; Denise.McGovern@nrc.gov. Citations: 10 CFR 50.35, 50.40, 50.50, 51.105

82 FR 56276 (11/28/2017)

Regulatory Update

WATER
Perchlorate in Drinking Water/Peer Review Meeting
WATER

Notice of the EPA announces a peer review meeting and final list of expert peer review panelists for review of scientific materials in the draft report on proposed approaches to inform the derivation of a maximum contaminant level goal for perchlorate in drinking water (82 FR 43354; 09/15/2017). The report describes revisions to the biologically based dose-response model and model report for perchlorate in drinking water following the first peer review in January 2017 (81 FR 87553; 12/05/2016). The notice also includes a list of the eight expert peer reviewers selected by the EPA's contractor Versar Inc. The meeting is scheduled for Jan. 29-30, 2018, in Arlington, Va. Contact: Samuel Hernandez; EPA, Office of Ground Water and Drinking Water; 202-564-1735; hernandez.samuel@epa.gov

82 FR 56235 (11/28/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 8/2/2017 10:16:32 PM
Subject: Sources: White House sends Democratic FERC nomination to Senate

By Darius Dixon

08/02/2017 06:13 PM EDT

The White House today sent the much-awaited paperwork of Democratic FERC nominee Rich Glick to the Senate, according to multiple Senate aides, opening up the chance that the agency's quorum may be restored before the upper chamber goes on recess.

FERC has been without a leadership quorum since early February, leaving it unable to decide on major interstate natural gas pipelines, liquefied natural gas export terminals, anti-market manipulation cases or contested electric rate plans.

GOP picks Neil Chatterjee and Rob Powelson were approved by the Senate Energy and Natural Resources Committee in June, but they have been stalled since as Democrats used procedural tactics to slow-walk confirmations for most Trump nominees amid GOP efforts to repeal Obamacare.

After the latest effort to repeal the health care law fizzled last week, Senate Minority Leader Chuck Schumer said that "a whole lot" of nominees may get floor time. The Senate plans to leave for recess no later than next week, and negotiations are ongoing over a package of nominees that may be confirmed before then.

FERC nominees typically get confirmed in bipartisan pairs, and the absence of Glick's nomination has been a sticking point for Democrats looking for insurance that he gets on the commission in addition to three open Republican seats.

There is not enough time to get Glick through committee before recess. But the paperwork for President Donald Trump's pick for FERC chairman, Kevin McIntyre, has not yet been sent to the Senate, so the two could be confirmed in tandem when the Senate returns in September.

WHAT'S NEXT: With Glick's nomination paperwork in the Senate, it's possible Chatterjee and Powelson get approved on the Senate floor with a voice vote or by unanimous consent, however the timing is unclear and negotiations over nominees is still delicate.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/sources-white-house-sends-democratic-ferc-nomination-to-senate-091434

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Thur 9/7/2017 2:05:32 PM
Subject: POLITICO's Morning Energy, presented by Chevron: Energy amendments ready for House debate — Little new energy talk from Trump in North Dakota — EPA preps as Hurricane Irma hits Caribbean

By Anthony Adragna | 09/07/2017 10:00 AM EDT

With help from Eric Wolff, Ben Lefebvre and Darius Dixon

TEED UP, READY TO GO: House Rules Committee lawmakers readied 80 EPA and Interior amendments for floor consideration as the chamber moves through its mammoth, 1,300-page spending package H.R. 3354 (115) starting today. Here are six worth watching as debate moves along:

1. An amendment from senior Natural Resources Committee Democrats restoring funding to EPA's environmental justice program by taking funds from the Interior secretary's office,

2. An effort by New York Republican Rep. John Katko to restore $250 million in Clean Water State Revolving Funds, an infrastructure program that usually enjoys broad bipartisan support,

3. A push by Rep. Gary Palmer to eliminate funding for the Diesel Emissions Reduction Act, which helps convert diesel engines to more efficient ones. Several dozen groups sent a letter to House members opposing the move.

4. A bipartisan amendment from Republican Frank LoBiondo and Democrat Don Beyer to block offshore drilling in a host of Atlantic sites,

5. An amendment from Rep. Scott Perry blocking EPA from issuing any regulations under Section 115 of the Clean Air Act, feared by some conservatives as a hidden weapon to mandate carbon regulations,

6. A Republican amendment that would bar federal agencies from using funds to cover legal fees associated with Clean Air Act, Clean Water Act and Endangered Species Act settlements.

Other Democratic amendments expected to fail would block President Donald Trump's administration from delaying ozone standards, being able to unilaterally withdraw the Waters of the U.S. rule and preparing a new five-year offshore oil and gas leasing plan.

A full list of amendments is available here.

NOT MUCH ENERGY CHATTER IN MANDAN: Trump's tax talk at Andeavor's refinery in Mandan, N.D., yielded little fresh energy news on Wednesday. Addressing a crowd at the plant that had expanded in 2012 to take in more Bakken crude, Trump warned of a tax code that caused businesses to be "regulated out of existence." Continental Resources CEO and Trump pal Harold Hamm made a brief cameo in sunglasses to say: "You find oil in North Dakota! And the

Bakken!"

Trump freestyled on energy regulations and pipelines: "The Dakota Access Pipeline is finally open for business. Now, what other politician, if elected President, would have done that one? They would have stayed so far away. And I did it immediately, and I didn't even do it in that case for jobs. It was the right thing to do. And that is flowing now beautifully." ME would note that any of the other 2016 GOP presidential candidates would have approved the pipeline if elected.

Memorable: Trump, who tried a softer touch to get centrist Sen. Heidi Heitkamp on board with tax reform that he used on Missouri Sen. Claire McCaskill, may have inadvertently written the Democrat's first reelection ad by calling her on stage and proclaiming her a "good woman." Heitkamp tweeted an (awkward) selfie with refinery workers, while potential challenger Rep. Kevin Cramer posted a selfie with Trump.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and NEI's Robert Powers was first up to identify Alaska as our least densely populated state. For today: In what state was the first ATM in the U.S. installed (back in 1969)? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

** **A message from Chevron:** Advanced technology is helping us find safer ways to deliver energy. We're piloting a program that uses drones to monitor tanks and pipelines. Watch the video: http://politi.co/2grzhhE **

U.S. TERRITORY BRACES FOR IRMA: There are already reports of massive damage from the massive Category 5 Hurricane Irma across the Caribbean, but Puerto Rico's electric company warned Wednesday the storm with 185 miles an hour winds could leave the island without power for four to six months, the Miami Herald reports. Meanwhile, EPA Administrator Scott Pruitt approved an emergency fuel waiver for Florida and the agency said it was securing 22 current or former Superfund sites in the 100 southernmost miles of the state.

In an all-staff email, Pruitt thanked employees for their response efforts to Hurricane Harvey in Texas and said the agency had already begun preparations for Irma's landfall. "While Harvey caused extreme flooding, our biggest health and environmental concerns in Puerto Rico and the U.S. Virgin Islands are potential oil spills and the potential impacts of power disruptions on drinking and waste water systems," he wrote. The agency is working with regions 2 and 4 to secure Superfund sites and drinking and waste water systems to prevent spills. And the Miami Herald looks at what two Florida nuclear plants are doing to get ready.

NEW ENERGY BUYERS GROUP FORMS: A collection of corporate giants - Microsoft, Walmart, Amazon, Salesforce, Lockheed Martin and Aligned Energy, among them - is today launching the Advanced Energy Buyers Group. The new entity, coordinated by Advanced Energy Economy, will push to expand the market for purchasing renewable and other advanced energy sources as large companies seek to hit their sustainability targets. "We've made good progress, but more work needs to be done to advance policies that make it easier and cheaper for more companies, schools, hospitals and families to buy clean energy," Rob Bernard, chief

environmental strategist at Microsoft, said in a statement.

ENERGY INDUSTRY HITS BACK AT EXXON STUDY: Energy in Depth argues in a Wednesday post that a Harvard study asserting that Exxon Mobil misled the public on climate change left out many of the company's public advertorials on the subject, an oversight that would have "severely weakened" the study's conclusions. They say some of the pieces included in the research came mainly from Mobil before it merged with Exxon, meaning the study "largely compared the climate research of one company with the advertorials of a different company." Neither author responded to requests for comment.

WILDFIRE FUNDING MAY HITCH A RIDE: Lawmakers are poised pass an initial injection of relief funding for Hurricane Harvey, but senior Republicans want a second bill to also address the dozens of wildfires throughout the West. "There will be more disaster relief coming up obviously and I would suspect that wildfire will be part of that," Rep. Mike Simpson, a senior appropriator, told reporters. "There are other things than just hurricanes and right now they're burning in the west." House Natural Resources Chairman Rob Bishop said he could go along with that approach, but still hoped to pursue broader reforms to how the federal government responds to wildfires.

RUMOR QUASHED: Any idea that Interior Secretary Ryan Zinke might mount a 2018 challenge to Democratic Sen. Jon Tester seemed to die Wednesday when his wife, Lola, signed on as campaign chair for Tester challenger Troy Downing. "I first met Troy on a fishing trip and his kindness, intelligence, youthful enthusiasm, business experience and amazing military history made me think that one day he must serve his state and country again," she said. "And right now is the perfect time."

NOMINEE TRAIN KEEPS ON ROLLING: The Senate will take a big step for FERC today when the Energy and Natural Resources Committee runs Trump's latest picks for the agency through the ringer - but don't expect all too much pulse-pounding excitement. Kevin McIntyre, Trump's FERC chairman-in-waiting, is likely to get peppered by Democrats about his long list of energy industry clients during his long stretch with Jones Day, and commitments to maintain FERC's independence. On the other hand, Rich Glick, general counsel for ENR Democrats, is generally well-liked on both sides of the aisle. But the reason FERC nominees, and members of other federal commissions, from different parties tend to move together is so everyone has something to gain and good reason to hold their fire. By all accounts, McIntyre and his record are boring - which will work in his favor. But much like earlier FERC nomination hearings, expect questions about the growth of renewables, the survival of coal and the threats of climate change.

Two Interior noms up too: Joseph Balash, Sen. Dan Sullivan's chief-of-staff and a deputy commissioner of the Alaska Department of Natural Resources, gets his hearing on his bid to become Interior's assistant secretary for land and mineral management. And Ryan Nelson, general counsel for Idaho-based Melaleuca, an online "wellness shopping club" since 2009, gets his day in the hot seat as he vies to become Interior's solicitor. Take a look at his newly-obtained ethics and financial documents.

If you go: The hearing is slated to begin at 10:30 a.m. in Dirksen 366.

SVINICKI SAYS SUMMER SHUTDOWN HIT 35 AT NRC: Plans to scuttle the Summer nuclear project may cause about 35 NRC employees to find other jobs at the agency, NRC Chairwoman Kristine Svinicki said Wednesday. "Summer was in the neighborhood of 35 agency-wide positions impacted," she said at an agency all-hands meeting, amid a years' long effort to resize the NRC's staffing and mission as the nuclear industry declines. But, Svinicki said, in spite of the heartache for those employees, it doesn't represent a major shift for an agency with more than 3,200 employees. "The project has been canceled so efforts are ongoing to look at positions where those same skill sets of those individuals might align," she said.

Svinicki: DOE didn't ask us to help on grid study: An NRC staff meeting is its own kind of jargonfest, and one staffer took issue with nuclear-related language in DOE's recent grid study that seemed to confuse regulators. Among its recommendations, the study urged the NRC to revisit "nuclear safety rules under a risk-based approach," without giving the term much context. "I'm not certain if they recognized the distinction between risk-informed and risk-based," Svinicki said. The NRC leans more heavily on "risk-informed" regulation, which factors in safety elements that aren't purely calculations of issues that could lead to accidents. The NRC reached out to DOE to help with the report, Svinicki said, but "to my knowledge, they appreciated that but did not take us up on it. I think it's fair to say that the language DOE used was developed by them without really any kind of reaction from NRC or any of our experts."

DOE ELECTRICITY GROUP SHRUNK: Energy Secretary Rick Perry has decided to reduce the size of the Energy Department's Electricity Advisory Committee from 32 to 24 people, Pro's Darius Dixon reports. But he's decided to install six new members even as he reduces the board's overall size. The electricity advisory committee will meet next Wednesday and Thursday in Arlington, Va.

MURKOWSKI LOOKING AT GRANTS ISSUE: Sen. Lisa Murkowski, who oversees the Appropriations subcommittee in charge of EPA funding, told reporters she's looking into reports the agency halted all grants to Alaska for several weeks in the aftermath of her vote against the GOP health care bill. "I want to know, is this really so? Cause, if so, that's kind of upsetting," she said. An agency spokeswoman pushed back on the reports, telling TPM "a state was never was singled out in the grant review process; grants were never withheld."

STEEL GROUP BACKS SUNIVA SOLAR TRADE PETITION: The Steel Manufacturers Association, representing 30 North American producers, is backing a bid from Suniva and SolarWorld Americas to have the ITC impose steep tariffs on imported solar cells and modules. "The steel industry fought back in 2001 and was awarded temporary relief that gave the industry the chance to recover," Philip Bell, president of the group, wrote in a letter. "The American solar industry deserves a similar chance."

NEW MEXICANS PUSH ZINKE ON LAND LEASING: Sens. Tom Udall and Martin Heinrich, as well as Rep. Ben Ray Luján , asked Zinke to uphold a previous commitment to defer all leases on land near Chaco Culture National Historical Park as the federal government mulls how to manage the area. "We further appreciate your recent public support for the BLM

and BIA's cooperative approach, and respectfully request that you maintain the status quo and defer leasing" until the process is completed, they wrote in a letter.

SCALING ON UP: The World Resources Institute, in a report out today, urges cities to accelerate the shift to cleaner cooking, work to scale up distributed renewable energy sources and prioritize expanding energy efficiency of buildings and appliances as they push to expand energy access amid rapid growth.

AN ELECTRON STORED IS AN ELECTRON EARNED: Utility customers installed a record number of behind-the-meter batteries and other power storage systems in the second quarter of 2017, GTM Research and the U.S. Energy Storage Association say in a report out this morning. Behind-the-meter systems are typically smaller than big utility-scale systems, and are usually installed by residential or commercial customers. The numbers are still tiny, as only 32 megawatt hours of capacity were installed, led by California, Hawaii and New York, all of which have incentive programs.

CONTOURING THE EVER-ELUSIVE CARBON TAX: The R St. Institute is out with a new paper this morning looking at how to structure a border-adjusted carbon tax "to deal with imports from and exports to other nations that do not have an equivalent carbon price."

MOVER, SHAKER: Elbert Lin has left his post as solicitor general for West Virginia to go to Hunton & Williams. Lin made his name when he helped persuade the U.S. Supreme Court to put a stay on the Clean Power Plan. Lin will be joined at Hunton by Virginia Solicitor General Stuart Raphael.

Dave Hoppe, Speaker Paul Ryan's chief of staff until January, has joined 38 North Solutions as a senior principal. The group advises groups primarily in the energy and tech sectors. "His vast experience in public policy and political strategy complements our team's expertise in clean energy and technology innovation," Katherine Hamilton, the firm's chair, said in a statement.

BROMIGOS? After "horsing around" during an earlier visit to New Mexico, Heinrich tweeted a picture of him getting back at Zinke with a headlock Wednesday.

QUICK HITS

- Federal Utility: Coal Ash Removal Would Take 24 Years. AP.

- Oil Companies Leaking Benzene Lobbied Against Pollution Rules. International Business Times.

- Hurricanes Irma, Harvey restart debate on climate change and warmer oceans. Miami Herald.

- Putin Rejects Cutting Off Oil to North Korea. New York Times.

- Large chunk of U.S. chemical production struggling to come back online after Harvey. Houston Chronicle.

- Harvey Swept Hazardous Mercury Ashore. The Mystery: Its Source. New York Times.

THAT'S ALL FOR ME!

** **A message from Chevron:** Advanced technology is helping us find better and safer ways to deliver energy to America. We're piloting a program that uses drones, HD imaging, and thermal mapping capabilities to monitor Chevron wells, tanks, and miles of pipeline. Watch the video: http://politi.co/2grzhhE **

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/09/07/little-new-energy-talk-from-trump-in-north-dakota-222159

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Mon 7/10/2017 10:56:08 PM
Subject: Today on Climate Beat

July 10, 2017

Today on Climate Beat . . .

. . . we took a trip to the Mountain State, where several contenders, all sharp critics of EPA greenhouse gas regulations, will face off in a primary vying to be the GOP contender to challenge West Virginia's Democratic senator, Joe Manchin, who is up for re-election in 2018.

Across the pond, the United States was isolated on climate at the G-20 leaders' summit, which concluded over the weekend. The United States was relegated to a footnote in the G-20 climate and energy action plan, and the other 19 nations united to give a strong endorsement of the Paris Agreement's implementation.

And in the courts, environmental and tribal groups have sued the Bureau of Land Management over its administrative stay of several deadlines in its methane venting and flaring rule, joining the attorneys general of California and New Mexico who challenged the action last week.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Thur 7/27/2017 9:43:21 PM
Subject: BREAKING NEWS: Three GOP senators threaten to block Obamacare repeal bill

Three Republican senators said they will block the GOP's "skinny" Obamacare repeal bill without an ironclad guarantee from House Speaker Paul Ryan that the bill will go to conference committee and not simply be passed by the House and sent to President Donald Trump.

Some House members have suggested the plan could be quickly approved by the House after the Senate passes it. "I need a guarantee," said Sen. Lindsey Graham of South Carolina, who was joined by John McCain of Arizona and Ron Johnson of Wisconsin.

Read more: http://politi.co/2v1sG3n

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 7/27/2017 8:48:26 PM
Subject: Bishop defends Zinke pressure on Alaska senators

By Esther Whieldon

07/27/2017 04:45 PM EDT

House Natural Resources Chairman Rob Bishop today defended Interior Secretary Ryan Zinke's recent call to Sen. Lisa Murkowski (R-Alaska) in which the secretary reportedly threatened to pull his support for energy and public land issues Murkowski cares about after she voted against taking up a bill to repeal Obamacare.

"That is not unprecedented, [he] has a right to do that," Bishop told reporters in the Capitol. Bishop said former Interior Secretary Sally Jewell would call him "complaining about some things that we were doing."

Bishop said President Barack Obama in 2009 had members of his Cabinet press senators over funding for F-22s in a defense authorization bill.

"When Obama sent his cabinet to lobby the Senate for a week on F-22, you don't think there was bullying and threatening that was going on with that? ... Come on, this has happened all the time," Bishop said. "There is nothing unique about this, there is nothing new about this. ... This is tradition."

Democrats are demanding an investigation into Zinke's calls to Murkowski and fellow Alaska Sen. Dan Sullivan.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/07/bishop-defends-zinke-pressure-on-alaska-senators-091204

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 7/10/2017 10:38:34 PM
Subject: Senate confirms Rao as Trump's regulatory czar

By Alex Guillén

07/10/2017 06:35 PM EDT

The Senate today approved George Mason law professor Neomi Rao to serve as President Donald Trump's regulatory czar, giving her oversight of the government-wide effort to rein in rules.

Rao was confirmed 54-41 to be administrator of the White House Office of Management and Budget's Office of Information and Regulatory Affairs. The post will give her broad powers to oversee regulatory issues under an administration that has decried the "administrative state." Rao will oversee most federal rulemaking, and EPA alone is working to reverse or delay dozens of Obama-era rules.

Rao, who founded the George Mason law school's Center for the Study of the Administrative State, has been with the university since 2006. Before that she spent more than a year as associate White House counsel. She clerked for Justice Clarence Thomas in 2001 and 2002.

She is a noted critic of the Chevron doctrine, which directs judges to defer to an agency's reasonable interpretation of ambiguous laws. Rao has also called for greater White House control of independent rulemaking agencies such as FERC or the Consumer Financial Protection Bureau.

Rao earned plaudits from a bipartisan collection of former OIRA chiefs, including Obama's second-term pick, Howard Shelanski. Meanwhile, a coalition of progressive groups, including some environmental groups, opposed her nomination, saying she "holds views well outside the mainstream."

To view online:
https://www.politicopro.com/energy/whiteboard/2017/07/senate-confirms-rao-as-trumps-regulatory-czar-090237

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Wed 8/2/2017 8:09:21 PM
Subject: PHOTOS: Pruitt Continues State Action Tour in Indiana

Contact Information: press@epa.gov

PHOTOS: Pruitt Continues State Action Tour in Indiana

INDIANAPOLIS (August 2, 2017) — U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt continued his state action tour in Indiana today, his sixth state in three weeks.

"The agriculture industry should not be burdened with unnecessary government overreach," **said EPA Administrator Scott Pruitt.** "By beginning the process to redefine WOTUS, we are prioritizing clean water across the country, while also respecting states' traditional regulatory role over their own waters and providing much-needed certainty to farmers and landowners."

While in the Hoosier state, Administrator Pruitt met with Governor Eric Holcomb, Lt. Governor Suzanne Crouch, and other state officials to discuss EPA's recent decision to begin the process of redefining the definition of a "Water of the United States" (WOTUS). EPA is reassessing the proper scope of federal jurisdiction so as to provide stakeholders with regulatory certainty. Following their meeting, Administrator Pruitt and Governor Holcomb hosted a roundtable discussion on WOTUS at Mike Starkey Farms in Boonville, Ind.

"It's an honor to welcome Administrator Pruitt to Indiana once again and to connect him with members of our agriculture community," **Governor Eric Holcomb said**. "They have experienced firsthand the ways that unduly burdensome federal regulations can hinder farmers' financial security and growth. I am encouraged by and greatly appreciate this federal administration's willingness to listen and partner with the states to find solutions."

"As Secretary of Agriculture and Rural Development, I am extraordinarily proud of Indiana agriculture's history as a leader in conservation," said **Lt. Governor Suzanne Crouch**. "The Indiana agricultural community looks forward to participating in the re-creation of this important initiative under the leadership of Administrator Pruitt and his team."

After touring Mike Starkey Farms, Administrator Pruitt visited Liberty Mine, Brownsburg, Ind. to discuss methods to improve environmental conditions, while also safeguarding critical coal mining jobs.

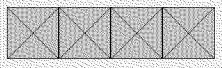
EPA Administrator Scott Pruitt meets with Indiana Governor Eric Holcomb, Indiana Lt. Governor Suzanne Crouch, and other state officials.

Indiana Governor Eric Holcomb (left) and EPA Administrator Scott Pruitt with Mike Starkey (right) and Jeff Starkey (second from left).

EPA Administrator Scott Pruitt greets employees at Liberty Mine.

EPA Administrator Scott Pruitt is shown mining site at Liberty Mine.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/10/2017 6:01:25 PM
Subject: Court indefinitely freezes challenges to carbon rule for future power plants

By Alex Guillén

08/10/2017 01:57 PM EDT

The D.C. Circuit Court of Appeals today said it will keep lawsuits challenging the Obama administration's carbon emissions rule for future power plants on hold indefinitely.

The suspension comes on the heels of the court's Tuesday order freezing litigation over the Clean Power Plan for another 60 days. That order came with a note from two judges indicating they are growing impatient with the Trump administration's lack of action in that case.

In today's one-page order, the court directed EPA to provide updates on its progress in reviewing the rule for future plants every 90 days.

Unlike the Clean Power Plan, the new plant rule is in effect, although other regulatory and market challenges mean no new coal-fired power plants are actively being planned.

WHAT'S NEXT: EPA must file its first status report on Oct. 27.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/court-indefinitely-freezes-challenges-to-carbon-rule-for-future-power-plants-091702

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 11/30/2017 1:11:23 PM
Subject: Nov. 30 -- EHS State Regulatory Alert

EHS State Regulatory Alert

November 30, 2017 - Number 229

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California

GENERAL ENVIRONMENT AND SAFETY
California Capital Access Program/On-Road Heavy-Duty Vehicle Air Quality Loan Program
California GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Pollution Control Financing Authority would amend regulations under 4 CCR 8070 through 8078 regarding the California Capital Access Program (CalCAP) small business loan program. The program authorizes the PCFA to contract with specified financial institutions to make loans to eligible small businesses that may have difficulty obtaining capital. The rule would revise definitions and program requirements, add a recapture mechanism to recycle older contributions to support future loan enrollments, and remove outdated provisions. The rule also would establish the CalCAP Air Resources Board On-Road Heavy-Duty Vehicle Air Quality Loan Program to assist owners and operators of small fleets of heavy-duty diesel trucks in achieving early compliance with statewide truck and bus requirements to reduce diesel particulate matter emissions. In addition, the rule would clarify rules and procedures for participation in the Collateral Support Program within CalCAP's existing Small Business Loan Program. The proposal currently is in effect as an emergency rule, expiring Feb. 6, 2018. Hearing requests are due Dec. 26, 2017. Comments are due Jan. 8, 2018. Contact: Bianca Smith; PCFA; 916-653-5408; bsmith@treasurer.ca.gov

—State Publication Date: 11/24/2017. Citations: Title 4 CCR Sections 8070 to 8078.35 (non seq) (amended)

Regulatory Update

Florida

OCCUPATIONAL SAFETY AND HEALTH
Firefighter Employment Standards
Florida OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Financial Services, Division of State Fire Marshal, amends regulations under FAC 69A-62 regarding firefighter employment standards. The rule clarifies the definitions of "fatality," "hazard," "illness," and "firefighter employee" and removes the definition of "multiple injury event." The rule also revises statutory citations and removes references to the firefighter safety and health webpage, which is no longer available. The rule is effective Dec. 12, 2017. Contact: Mike Tucker; DFS, Division of State Fire Marshal; 352-369-2829; Mike.Tucker@myfloridacfo.com

—State Publication Date: 11/28/2017. Citations: FAC 69A-62.0001 (amended); FAC 69A-62.021 (amended); FAC 69A-62.030 (amended)

Regulatory Update

Maryland

OCCUPATIONAL SAFETY AND HEALTH

Elevator Safety Review Board/Elevator Renovator Qualifications

Maryland OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Labor, Licensing, and Regulation, Elevator Safety Review Board, announces the withdrawal of an Oct. 14, 2016, proposed rule that would have amended regulations under COMAR 09.35.02 regarding qualifications for elevator renovator licensure. The rule would have eliminated expired grandfathering provisions for licensure and specified the years of experience and education required for licensure. The rule also would have increased the years of experience and education needed for an elevator renovator contractor license and removed an exam requirement for elevator renovator contractor licensure. Contact: Robin Bailey; DLLR, Elevator Safety Review Board; 410-230-6160; robin.bailey@maryland.gov

—State Publication Date: 11/27/2017. Citations: COMAR 09.35.02.02, .03

Regulatory Update

OIL AND GAS INDUSTRY

Oil and Gas Exploration and Production

Maryland OIL AND GAS INDUSTRY

Notice of the Department of the Environment announces the withdrawal of a Nov. 14, 2016, proposed rule that would have amended regulations under COMAR 26.19.01 regarding oil and gas exploration and production, including hydraulic fracturing and horizontal drilling. The rule would have addressed requirements for drilling, well and well pad construction, integrity and pressure testing, chemical storage, setbacks and location restrictions, water quality monitoring, water supply replacement, and stormwater management and a prohibition on drilling in the Deep Creek Lake watershed. The rule also would have established requirements for best available technology for control of air emissions, leak detection and repair, and reporting and offset of methane emissions and addressed requirements for emergency response planning, prompt notification and cleanup of spills and other incidents, site security, provision of chemical information to medical personnel, and blowout prevention. In addition, the rule would have addressed provisions for comprehensive development planning, the permit review process for wells, public disclosure of chemical information, closed-loop management and recycling of

flowback and produced water, and a prohibition on disposing flowback produced water through underground injection. Finally, the rule would have added standards for well plugging; site reclamation; and department oversight, including requiring operators to conduct drilling and hydraulic fracturing on only one well at a time. Contact: Jeffrey Fretwell; MDE, Legislative and Intergovernmental Relations; 410-537-3537; marcellus.mde@maryland.gov

—State Publication Date: 11/27/2017. Citations: COMAR 26.19.01.01 to .61

Regulatory Update

WATER
Susquehanna River Basin Commission Meeting
Maryland WATER

Notice of the Susquehanna River Basin Commission announces a meeting to consider resolutions concerning fiscal year 2019 federal funding of the Groundwater and Streamflow Information Program and bylaw amendments. The agenda also includes a presentation regarding the Lower Susquehanna Subbasin area, ratification and approval of grants and contracts, and a report on delegated settlements. In addition, the commission will consider an Oct. 12, 2017, proposed rule to codify the existing policy for access to commission records and Regulatory Program projects. The meeting is scheduled for Dec. 8, 2017, in Annapolis. Comments on agenda items other than the rulemaking and the Regulatory Program projects are due Dec. 1, 2017. Contact: Jason Oyler; SRBC; 717-238-0423

—State Publication Date: 11/27/2017.

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses
Maryland WATER

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water in August 2017. The notice addresses 21 projects approved by rule for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—State Publication Date: 11/27/2017.

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water
Maryland WATER

Notice of the Susquehanna River Basin Commission announces one project rescinded for the consumptive use of water during September 2017. The project is located in Bradford County, Pa. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—State Publication Date: 11/27/2017.

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water
Maryland WATER

Notice of the Susquehanna River Basin Commission lists the projects rescinded for the consumptive use of water during August 2017. The list includes two projects located in Lycoming County, Pa. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—State Publication Date: 11/27/2017.

Regulatory Update

New Hampshire

WATER
Groundwater Monitoring and Treatment
New Hampshire WATER

Proposed rule of the Department of Environmental Services would amend regulations under NHAR Env-Dw 717 regarding groundwater monitoring and treatment for public water systems to conform with federal standards under 40 CFR 141. The rule would update definitions, clarify existing requirements, and replace references to owner with owner/operator. A hearing is scheduled for Jan. 4, 2018, in Concord. Comments are due Jan. 12, 2018. Contact: Holly Green; DES; 603-271-3114; Holly.Green@des.nh.gov

—State Publication Date: 11/22/2017. Citations: Env-Dw 717 (amended)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com/climate
Sent: Thur 7/27/2017 8:08:12 PM
Subject: Latest News: Carbon Tax Backers Ramp Up Pitch, Selling Plan As Key To Tax Reform

July 27, 2017

LATEST NEWS

Carbon Tax Backers Ramp Up Pitch, Selling Plan As Key To Tax Reform

Carbon tax backers are ramping up ongoing efforts to carve out a political opening for the policy as part of a broader Capitol Hill discussion on overhauling the tax code, suggesting that the climate policy has more viability than most assume as other potential funding sources to finance a revenue-neutral tax bill struggle to gain traction in the Republican Congress.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/2/2017 7:55:13 PM
Subject: Aug. 2 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Energy Department Denies Perry's Move to Homeland Security Post

Posted August 02, 2017, 11:41 A.M. ET

By Jennifer A. Dlouhy and Jennifer Jacobs (Bloomberg News)

A Department of Energy official Twitter accounted denied the Trump administration is considering Energy Secretary Rick Perry for the top position at the Department of Homeland Security.

"While @SecretaryPerry is honored to be mentioned, he is happy where he is & focused on carrying out mission POTUS gave him to lead @ENERGY," DOE Press Staff wrote on Twitter. Earlier Bloomberg reports suggested Perry, the former Texas governor, could be a possible replacement for John Kelly, who left the job when he was named White chief of staff.

Another name some administration officials are said to favor is House Homeland Security Committee Chair Michael McCaul, a Texas Republican who was previously considered for the Homeland Security job before Trump nominated Kelly.

—With assistance from Marissa Horn (Bloomberg BNA).

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Lawsuit Claims Duke Energy Storing Ash in 'Open Dump'

Posted August 02, 2017, 03:14 P.M. ET

By Andrew M. Ballard

Duke Energy is operating an "illegal open dump" at its Roxboro, N.C., facility, an environmental group said in a lawsuit seeking to alter the utility's coal ash storage plans.

Coal ash pits on the site in Person County are polluting groundwater and nearby Hyco Lake, according to Frank Holleman, a senior attorney with the Southern Environmental Law Center in Chapel Hill, N.C.

The utility "needs to put forward a plan to get its ash out of the groundwater, to remove the ash from

the floodplain, to get rid of its dangerous dams, and to safely store its coal ash where it won't pollute," Holleman said in a statement.

The lawsuit, filed Aug. 2, claims that Duke Energy's closure plan violates the federal Resource Conservation and Recovery Act and associated coal ash regulations, and the ash should be removed and managed in lined landfills (Roanoke River Basin Assn. v. Duke Energy Progress, LLC, M.D.N.C., No. 1:17-cv-707, complaint 8/2/17).

Danielle Peoples, a spokeswoman for Duke Energy in Charlotte, N.C., called the lawsuit "yet another example of SELC's extreme agenda," adding the environmental group seeks to get courts to "upend strong state and federal policy regulating the closure of ash basins."

'Strong Progress'

Duke Energy is "making strong progress at the Roxboro plant" by building lined retention basins to manage water and fully convert to dry coal ash management in future disposal, Peoples said.

"Excavating all ash basins is the most extreme and disruptive approach" and federal rules not only allow for capping in place but also require decades of groundwater monitoring after they are closed, she told Bloomberg BNA Aug. 2.

Duke Energy has 14 coal ash sites in North Carolina and has been the subject of several lawsuits by the Southern Environmental Law Center and other conservation groups over ash storage and management practices at its facilities.

GE Claims Vestas Infringes Wind Turbine Power Control Patent

Posted August 02, 2017, 01:58 P.M. ET

By Susan Decker, Christopher Martin and Anna Hirtenstein

General Electric Co., which lost its top spot in wind turbine sales this year, claims new market leader Vestas Wind Systems A/S is using its technology to protect their turbines from dramatic fluctuations in power.

The dispute comes as the U.S. wind industry is gearing up for significant growth. At the end of June, more than 25.8 gigawatts of wind farms were under construction or in advanced development in the U.S., up 41 percent from a year earlier, according to a report from the American Wind Energy Association. That's on top of the 84 gigawatts already installed.

GE and Vestas dominate the market with a combined 83 percent of those projects that have contracts for turbines. Vestas has installed more wind turbines than any other firm, working in 33 countries across six continents last year. It recently surpassed GE to take the biggest market share in the U.S.

Vestas Chairman Bert Nordberg said he was concerned about maintaining this lead in an April interview, anticipating sharper competition from GE.

The patent covers a technology known as zero voltage ride through, which enables wind turbines to remain connected to the grid without damage during voltage fluctuations such as those caused by lightning strikes or short circuits. Typically the turbines were designed to disconnect from the grid.

Vestas said in a statement that it's not been able to study the complaint in detail.

"Based on our initial assessment we strongly believe that the complaint is without merit and intend to challenge it," the company said.

Earlier Dispute

The patent is the same one that GE successfully asserted in a 2010 lawsuit against Mitsubishi Heavy Industries Ltd. A federal jury awarded $170 million to GE, though the companies later settled.

GE contends Vestas is using the technology for marketing and at wind farms in 11 U.S. states. Vestas knew of the patent because one of its engineers was subpoenaed to provide documents and testimony in the Mitsubishi Heavy case, according to the complaint GE filed Aug. 1 in federal court in Los Angeles.

Anticipated advances in windmill technology is one of the key drivers pushing down the costs of wind farms. As turbines get bigger and more efficient, developers can reduce costs and generate returns more quickly by selling greater volumes of electricity to the grid. Manufacturers keep the contents inside the turbine nacelles, the boxes covering all the power-generating components, a tightly held secret.

GE contends that it's entitled to cash compensation for the unauthorized use of its invention and will seek a court order that would block further use of the ride-through invention by Vestas.

The case is General Electric Co. v. Vestas Wind Systems A/S, 17-5653, U.S. District Court for the Central District of California (Los Angeles).

—With assistance from Christian Wienberg.

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South Carolina May Spend 60 Years Paying for Nukes Never Built

Posted August 02, 2017, 8:35 A.M. ET

By Lynn Doan and Mark Chediak

Utility customers in South Carolina may end up spending the next 60 years paying billions for two nuclear reactors that'll never get built, based on a proposal that Scana Corp. filed with regulators late Aug. 1.

Scana is seeking state approval to collect $4.9 billion from customers to cover the costs of scrapping two half-finished reactors after construction delays and billions in cost overruns forced the utility owner to pull the plug. Scana is proposing to gradually recover abandonment expenses through customer rates over six decades. Going through with the project would've ultimately cost more than $20 billion, based on company forecasts.

Scana's estimates land the V.C. Summer project a place among the costliest nuclear power plants that failed to be built in the U.S., underscoring the ballooning price that consumers have paid for a long-hyped nuclear renaissance that has yet to materialize. Duke Energy Corp., Dominion

Resources Inc. and NextEra Energy Inc. are among the utilities that have been cleared by regulators to charge at least $1.7 billion for reactors that exist only on paper, filings analyzed by Bloomberg last August show.

A 60-year recovery period will at least "minimize the near-term rate impact" to South Carolina customers, Paul Patterson, an analyst for Glenrock Associates LLC, said.

Scana pointed out Aug. 1 that a tax deduction could reduce the impact on ratepayers. The utility also said in its filing that "mitigating adjustments" such as guaranteed payments from Toshiba Corp.—the parent of the project's now-bankrupt contractor Westinghouse Electric Co.—will mean customers won't see cost increases "for a number of years."

According to Scana's filing, the South Carolina Public Service Commission had originally approved a forecast capital cost for the project of $6.3 billion. The utility estimated in a recent review that the reactors would cost it about $8.8 billion to complete. The economics of such nuclear projects have meanwhile been undermined by low natural gas prices and the onslaught of cheap, renewable power.

Scana is relying on a South Carolina law that allows for a utility to collect capital costs for an abandoned plant so long as it can prove the decision to halt construction was "prudent." And after the company's partner in the project, Santee Cooper, decided to pull out July 31, Scana said, the only prudent course of action was to stop construction.

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Israeli-French Satellite to 'Observe in Detail Climate Change'

Posted August 02, 2017, 5:20 A.M. ET

By Matthew Kalman

Israel and France launched an environmental observation satellite that will monitor climate, soil, water and pollution at more than 100 sites around the world.

Developed jointly by the Israel Space Agency and the Centre National d'Etudes Spatiales of France, the 265 kilogram (584 pound) satellite was launched Aug. 2 Israel-time on a Vega rocket from the Kourou Space Center in French Guiana. It will orbit the Earth on a polar trajectory 29 times every 48 hours, operated from ground facilities in Tel Aviv and Haifa in Israel, Toulouse, France, and Kiruna, Sweden.

Israel's first environmental satellite—dubbed VENUS for vegetation and environment monitoring on a new micro satellite—is equipped with a multispectral camera built by Israel's Elbit Electro-Optic Systems, Elop Ltd., that will scan the Earth on 12 wavelengths. Israel joins a handful of nations operating environmental satellites, which were first launched by the U.S. in the 1970s.

Invisible Gases

The satellite will provide some information that is currently unavailable to scientists studying climate change, said Arnon Karnieli, head of Ben-Gurion University's remote sensing laboratory at the Jacob Blaustein Institutes for Desert Research in Sede Boqer, Israel.

"We will develop new concepts for monitoring the Earth, which will be different from the common Earth observations because of the special characteristics of the satellite," Karnieli told Bloomberg BNA in a telephone interview July 30. "We will be able to give the scientists data every other day at the same angle with a very high resolution at the spectral bands that they need for monitoring the Earth's vegetation and land."

The camera's broad wavelength can detect gases invisible to the naked eye, enabling researchers to measure pollution, disease and other issues on land and sea. By analyzing and comparing the series of images of the same location, researchers will be able to assess the state of the soil, understand how vegetation is developing, and detect the spread of disease or contamination.

"Venus will allow us to observe in detail climate change," said Jean-Yves Le Gall, president of the French space agency CNES, in a recent ceremony at Israel Aircraft Industries. "It will observe vegetation with an immensely high resolution showing details up to 5 meters every two days on 110 different scientific sites."

The satellite will operate about 450 miles above the earth's surface, and the first phase of its missions is scheduled to last 2 1/2 years.

Siberian Permafrost

The Max-Planck Institute in Germany will use the satellite's imagery of permafrost in Siberia for its project to improve land cover maps and track changes in planet cover, snow cover, surface water and flood zones.

"No other sensor currently in orbit combines this kind of revisit rate and resolution for keeping track of vegetation," the French space agency said.

The launch also carried another payload, a spy satellite built by Israeli contractors for the Italian government. Israel's previous space projects have all been for defense, sponsored by the government, or commercial communication. The last attempt, the communications satellite Amos-6, was destroyed by fire two days before its planned launch by Elon Musk's SpaceX Inc. in September 2016.

Venus cost about 100 million euros ($118 million) with 40 million euros each contributed by Israel and France, and 20 million euros by Rafael Advanced Defense Systems Ltd. and Israel Aircraft Industries, the government-owned companies that built most of the equipment.

Coal Giant to Australia: Focus on Economy Before Paris Pact

Posted August 02, 2017, 9:05 A.M. ET

By Perry Williams

Australia may need to consider delaying its goals to combat global climate change in order to prioritize energy security and economic prosperity, according to a senior executive at Glencore Plc.

The country's emerging energy crisis, in conjunction with government-imposed clean-energy targets, has undermined investor confidence and may force businesses to shut or move offshore, the commodity giant's global coal head, Peter Freyberg, said in a speech Aug. 2 in Sydney.

"If that means Australia needs to consider a possible delay in meeting its emission reduction targets under the Paris Agreement in order to prioritize energy security and economic prosperity, then its worthy of further discussion," he said, adding that Swiss-based Glencore has invested $20 billion in its Australian assets and last year contributed more than $12 billion to the economy.

Australia, one of the world's biggest coal and natural gas exporters, was among more than 150 signatories to the November deal in Paris, aimed at lowering carbon dioxide emissions to limit a rise in global temperatures. Meanwhile, rising power and gas prices in the past year, as well as occasional blackouts, have put the nation's energy security under scrutiny, a situation Freyberg said stemmed from "a decade of poorly designed and uncoordinated energy policy."

"Renewable energy has a role to play in Australia's energy mix, but not at any cost and not at the expense of grid stability, reliability or other energy options," he said in his speech.

Falling Demand

Global coal consumption dropped 1.7 percent last year compared with an average 1.9 percent yearly rise from 2005 to 2015, BP Plc said in its annual review of global energy trends. Use is falling as the world's biggest energy companies promote cleaner-burning natural gas and as China, which accounted for about half of all coal burned, evolves to focus more on services than heavy manufacturing, while renewable energy like wind and solar becomes cheaper, according to BP's analysis, published in June.

Freyberg's defense of coal in Australia contrasts with comments last month by Andy Vesey, head of the nation's largest power generator, AGL Energy Ltd., who urged the government to exclude coal from its planned clean energy target and said there's no appetite among private investors to fund new coal-fired plants.

Outside of Australia, coal provides secure and reliable baseload energy for Asia's developing economies, Freyberg said Aug. 2, which in turn provides Glencore with investment opportunities. That explains the company's $1.1 billion deal with Chinese miner Yancoal Australia Ltd. last week for Rio Tinto Group's Australian coal assets, he said.

Next-generation coal technology in a growing economy like India—including high-efficiency, low-emission plants and carbon capture and storage—can do more to reduce emissions than building new wind turbines in Europe or solar farms in Australia, Freyberg said.

Peter Grauer, the chairman of Bloomberg LP, is a senior independent non-executive director at Glencore.

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Ikea Starts Selling Solar Batteries to U.K. Homeowners

Posted August 02, 2017, 03:21 P.M. ET

By Jessica Shankleman

Home retailer IKEA of Sweden AB will start selling batteries for rooftop solar panels in the latest sign that once-costly storage technologies are becoming mainstream.

The Solar Battery Storage system was announced Aug. 2 in partnership with U.K. panel provider Solarcentury Holdings Ltd., providing potential savings on electricity bills by enabling users to use stored solar power when the sun is down and power grid costs are high.

The news came after the U.K. government set out last month to help energy consumers and industries save as much as 40 billion pounds ($52 billion) on their electricity bills by opening the grid to battery storage devices. The cost of lithium-ion cells used in batteries has already fallen 73 percent since 2010 and more price declines are expected.

A solar panel and battery storage kit from IKEA would cost from 6,925 pounds ($9,155), which would be returned over 12 years, according to the statement by IKEA on its website.

"With energy bills already going up 15 percent this year, there's never been a better time for customers to take back control of their electricity bills and maximize their savings by switching to solar and solar storage," Hege Saebjornsen, sustainability manager for IKEA U.K. & Ireland, said in a statement.

Centrica Plc on Aug. 1 hit U.K. households with a 12.5 percent rise in electricity prices, defying a government pledge to lower costs. SSE Plc, Innogy SE's Npower unit, Iberdrola SA's ScottishPower business and EON SE have all announced price increases since the start of the year.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/29/2017 8:05:33 PM
Subject: Aug. 29 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Hurricane Harvey Challenges Response to Energy Facility Incidents

Posted August 29, 2017, 03:13 P.M. ET

By Nushin Huq

A 14-inch pipeline in La Porte, Texas, spewed a toxic gas for several hours, the latest in several energy infrastructure incidents challenging regulators as Hurricane Harvey continues to dump feet of rain on the state.

Some parts of the state have received over 50 inches of rain, and water being released from reservoirs and levees to relieve the pressure building behind them only compounds the problem of monitoring and responding to leaks and other incidents.

The National Response Center, operated by the U.S. Coast Guard, received more than 30 calls for spilled gasoline, crude oil, petroleum, and the release of contaminants from flare stacks in areas affected by Hurricane Harvey.

According to the response center's records, a caller reported natural gas leaking from a transmission pipeline on Aug. 26 in Ingleside, along the Texas coast. The Pipeline and Hazardous Materials Safety Administration is investigating the issue.

Potential for Environmental Damages

State and federal regulators have their hands full responding to incidents at energy facilities during the monster storm. They not only will have to contend with the possibility of billions of dollars in infrastructure damage, but potential environmental damages as well.

It still has not been determined what caused anhydrous hydrogen chloride to leak Aug. 28 from the pipeline owned by Williams Field Services Gulf Coast, Andrea Morrow, Texas Commission of Environmental Quality, told Bloomberg BNA. The gas mixed with moisture in the air to produce hydrochloric acid, a corrosive that can damage respiratory organs, eyes, skin, and intestines. The pipeline was depressurized and the leak ended after a couple of hours, around 7 p.m.

Two other hurricane-related incidents were reported Aug. 26 and 27.

In the first, Kinder Morgan notified the railroad commission oversight and safety division that a tank at the Kinder Morgan Pasadena Terminal had tilted due to the large volume of rain from Hurricane Harvey, Ramona Nye, spokeswoman for the Texas Railroad Commission, told Bloomberg BNA.

The tilting resulted in the release of an unknown amount of gasoline into a containment dike surrounding the dike. Kinder Morgan reported that fire retardant foam had been placed over the exposed liquid contained in the dike, and Kinder Morgan was emptying the liquid from the tank and containment dike.

A day later, the Houston office of the railroad commission, the state's energy and gas regulator, was notified of a fire in Jefferson County and dispatched a inspector, Nye said. Initial reports indicated a lightning strike on a fiberglass storage tank with resulting fire burning two tanks, releasing fluids into the firewall. An estimated five barrels of crude oil and 20 barrels of produced water was released, but contained within the firewall. Vacuum trucks were brought in to pick up released fluids. The operator was reported as Karbuhn Oil Company.

Texas is home to one of the largest concentrations of energy infrastructure and production in the country. The state has 5.6 million barrels per day of petroleum refining capacity, much of that along the coast. There are no levees or barrier islands protecting that infrastructure from hurricane storm surge.

Monitoring for Incidents

The Texas Commission of Environmental Quality has been monitoring facilities that have reported spills and providing technical guidance to wastewater facilities in flood-impacted areas, Andrew Keese, TCEQ spokesman, told Bloomberg BNA. High water can also pose a risk to energy infrastructure and state regulators are watching for leaks and other incidents.

Currently, the TCEQ and other state agencies are giving priority to protecting and preventing imminent threats to public health. Once flood waters have receded, and it is safe to enter flooded areas, debris removal activities will commence.

"The TCEQ is aware that spills occur during flooding events, and the appropriate primary agency will monitor and work with the responsible party, if known, to take appropriate actions as conditions allow," Keese said. "Throughout the flooding event, the TCEQ remains in constant contact with state partners in spill response. "

Oil, gas and pipelines inspectors at Texas Railroad Commission are on call to respond to reported spills or other incidents as soon as it is safe to do so, Nye, the spokeswoman, said.

The commission has jurisdiction over intrastate pipelines, and the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) oversees pipelines that cross state boundaries.

The U.S. Chemical Safety and Hazard Investigation Board is urging oil refineries and chemical plants to follow safety precautions when restarting operations. The board notes that floodwater may leak into tanks or become trapped in insulation, while debris can damage electric motors and block sewers.

The Pipeline and Hazardous Materials Safety Administration is working with pipeline operators to get a better view of their facilities, agency spokesperson Darius Kirkwood said.

"Operators have already contracted staff capable of inspecting critical infrastructure after the storm and they are preparing for aerial inspection of pipeline right-of-ways when it is safe to do so," he told Bloomberg BNA.

Harvey has been downgraded to a tropical storm and is currently hovering over the Gulf of Mexico. It will move east and hit Louisiana on Aug. 30, the National Weather Service predicted.

—With assistance from Sylvia Carignan

Harvey's Water Effects | Disaster Aid Surges | Pruitt Audited

Posted August 29, 2017, 7:00 A.M. ET

By Sylvia Carignan

One giant concern for Texans living and working in Harvey's path: water contamination.

Though the EPA is prioritizing search and rescue efforts for those in immediate danger, the agency will soon take floodwater samples and work with wastewater treatment plants to get them up and running after the storm.

Each response team and company operating in the affected area is dealing with limited transportation options: ports are shut down and trucks and trains can't get through.

In addition, once the floodwaters recede, project managers will assess every Superfund site in the hurricane-affected area for damage, David Gray, acting deputy regional administrator for the EPA's south central region, told Bloomberg BNA.

Trump Promises Disaster Aid

Nearly half a million Texans are expected to apply for disaster aid in the aftermath of the hurricane.

President Donald Trump, speaking Monday at a joint press conference with Finnish president Sauli Niinisto, said he expects to see "rapid action" from Congress in response to the storm.

"You're going to get your funding," Trump said. "It's a terrible tragedy."

Vice President Mike Pence sought to tamp down worries that Congress might be slow to reach for its wallet, telling Houston-based radio station KHOU Monday he's "very confident" that Congress "is going to be there to provide the resources necessary" to get the state back on its feet.

Pruitt's Travel Audited

EPA Administrator Scott Pruitt and his travel budget now face scrutiny from a new source—the agency's inspector general. The independent office wants to look at the frequency and cost of his trips, including his flights home to Oklahoma.

Three Democratic members of the U.S. House Energy and Commerce Committee called for the review.

EPA spokeswoman Amy Graham defended Pruitt's travel schedule in a statement to Bloomberg BNA.

The administrator is traveling to "hear directly from the people impacted by EPA's regulations outside of the Washington bubble," Graham said. "This is nothing more than a distraction from the administrator's significant environmental accomplishments."

What Else?

• Secretary of State Rex Tillerson wants to eliminate several special envoy positions, including one for climate change.

• EPA's schedule for deciding whether areas are meeting federal sulfur dioxide air quality standards will remain unchanged following a court ruling Monday.

• Shell is ignoring the effects of climate change and endangering communities near its Providence River terminal, according to a lawsuit filed by the Conservation Law Foundation.

• China is creating the world's largest power company with a merger of giants: Shenhua Group Corp., the country's top coal miner, and China Guodian Corp., one of its largest power generators.

Today's Events

10:00 a.m. | EPA Science Advisory Board | Advisory panel discusses costs and benefits of environmental regulations

11:30 a.m. | Rep. Bobby Scott (D-Va.) will tour a manufacturing plant that modified its operations to avoid higher regulatory costs under a pending OSHA rule on beryllium exposure

1 p.m. | EPA webinar | Reducing plastic pollution with replacement products

From Our Inbox

• EPA is seeking comments on nominees for the Clean Air Scientific Advisory Committee, which offers the agency scientific advice on national standards for ozone and other pollutants.

• EPA is offering grants to promote environmental health for children living along the U.S.-Mexico border.

• EPA's Inspector General: The agency needs to keep a closer eye on employees' requests to use paid time off from the agency's leave bank program.

All About: Biofuel Blending Exemptions

The oil industry is cheering on the Trump administration's regulatory rollback. But in at least one policy area, the industry is preparing for internal conflict.

Nearly all refineries complain about the financial and logistical costs tied to the EPA's Renewable Fuel Standard. However, a recent court decision and new congressional instructions are paving the way for more biofuel blending exemptions for small oil refineries.

If that happens, larger refiners would see increased obligations under the RFS program. That's because exemptions don't affect the aggregate blending requirements that EPA sets for the industry each year.

"The exemptions take that obligated volume out of the stream, and you can't wave a magic wand and take that biofuel out of the total requirement," Haynes and Boone LLP attorney Suzanne Murray told Bloomberg BNA. "Maybe with a couple of guys on the margins, it's OK, but when you start getting more and more folks, sooner or later it adds up to real volume."

Around the Web

NYT | How did Hurricane Harvey become so destructive?

AP | A chemical haze on the English coast left breathing problems and sore throats in its wake.

Minneapolis Star Tribune | Minnesota is fighting pollution in its lakes with billions of dollars invested in cleanup.

Shell Sued by Group Alleging Climate Change Risk Ignored

Posted August 29, 2017, 03:16 P.M. ET

By Adrianne Appel

Shell Oil is the second target of an environmental organization that is suing oil and gas companies for allegedly not preparing for climate change impacts at their New England coastal terminals.

Shell Oil Products has not fortified its Providence, R.I., terminal against expected sea level rise and storms due to climate change, a violation of the federal Clean Water Act, the Conservation Law Foundation alleges in a complaint filed in federal district court in Rhode Island Aug. 28 (Conservation Law Foundation Inc. v. Shell Oil Products, R.I. Dist. Ct., No. 17-cv-00396, Complaint 8/28/17).

Storm damage could cause the terminal to release pollutants that would endanger the Providence River, Providence Harbor, and Narragansett Bay, the group says. Other ports and terminals in New England owned and operated by major petroleum companies also are at risk from climate change, and CLF plans to file suits against some of them, Bradley Campbell, CLF president, told Bloomberg BNA Aug. 29 in an interview.

The Conservation Law Foundation filed a similar lawsuit in 2016 against Exxon Mobil Corp., charging that its Everett terminal facility, which sits on the Mystic River that empties into Boston Harbor, is not prepared to withstand climate change. Exxon is seeking dismissal of the suit. The federal court will hear the Exxon suit Sept. 16.

"Facilities handling oil and hazardous substances have an obligation under the CWA and other laws to take every reasonable measure to avoid an unintended spill," Campbell said in an interview. "Shell has done nothing to prepare this very vulnerable facility to climate change," he said in a statement.

Shell, a wholly owned subsidiary of Royal Dutch Shell PLC, did not respond to requests for

comment by Bloomberg BNA Aug. 28 and 29. It has 60 days to respond to the complaint. The American Petroleum Institute also did not respond to a request for comment by Bloomberg BNA Aug. 29.

Storm Surges

The CLF's complaint alleges that Shell recognizes the risk posed by climate change to its 75-acre, 25-tank Providence terminal, which sits on the Providence River at the head of Narragansett Bay.

The terminal would be partly or completely inundated with water by storms ranging from category 1 to category 4, the complaint alleges. Shell needs to protect the facility's tanks from collapsing in a storm and to determine what else at the terminal, from pipes to pilings, needs to be protected, it says.

The CLF also alleges that the Shell facility regularly discharges pollution into Narragansett Bay due to a failure to manage storm water, another violation of the Clean Water Act.

Narragansett Bay, at 147 square miles, is New England's largest estuary that was badly polluted before a 10-year effort to clear it of storm water discharges improved it significantly, CLF says.

The foundation is seeking injunctive relief, or a court order to stop the alleged violations of the Clean Water Act, and civil penalties, attorneys' fees and environmental restoration.

The lawsuit was filed by CLF attorneys Amy Moses, Christopher Kilian and Heather Murray, with Allan Kanner of Kanner & Whiteley LLC in New Orleans. Kanner also is participating in the Exxon suit. Kanner represented plaintiffs against BP following its Deepwater Horizon spill.

Duke's Florida Plan Builds More Solar, Scraps Nuke Project

Posted August 29, 2017, 03:12 P.M. ET

By Chris Marr

Duke Energy could add 700 megawatts of solar power to Florida's grid by 2021 and stop billing customers for a halted nuclear project under a plan filed with state utility regulators Aug. 29.

The company's plan, if approved by the Florida Public Service Commission, would settle disputes with a range of clean energy and business groups on such issues as the rates it charges customers for electricity and its continued customer billing to cover costs for a halted nuclear project in Levy County.

The plan calls for capital investments of $6 billion over four years, and Duke would stop billing customers for the costs of the Levy project. The company said when announcing the settlement agreement it would no longer move forward with the Levy project.

The Southern Alliance for Clean Energy applauds the plan for embracing "smart technologies that are both good for consumers and the environment," Stephen A. Smith, executive director for the alliance, said in a written statement today. Several other groups also indicated their support for the plan, which would take effect in January 2018, if approved.

The company's plan would let Duke build up to 50 megawatts of large-scale battery storage and

install 500 electric-vehicle charging stations in the state. And it would call for Duke to collect data on customer-owned solar usage and related rate structures.

Harry Sideris, state president for Duke Energy in Florida, said in a statement the settlement would let the company make "smart investments that will offer customers more information, choices and control of their energy needs while also providing greater reliability."

The settlement would give Duke initial authority to plan for up to 700 megawatts of new solar power generation. The company still would have to file specific projects to the commission for approval on rate increases to pay for construction. The agreement would take effect in January 2018, pending commission approval.

The company provided specifics on about a 10th of its solar power plans. It expects to start construction in early 2018 on a 75-megawatts solar power plant in Hamilton County, Fla., the company's sixth solar power plant in the state, it said.

The proposed settlement has support from the Florida Industrial Power Users Group, the Florida Retail Federation, White Springs Agricultural Chemicals Inc., and Florida's Office of Public Counsel, which represents the public's interests in PSC proceedings.

Air Pollution Economic Impact Model Lacks Clarity: EPA Advisers

Posted August 29, 2017, 03:48 P.M. ET

By Sylvia Carignan

The EPA's model for evaluating the broad economic costs and benefits of air pollution regulations isn't clear enough to help the general public, members of the agency's Science Advisory Board said Aug. 29.

The analysis is intended to help utilities, industries, and the Environmental Protection Agency's policymakers determine the effects of federal regulations on factors like energy prices and employment. A recent court decision in Murray Energy Corp. v. EPA gave the agency latitude to carry out cost-benefit reviews as it and its advisers deem appropriate.

Members of the science board, who met Aug. 29 to discuss their draft report on EPA's draft economy-wide model, sought clarifications and transparency on the model's shortcomings.

"These models are very intricate, very complex—a lot of moving parts—and in some cases those are grounded in careful econometric estimates," said Robert Johnston, a board member and economics professor at Clark University. "But in many cases, we don't have the data, and these models are based on long-maintained assumptions."

A Science Advisory Board sub-panel formed to create the report will make revisions and send the report to Administrator Scott Pruitt once the panel's chair, Peter Wilcoxen, has signed off.

"This is a tremendously costly endeavor, and that's why we haven't done it already," Wilcoxen, an environment and international policy professor at Syracuse University, said.

Members of the chartered Science Advisory Board include consultants, researchers and analysts at U.S. universities, environmental advocacy groups, Dow Chemical, Procter & Gamble, and

ExxonMobil.

Fewer Brazilian Renewable Projects Returned in Reverse Auction

Posted August 29, 2017, 8:25 A.M. ET

By Vanessa Dezem

Fewer renewable energy developers took up the Brazilian government's offer to bid for the right to cancel licenses for new power plants in a so-called reverse auction.

Energy companies who took part paid the government to get out of contracts to build 557.36 megawatts of renewable power plants, out of almost 5 gigawatts of projects that were registered to participate in the event.

About 307.7 megawatts of contracts were canceled by wind developers, while solar companies canceled 249.6 megawatts, according to information posted on the website of Electric Energy Trading Board, known as CCEE. No hydropower project was canceled.

The so-called reverse auction offered relief for developers contracted to deliver electricity from stalled clean-power projects and for a government that's seeking to swell its coffers. A deep recession and exchange rate volatility have made it tough for companies to line up financing. Given slowing demand for electricity, the extra capacity wasn't needed.

"We expected a bigger auction," said Thais Prandini, director at the Thymos Energia consultancy in Sao Paulo. "In an ideal world, developers in a difficult situation would be able to return projects, but the government tightened the penalty and many companies gave up."

Brazil's government will pocket 105.9 million reais ($33.4 million) from the reverse auction, according to the website. Bloomberg New Energy Finance had estimated the government would be able to cancel 1.4 gigawatts of wind and solar projects. Thymos had estimated more than 2 gigawatts of hydroelectric, solar and wind power projects would be canceled.

In a reverse auction, developers bid the amount of the fine they're willing to pay to cancel their contracts. Companies bid with an initial premium of 33.68 reais per megawatt-hour for each contract they wanted to cancel. The average premium of the auction was 66.02 reais per megawatt-hour.

Wind power got the highest average bid of 72.74 reais per megawatt-hour, while solar got 50.27 reais per megawatt-hour.

After cancelling contracts, winners will be unable to participate in the two next power auctions.

"It was a competitive tender," said Ana Karina Souza, partner of infrastructure at Machado Meyer in Sao Paulo. "Many people that registered are now interested in keep building their projects. And looking at the bright side, the government has discovered a new mechanism to balance the power sector."

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Argentina OKs Hydroelectric Dams, Halts Nuclear Plan in Patagonia

Posted August 29, 2017, 03:15 P.M. ET

By David Haskel

Argentina gave the final go-ahead to build two hydroelectric dams in southern Patagonia, as a province in that area said it was dropping plans to build a nuclear power plant due to community resistance.

First announced in 2015, the dams were put on hold by President Mauricio Macri soon after he took office in December after complaints about their potential threat to glaciers, wildlife, and other environmental assets in a region that prides itself of its pristine natural resources.

After a government review, construction plans were downsized to a total 1,310 megawatts output—representing 5 percent of the current electricity demand in Argentina—from the original 1,740 megwatts, and they were sited away from a lake to help preserve the area.

The Energy Ministry and the Environment Ministry announced final approval Aug. 28 in Joint Resolution No. 3-E/2017 published in the official gazette, which said the government had taken into account environmental concerns.

But Rio Santa Cruz Sin Represas, a coalition of groups opposed to the dams, claimed the environmental impact assessment for the dams was incomplete.

Both hydroelectric dams in the Santa Cruz province will be financed and built by China's Gezhouba Group, and an Argentine consortium of Electroingenieria S.A. and Hidrocuyo S.A.

Nuclear Plans

Meanwhile, Rio Negro province Gov. Alberto Weretilneck, who until as recently as May was a staunch supporter of plans to build a nuclear facility in that Patagonian state, said he has changed his mind due to strong resistance to the project, including public hearings, social media campaigns, letters to authorities, and citizen protests.

"I've always said that the nuclear plant would be installed only if there was social acceptance. Evidently, there wasn't any," he said in a video posted on the provincial government website.

The plant was one of two worth a total $15 billion that Argentina, which has three operating nuclear plants, was planning to build with engineering and financing backing from China National Nuclear Corporation to help with a severe lack of energy stifling economic growth. Location for the other nuclear plant was still under discussion.

Jordan Plans to Boost Renewables Almost Five Times by 2020

Posted August 29, 2017, 9:21 A.M. ET

By Mohammad Tayseer

Jordan plans to boost its capacity to produce renewable energy by almost five times in the next three years, with several projects set to be announced in the next few months, according to Abdel Fattah Daradkeh, director general of the country's National Electric Power Co.

New solar and wind projects to be signed in the next few months will help increase the nation's renewable energy capacity to 2,400 megawatts by 2020, from 500 megawatts now, Daradkeh said in an interview Aug. 29 in Amman.

Jordan wants to generate about 20 percent of its electricity from renewables by 2020, Minister of Energy and Mineral Resources Ibrahim Saif said earlier this year. Middle East countries including Saudi Arabia, the United Arab Emirates and Morocco are developing wind and solar power plants to either curb their fuel imports or conserve more valuable oil that could be exported instead of used domestically.

Jordan is also expanding its conventional power capacity, to 4,600 megawatts by 2020 from 3,850 megawatts currently, Daradkeh said. A 470-megawatt power plant that uses oil shale will start construction before the end of the year and be completed in 2020, he said.

Electricity may be exported to Syria and Iraq, and there are plans to connect the grid to Saudi Arabia, he said.

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Saudi Arabia Tenders for First Wind Power Plant to Cut Oil Use

Posted August 29, 2017, 8:08 A.M. ET

By Dana Khraiche

Saudi Arabia, the world's biggest exporter of crude oil, is seeking bids for its first utility-scale wind power project as part of the kingdom's plan to wean its economy off oil.

The Renewable Energy Project Development Office, part of the energy ministry, released requests for proposals to build the 400-megawatt plant at Dumat Al Jandal in the kingdom's northwestern Al Jouf region, it said Aug. 29 in an emailed statement. The office has qualified 25 companies for the project, with bidding set to close in January 2018.

The ministry plans to start a second round of renewable energy projects before the end of the year, "keeping us firmly on track to deliver 9.5 gigawatt of renewable energy by 2023," Energy Minister Khalid Al-Falih said in the statement. The nation currently has no wind capacity, according to Bloomberg New Energy Finance.

Saudi Arabia plans to develop 30 solar and wind projects over the next 10 years as part of a $50 billion program to boost power generation and cut its oil consumption. The country will produce 10 percent of its power from renewable energy by 2023, Al-Falih said in April. The projects are part of a plan to transform the Saudi economy by weaning it off oil and creating new industries.

The government announced plans to offer tenders for renewable energy projects to generate 700 megawatts this year. The country sought bids in April for a 300-megawatt solar project and aims to announce a winner in November.

Qualified potential bidders include General Electric Co., Marubeni Corp., Mitsui & Co., Siemens Project Ventures, Sumitomo Corp., Korean Electric Power Corp., Toyota Tsusho Corp., EDF Energies Nouvelles, Abu Dhabi's Masdar and Saudi Arabia's ACWA Power International.

—With assistance from Jonathan Tirone.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 6/20/2017 7:46:57 PM
Subject: Greens pan EPA defense of stay on methane rule

By Alex Guillén

06/20/2017 03:43 PM EDT

Environmental groups today asked a federal court to reinstate EPA's methane rule for new oil and gas wells, arguing the agency has no right to favor oil and gas companies over the people who live near their wells.

EPA put the rule on hold for 90 days while it reconsiders several key provisions, a decision that would save millions of dollars in compliance costs. But the agency said that decision would not create a public health emergency because leaving the rule in place would prevent just 0.046 percent of annual industry emissions.

Environmental groups said that EPA's justification violated the Clean Air Act by ignoring the residents who live downwind from drilling operations, especially children, people with asthma and other groups most vulnerable to air pollution.

"It is irrelevant because it does not reduce the burden felt by Petitioners' members who live near sources whose emissions would be abated but for the unlawful stay, especially those in nonattainment areas where *any* additional VOC emissions may increase local ozone concentrations," the groups wrote in their brief today. "And it is disingenuous because those massive emissions are the result of EPA's own failure to regulate existing oil and gas wells."

The green groups also panned EPA's arguments that the industry would face millions of dollars' worth of compliance if the stay were lifted when "these same wells produce billions of dollars of revenue annually."

WHAT'S NEXT: The D.C. Circuit Court of Appeals will decide whether to grant environmentalists' emergency request to lift EPA's stay of the methane rule. There is no specific deadline to do so, but the court has indicated it will consider the request on an expedited timetable.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/06/greens-pan-epa-defense-of-stay-on-methane-rule-089395

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Thur 8/10/2017 5:53:44 PM
Subject: "New York Times Guilty of Large Screw-Up on Climate-Change Story"

THE WASHINGTON POST

New York Times Guilty of Large Screw-Up on Climate-Change Story

The Washington Post
August 10, 2017
https://www.washingtonpost.com/blogs/erik-wemple/wp/2017/08/09/new-york-times-guilty-of-large-screw-up-on-climate-change-story/?utm_term=.209c6c2d9486

The New York Times on Wednesday appended a correction to a story about a climate change study:

> Correction: August 9, 2017
>
> An article on Tuesday about a sweeping federal climate change report referred incorrectly to the availability of the report. While it was not widely publicized, the report was uploaded by the nonprofit Internet Archive in January; it was not first made public by The New York Times.

That correction, which sits at the foot of the story, dutifully straightens out the record. Yet given the magnitude of the screw-up, it should sit atop the story, surrounded by red flashing lights and perhaps an audio track to instruct readers: Warning: This story once peddled a faulty and damaging premise.

That premise suggests that the Trump administration is stifling a damaging draft report — part of the congressionally mandated National Climate Assessment — with dire warnings about climate change. "The average temperature in the United States has risen rapidly and drastically since 1980, and recent decades have been the warmest of the past 1,500 years, according to a sweeping federal climate change report awaiting approval by the Trump administration," noted the lead of the article, which was written by Lisa Friedman.

As it detailed the conclusions of the draft report, the New York Times highlighted an equally scary prospect: That without the intervention of the New York Times, it might not have seen the light of day. Examples:

- "One government scientist who worked on the report, and who spoke to The Times on the condition of anonymity, said he and others are concerned it will be suppressed."
- "A copy of it was obtained by The New York Times."
- "The draft report by scientists from 13 federal agencies, which has not yet been made public, concludes that Americans are feeling the effects of climate change right now."

As part of its corrective effort, the New York Times has pulled the language saying that "a copy of it

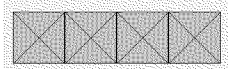
was obtained by the New York Times," as well as the mistaken assertion that it has "not yet been made public." Even so, the article continues to carry this line: "Another scientist involved in the process, who spoke to The New York Times on the condition of anonymity, said he and others were concerned that it would be suppressed." As well as this one: "Scientists say they fear that the Trump administration could change or suppress the report."

Though it may be the case that certain scientists maintain such fears, that's a pretty tough position in light of the fact that the report "was uploaded by the nonprofit Internet Archive in January" and publicized by the New York Times in August.

It is unclear how such a mistake came about. Maybe reporter Lisa Friedman failed to consult one Bob Kopp, or others who cited the error on Twitter:

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/2/2017 7:54:35 PM
Subject: Aug. 2 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Lawsuit Claims Duke Energy Storing Ash in 'Open Dump'

Posted August 02, 2017, 03:14 P.M. ET

By Andrew M. Ballard

Duke Energy is operating an "illegal open dump" at its Roxboro, N.C., facility, an environmental group said in a lawsuit seeking to alter the utility's coal ash storage plans.

Coal ash pits on the site in Person County are polluting groundwater and nearby Hyco Lake, according to Frank Holleman, a senior attorney with the Southern Environmental Law Center in Chapel Hill, N.C.

The utility "needs to put forward a plan to get its ash out of the groundwater, to remove the ash from the floodplain, to get rid of its dangerous dams, and to safely store its coal ash where it won't pollute," Holleman said in a statement.

The lawsuit, filed Aug. 2, claims that Duke Energy's closure plan violates the federal Resource Conservation and Recovery Act and associated coal ash regulations, and the ash should be removed and managed in lined landfills (Roanoke River Basin Assn. v. Duke Energy Progress, LLC, M.D.N.C., No. 1:17-cv-707, complaint 8/2/17).

Danielle Peoples, a spokeswoman for Duke Energy in Charlotte, N.C., called the lawsuit "yet another example of SELC's extreme agenda," adding the environmental group seeks to get courts to "upend strong state and federal policy regulating the closure of ash basins."

'Strong Progress'

Duke Energy is "making strong progress at the Roxboro plant" by building lined retention basins to manage water and fully convert to dry coal ash management in future disposal, Peoples said.

"Excavating all ash basins is the most extreme and disruptive approach" and federal rules not only allow for capping in place but also require decades of groundwater monitoring after they are closed,

she told Bloomberg BNA Aug. 2.

Duke Energy has 14 coal ash sites in North Carolina and has been the subject of several lawsuits by the Southern Environmental Law Center and other conservation groups over ash storage and management practices at its facilities.

Energy Department Denies Perry's Move to Homeland Security Post

Posted August 02, 2017, 11:41 A.M. ET

By Jennifer A. Dlouhy and Jennifer Jacobs (Bloomberg News)

A Department of Energy official Twitter accounted denied the Trump administration is considering Energy Secretary Rick Perry for the top position at the Department of Homeland Security.

"While @SecretaryPerry is honored to be mentioned, he is happy where he is & focused on carrying out mission POTUS gave him to lead @ENERGY," DOE Press Staff wrote on Twitter. Earlier Bloomberg reports suggested Perry, the former Texas governor, could be a possible replacement for John Kelly, who left the job when he was named White chief of staff.

Another name some administration officials are said to favor is House Homeland Security Committee Chair Michael McCaul, a Texas Republican who was previously considered for the Homeland Security job before Trump nominated Kelly.

—With assistance from Marissa Horn (Bloomberg BNA).

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GE Claims Vestas Infringes Wind Turbine Power Control Patent

Posted August 02, 2017, 01:58 P.M. ET

By Susan Decker, Christopher Martin and Anna Hirtenstein

General Electric Co., which lost its top spot in wind turbine sales this year, claims new market leader Vestas Wind Systems A/S is using its technology to protect their turbines from dramatic fluctuations in power.

The dispute comes as the U.S. wind industry is gearing up for significant growth. At the end of June, more than 25.8 gigawatts of wind farms were under construction or in advanced development in the U.S., up 41 percent from a year earlier, according to a report from the American Wind Energy Association. That's on top of the 84 gigawatts already installed.

GE and Vestas dominate the market with a combined 83 percent of those projects that have contracts for turbines. Vestas has installed more wind turbines than any other firm, working in 33 countries across six continents last year. It recently surpassed GE to take the biggest market share in the U.S.

Vestas Chairman Bert Nordberg said he was concerned about maintaining this lead in an April interview, anticipating sharper competition from GE.

The patent covers a technology known as zero voltage ride through, which enables wind turbines to remain connected to the grid without damage during voltage fluctuations such as those caused by lightning strikes or short circuits. Typically the turbines were designed to disconnect from the grid.

Vestas said in a statement that it's not been able to study the complaint in detail.

"Based on our initial assessment we strongly believe that the complaint is without merit and intend to challenge it," the company said.

Earlier Dispute

The patent is the same one that GE successfully asserted in a 2010 lawsuit against Mitsubishi Heavy Industries Ltd. A federal jury awarded $170 million to GE, though the companies later settled.

GE contends Vestas is using the technology for marketing and at wind farms in 11 U.S. states. Vestas knew of the patent because one of its engineers was subpoenaed to provide documents and testimony in the Mitsubishi Heavy case, according to the complaint GE filed Aug. 1 in federal court in Los Angeles.

Anticipated advances in windmill technology is one of the key drivers pushing down the costs of wind farms. As turbines get bigger and more efficient, developers can reduce costs and generate returns more quickly by selling greater volumes of electricity to the grid. Manufacturers keep the contents inside the turbine nacelles, the boxes covering all the power-generating components, a tightly held secret.

GE contends that it's entitled to cash compensation for the unauthorized use of its invention and will seek a court order that would block further use of the ride-through invention by Vestas.

The case is General Electric Co. v. Vestas Wind Systems A/S, 17-5653, U.S. District Court for the Central District of California (Los Angeles).

—With assistance from Christian Wienberg.

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South Carolina May Spend 60 Years Paying for Nukes Never Built

Posted August 02, 2017, 8:35 A.M. ET

By Lynn Doan and Mark Chediak

Utility customers in South Carolina may end up spending the next 60 years paying billions for two nuclear reactors that'll never get built, based on a proposal that Scana Corp. filed with regulators late Aug. 1.

Scana is seeking state approval to collect $4.9 billion from customers to cover the costs of scrapping two half-finished reactors after construction delays and billions in cost overruns forced the utility owner to pull the plug. Scana is proposing to gradually recover abandonment expenses through customer rates over six decades. Going through with the project would've ultimately cost more than $20 billion, based on company forecasts.

Scana's estimates land the V.C. Summer project a place among the costliest nuclear power plants that failed to be built in the U.S., underscoring the ballooning price that consumers have paid for a long-hyped nuclear renaissance that has yet to materialize. Duke Energy Corp., Dominion Resources Inc. and NextEra Energy Inc. are among the utilities that have been cleared by regulators to charge at least $1.7 billion for reactors that exist only on paper, filings analyzed by Bloomberg last August show.

A 60-year recovery period will at least "minimize the near-term rate impact" to South Carolina customers, Paul Patterson, an analyst for Glenrock Associates LLC, said.

Scana pointed out Aug. 1 that a tax deduction could reduce the impact on ratepayers. The utility also said in its filing that "mitigating adjustments" such as guaranteed payments from Toshiba Corp.—the parent of the project's now-bankrupt contractor Westinghouse Electric Co.—will mean customers won't see cost increases "for a number of years."

According to Scana's filing, the South Carolina Public Service Commission had originally approved a forecast capital cost for the project of $6.3 billion. The utility estimated in a recent review that the reactors would cost it about $8.8 billion to complete. The economics of such nuclear projects have meanwhile been undermined by low natural gas prices and the onslaught of cheap, renewable power.

Scana is relying on a South Carolina law that allows for a utility to collect capital costs for an abandoned plant so long as it can prove the decision to halt construction was "prudent." And after the company's partner in the project, Santee Cooper, decided to pull out July 31, Scana said, the only prudent course of action was to stop construction.

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Pot Laced with Pesticides Forces States to Act as EPA Stays Away

Posted August 02, 2017, 8:26 A.M. ET

By Jack Kaskey (Bloomberg News)

Whenever Josh Wurzer buys legal California pot, he makes certain it was grown without pesticides.

That's because Wurzer, as president of cannabis-testing company SC Labs, knows how prevalent the use of health-threatening chemicals are in an industry that until recently operated mostly in the shadows. Three to four of every 10 samples that SC tests reveal the presence of pesticides that shouldn't be used on cannabis, including one that turns into a poisonous gas when ignited, he said.

"I don't want some farmer with no one looking over their shoulder spraying away all kinds of pesticides that they don't really understand, that they are not really trained to use," said Wurzer, who has a doctor's prescription to buy pot. "I choose to get cannabis from people I know aren't using pesticides."

With 29 states and the District of Columbia now allowing medical or recreational cannabis use, the $6 billion U.S. industry is expected to reach $50 billion by 2026, according to investment bank Cowen & Co. Yet many states are just beginning to check for pesticides, while some have no testing program at all. California, where voters approved medical marijuana 20 years ago, won't begin testing for impurities until recreational sales begin Jan. 1.

Regulating pesticides for marijuana plants is a state issue because the federal government still classifies pot as an illegal drug. That's prevented the Environmental Protection Agency from evaluating the safe use of cannabis pesticides, as it does for all other crop chemicals. An attempt by Scotts Miracle-Gro Co. to register some pesticides for pot was rebuffed in June by EPA Administrator Scott Pruitt.

Colorado last year found that 49 percent of cannabis samples tested in response to complaints had residue of unapproved pesticides, according to state Department of Agriculture data. The failure rate so far this year is 13 percent, demonstrating how testing improves the safety of marijuana, according to Jan Stapleman, a spokeswoman for Colorado's Department of Public Health and Environment.

Oregon also is seeing an improvement after mandatory testing that started late last year resulted in hundreds of failures, Jonathan Modie, a spokesman for the state Health Authority, said.

The advent of state-regulated cannabis testing has gone a long way toward ensuring legal pot can "reasonably be considered safe," Whitney Cranshaw, an entomologist and pesticide expert at Colorado State University, said. "Prior to that point, we were in a Wild West period with pesticide use, since not only the federal agencies but also the state agencies avoided the issue entirely."

Testing is only now getting started because marijuana was illegal for so long, said Natalie Darves, who runs Cougar Acres Consulting and teaches at Oaksterdam University in Oakland, Calif., which bills itself as America's first cannabis college. The long prohibition and current quasi-legal status has politicized marijuana, making states hesitant to step into the federal government's regulatory role, she said.

When they do step in, states struggle with implementing a pot-testing program, said Julianne Nassif, director of environmental health at the Association of Public Health Laboratories. Lacking federal guidance, they must develop regulations, license private labs if they aren't going to test samples in state facilities and determine what types of pesticides, pathogens, fungal toxins and heavy metals to monitor. And funding is always an issue, she said.

Baked Goods

Cannabis regulation is further complicated by the dizzying number of ways pot can be consumed in recreational markets like Colorado, John Scott, pesticide section chief for the state agriculture department, said. In addition to smoking, cannabis can be ingested through baked goods, eye drops, skin lotions and even suppositories, Scott said. Smokable extracts not only concentrate marijuana's active ingredients, but also any pesticide residue, he said.

"Marijuana is unlike any other agricultural crop that we have ever dealt with," Scott said.

Three pesticides accounted for more than one-third of about 900 cannabis failures in Oregon since October, according to state testing data compiled by Bloomberg. The most common was spinosad, a relatively safe insecticide used to control caterpillars on crops such as corn, cotton and tobacco. The second leading cause of failure was piperonyl butoxide, a chemical used with other insecticides to boost effectiveness that the EPA says is a possible human carcinogen.

Myclobutanil, the third-most-common pesticide detected, can be dangerous on cannabis because heating the chemical creates hydrogen cyanide, a poisonous gas. In Canada, where medical marijuana is legal nationwide, the discovery of myclobutanil and piperonyl butoxide residue in

cannabis this year prompted product recalls and the start of a mandatory testing program.

Clean Cannabis

Sold by Dow Chemical Co. as Eagle 20, myclobutanil is typically used to combat powdery mildew. But it's unnecessary for cannabis when growers can turn to safe solutions such as Regalia, a nontoxic treatment for the pest, Oaksterdam's Darves said.

Regalia is made by Marrone Bio Innovations Inc., a publicly traded producer of biopesticides. Pam Marrone, chief executive officer of Marrone Bio, said she had no plan to supply pot farmers when Regalia became a hot topic in online chat rooms. Growers flooded customer-service lines with requests for the plant-based product. So Marrone hired a distributor, Vital Garden Supply, to sell Regalia, Grandevo and other biopesticides to the cannabis market.

"They were a little nervous about going into the cannabis industry," Paul Harton, a Vital sales manager, said. "We sell a phenomenal amount of their products, and it's growing exponentially."

Some businesses are catering to customers concerned about pesticides by offering so-called clean cannabis. Amy Andrle, co-owner of L'Eagle Services, a Denver dispensary and grower, said non-toxic treatments like neem oil and garlic sprays—along with dehumidifiers and high-grade air systems—help her prevent common pot pests like powdery mildew. She also uses beneficial bugs and biological treatments to control damaging insects. Third-party tests provide proof to customers that L'Eagle weed is pesticide-free.

Finding clean-cannabis suppliers may be the best route for pot users concerned about pesticide residues in states where there is no testing regime. Arizona, for instance, has no plans to establish such a program because that wasn't part of the voter-approved referendum allowing medical marijuana, said Holly Ward, a spokeswoman for the state Department of Health Services. More than 137,000 residents are enrolled in Arizona's medical marijuana program.

Wurzer, who runs the California testing lab, said he's relieved consumers won't need to worry about hazards in their weed once the state implements its program in the new year.

"It's really a good thing for the general cannabis consumers that California is regulating now," Wurzer said. "People can assume that someone is actually looking out for them."

—With assistance from Tiffany Stecker (Bloomberg BNA).

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Jacobs Seeks Splash in Water Business With $2.85 Billion Deal

Posted August 02, 2017, 03:15 P.M. ET

By Richard Clough, Phil Serafino and Oliver Sachgau

Jacobs Engineering Group Inc. is opening up the checkbook to capitalize on growing demand worldwide for water and other infrastructure projects.

The construction giant agreed to buy CH2M HILL Cos. Ltd. for $2.85 billion, a deal that could give Jacobs a leading position in a potential $100 billion market for wastewater treatment, desalination

and water supply, the companies said Aug. 2.

"One of the top priorities was the water business that we're acquiring, which is one of the highest growth businesses in our industry," Steve Demetriou, chief executive officer of Jacobs, said on a conference call. "That's a business that's been growing industrywide around 8 to 10 percent, so that is exciting for us."

The deal, slated to close by the end of 2017, broadens the reach of one of the world's largest engineering and construction firms at a time when President Donald Trump is calling for greater spending on U.S. infrastructure. CH2M, which makes most of its money from government contracts, has worked on high-profile projects such as the 2012 London Olympics and an expansion of the Panama Canal.

Demetriou pointed to the western and midwestern U.S.—"where aging infrastructure has been neglected for quite some time"—along with Australia and Southeast Asia as potential growth markets. In addition to Jacobs's infrastructure operations, the aerospace and industrial businesses also stand to benefit from the combination with CH2M, he said.

Annual Sales

The combined company will have pro forma annual sales of $15.1 billion. About 56 percent of sales will come from infrastructure and government services, an increase from Jacobs' previous total of about 45 percent, Demetriou said.

"Our two companies are highly complementary with very little overlap," he said.

The acquisition will boost Jacobs' adjusted per-share earnings by 15 percent in the first full year after closing, the companies said in a statement. Adjusted cash earnings will increase 25 percent a share. The purchase values CH2M at $3.27 billion including net debt, or about 6.9 times adjusted profit.

Apollo Global Management LLC, which has a voting stake in CH2M of about 18 percent, has agreed to vote in favor of the transaction, according to the statement.

Worker Controlled

CH2M, based in Englewood, Colo., is one of the largest employee-controlled companies in the U.S., owned by around 20,000 stockholders, including active and former employees, according to its website. The company has singled out Trump's promised infrastructure spending as a source of future revenue.

Perella Weinberg Partners LP and Morgan Stanley are advising Jacobs on the deal, while Fried, Frank, Harris, Shriver & Jacobson LLP and Wachtell, Lipton, Rosen & Katz are providing legal advice. Bankers from Bank of America Merrill Lynch and Credit Suisse are advising CH2M with Latham & Watkins LLP and Richards, Layton & Finger P.A. as legal counsel.

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Israeli-French Satellite to 'Observe in Detail Climate Change'

Posted August 02, 2017, 5:20 A.M. ET

By Matthew Kalman

Israel and France launched an environmental observation satellite that will monitor climate, soil, water and pollution at more than 100 sites around the world.

Developed jointly by the Israel Space Agency and the Centre National d'Etudes Spatiales of France, the 265 kilogram (584 pound) satellite was launched Aug. 2 Israel-time on a Vega rocket from the Kourou Space Center in French Guiana. It will orbit the Earth on a polar trajectory 29 times every 48 hours, operated from ground facilities in Tel Aviv and Haifa in Israel, Toulouse, France, and Kiruna, Sweden.

Israel's first environmental satellite—dubbed VENUS for vegetation and environment monitoring on a new micro satellite—is equipped with a multispectral camera built by Israel's Elbit Electro-Optic Systems, Elop Ltd., that will scan the Earth on 12 wavelengths. Israel joins a handful of nations operating environmental satellites, which were first launched by the U.S. in the 1970s.

Invisible Gases

The satellite will provide some information that is currently unavailable to scientists studying climate change, said Arnon Karnieli, head of Ben-Gurion University's remote sensing laboratory at the Jacob Blaustein Institutes for Desert Research in Sede Boqer, Israel.

"We will develop new concepts for monitoring the Earth, which will be different from the common Earth observations because of the special characteristics of the satellite," Karnieli told Bloomberg BNA in a telephone interview July 30. "We will be able to give the scientists data every other day at the same angle with a very high resolution at the spectral bands that they need for monitoring the Earth's vegetation and land."

The camera's broad wavelength can detect gases invisible to the naked eye, enabling researchers to measure pollution, disease and other issues on land and sea. By analyzing and comparing the series of images of the same location, researchers will be able to assess the state of the soil, understand how vegetation is developing, and detect the spread of disease or contamination.

"Venus will allow us to observe in detail climate change," said Jean-Yves Le Gall, president of the French space agency CNES, in a recent ceremony at Israel Aircraft Industries. "It will observe vegetation with an immensely high resolution showing details up to 5 meters every two days on 110 different scientific sites."

The satellite will operate about 450 miles above the earth's surface, and the first phase of its missions is scheduled to last 2 1/2 years.

Siberian Permafrost

The Max-Planck Institute in Germany will use the satellite's imagery of permafrost in Siberia for its project to improve land cover maps and track changes in planet cover, snow cover, surface water and flood zones.

"No other sensor currently in orbit combines this kind of revisit rate and resolution for keeping track of vegetation," the French space agency said.

The launch also carried another payload, a spy satellite built by Israeli contractors for the Italian government. Israel's previous space projects have all been for defense, sponsored by the government, or commercial communication. The last attempt, the communications satellite Amos-6, was destroyed by fire two days before its planned launch by Elon Musk's SpaceX Inc. in September 2016.

Venus cost about 100 million euros ($118 million) with 40 million euros each contributed by Israel and France, and 20 million euros by Rafael Advanced Defense Systems Ltd. and Israel Aircraft Industries, the government-owned companies that built most of the equipment.

Ikea Starts Selling Solar Batteries to U.K. Homeowners

Posted August 02, 2017, 03:21 P.M. ET

By Jessica Shankleman

Home retailer IKEA of Sweden AB will start selling batteries for rooftop solar panels in the latest sign that once-costly storage technologies are becoming mainstream.

The Solar Battery Storage system was announced Aug. 2 in partnership with U.K. panel provider Solarcentury Holdings Ltd., providing potential savings on electricity bills by enabling users to use stored solar power when the sun is down and power grid costs are high.

The news came after the U.K. government set out last month to help energy consumers and industries save as much as 40 billion pounds ($52 billion) on their electricity bills by opening the grid to battery storage devices. The cost of lithium-ion cells used in batteries has already fallen 73 percent since 2010 and more price declines are expected.

A solar panel and battery storage kit from IKEA would cost from 6,925 pounds ($9,155), which would be returned over 12 years, according to the statement by IKEA on its website.

"With energy bills already going up 15 percent this year, there's never been a better time for customers to take back control of their electricity bills and maximize their savings by switching to solar and solar storage," Hege Saebjornsen, sustainability manager for IKEA U.K. & Ireland, said in a statement.

Centrica Plc on Aug. 1 hit U.K. households with a 12.5 percent rise in electricity prices, defying a government pledge to lower costs. SSE Plc, Innogy SE's Npower unit, Iberdrola SA's ScottishPower business and EON SE have all announced price increases since the start of the year.

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Coal Giant to Australia: Focus on Economy Before Paris Pact

Posted August 02, 2017, 9:05 A.M. ET

By Perry Williams

Australia may need to consider delaying its goals to combat global climate change in order to prioritize energy security and economic prosperity, according to a senior executive at Glencore Plc.

The country's emerging energy crisis, in conjunction with government-imposed clean-energy targets, has undermined investor confidence and may force businesses to shut or move offshore, the commodity giant's global coal head, Peter Freyberg, said in a speech Aug. 2 in Sydney.

"If that means Australia needs to consider a possible delay in meeting its emission reduction targets under the Paris Agreement in order to prioritize energy security and economic prosperity, then its worthy of further discussion," he said, adding that Swiss-based Glencore has invested $20 billion in its Australian assets and last year contributed more than $12 billion to the economy.

Australia, one of the world's biggest coal and natural gas exporters, was among more than 150 signatories to the November deal in Paris, aimed at lowering carbon dioxide emissions to limit a rise in global temperatures. Meanwhile, rising power and gas prices in the past year, as well as occasional blackouts, have put the nation's energy security under scrutiny, a situation Freyberg said stemmed from "a decade of poorly designed and uncoordinated energy policy."

"Renewable energy has a role to play in Australia's energy mix, but not at any cost and not at the expense of grid stability, reliability or other energy options," he said in his speech.

Falling Demand

Global coal consumption dropped 1.7 percent last year compared with an average 1.9 percent yearly rise from 2005 to 2015, BP Plc said in its annual review of global energy trends. Use is falling as the world's biggest energy companies promote cleaner-burning natural gas and as China, which accounted for about half of all coal burned, evolves to focus more on services than heavy manufacturing, while renewable energy like wind and solar becomes cheaper, according to BP's analysis, published in June.

Freyberg's defense of coal in Australia contrasts with comments last month by Andy Vesey, head of the nation's largest power generator, AGL Energy Ltd., who urged the government to exclude coal from its planned clean energy target and said there's no appetite among private investors to fund new coal-fired plants.

Outside of Australia, coal provides secure and reliable baseload energy for Asia's developing economies, Freyberg said Aug. 2, which in turn provides Glencore with investment opportunities. That explains the company's $1.1 billion deal with Chinese miner Yancoal Australia Ltd. last week for Rio Tinto Group's Australian coal assets, he said.

Next-generation coal technology in a growing economy like India—including high-efficiency, low-emission plants and carbon capture and storage—can do more to reduce emissions than building new wind turbines in Europe or solar farms in Australia, Freyberg said.

Peter Grauer, the chairman of Bloomberg LP, is a senior independent non-executive director at Glencore.

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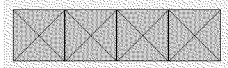
To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Wed 7/12/2017 4:43:38 PM
Subject: SUSAN BODINE NOMINATION MOVES TO SENATE FOR FULL CONSIDERATION

Susan Bodine Nomination Moves To Senate For Full Consideration

WASHINGTON, D.C. (July 12, 2017) Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt applauded the U.S. Senate Environment and Public Works (EPW) Committee's vote in favor of Susan Bodine, nominee to be assistant administrator of the Office of Enforcement and Compliance Assurance (OECA) at EPA. Bodine's nomination now moves to the Senate for full consideration. Administrator Scott Pruitt released the following statement following this vote:

"Susan is highly qualified, with decades of experience having worked at EPA under the Bush Administration, and in both the House and Senate environmental committees. I look forward to her consideration before the full Senate and her eventual confirmation. I know Ms. Bodine will bring a pragmatic and principled perspective to the Agency."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 8/29/2017 7:07:15 PM
Subject: EPA names Wisconsin official to Region 7 post

By Alex Guillén

08/29/2017 02:48 PM EDT

EPA has picked the Cathy Stepp, the head of Wisconsin's Department of Natural Resources, to be principal deputy regional administrator for Region 7.

"Stepp has consistently strived to promote clean air, water and land while ensuring regulatory certainty at the state level to promote a strong and growing economy," EPA spokeswoman Liz Bowman said in a statement.

Stepp told state lawmakers earlier this year that she turned her agency from one feared by businesses to a "safe space" where operators can learn how to avoid violating environmental laws, according to a local report.

EPA has yet to name a permanent regional administrator for Region 7, which covers Iowa, Missouri, Nebraska and Kansas, but not Wisconsin. The Milwaukee Journal Sentinel reported Stepp has a home in Branson, Mo.

A former construction company owner, Stepp previously was a state senator in Wisconsin from 2003 to 2007, followed by stints on Sen. John McCain's presidential campaign in 2008 and as treasurer for the state GOP. She spoke at a campaign rally for then-candidate Donald Trump in September 2016.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/epa-names-wisconsin-official-to-region-7-post-092217

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Yes, very	Somewhat	Neutral	Not really	Not at all

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sat 7/8/2017 1:31:01 PM
Subject: POLITICO Playbook, presented by Postmates: TO RUSSIA WITH FULL BELLY: Sergey Kislyak spotted at Cafe Milano in a good mood -- TRUMP at G-20 -- IVANKA sits in for dad at G-20 table -- JUST LIKE WE TOLD YOU: July 4 break bad for health care bill

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by Postmates
07/08/2017 09:27 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Saturday morning. SPOTTED: Russian Ambassador Sergey Kislyak in a very good mood at Cafe Milano Friday night. He walked into the restaurant by himself.

PRESIDENT DONALD TRUMP is continuing his meetings at the G-20. He returns to Washington at the end of the day. Earlier today, he and British Prime Minister Theresa May gave brief remarks. Trump said "they would have 'tremendous talks' and reach a very big 'a very powerful deal' on trade 'very very quickly,'" according to the pool report. Pooler Andrew Beatty of AFP noted: "in the corner of the room was a late TV, still on, but silent, showing Fox News."

-- ON RUSSIA: Trump said he had a "tremendous meeting" with Putin. According to the pool report: "POTUS did not answer a shouted [question] about whether Russia lied about his meeting yesterday."

-- ON VISITING ENGLAND: "I will be going to London." No details on when.

Indonesian President Joko Widodo , known as Jokowi, also met Trump in a bilateral meeting room, saying it was "a great honor" to meet with him. "Jokowi spoke in English, wishing Trump 'warm greetings' from his 'millions of fans' in Indonesia. He said they all want to know is when Trump will go there. 'We'll get there, we'll get there. It's a place I'd like to go,' POTUS responded," per the pool. **NOTE:** Us too!

-- ON TRADE: "We're going to do a lot of trade deals," Trump said of working with Indonesia, according to the pool report. "We are going to do a lot of business."

-- **"Ivanka Trump Sat In for Her Father at the G-20 Leaders' Table,"** by Bloomberg's Craig Gordon (with a rare byline) in Hamburg: "A photo on Twitter shows Ivanka Trump sitting at her father's place, between Chinese President Xi Jinping and British Prime Minister Theresa May. One official who was watching the session said she has taken her father's place at the table on at least two occasions today and did not speak. A spokesman for Ivanka Trump said she had been sitting in the back of the room and then briefly joined the main table when the president stepped out." https://bloom.bg/2sAgjqs ... ***Pic of Ivanka at the table*** http://bit.ly/2tTDC2n

MOLLY K. MCKEW in POLITICO Magazine, **"Trump Handed Putin a Stunning Victory:** From his speech in Poland to his two-hour summit in Hamburg, the president seemed determined to promote Russia's dark and illiberal view of the world": "In very concrete terms, through speech and action, the president signaled a willingness to align the United States with Vladimir Putin's worldview, and took steps to advance this realignment. He endorsed, nearly in its totality, the narrative the Russian leader has worked so meticulously to construct. The readout of Trump's lengthy meeting with Putin included several key points. First, the United States will 'move on' from election hacking issues with no accountability or consequences for Russia; in fact, the U.S. will form a 'framework' with Russia to cooperate on cybersecurity issues, evaluating weaknesses and assessing potential responses jointly.

"Second, the two presidents agreed not to meddle in 'each other's' domestic affairs-equating American activities to promote democracy with Russian aggression aimed at undermining it, in an incalculable PR victory for the Kremlin. Third, the announced, limited cease-fire in Syria will be a new basis for cooperation between the U.S. and Russia; Secretary of State Rex Tillerson went so far as to say that the Russian approach in Syria-yielding mass civilian casualties, catastrophic displacement, untold destruction and erased borders-may be 'more right' than that of the United States.'" http://politi.co/2uVCV5A

MICHAEL CROWLEY in Hamburg: **"Trump's pursuit of friendship with Putin fulfills his campaign promise":** "When it comes to dealing with Russia, President Donald Trump is keeping his promise. As president, Trump has backed away from campaign promises to impose tariffs on China, scrap the Iran nuclear deal and quickly build a wall on the Mexican border. But nothing has deterred him from his vow to test the possibilities of diplomacy with Russian President Vladimir Putin. Not three federal investigations, not talk of impeachment -- not even his wife.

"First lady Melania Trump interrupted her husband's Friday meeting with Russian President Vladimir Putin here at the G-20 summit in an unsuccessful attempt to end an unexpectedly long and chatty session between the leaders of two ostensibly hostile powers. 'We went another hour after she came in to see us,' Secretary of State Rex Tillerson told reporters in a briefing afterwards, with top White House and State Department aides looking on. 'There was such a level of exchange and engagement,' between Trump and Putin, he added, 'neither of them wanted to stop.'" http://politi.co/2tAdZkC

-- **@markknoller:** "You're hearing soundbites of Secy Tillerson describing the Trump/Putin Summit because the WH barred TV camera coverage of his briefing." ... **@RichardHaass:** "Differing US, Russian accounts of Trump-Putin bilateral is one reason you have an NSC aide attend important meetings as note taker" ... **@yashar:** "WATCH: Putin, clearly prepared for the meeting, gestures to journalists and says 'these are the ones hurting you?'" http://bit.ly/2sQT8Mx ...

... **@abbydphillip:** "In this version, you can hear Trump reply 'Yeah, they're the ones. You're right about that.'" ... **@Kasparov63:** "This photo already everywhere in Russian media (as was a similar one with Obama). Putin knows how to play this game. Trump reaching to him." http://bit.ly/2u2WjAX

****** **A message from Postmates:** Operating in over 200 cities across the United States - Postmates is an innovative, on-demand logistics platform, transforming the way goods move around towns by enabling anyone to have anything delivered to their door step within minutes, and driving over $1B in goods and merchandise across its platform in 2017. https://postmates.com ******

THE STAKES -- "At G-20, world aligns against Trump policies ranging from free trade to climate change," by WaPo's Michael Birnbaum and Damian Paletta in Hamburg: "The growing international isolation of the United States under President Trump was starkly apparent Friday as the leaders of major world economies mounted a nearly united opposition front against Washington on issues ranging from climate to free trade. At a gathering of the Group of 20 world economic powers - normally a venue for drab displays of international comity - there were tough clashes with the United States and even talk of a possible transatlantic trade war.

"The tensions were a measure of Trump's sharp break with previous U.S. policies. They were also a warning signal of Washington's diminished clout, as the leaders of the other nations who gathered in Hamburg mulled whether to fix their signatures to statements that would exclude Trump or to find some sort of compromise. Two European officials said they were leaning toward a united front against Washington." http://wapo.st/2sAnE9p

-- "G20 communique agreed apart from climate issue: EU officials," by Reuters' Paul Carrel and Noah Barkin in Hamburg: "World leaders meeting for a summit in Germany have agreed every aspect of a joint statement apart from the section on climate where the United States is pushing for a reference to fossil fuels, European Union officials said on Saturday. The officials said aides had worked until 2 a.m. to finalize a communique for the Group of 20, overcoming differences on trade after U.S. officials agreed to language on fighting protectionism. ... [O]ne EU official [said:] 'We have all the fundamentals. We have a G20 communique, not a G19 communique' ...

"The section that needs to be resolved by the leaders relates to the U.S. insistence that there be a reference to fossil fuels, the official said. ... Trump ... congratulated

Merkel for her stewardship of the summit. 'You have been amazing and you have done a fantastic job. Thank you very much chancellor,' he said." http://reut.rs/2u3cKxs

SUPPORT ERODING ... TWO SIMILAR STORIES in the **NYT** and **POLITICO: JENNIFER STEINHAUER** and **ROBERT PEAR** on A1: **"G.O.P. Support of Senate Health Repeal Erodes During Break":** "With Congress set to return on Monday after a week's recess, Republican lawmakers are increasingly aware that their seven-year promise to dismantle President Barack Obama's largest policy achievement is deeply imperiled. Senator John Hoeven, Republican of North Dakota, signaled this week that he would not vote for the bill as written, following negative remarks from other senators with large poor and rural populations. That was the 10th defection. Three other Republican senators, Bob Corker of Tennessee, Charles E. Grassley of Iowa and John Boozman of Arkansas, have withheld their support, although they have not declared their opposition, and others have largely remained silent.

"Mr. Grassley told voters on Friday that he was unsure if he would vote for the Senate Republican bill in its current form, according to The Des Moines Register. 'I don't even know if we're going to get a bill up,' said Mr. Grassley, an expert on health policy and taxes who has been in Congress for more than 40 years." http://nyti.ms/2uBzXUr

-- JEN HABERKORN: "Time away from Washington deepens GOP misgivings about health plan: Corralling 50 votes looks even more daunting in the run-up to August recess": "Buffeted by headwinds, Republicans will return to Washington on July 10 facing even longer odds for piecing together a bill that can win over skeptical moderates and conservatives in the three weeks before the August recess.

"The events seemed to validate McConnell's original plan to speed a vote on a draft plan before lawmakers scattered across the country for their holiday break. Controversial legislation rarely looks more appealing after sitting out in the open for a week -- conventional wisdom proved true this week. But after canceling the plan for a late June vote, the GOP may have no other option but try to wrap up repeal efforts before August." http://politi.co/2uVk22E

SPEAKER PAUL RYAN in Madison yesterday, per the Capital Times: "I'm pleased with where we are. We have a very aggressive agenda, and we know that most of these big difficult things take about a year to do, and that's why this will ultimately coalesce around getting these things done in the fall. But we're basically where I was hoping to be." http://bit.ly/2sAXJhO

SIREN -- NYT EDITORIAL BOARD: "Yes, the Trump Administration Has Ideas, and Some Are O.K.": "[A]fter digging through June's pronouncements and bullet points, and consulting the White House, its allies and its critics, we found a few promising ideas amid the blather, as well as some old clunkers. Week One: Infrastructure. A great idea, stalled on the runway. Even the hulking coal barges behind Mr. Trump as he made a 'major' infrastructure speech on June 7 couldn't hide that his biggest job-creation promise, a $1 trillion infrastructure overhaul, has fallen prey to his inattentiveness, a

congressional logjam, Republicans' worries about costs and their aversion to working with Democrats on most anything.

"Week Two: Workforce Development. Mr. Trump wants to expand vocational school, job training and apprenticeship opportunities to fill a deep gap in the manufacturing, health care, technology and construction labor pools. ... Mr. Trump signed an executive order in June directing the labor secretary to channel available money toward programs that provide paying jobs with a training or educational component. It's not a fully formed plan, but it's a solid effort to address a recognized need. Ivanka Trump again promoted her plan for six weeks of paid family leave. Democrats say it's not enough; Republicans recoil at government-funded family leave. She gets credit for pushing Republicans to consider an overdue idea, but it's unclear that she has the commitment and experience to win them over.

"Week Three: Technology. Jared Kushner ... updated tech executives on progress in modernizing the government's technology infrastructure. Once the cameras were off, the chief executives stressed that cybersecurity and system modernization go hand in hand, and have been a priority at least since the Office of Personnel Management data hack during the Obama administration. They established a working group of experts from two dozen companies, which this week began drawing up recommendations for replacing antiquated government computer systems with secure networks. The project has bipartisan support in Congress. (Read: It might actually get funded.)

"Week Four: Energy. Lots of chest pounding by Mr. Trump and Interior Secretary Ryan Zinke about 'energy dominance' and the need to extract even more of what America already has in abundance - oil and natural gas - with little attention to further developing carbon-free energy sources like wind and solar. On the plus side, the president promised to 'revive and expand our nuclear energy sector.'" http://nyti.ms/2sYcgUb

JOHN PODESTA in WaPo, **"Why is Trump tweeting about me when he should be doing his job?":** "What I do know is this, which is why I'm choosing to respond to Trump's tweet: The Russians stole my emails. When they did that, they committed a crime. They also invaded my privacy, and the privacy of a multitude of friends, family and colleagues with whom I communicated. That, combined with vicious lies spread by the alt-right media such as the so-called Comet Ping Pong conspiracy, exposed them to potential harm, as was evidenced by the shooting at Comet. The crime the Russians committed, as the intelligence community has concluded, was for the purpose of helping Trump get elected president.

"So the responsible thing for a U.S. president to do, in these circumstances, is to have the backbone to stand up against Russian interference in U.S. democracy - not to question, as Trump did on Thursday, the competence of our own intelligence community and to publicly doubt, once again, the conclusion that Russia was behind the hacking." http://wapo.st/2u0YO71

FOR YOUR RADAR -- "South Syria truce to allay Jordan, Israel fears about Iran,"

by AP's Karin Laub in Amman, Jordan: "A separate truce for southern Syria, brokered by the U.S. and Russia, is meant to help allay growing concerns by neighboring Jordan and Israel about Iranian military ambitions in the area, including fears that Tehran plans to set up a disruptive long-term presence there. Such apprehensions were stoked by recent movements of Shiite Muslim militias - loyal to Iran and fighting alongside Syrian government forces - toward Jordan's border with Syria, and to another strategic area in the southeast, close to where the two countries meet Iraq." http://bit.ly/2tXcQWu

--"Mosul victory imminent as Islamic State lines collapse: Iraqi military," by Reuters' Stephen Kalin in Mosul and Maher Chmaytelli in Erbil http://reut.rs/2tsAM3o

Playbook Reads

PHOTO DU JOUR: Russian President Vladimir Putin meets with President Donald at the G-20 summit in Hamburg, Germany, on July 7. | Evan Vucci/AP Photo

HMM -- "Group Alleges Tom Price Improperly Spent Campaign Funds During Confirmation Fight," by WSJ's Michelle Hackman: "A campaign-finance watchdog group filed a complaint against Health and Human Services Secretary Tom Price on Friday, alleging he improperly used his congressional campaign fund to promote his confirmation to join President Donald Trump's cabinet. In its complaint with the [FEC], the Campaign Legal Center cited a $40,000 payment the former Georgia congressman's campaign committee made on Jan. 26 to America Rising, a GOP consulting firm. Around the same date ... the firm released research and videos promoting the confirmation of Mr. Price and other cabinet nominees in the Senate. Mr. Price was the only cabinet nominee to use campaign funds to pay the firm." http://on.wsj.com/2tAWS22

THE LATEST ON THE TRAVEL BAN -- "Hawaii takes another legal swat at Trump travel ban," by Josh Gerstein: "Lawyers for the state of Hawaii are making yet another bid to rein in President Donald Trump's travel ban executive order, returning to a federal judge who rejected a similar request just one day earlier. Late Friday night [in Hawaii] the state's legal team filed a new motion asking U.S. District Court Judge Derrick Watson to declare that the policy the Trump administration began implementing last week violates an injunction Watson issued in March. Hawaii's attorneys, led by Attorney General Douglas Chin and private counsel Neal Katyal, also made an alternative request that Watson modify his order to prohibit the federal government from using a restrictive interpretation requiring immigrants to have sufficient family or other ties to the U.S. to win an exemption from the travel ban." http://politi.co/2uVtlKA

FIRST FAMILY -- "Trump pledges $50 million for global women's business effort advocated by daughter Ivanka," by USA Today's Gregory Korte: "President Trump lent his support to a global women's entrepreneurship initiative championed by daughter

Ivanka Trump on Saturday, pledging $50 million from the United States to jump-start the effort. ... The Women Entrepreneurs Finance Initiative, or We-Fi, will provide loans, mentorship and other services to small businesses run by women around the world, and especially in its poorest countries. The World Bank is seeking $1 billion in pledges." https://usat.ly/2sXQX5i

-- IN ALTERNATE UNIVERSE: Donald Trump rails on President Hillary Clinton for committing $50 million in government funding to an initiative run by her daughter. "Crony capitalism is now government policy!" he tweets in this alternate universe.

ANNIE KARNI: Carolyn "Maloney pushes Trump to back women's history museum on the Mall: The New York Democrat, whose district includes Trump Tower, is on a mission to sell her idea to the women in the White House." http://politi.co/2u3oUpQ

VALLEY TALK -- "Facebook campus expansion includes offices, retail, grocery store, housing," by the San Jose Mercury News' George Avalos: "Aiming to address long-neglected community needs and to accommodate its burgeoning workforce, Facebook has proposed a vast expansion of its Menlo Park campus. The new campus would include several office buildings, hundreds of homes, retail, a grocery store, and parks and plazas, all part of what the social network giant envisions as a new center for the neighborhood. ... Menlo Park-based Facebook intends to develop 1.75 million square feet of offices, 1,500 units of housing, 125,000 square feet of retail space including a pharmacy, as well as a cultural and visitor center." http://bayareane.ws/2sRbfSK

****** **A message from Postmates:** Operating in over 200 cities across the United States - Postmates is an innovative, on-demand logistics platform, transforming the way goods move around towns by enabling anyone to have anything delivered to their door step within minutes, and driving over $1B in goods and merchandise across its platform in 2017. https://postmates.com ******

FUN CLICK -- "Making the New York Times: Page one from square one," by Alex Q. Arbuckle in Mashable: "In September 1942, Office of War Information photographer Marjory Collins paid a visit to the offices of the New York Times, located at the iconic One Times Square and an annex on 43rd Street. There, she documented each step of the messy, physical process as news coming in over the wires was sorted, edited, rewritten, laid out, and printed, all under an ever-approaching deadline." ***45 pix on one page*** http://on.mash.to/2tTgjWw

CLICKER -- "The nation's cartoonists on the week in politics,"edited by Matt Wuerker -- ***14 funnies*** http://politi.co/2u3iK9t

GREAT WEEKEND READS, curated by Daniel Lippman:

-- "Can America's Farms Survive the Threat of Deportations?" by Michael Frank in

The Atlantic - per Longreads' description: "Increasing deportations under Trump not only threaten the well-being of America's undocumented farm workers, they threaten the very system that keeps America's farms running, tax dollars flowing and food prices low. Here's what's happening in New York's rural Hudson Valley." http://theatln.tc/2tqvftV

-- **"Economics of the populist backlash,"** by Dani Rodrik in VoxEU: "Populism has been on the rise for quite some time, and it is doubtful that it will be going away. ... [T]he populist backlash to globalisation should not have come as a surprise, in light of economic history and economic theory. While the backlash may have been predictable, however, the specific forms it took were less so, and are related to the forms in which globalisation shocks make themselves felt in society." http://bit.ly/2tz2GZJ

-- **"Generation Shaq: Catching up with the kids named after a larger-than-life NBA superstar,"** by Alex Prewitt in Sports Illustrated - per Longform's description: "In 1993, his rookie season, more than 1,700 boys were named after Shaquille O'Neal. Now they've grown up." http://on.si.com/2tqUWec

-- **"'Love Thy Neighbor?'"** by WaPo's Stephanie McCrummen: "When a Muslim doctor arrived in a rural Midwestern town, 'it felt right.' But that feeling began to change after the election of Donald Trump." http://wapo.st/2u0VOHG

-- **"The Devil's Henchmen,"** by Kenneth R. Rosen in the Atavist: "Iraqi forces have killed thousands of Islamic State fighters. In death, what do they deserve? Seeking answers in the ruined city of Mosul, Kenneth R. Rosen unearths a terrible crime." http://bit.ly/2sPwEvJ

-- **"The Hacker Who Cared Too Much,"** by David Kushner in Rolling Stone: "When a programmer shut down a hospital website to defend a sick girl, he raised a crucial question: What are the bounds of protest in the digital age?" http://rol.st/2u1pQv5

-- **"Who will speak for the geese?"** by Peter Moskowitz in The Outline: "New York City has made a habit, and a business, of massacring geese. One Brooklyn man is trying to save them." http://bit.ly/2sPGRYM

-- **"Bunkers for the 0.003 percent"** - Garrett Graff, author of "Raven Rock: The Story of the U.S. Government's Secret Plan to Save Itself--While the Rest of Us Die," interviewed by Elisabeth Eaves in the Bulletin of the Atomic Scientists: "You've got 20 people in the line of official succession, but each office has a 20-person line of succession beneath it. You would have this very weird set of surprise leaders. It would include the UN ambassador, the U.S. attorney for the Northern District of Illinois, the top federal prosecutor in Chicago. You would have all of these people popping up and saying: Hi, we're the new leadership of the United States!" http://bit.ly/2u10LQV ... ***$22.47 on Amazon*** http://amzn.to/2rFq1Yc

-- **"Life after Armageddon: the deep psychological impact of the Second World War,"** by John Gray in the New Statesman: "The postwar era was energised by an idea

of freedom and a feeling of hope. The generation of leaders that emerged was old enough to remember the Great Depression, and determined that nothing like it would happen again." http://bit.ly/2tqJxel

-- **"The Brave New World of Gene Editing,"** by Matthew Cobb in N.Y. Review of Books -- per The Browser's description: "Fearful account of our seemingly inevitable drift from genetic engineering to eugenics. Tests for genetic diseases are commonplace; the cost of sequencing a human genome has plummeted; techniques for gene-editing are proven. We can 'deliberately change the frequency of certain human genes in the population'. Only laws and ethics constrain experimentation. 'With the best of intentions and, for the moment, the best of outcomes, we have drifted across a line in the sand.'" http://bit.ly/2tqM5ct

-- **"'My body is a cage of my own making,'"** by Roxane Gay in The Guardian: "Today, I am a fat woman. I don't think I am ugly. I don't hate myself in the way society would have me hate myself, but I hate how the world all too often responds to this body. It would be easy to pretend I am just fine with my body as it is. I'm a feminist and I know that it is important to resist unreasonable standards for how my body should look. What I know and what I feel are two very different things. Feeling comfortable isn't entirely about beauty standards." http://bit.ly/2sPKmhO

-- **"The rise of the McModern,"** by Kate Wagner in Curbed: "The creator of McMansion Hell on a new strain of modern houses for the masses." http://bit.ly/2tz85Ah

-- **"When Historic Preservation Depends on Gentrification,"** by Charles F. McElwee III in the American Conservative: "In today's San Francisco, the idea of enjoying a reasonable financial existence is foreign to the descendants of immigrants who flocked to the Bay Area in the late 19th and early 20th centuries. Google's private buses shuttle tech bros down to Silicon Valley in a city where the unrepentant pace of gentrification and technology are erasing any sense of historical identity. To live a middle-class life in San Francisco is now a form of augmented reality." http://bit.ly/2sRlmXF

-- **"Racing the Storm: The Story of the Mobile Bay Sailing Disaster,"** by Matthew Teague in Smithsonian: "When hurricane-force winds suddenly struck the Bay, they swept more than 100 boaters into one of the worst sailing disasters in modern American history." http://bit.ly/2sWh4JT

Playbookers

SPOTTED: D.C. Mayor Muriel Bowser last night at RPM Italian.

TRANSITIONS -- Ali-Jae Henke is now leading Google's Republican elections team as head of industry. She most recently had a stint in the company's L.A. office where she supported the Warner Bros' business. ... Obama NSC alum and former Foreign Service

officer **Ryan Hass,** and Obama NSC and DOD alum **Tarun Chhabra** started this past week as fellows in the Brookings Foreign Policy program. Obama DOD alum**Mara Karlin**, recently appointed to the faculty at Johns Hopkins SAIS, will also be affiliated with Brookings FP. ...

... Brian Kamoie, an NSC alum, is now deputy associate administrator for mission support at FEMA. **Adam Killian** has been also named as FEMA's director of intergovernmental affairs and **Jessica Nalepa** as director of congressional affairs.

BIRTHWEEK (was Thursday): NRSC political director Sarah Morgan (hat tip: mother Martha, who was on-time)

BIRTHDAYS: Steve Holland of Reuters ... Kelley Hudak, coalitions director for House Majority Whip Steve Scalise, is 28 (h/ts Lauren French and Ryan Williams) ... Wolfgang Puck is 68 ... Neil Newhouse, partner and co-founder of Public Opinion Strategies ... Jim Miklaszewski ... former Rep. John Dingell (D-Mich.) is 91 ... Dennis Harbaugh ... Nick Simpson, director of comms. at Managed Funds Association, is 35 ... Amy Sennett ... Dean Garfield, president and CEO of the Information Technology Industry Council ... Eve Samborn McCool, senior digital strategist at Revolution Messaging (h/t father Randall) ... Jamie Baker is 33 ... Stef Feldman ... Laura Zapata of UberEATS comms and an HFA alum (h/t Ian Sams) ... Dan Rosenthal, managing principal at Albright Stonebridge Group ... AEI media relations coordinator Maddie James is 24 (h/t Meg Cahill) ... Andrew Kauders, principal at the Podesta Group ... Adrienne Donato ... Eva Barboni, founder and CEO of Atalanta ... Geoff Garin, Democratic strategist and president of Hart Research (h/ts Jon Haber) ...

... Erik Huey, SVP of gov't affairs at Entertainment Software Association ... WSJ higher ed reporter Doug Belkin is 49 ... NYT's Lara Jakes ... Anna Uhls, associate counsel at Uber ... Molly Spaeth, comms lead at Uber in Chicago (h/ts Jill Hazelbaker) ... Dave Beard ... Linda Burger, "a 20 year cancer survivor, a fierce political junkie (CNN, MSNBC and Politico Playbook from early morning til late at night), and ... a well-read progressive who always speaks for social equality," is 75 (hubby tip: Jeff) ... Anna Quindlen is 65 ... former Sen. Phil Gramm (R-Texas) is 75 ... Tina Urbanski ... Susie Landau ... Cramer Williams ... Howard Gutman, former U.S. ambassador to Belgium, is 61 ... Bret Coulson ... Brad Baker ... Sandy Kaiser ... Sydney Allen ... Patrick McCarthy ... Laura Davis ... Evan Kaufman ... Dennis Harbaugh ... Patrick Dillon ... Greg Pellegrino is 52 ... Lee Dugatkin is 55 ... Amichai Stein ... Daniel Mintz ... Jeff Dunetz ... Jeffrey Tambor is 73 ... Anjelica Huston is 66 ... Kevin Bacon is 59 ... Toby Keith is 56 ... Jaden Smith is 19 (h/ts AP)

THE SHOWS, by @MattMackowiak, filing from Dallas:

--ABC's "This Week": Treasury Secretary Steven Mnuchin ... Outgoing Office of Government Ethics director Walter Schaub. Panel: Rep. Tom Cole (R-Okla.), Rep. Eric Swalwell (D-Calif.), Jason Riley and Katrina vanden Heuvel

--"Fox News Sunday": Reince Priebus ... Sen. Bill Cassidy (R-La.). Panel: Brit Hume, former Rep. Donna Edwards (D-Md.), Newt Gingrich and Juan Williams

--CBS's "Face the Nation": Sen. Ted Cruz (R-Texas) ... U.N. Ambassador Nikki Haley ... Sen. John McCain (R-Ariz.) ... former Dallas Police Chief David Brown. Panel: Margaret Brennan, Michael Crowley, David Ignatius and David Nakamura

--**NBC's "Meet the Press":** Former CIA Director John Brennan ... Sen. Lindsey Graham (R-S.C.) ... DNC chair Tom Perez and RNC chair Ronna McDaniel. Panel: Ruth Marcus, Kristen Welker, Rich Lowry and Bob Costa

--CNN's "State of the Union": U.S. Ambassador to the U.N. Nikki Haley ... Rep. Adam Schiff (D-Calif.) ... Ash Carter. Panel: Jen Psaki, Rick Santorum, former Ohio State Sen. Nina Turner and Rep. Scott Taylor (R-Va.) (substitute host: CNN's Dana Bash)

--Fox News' "Sunday Morning Futures": Rep. Michael McCaul (R-Texas) ... Grover Norquist ... Rep. Andy Biggs (R-Ariz) ... Sen. John Barrasso (R-Wyo.). Panel: Mary Kissel and Brad Blakeman

--Fox News' "MediaBuzz": Kellyanne Conway ... Ed Henry ... Meghan McCain ... Mo Elleithee ... Shana Glenzer

--CNN's "Inside Politics" with John King: Panel: Michael Shear, Karoun Demirjian, Mary Katharine Ham and Jeff Zeleny

--CNN's "Fareed Zakaria GPS": Panel: Elliott Abrams, Anne Applebaum, Ian Bremmer and Anne-Marie Slaughter ... Sergey Karaganov ... David Rubenstein

--CNN's "Reliable Sources": Panel: John Avlon, Lynn Sweet and John Gizzi ... Kirsten Powers and Ben Jacobs ... Columbia Journalism Review editor and publisher Kyle Pope ... Rep. Eric Swalwell (D-Calif.) ... KNIA/KRLS radio news director Robert Leonard

--C-SPAN: "The Communicators": CTIA - The Wireless Association president and CEO Meredith Attwell Baker, questioned by Politico's Margaret Harding McGill ... **"Newsmakers":** American Hospital Association president and CEO Richard Pollack, questioned by The Hill's Peter Sullivan and Bloomberg News' Anna Edney ... **"Q&A":** Author and WYNC "On the Media" co-host and managing editor Brooke Gladstone

--Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2mGabdq) Former U.S. Ambassador to Syria Robert Ford.

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Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

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EPA to Let More Research Office Science Advisers' Terms Lapse

Posted June 20, 2017, 03:32 P.M. ET

By Rachel Leven

The Environmental Protection Agency in August will let go dozens more scientists who advise the agency's Office of Research and Development on its priorities and cancel all of the board's subcommittee meetings in 2017, according to a letter obtained by Bloomberg BNA.

The move is part of the EPA's "need to reconstitute" the Board of Scientific Counselors (BOSC), according to the letter from Robert Kavlock, acting assistant administrator for EPA's Office of Research and Development. The agency hopes the board will be able to restart its work in 2018, Kavlock said.

The EPA in May declined to renew the terms of nine members of the Board of Scientific Counselors. Kavlock said in the letter that members with terms scheduled to expire in August also will not see their terms renewed.

The board's committee chair told Bloomberg BNA the agency's actions would likely leave the research office without this board's advice for nearly a year "when they sorely need it."

"Not only are they [the research office] facing huge proposed changes to their programs (the proposed 2018 budget) but they are also just gearing up for their next 5 year strategic plan," Deborah Swackhamer, chair of the board's executive committee and a professor at the University of Minnesota, said in an email. "So outside advice from BOSC would have been particularly useful this coming year."

Kavlock encouraged board members whose terms expire in August 2017 or March 2018 to reapply before June 30, according to the letter. The EPA didn't immediately respond to Bloomberg BNA's message requesting verification of the letter and additional comment.

EPA Could Offer 1,228 Employees Buyouts, Union Says

Posted June 20, 2017, 03:26 P.M. ET

By Andrew Childers

As many as 1,228 EPA employees will be eligible for buyout offers, according to a proposed memorandum of understanding on the offers released by the agency's union.

The buyouts would need to take effect by Sept. 2, according to John O'Grady, an Environmental Protection Agency employee and union representative based in Chicago, who released the draft memorandum to reporters June 20. The proposed memorandum is similar to those between the agency and unions reached for similar buyout offers in 2014 and 2015, O'Grady said in an email.

In fiscal year 2016, EPA says it employed 15,376 staff members.

Union officials could not be reached for additional comment. The EPA could not predict the number of employees who would take the buyout, but the agency has previously said it would be targeting supervisor positions, with $12 million set aside for the offers.

About 450 employees took the EPA's buyout offers in 2014, the agency's Office of Inspector General said in a March report. Those buyouts cost the agency $11.3 million in incentives.

The EPA's fiscal year 2018 budget request would cut EPA employment lives by approximately 20 percent, bringing its staffing down to mid-1980s levels.

O'Grady said the union hopes to have the memorandum signed by June 30.

Yucca Mountain Offers Lifeline to At-Risk Communities: Perry

Posted June 20, 2017, 03:05 P.M. ET

By Brian Dabbs

Temporary storage of nuclear waste poses an urgent threat to the U.S. public, and Nevada's Yucca Mountain is the "proper" location for a long-term repository, Energy Secretary Rick Perry told House appropriators.

"We can no longer kick the can down the road," Energy Secretary Rick Perry said June 20. "It's your citizens that have the most to lose if we continue to leave this waste in your districts."

Perry testified in support of the White House budget for the Energy Department, which calls for $150 million in funding to resume technical work for the site. Rep. Mike Simpson (R-Idaho), the top appropriator on the subcommittee hosting Perry, backed the endorsement of Yucca Mountain as a nuclear waste storage facility.

Lawmakers have long battled over the site, and Nevada's congressional delegation is united in its opposition to Yucca Mountain, located 90 miles northwest of Las Vegas. Commercial spent fuel from reactors is currently stored mostly at production sites across the U.S.

The House Energy and Commerce's Environment Subcommittee last week approved a draft nuclear waste bill that would move along licensing efforts that the Obama administration mothballed and

allow the Energy Department to enter into contracts with private interim storage facilities, which would store commercial waste before a permanent repository is developed.

Clean Energy Cuts

Meanwhile, the budget document would slash the Energy Department budget by $1.7 billion, an overall 5.4 percent cut. That reduction hits clean energy programs the hardest.

The budget proposal seeks to ax the the Advanced Projects Research Agency-Energy (ARPA-E) office, a investment program targeting immature, high-risk energy technologies. Broad emerging energy research allocations would be cut from $1.84 billion in fiscal year 2017 to $1.55 billion.

Those cuts would jeopardize U.S. climate change initiatives, said Rep. Nita Lowey (D-N.Y.), the House Appropriations Committee's ranking member.

"While you no longer propose to eliminate the agency, your budget would do grievous harm," she said. "There is still time to protect our planet from the disastrous impacts of climate change."

Perry famously urged the elimination of the department on the presidential campaign trail in 2012.

Meanwhile, Perry touted the budget's proposed increase in defense funds. The budge would boost funding for developing and safeguarding nuclear weapons.

Energy Department Grid Study Expected by Month's End, Perry Says

Posted June 20, 2017, 03:00 P.M. ET

By Ari Natter

The Department of Energy's highly anticipated study on the U.S. power grid and how it can help coal and nuclear power "should be" available by the end of the month, Energy Secretary Rick Perry said June 20.

"That's a question about do we have the baseload," Perry testified before a House Appropriations subcommittee. "Where does nuclear come into this, where does our renewables play, what role does carbon capture utilization and sequestration, and coal plants have to play in the baseload?"

The study also will look into the security of the grid, Perry said.

The Trump administration's budget request seeks $28 billion for the energy department in FY18, a reduction of $1.6 billion from current levels, and includes deep cuts to clean energy spending and the elimination of an advanced energy research office.

House Appropriations Committee Chairman Rodney Frelinghuysen (R-N.J.) said he has "concerns" about cuts to nuclear energy and fusion programs, calling them "pretty dramatic."

The budget request would cut $283 million from DOE's nuclear energy program. Perry said the budget reflects tough decisions, and prioritizes protecting taxpayers.

"I was a governor long enough to know that budgets don't always come back to you the way they start, and I think that is a fair statement," the former Texas governor said.

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Hundreds of Scientists Recommend Better Oversight of Germ-Killers

Posted June 20, 2017, 02:56 P.M. ET

By Tiffany Stecker

More than 200 scientists and health professionals are urging consumers to avoid two common germ-killers, while recommending that regulators better label products with the chemicals and evaluate the risks the substances may pose to health and the environment.

The federal government has not gone far enough to protect consumers from triclosan and triclocarban, antimicrobial chemicals used in toothpaste, soaps, clothing, and building materials, the scientists said. The chemicals can accelerate the development of antibiotic-resistant microbes, disrupt hormonal function, and break down into toxic and potentially carcinogenic substances in the environment. The scientists also questioned whether antimicrobial use is always the solution for keeping disease at bay.

"Customers may think added antimicrobials are a way to reduce infections, but in most products, there is no evidence that they do," Ted Schettler, science director of the Science and Environmental Health Network, said in a statement.

The Food and Drug Administration published a final rule Sept. 6, 2016—that went into effect one year later—that banned triclosan, triclocarban, and 17 other chemicals for use in antiseptic wash products. But the rule doesn't go far enough, according to the statement.

The scientists recommended that consumers avoid the use of triclosan, triclocarban, and other antimicrobial chemicals except when there is evidence of a health benefit; use alternative antimicrobials when disinfectants are necessary; and label products containing triclosan, triclocarban, and other antimicrobials. They also called for scientific agencies to evaluate the safety of the chemicals throughout the entire product life cycle.

A spokesman for the American Cleaning Institute, whose members make products with the antimicrobials, called the statement outdated and said it doesn't reflect the current science and regulation of the chemicals.

"Consumers can continue to use these products with confidence," Brian Sansoni, ACI's vice president of sustainability initiatives told Bloomberg BNA in an email. Manufacturers of antibacterial soaps began phasing out use of triclosan and triclocarban years before the FDA's final rule. Soap makers are using other antibacterial ingredients and submitting safety and efficacy data to the FDA, Sansoni said.

The Florence Statement on Triclosan and Triclocarban, a consensus agreement signed at the 36th International Symposium on Halogenated Persistent Organic Pollutants in Florence, Italy, was published June 20 in the journal Environmental Health Perspectives.

Zinke Tells Senator Methane Waste Rule Will Follow Law

Posted June 20, 2017, 01:40 P.M. ET

By Alan Kovski

The BLM skirted the law when it halted parts of a rule to waste of methane by oil and gas companies, a Democratic senator said. But Interior Secretary Ryan Zinke assured a Senate committee June 20 that the public will have its chance to participate in the formulation of new regulations governing the venting, flaring, and leaking of natural gas. Zinke was responding to questions from Sen. Maria Cantwell (D-Wash.), who suggested the Bureau of Land Management was cutting the public out of the picture when the agency suspended parts of a rule written to reduce the waste of methane by oil and gas companies operating on federal and Indian lands. She had led a Senate fight to defend the rule.

The revamp of the rule will follow obligations for public notice and comment as the BLM tries to devise a more pragmatic rule, Zinke said during a hearing of the Senate Energy and Natural Resources Committee.

EU Chemicals Agency Tightens Restrictions on Phthalates

Posted June 20, 2017, 01:08 P.M. ET

By Stephen Gardner

A European Chemicals Agency committee adopted an opinion in favor of a wide-ranging restriction under the European Union's REACH law, which would have the effect of largely prohibiting four hazardous phthalates from consumer products sold in the bloc.

The phthalates that would be affected by the ban and the restriction are benzyl butyl phthalate (BBP), bis(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP) and diisobutyl phthalate (DIBP).

Use of the four phthalates has been banned in the EU since 2015 under REACH (Regulation No. 1907/2006 on the registration, evaluation, and authorization of chemicals) on the basis that the substances are toxic to reproduction, ECHA's Socio-Economic Analysis Committee said June 20. Under REACH, companies can obtain specific continued-use authorizations for the phthalates if they can prove there are no viable alternatives and the substances can be used safely.

The REACH restriction would reinforce the substance ban by prohibiting on the EU market consumer products that contain the phthalates in a concentration greater than 0.1 percent by weight. The phthalates are used as plasticizers and the restriction would potentially affect a range of imported items made from, or that contain, soft plastic, such as vinyl flooring, cables, footwear, and office equipment. Some specialized uses, such as in laboratory equipment, would be exempted from the restriction.

Following the committee's opinion on the phthalates, the European Commission, the EU's executive arm, will adopt a formal decision on the restriction. The restriction will come into force three years after the commission's decision is finalized.

Pipeline Agency Says It Won't Enforce Obama Gas Storage Regs

Posted June 20, 2017, 01:07 P.M. ET

By Ari Natter

Regulations for natural gas storage sites put in place after the Aliso Canyon natural gas leak won't be enforced, PHMSA announces.

The pipeline regulator says enforcement halted "in the interim, and for one year after the publication of a final rule," after receiving a petition for reconsideration of interim rules put in place in December.

The rule revised safety regulations related to well integrity, well-bore tubing and casing. It also codified industry recommended practices related to design and functional integrity.

The leak at Sempra Energy subsidiary resulted in the release of 4.62b cubic feet of natural gas, or the carbon-dioxide equivalent of 500,000 passenger cars driven for 1 year, according to the Pipeline and Hazardous Materials Safety Administration.

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Brazil Bank Approves $312 Million in Loans for Wind Farms

Posted June 20, 2017, 01:04 P.M. ET

By Michael Kepp

The Brazilian Development Bank approved 1.04 billion reais ($312 million) in low-cost financing for three utilities to develop wind complexes that will generate enough energy to power 700,000 homes.

The developers are EDF of France, Enel S.p.A. of Italy, and a local developer co-owned by Brazilian mining giant Vale SA, the bank announced June 19.

The bank approved a loan of 486.4 million reais to EDF for a 116.6 megawatt wind complex and 307.8 million reais to Enel for a 96 megawatt wind complex, both in northeastern Bahia state. It also approved a loan of 243.5 million reais for a 98.7 megawatt wind complex in northeastern Ceara state that will be undertaken by Alianca, a Brazilian energy company co-owned by Vale SA and Cemig.

The development bank has approved a total of 2.48 billion reais in financing for wind energy projects this year, a spokeswoman for the bank told Bloomberg BNA June 19.

Wind power is expected to account for 6.6 percent of Brazil's electricity mix in 2017, up from 5.4 percent in 2016, according a division of the Mines and Energy Ministry.

Court Upholds Plant Performance Rule in Largest U.S. Power Grid

Posted June 20, 2017, 12:49 P.M. ET

By Stephen Cunningham

A U.S. appeals court found that the power plant performance standard in PJM Interconnection's annual forward capacity auction is proper, according to a recent opinion.

In June 2015, FERC approved more stringent performance rules for generators competing in annual forward capacity auction held by PJM to address reliability concerns.

Generators that provide supplies during peak-demand periods receive higher payouts, while they're penalized for failing to meet commitments.

The legal challenge was pursued by the Natural Resources Defense Council, Sierra Club, American Public Power Association, and the Advanced Energy Management Alliance (Advanced Energy Mgt. v. FERC, D.C. Cir., No. 16-1234, 6/20/17).

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Trump's Emergency Manager Earns Support of Climate Advocates

Posted June 20, 2017, 12:34 P.M. ET

By Christopher Flavelle

Brock Long was cleared by the Senate to become President Donald Trump's emergency-management director June 20 after gaining the support of one unlikely constituency: environmentalists.

While climate advocates panned Trump's selections to head the Environmental Protection Agency and Energy Department, they expressed optimism that Long, Alabama's former emergency manager, would seek to protect Americans from the increased risks of hurricanes, flood and heat waves linked to global warming.

Long was confirmed by a 95-4 vote.

"He is a rare Trump appointee who is a well-known professional in the field in which he was appointed," said Eli Lehrer, president of The R Street Institute, a Washington research group that promotes market-based solutions to climate change. "Every part of his reputation suggests he'll take a careful, deliberate, technocratic approach to the job."

Environmentalists' view of Long's nomination stands in contrast to their response to other Trump appointees. In March, as the vote on Scott Pruitt to lead the EPA was headed to the Senate, environmental groups sent senators a letter arguing his confirmation would be a disaster "for every person in the United States who drinks water or breathes air."

The pick of Rick Perry as Energy secretary was mocked because he had campaigned in the 2012 presidential race on the idea of eliminating the Energy Department and argued in his 2010 book "Fed Up!" that the Earth was in a "cooling trend."

Continuity Signaled

While Pruitt and Perry pledged to reverse Obama-era climate and clean-energy efforts, Long has signaled more continuity for the Federal Emergency Management Agency, or FEMA.

Preparing for storms, floods and other extreme weather is "the cornerstone of emergency management," Long testified June 7. "If we ultimately want to reduce costs in the future for disasters, we have to do more mitigation."

Environmentalists cite two reasons for their optimism that Long will take climate risks seriously.

First, they point to Long's previous experience in Alabama, one of the states most exposed to hurricanes, floods and other types of extreme weather.

Second, Long's testimony during his Senate confirmation hearing this month suggested he will continue efforts started under President Barack Obama to better prepare for floods and storms before they happen. Long told senators that he'll work to make the country more resilient and hinted that he will push back on Trump's proposed cuts to flood mapping and other programs intended to reduce communities' vulnerability to disasters.

"He spoke to the importance of trying to reduce risk on the front end," said Shana Udvardy, a climate-preparedness expert at the Union of Concerned Scientists. "He could be a good advocate when it comes to the president's budget."

Others noted that despite his experience, the emergency management job will be challenging. Trump has called climate change a hoax, pulled out of the Paris climate agreement, and rolled back rules that reduce emissions.

Long will have to persuade his colleagues in the administration that preparing for worsening storms should nonetheless remain a priority. During his confirmation hearing, he avoided mentioning climate change, even as he said preparations for storms and floods must improve.

"That could put him in a tough spot," said Rob Moore, senior policy analyst at the Natural Resources Defense Council.

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Lyon Group Plans $501 Million Australia Solar, Storage Project

Posted June 20, 2017, 8:01 A.M. ET

By Perry Williams

Lyon Group will build a A$660 million ($501 million) solar and battery storage project in the Nowingi district of Victoria by January 2018 combining a 250-megawatt solar-power station with 160 megawatt-hours of storage, according to a June 20 statement.

The private-equity backed company has also launched a tender to retailers, generators and large power users to bid for up to 640 megawatt-hours of storage capacity across Nowingi and two other projects in South Australia and Queensland. It hopes contracts will be finalized by October.

Separately, the company's already-announced A$1 billion solar and battery storage project in the Riverland region of South Australia is scheduled to be built by the end of the year while a A$200 million Cape York development in Queensland is on track for the first quarter of 2018.

"Projects like these are the heart of Australia's energy transition, allowing for substantially higher levels of variable, low emissions generation while strengthening the resilience of the system," Lyon Group partner David Green said.

The Finkel Review into Australia's future energy mix released last month recommended consumers should be rewarded for cutting electricity consumption and using power from sources including rooftop solar and battery storage systems.

The Nowingi solar facility will have 2.3 million solar panels, while the storage system would deliver power on demand through 1.1 million batteries.

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NYC Planners with Sandy Nightmares Say Barrier May Come Too Late

Posted June 20, 2017, 7:42 A.M. ET

By Henry Goldman

The warming Atlantic Ocean has raised the risk of another Hurricane Sandy. And still, trillions of dollars of real estate and infrastructure near the shores of New York City and northern New Jersey remain vulnerable to devastation.

A storm-surge barrier similar to those in Louisiana and parts of Europe might protect the area, but politicians have questioned its $30 billion cost, effectiveness and environmental impact. A group of scientists, planners and property owners is urging the U.S. Army Corps of Engineers to accelerate its study of the project. It may take another hurricane to speed up the process.

“The danger is increasing as the sea level rises,” said Malcolm Bowman, an oceanographer at the State University of New York at Stony Brook, who is among the group. “It won’t take a monster storm like Sandy to devastate the region.”

Bowman warned of a catastrophic storm as far back as 2005, in a New York Times Op-Ed article. Seven years later, Sandy struck the region, flooding airports and tunnels and ravaging shore communities from Atlantic City, New Jersey, to Bridgeport, Connecticut. It caused $68.9 billion in damage, making it the second-costliest storm in U.S. history after Katrina, according to the National Oceanic and Atmospheric Administration.

Water Wars

Bowman’s group is pushing for an evaluation of a 5-mile (8-kilometer) retractable storm-surge barrier at the mouth of New York Harbor from the Rockaways to New Jersey’s Sandy Hook. That, and another smaller structure at the western edge of Long Island Sound, could protect about 800 miles of shoreline from Port Elizabeth, New Jersey, to the Bronx, Bowman says.

As Bowman describes it, before a major storm, barriers would rise from the seabed or close in a gate-like structure to deflect the force of a wind-blown surge, as occurred with Sandy.

“You have to allow for marine traffic and the daily flow of the tides to flush out the harbor,” Bowman said, “But when a storm is forecast with enough wind at high tide to create a surge, you close the gates or raise it from the seabed so water that wants to flow into the harbor can’t.”

Studying Studies

Weeks after Sandy, New York Governor Andrew Cuomo said his administration planned to talk with city and federal officials about the possibility of installing storm-surge barriers. Corps engineers, in discussions with New York and New Jersey since last August, are still studying what protection strategies merit further study.

"At this point, it is premature to say whether broad-scale solutions such as that advocated by this group, or other more regional or localized potential solutions will fare best," said Corps spokesman Hector Mosley.

Piecemeal Jobs

In the meantime, the state has moved ahead with a $616 million plan for Staten Island that includes a boardwalk promenade that would double as a storm-surge bulwark. The Corps has that project scheduled for completion in 2022, paid mostly by the federal government.

Billions more in federal, state and city funds are being spent along shore areas, enhancing dunes and berms on beaches, cultivating wetlands, building walls and awarding subsidies for waterproofing homes and office buildings. City officials also envision a mostly-U.S. funded $816 million horseshoe-shaped elevated park wrapped along the southern half of Manhattan, dubbed "The Big U," to keep out the Hudson and East Rivers.

Such localized approaches may work as well or better than a mega-project, said Jainey Bavishi, Mayor Bill de Blasio's director of the Office of Recovery and Resiliency. Her concerns about a storm barrier include cost and construction time; possible environmental impact; and whether it would leave densely populated areas of Long Island and New Jersey vulnerable, and perhaps even more exposed to flooding from displaced water.

"A harbor barrier is not the silver bullet," Bavishi said.

Sea Life

Many of these issues have been solved with barriers that protect low-lying populations around the world, said Robert Yaro, former president of New York's Regional Plan Association. Its retractable feature would allow for marine traffic and tidal flow, minimizing impact to sea life and water quality, he said. The technology holds the promise of protecting the region from catastrophic floods for the next 150 years, Yaro said.

"The Dutch have used this engineering for decades and barriers currently protect New Orleans, Stamford, Providence, London and St. Petersburg, Russia," Yaro said. "We in New York are far behind and among the cities on Earth we have the most to lose."

Yaro and Bowman were among several advocates promoting the idea last month at an all-day conference in lower Manhattan attended by 250 municipal bond investors, real estate developers, business owners, insurance companies, and planners.

Lessons Learned

They heard Andrew Kopplin, former director of the Louisiana Recovery Authority, describe how in New Orleans after Katrina, a bipartisan coalition of elected officials and business leaders persuaded Congress to approve a $14.5 billion system of levees and a storm-surge barrier. The barrier, a 1.8-mile array of gates, protected the city from Hurricane Isaac's landfall in 2012, said Kopplin, now president and chief executive officer of the Greater New Orleans Foundation, a non-profit charitable civic group.

"It was simply a matter of political will," he said.

Officials in the Cuomo and de Blasio administrations say they await the Corps' findings.

"We clearly want to see the New York Harbor barrier studied," said James Tierney, Cuomo's deputy environmental commissioner for water resources. "The process requires a full-blown feasibility study. The Army Corps process is what we have to live with."

Next Storm

Marco Pasanella, 54, who lives above his gourmet wine shop on lower Manhattan's South Street that got flooded when Sandy hit, says the pace and scope of government response has been disappointing.

He's says he's seen no measures that would protect his neighborhood if another storm hit. The National Oceanic and Atmospheric Administration has predicted as many as 17 tropical storms, about five more than average, may hit the Atlantic coast this year.

"The decisions have Balkanized the neighborhoods with a piecemeal approach, just a series of uneven, irregular blockades that will not stop the water from finding its way ashore," Pasanella said.

Across Manhattan at Chelsea Piers, a recreational facility situated over the Hudson, Michael Braito, the property's chief engineer, said neighborhood protections won't be enough to stop storm-surge water coursing through his building.

"These piecemeal fixes buy little more than peace of mind," Braito said. "It's like a boat with 100 holes and we've patched half of them and we're going to sink. They need to think bigger."

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Green Groups Critical Ahead of Trump Power Grid Report

Posted June 20, 2017, 7:26 A.M. ET

By Patrick Martin and Ari Natter

Critics aren't waiting for opening night to pan a Trump administration study on the U.S. power grid they believe will demonize renewable energy while promoting coal and nuclear generation.

The report, ordered up by Energy Secretary Rick Perry and expected this month, will examine whether policies that favor wind and solar energy are accelerating the retirement of coal and nuclear plants needed to ensure reliable power supplies, according to an April 14 memo obtained by Bloomberg News. A coalition of green energy groups released a report in support of renewables on June 20.

Since taking office, President Donald Trump has reversed policies enacted by Barack Obama that helped solar and wind developers, even as a glut of cheap natural gas from shale continues to pressure coal-fired power generators out of business. Critics fear Perry's report will take on the talking points of fossil fuel producers and muffle science-backed programs that endorse renewable power.

"A report that comes out that supports the conclusion that baseload generation is needed for a

reliable grid and that renewables and certain policies are leading toward deterioration of reliability is problematic for a number of reasons," said Arvin Ganesan, vice president of federal policy at Advanced Energy Economy, a group that promotes clean energy.

Perry's study on electricity markets and reliability will cover power markets and "critical issues central to protecting the long-term reliability of the electric grid," according to the April memo.

In a preemptive strike, Advanced Energy Economy and other green energy groups released a separate study June 20 showing that market forces such as new technologies and the emergence of shale gas are behind coal and nuclear plant retirements, not policies supporting renewable energy.

"All we have to go on is the public comments," Ganesan said in an interview. "We're putting this out in advance of a report coming out to try and inform the conclusions the report might make."

Tom Pyle, who led Trump's Energy Department transition team, called the backlash over Perry's report overblown.

"I think it's perfectly fitting for an incoming secretary to want to get a perspective on these issues in hopes there is a role for the department to ensure we don't have trouble keeping the lights on," Pyle, president of the American Energy Alliance, a conservative, fossil fuel-oriented advocacy group, said in an interview. "It feels like a coordinated attack on a study that was largely designed to be instructive."

Affordable Energy

And while the report could recommend changes to the Federal Power Act, which directs how generators are dispatched during emergencies, major changes to energy legislation are unlikely, said Jeff Navin, acting chief of staff for Ernest Moniz, Obama's energy secretary.

"Using that law to "to favor one source of generation over another would certainly be unprecedented, and it certainly won't hold up in court," Navin said, in an interview.

Charles E. Jones, chief executive officer of coal and nuclear operator First Energy Corp., told analysts on an April earnings call that the Akron, Ohio-based company may delay a bankruptcy filing for one of its units until the study is released.

Fossil Fuels

"I am pleased the Trump Administration and Secretary Perry recognize the importance of fuel diversity in maintaining clean, reliable and affordable supplies of electricity," Jones said in a statement provided to Bloomberg.

Howard Crystal, a senior attorney Center for Biological Diversity, said that assumptions in the April memo may translate into recommendations that support fossil fuel generation. The memo notes that coal and nuclear baseload generation are in decline, a trend that may create reliability issues.

"This grid study is a veiled attempt by the Trump administration to keep dirty and dying power plants on life support by demonizing renewable energy," Crystal said in a June 14 statement. "It's very possible that big polluters had a direct hand in developing the study."

The American Wind Energy Association co-funded the study from the Analysis Group, a consultant with expertise in energy that serves clients including energy producers, suppliers, consumers and tribal governments.

--With assistance from Mark Chediak.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sun 10/1/2017 3:49:34 PM
Subject: POLITICO Playbook, presented by Morgan Stanley: TRUMP calls critics of his effort in P.R. 'politically motivated ingrates,' and says TILLERSON is 'wasting his time' talking to NKorea -- Former PR Gov. emails Playbook: 'Terrible stories. Need lots of help'

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

BULLETIN at 9:50 a.m.: "LONDON (AP) - Family of media titan Samuel Irving 'Si' Newhouse Jr. says he has died." ***NYT obit*** http://nyti.ms/2xPMzL2 ... ***Remembrances from Graydon Carter*** http://bit.ly/2hGiw2Q ... ***and David Remnick*** http://bit.ly/2xPXPr2

POTUS: "POLITICALLY MOTIVATED INGRATES": @realDonaldTrump at 8:22 a.m. from his golf course in Bedminster, New Jersey: "We have done a great job with the almost impossible situation in Puerto Rico. Outside of the Fake News or politically motivated ingrates,..." ... **at 8:26 a.m.:** "...people are now starting to recognize the amazing work that has been done by FEMA and our great Military. All buildings now inspected....." ... **at 8:30 a.m.:** "...for safety. Thank you to the Governor of P.R. and to all of those who are working so closely with our First Responders. Fantastic job!"

TRUMP CRITICIZES REX FOR TALKING TO N.K. -- @realDonaldTrump at 10:30 a.m.: "I told Rex Tillerson, our wonderful Secretary of State, that he is wasting his time trying to negotiate with Little Rocket Man.....Save your energy Rex, we'll do what has to be done!"

-- SUSAN GLASSER (@sbg1): "Can never remember a president publicly undercutting a secretary of state as Trump just has. Ever."

-- THE CHAIN REACTION: The "politically motivated ingrates" comment and the criticism of Tillerson -- delivered by the president from his golf course in New Jersey on a quiet Sunday morning -- will dominate cable news all day today and tomorrow. Are we going to war with North Korea? Lawmakers will be asked. They'll also be asked if they believe Trump critics are "politically motivated ingrates." All of the networks have footage of Puerto Rico, which, according to Ron Mott on NBC this morning, is still

almost entirely "still in the dark."

THE PRESIDENT is going to the President's Cup golf tournament in Liberty, New Jersey tonight. He is participating in the "trophy presentation," according to the White House.

PRESIDENT TRUMP will return to Washington tonight at 8:05 p.m.

SUNDAY BEST -- SAN JUAN MAYOR CARMEN YULIN CRUZ to **GEORGE STEPHANOPOULOS** on **ABC'S "THIS WEEK":** "People are being told to register via Internet for FEMA relief, when we don't have any Internet or very little Internet, even in the San Juan metropolitan area. I recognize the good heart that the FEMA people have. They want to help. But they just don't have the resources, and it's not me who's saying it.

"General Buchanan, a three star general appointed now to take care of the situation, said two days ago, we just don't have the resources in order to handle the logistical support that is needed in San Juan and Puerto Rico. But we have done all that we can. People are out there. They're cleaning the streets. Community kitchens are coming up and we are getting tons of donations. On Thursday, I got three pallets of water, four pallets of food and four pallets of baby supplies from FEMA. All of this, I gave to the mayor of Comerío, a town whose mayor had come to the FEMA distribution center and had been told just wait until next Monday, because we have nothing."

-- CHRIS WALLACE talks to **FEMA DIRECTOR BROCK LONG** on **"FOX NEWS SUNDAY":** "We can chose to look at what the mayor spouts off or what other people spout off, but we can also choose to see what's actually being done."

-- CNN'S JAKE TAPPER speaks with **OMB DIRECTOR MICK MULVANEY** on **CNN'S "STATE OF THE UNION": TAPPER:** "Let me show you one last tweet from President Trump, and then we will get to tax reform. He wrote -- quote -- 'To the people of Puerto Rico, do not believe the #fakenews.' Director Mulvaney, as I'm sure you know, 95 percent of the people of Puerto Rico are without power, 89 percent have no cell service. So they're not seeing this news that the president is attacking. But beyond that obvious disconnect, these stories that CNN is reporting on the ground in Puerto Rico, firsthand accounts from American citizens in dire need, without food, without water, without power, do you think these stories are fake?"

MULVANEY: "No, I -- what you all have done -- I have watched a lot of the coverage of showing what's happening on the ground -- is entirely accurate. I think what you have not shown, however, is the federal effort that we have got in place down there, and the fact that the governor has been very complimentary of the administration. Again, I think there's more than 70 mayors on the island of Puerto Rico, and yet you seem to spend a lot of attention on the one from San Juan. So, I think that's where the president's pushback is. I don't know if there's been coverage, for example, that we have now made it to every single town. The search-and-rescue effort is over. We have made it to every

single place on the island to make sure that folks are safe."

THE WHITE HOUSE released a readout of a call with former Puerto Rican Governor Luis Fortuno, in which the former governor praised Trump's response to the storm. Fortuno is a federal lobbyist based in Steptoe and Johnson's Washington office, but he emailed us that he is "in PR right now. Back later tonight." "Terrible stories. Need lots of help," he told us. ***The phone call, courtesy the White House*** http://bit.ly/2xlxxrk

-- IN THE CARIBBEAN: "Should they go back?: Barbuda is a wasteland. Dominica is devastated. Puerto Rico has no power. Hurricanes have come and gone, but the 2017 season has seen a new category of psychic storm," by WaPo's Anthony Faiola in Antigua and Barbuda, Samantha Schmidt in Puerto Rico and Marc Fisher in Washington. http://wapo.st/2yPKTzl

BEING THERE -- "One Day in the Life of Battered Puerto Rico" - NYT: "Puerto Rico has not been forgotten, but more than a week after Hurricane Maria hit, it's a woozy empire of wreckage; of waiting in line for food, water and gas and then finding another line to wait in some more. A team of New York Times reporters and photographers spent 24 hours - from dawn Wednesday to scorching afternoon heat, to a long uneasy night and Thursday morning without power - with people trying to survive the catastrophe that Hurricane Maria left behind." http://nyti.ms/2xMgTVD

-- L.A. TIMES: "In one Puerto Rican nursing home, a struggle to get power and keep patients alive," by Molly Hennessy-Fiske: http://lat.ms/2yAGsIi

SPOTTED last night at Cafe Milano: Treasury Secretary Steven Mnuchin and his wife Louise Linton, at table one.

Good Sunday morning and happy October. **STEVEN SHEPARD**, POLITICO's polling and weather guru (good combo, right?), tweeted: "Autumn alert: The temperature in D.C. dipped down to 51 degrees this morning - the coolest morning since May 13 (50 degrees)."

THE PRESIDENT is participating in a "deregulation summit" Monday and hosting Prime Minister Prayut Chan-o-cha of Thailand at the White House. He is going to Puerto Rico Tuesday and is hosting a Hispanic heritage celebration Friday at the White House.

PIC INSIDE THE WHITE HOUSE - - A tipster sends this photo from the East Room yesterday. The White House is preparing for the regulatory reform event. A White House aide told us that the huge stack of pages on the right is "the number of pages in the [Code of Federal Regulations] today, which is a measure of all regs on the books (Fed Register are just new ones), versus the # about a half-century ago" on the left side. http://bit.ly/2x6Nnwk

-- Adrian Carrasquillo (@Carrasquillo): "Source sends me the invitation to the White House Hispanic Heritage event on Friday at noon, which will come amid Puerto Rico

furor." http://bit.ly/2ygpsLh

****** **A message from Morgan Stanley**: Disruption in Energy: New renewable energy storage technology has the potential to turn solar energy into a reliable source of power. Read more from Morgan Stanley. ******

THE NEXT HHS SECRETARY, via NYT's Peter Baker and Robert Pear: "The White House had no comment on Saturday, but two advisers who asked not to be identified discussing internal matters said two top candidates were Scott Gottlieb, the commissioner of the Food and Drug Administration, and Seema Verma, the administrator of the Centers for Medicare and Medicaid Services. Both have previously been vetted by the White House, nominated by the president and confirmed by the Senate to their current jobs within recent months, a significant selling point.

"Other names have been floated as well, including David Shulkin, the secretary of veterans affairs and a favorite of the president's. But he has been criticized for a European trip with his wife that mixed business and sightseeing and was partially financed by taxpayers, and Mr. Trump may be reluctant to move him because he has been critical to fixing veterans' care. Some reports floated former Gov. Bobby Jindal of Louisiana, an assistant secretary of health and human services under President George W. Bush. But he was a caustic critic of Mr. Trump during his own brief campaign for the White House that ended in late 2015 after he called the future president a 'narcissist' and 'egomaniacal madman.'" http://nyti.ms/2x6qR6U

BIG READ -- A1, WAPO -- CRAIG WHITLOCK: "How the military handles sexual assault cases behind closed doors": "For the U.S. Air Force, the case of alleged sexual harassment and assault by a senior officer was exactly the type of misconduct Pentagon leaders had promised Congress and the public they would no longer tolerate. The victim at Maxwell-Gunter Air Force Base in Alabama reported in September 2015 that her married boss, a colonel, had repeatedly said he wanted to have sex with her, tracked her movements and sent her recordings of him masturbating in the shower, documents show. She said that she told him to back off but that he would not stop: Twice, she alleges, he trapped her in the office, grabbed her arms and forcibly tried to kiss her. ... In their report, the investigators compiled extensive evidence that the colonel, Ronald S. Jobo, had committed abusive sexual contact against the woman, a civilian in her 30s. ...

"In March 2016, Lt. Gen. John F. Thompson, the senior officer in Jobo's chain of command, decided against charging Jobo with abusive sexual contact, or any crime at all. ... Jobo was forced to retire and demoted one rank, to lieutenant colonel. Because the military keeps most disciplinary actions secret, the case was hidden from public view. There would be no trial, no publicity and no public record - the same for thousands of other sexual assault investigations each year in the armed forces. An examination of the Jobo investigation, based in part on an internal 400-page law enforcement case file obtained by The Washington Post, casts doubt on the military's promises to crack down on sexual misconduct and hold commanders accountable for how they administer

justice." http://wapo.st/2xSxaKy

TRUMP AGENDA WATCH -- "Republicans ignore Trump's bipartisan Dreamers deal," by Rachael Bade and Heather Caygle: "President Donald Trump may want to partner with 'Chuck and Nancy' on a solution for Dreamers, but House Republicans say forget it - at least for now. GOP leaders are resisting Trump's push to salvage the Deferred Action Childhood Arrivals initiative with bipartisan cooperation.

"Instead, at the behest of a conservative conference that loathes the Obama-era program giving work permits to young undocumented immigrants, Republicans are crafting a solution that sticks to party orthodoxy. A GOP working group formed by Speaker Paul Ryan held two meetings last week to discuss immigration, and sources say there was virtually no support among members for Trump's tentative DACA deal with Democratic leaders Nancy Pelosi and Chuck Schumer." http://politi.co/2xIcFke

-- FRONT PAGE of the Arizona Republic: "THE WALL: Unknown stories. Unintended consequences ... IS A WALL NEEDED? ... DHS report says border is more difficult to cross than ever before" http://bit.ly/2g0ObIM ... ***The story*** http://bit.ly/2yh1pfb

KEN VOGEL on **A1** of the **NYT: "How Two Sentences in Tax Plan May Help Unleash $1 Billion in Lobbying":** "Tucked away on Page 8, the sentences refer vaguely to plans to repeal or roll back 'numerous' exclusions and deductions, and to 'modernize' tax rules affecting specific industries 'to ensure that the tax code better reflects economic reality and that such rules provide little opportunity for tax avoidance.'

"That language has prompted concerns among a wide range of businesses and industries about the prospect of losing valuable tax breaks -- from preferential tax treatment for insurers to credits for renewable energy to a prized tax treatment used by the commercial real estate industry. And those fears are being stoked by lobbyists, who are urging clients and prospective clients to get out in front of any changes that could eliminate or weaken sections of the tax code that benefit them.

"'You're either going to be at the table, or you're going to be on the table,' said Thomas M. Reynolds, a former Republican congressman from New York who served on the tax-writing Ways and Means Committee and is now a lobbyist at Holland & Knight focusing on tax issues. Most businesses that could be affected by the tax overhaul 'will not have to be encouraged to engage,' Mr. Reynolds said." http://nyti.ms/2xHL1nm

MORE SUNDAY BEST ... -- JOHN DICKERSON speaks to **SPEAKER PAUL RYAN** on **CBS'S "FACE THE NATION": DICKERSON:** "Will this tax plan increase the debt?" **RYAN:** "It's going to be deficit neutral. That's the budget rules we use, which is called the Byrd rule." **DICKERSON:**"Yeah." **RYAN:** "So this will have to be a deficit neutral tax bill. But we do--" **DICKERSON:** "But --"**RYAN:** "--fundamentally believe that this tax code and this tax reform will give us faster economic growth. Faster economic growth helps raise the economy which raises revenues. And that helps us tackle the deficit. There's two things we've got to do to get rid of this debt. Deal with entitlements, that's

why we're frustrated health care reform hasn't passed the Senate yet. Deal with runaway spending, but also grow the economy. This helps grow the economy. So if you're asking me whether it's going to be deficit neutral tax reform, that's what it has to be for us to be able to pass the bill--"

DICKERSON: "After 10 years? So it will -- but what about the debt, in terms of the additional money to the debt from this? Not deficit year-to-year but overall--" **RYAN:** "If this results in giving us a faster economic growth, that will help us reduce our debt."

-- GEORGE STEPHANOPOULOS speaks with **STEVEN MNUCHIN** on **ABC'S "THIS WEEK": STEPHANOPOULOS:** "In the interest of transparency, can you guarantee that the president won't get a tax cut under his plan and how will you demonstrate it?" **MNUCHIN:** "Again, as I've said all along, the objective of the president is that rich people don't get tax cuts and we're perfectly comfortable, as we go through this process, we'll explain to the American public how that works, and we'll give plenty of examples." **STEPHANOPOULOS:** "Will you give the information about the president himself so he can back up the claims that he's made that he's not going to get a tax cut under this plan." **MNUCHIN:** "George, I can't comment on what the president will do or what he won't do on that, but again, I'm perfectly comfortable that the American public is going to understand this as we go through this process."

-- IMPORTANT: SEN. BOB CORKER to **CHUCK TODD** on **NBC'S "MEET THE PRESS":** "If it looks to me like we're adding one penny to the deficit, I am not going to be for it."

Playbook Reads

PHOTO DU JOUR: San Juan Mayor Carmen Yulin Cruz (right) hugs Esperanza Ruiz as she arrives at the temporary government center setup in the aftermath of Hurricane Maria on Sept. 30, 2017 in San Juan, Puerto Rico. President Donald Trump attacked Cruz on Saturday for being too critical of the federal government's response to Maria. | Joe Raedle/Getty Images

JASON ZENGERLE'S 2020 CHEAT SHEET in **NYT MAGAZINE: "Who Can Beat Trump in 2020?"** http://nyti.ms/2yi2AuQ

THE HIGH COURT -- "Supreme Court Set to Ponder Conservative Priorities: New term that opens Monday could see a return to 5-4 split after a year of centrist rulings," by WSJ's Jess Bravin: "The Supreme Court begins a new term Monday with a conservative majority and a docket filled with longtime conservative goals to go with it, with cases that could curtail the power of organized labor, expand religious exceptions to legal obligations and validate tougher scrutiny of voter rolls." http://on.wsj.com/2yPG9tY

BREAKING -- "2 women killed by man with knife at French train station," by AP's Claude Paris in Marseilles and Sylvie Corbet in Paris: "A man with a knife attacked people at the main train station in the southeastern French city of Marseille on Sunday, killing two women before soldiers fatally shot the assailant, officials said. French police warned people to avoid Saint Charles train station, tweeting that an operation was underway. Soldiers and police took up positions outside the station, which was evacuated. Three police officials said one woman was stabbed to death. Two of the officials said the other woman's throat was slit. The assailant was shot dead by soldiers who were patrolling the station. ... Paris prosecutor's office said that a counter-terrorism investigation has been opened." http://bit.ly/2hDIELY

FOR YOUR RADAR -- "Spanish police fire rubber bullets near Catalan voting site," by AP's Aritz Parra and Joseph Wilson in Barcelona: "Spanish riot police smashed their way into polling stations in Catalonia and fired rubber bullets Sunday at protesters outside one Barcelona polling station to try to halt a disputed independence referendum. Nearly 350 people, including some police, were injured in the melee, officials said. The officers fired the rubber bullets while trying to clear protesters who were trying to prevent National Police cars from leaving after police had confiscated ballot boxes from the voting center. The Spanish government has ordered police to stop the voting process in Catalonia, saying it's illegal.

"The chaotic confrontations led to a war of words as each side blamed the other for the deteriorating situation. 'Police brutality will shame forever the Spanish state,' Catalan President Carles Puigdemont said as crowds cheered. Top Spanish officials defended the police actions. Police acted with 'firmness and proportionality,' declared Spanish deputy prime minister Soraya Saenz de Santamaria, adding that authorities weren't going after voters but referendum material." http://bit.ly/2fHZn0b

--AP at 10:57 a.m.: "BARCELONA, Spain (AP) - Barcelona mayor: Over 460 injured in Catalonia in dispute with Spanish police over independence vote."

O.J. IS OUT -- "O.J. Simpson freed from prison in Northern Nevada," by Las Vegas Review-Journal's Mike Shoro: "O.J. Simpson became a free man at 12:08 a.m. Sunday when he was released from Lovelock Correctional Center in Northern Nevada. Simpson was released from prison and out on parole after serving nine years for armed robbery, Nevada Department of Corrections spokeswoman Brooke Keast confirmed Sunday morning. She said he was released from Lovelock Correctional Center in Northern Nevada at 12:08 a.m. Sunday, just minutes after he was eligible for release. He had been expected to be taken to High Desert State Prison outside Las Vegas, but Keast said the high-profile nature of the case and public safety concerns prompted officials to release him directly from Lovelock." http://bit.ly/2yAf7py

****** **A message from Morgan Stanley**: New renewable energy storage technology has the power to turn solar and wind energy into a reliable source of electricity generation for U.S. utilities. The demand for storage is expected to grow significantly in

the next two to three years, according to a Morgan Stanley report. Read more. ******

LATE NIGHT BEST - SNL IS BACK! -- THE COLD OPEN last night - "The Chaos President" -- **TRUMP (played by Alec Baldwin):** "Sometimes when you're president you have to make sacrifices. So I skipped the back 9." **SARAH HUCKABEE SANDERS (Aidy Bryant):** "Yeah. I understand Mr. President. ... Sir, Mayor Cruz of San Juan is on the line." **TRUMP:** "I was expecting this phone call. I'm sure she wants to tell me what a great job I'm doing. ... Yes, Mayor you wanted to talk to me." **CRUZ (Melissa Villaseñor):** "Yes Mr. President I'm so glad to have you on the phone. I'm begging you, Puerto Rico needs your help." **TRUMP:** "I hear you loud and clear and you called the best person for the job. Trust me I know things are as the locals say, 'despacito.' We're going to get you more help, immediately, probably by Tuesday or Wednesday at the latest." **CRUZ:** "Mr. President, that's not good enough."

TRUMP: "You should have paid your bills. FEMA takes a few days unless you join FEMA Prime." **CRUZ:** "What are you talking about?" **TRUMP:** "Ma'am, I don't know if you know this but you're in an island in the water. The ocean water, big ocean with fishies and bubbles and turtles that bite. We want to help you but we have to take care of America first." **CRUZ:** "Wait you do know that we're a U.S. territory, don't you?" [Pause] **TRUMP:** "I mean I do, but not many people know that, no." Trump then hangs up the phone. **TRUMP:** "That woman was so nasty." ***6-min. video*** http://bit.ly/2x5WdKW

BONUS GREAT WEEKEND READS, curated by Daniel Lippman:

--"Democrats Don't Need to Win Texas-But They Just Might, Anyway," by Tim Murphy in the Sept./Oct. issue of Mother Jones: Texas Democratic Rep. Beto "O'Rourke's politics, forged in one of the largest border communities on Earth, are in many ways the antithesis of President Donald Trump's; he supports single-payer health care and marijuana legalization, hates the wall, and loves Mexico. ... But ... O'Rourke believes the same frustration that ushered in Trumpism can also be harnessed to thwart it. A year ago, running against Cruz might have looked like a suicide mission-maybe it still is. But something is happening in Texas." http://bit.ly/2x1DT5D

--"Trump Is Making Canada Great Again," by Richard Florida and Joshua Gans in POLITICO Magazine: "While America closes its borders, its northern neighbor is poaching some of the best tech talent in the world." http://politi.co/2kemUXQ

--"The effects of a single terrorist nuclear bomb," by Matthew Bunn and Nickolas Roth in the Bulletin of the Atomic Scientists: "The blast, fire, initial radiation, and long-term radioactive fallout could leave the heart of a major city a smoldering radioactive ruin, killing tens or hundreds of thousands of people and wounding hundreds of thousands more. Vast areas would have to be evacuated and might be uninhabitable for years. Economic, political, and social aftershocks would ripple throughout the world. A single terrorist nuclear bomb would change history. The country - and the world - would never be the same." http://bit.ly/2hCnloD

--**"Notes From an Apocalypse" -** LessWrong: "It's like somebody flipped a light switch. The rise in diversity and in disparity is unequalled by any other moment in Earth's history. Take all the creative power of the last five hundred million years of animal evolution, compress it down to a fraction of a geological instant - that's the power of the Cambrian Explosion." http://bit.ly/2hCZWbY (h/t TheBrowser.com)

--**"Jonathan Lebed's Extracurricular Activities," by Michael Lewis** in the Feb. 25, 2001 issue of the N.Y. Times Magazine - per Longform.org's description: "Using several email addresses and a lot of exclamation points, teenager Jonathan Lebed worked finance message boards in the morning before school and made almost a million bucks. Then he made the head of the S.E.C. look like a fool." http://nyti.ms/2fy9LUd

--**"Casey Neistat: The Most Trusted Name in News,"** by Matthew Belloni in Popular Mechanics: "Casey Neistat sold his video news-sharing app to CNN for $25 million. He's not a journalist, he just wants to show billions of viewers what's going on in the world." http://bit.ly/2fxjpXd

--**"How Military Outsourcing Turned Toxic,"** by ProPublica's Abrahm Lustgarten: "Fraud. Bribery. Incompetence. The military's use of contractors adds to a legacy of environmental damage." http://bit.ly/2fwO6fk

--**"How the Bankruptcy System Is Failing Black Americans,"** by Paul Kiel with Hannah Fresques in ProPublica, co-published with the Atlantic: "Black people struggling with debts are far less likely than their white peers to gain lasting relief from bankruptcy, according to a ProPublica analysis. Primarily to blame is a style of bankruptcy practiced by lawyers in the South." http://bit.ly/2yMSejE

--**"The House of Hugh Hefner,"** by Chris Jones in Esquire's April 2013 issue: "He's turning eighty-seven as Playboy turns sixty. The world has taken its toll on both, but the world is still no match for life at the Mansion." http://bit.ly/2yydWqB

--**"The Inside Story of the Great Silicon Heist,"** by Brendan Koerner in Wired: http://bit.ly/2yMWCz4

--**"Voices from the Storm" -** Texas Monthly staff: "The story of Hurricane Harvey, as told by 28 Texans who helped their state through its darkest hour." http://bit.ly/2fVUrBp (h/t Longform.org)

--**"Jane Sanders: Bernie would have beaten Trump,"** by Irish Times' Suzanne Lynch: "'We didn't win the election, but we won the hearts of young people,' says the Vermont senator's wife, who visits Ireland next week." http://bit.ly/2fBRcyM

--**"Pickering called,"** by Rivka Galchen in the London Review of Books, reviewing "The Glass Universe: The Hidden History of the Women Who Took the Measure of the Stars," by Dava Sobel: "There's some science, of course - but also a tragic drowning, a

fatal case of dysentery and a marriage plot or two. One reason nineteenth-century novels are the way they are is that the nineteenth-century was the way it was. These women have some control over their lives, but chance is a more powerful determinant." http://bit.ly/2xMwIlS ... ***$16.55 on Amazon*** http://amzn.to/2xI5vdd

Playbookers

SPOTTED: Rep. Trey Gowdy (R-S.C.) playing the Old White TPC golf course on Saturday at The Greenbrier.

OUT AND ABOUT -- DC journo band Suspicious Package kicked off a triple concert weekend Friday night at Alfred House in Foggy Bottom. On Saturday the band played a benefit for the Foundation for Sustainable Development and on Sunday, Suspicious Package will play the Bullpen after the Nats game. **SPOTTED:** band members Tim Burger, Bryan Greene, Josh Meyer, Christina Sevilla, and Tom Toles, Rodell Mollineau, Mark Paustenbach, Peter Cherukuri, Steve Rochlin, Paul Kane, Craig Gordon, Gretchen Toles, Tom Williams, Nick Owens, Christian Hudson, Kelly Jane Torrance, Bo Ollison, Kathryn Phelps, Dan Ronayne, Ed D'Agostino, Stone Burnette, Justin Friedman, Tony Capaccio, Bonnie Rollins.

SPOTTED last night celebrating the U.S. "Fiscal New Year" at a party at Hill Prince on H Street NE, hosted by Adam Shifriss of CRFB: Kristen Hawn, Brad Howard, Joel Bailey, Jennifer Bailey, Elizabeth Falcone, Kate Callanan, Joel Riethmiller, Corey Tellez, Michael Lukso, Erica Bordador, Brooke Lillard, David Bond.

WELCOME TO THE WORLD - Bennett Richardson, executive director of POLITICO Focus and co-founder of Hinge, and **Lindsay Richardson** email friends and family: "He's here! Please welcome Andon Dean Richardson. Born at 7:15 a.m. 9lbs 6oz 22.5 inches. Mom and baby are doing great."

WEEKEND WEDDINGS -- Pool report: "AP's **Steve Peoples** and CNN's **Zain Asher** became Mr. and Mrs. Ejiofor Peoples on Saturday in the windswept hills of Sintra, Portugal. Guests came from three continents to witness Steve and Zain's nuptials inside the ornate music salon of Monserrate Palace, once a lush retreat for the Portuguese court. The bride and groom and their guests then traveled to Estoril for sunset cocktails, dinner and dancing at Forte da Cruz, overlooking the Atlantic.

"The reception melded both cultures, from the ceremonial kola nut that Steve presented - speaking a few impressive words of Igbo! - to brother-in-law and actor Chiwetel Ejiofor, representing the bride's family, to the email well-wishes sent by Mitt Romney, whose 2012 presidential campaign Steve chronicled. 'So Steve is settling down, eh?' Romney asked. 'I never imagined that he would ever tie the knot with anyone other than Tom Brady.'" ***Pic*** http://bit.ly/2xPE178

SPOTTED: Julie Bykowicz, Fin Gomez, Kasie Hunt and Matt Rivera, Alison Ogden, Ashley Parker, Rachel Streitfeld and Phil Rucker.

-- Pool report from Maria Sparks, the pride of Silver Spring: **KELLY DIXON,** House Majority Leader Kevin McCarthy's director of legislative operations, married **Glenn Chambers** from Abt Associates, at the George Washington National Masonic Memorial. The bride sparkled in a white strapless sweetheart gown. McCarthy officiated.

SPOTTED: Kevin and Judy McCarthy, Reps. Richard Hudson (R-N.C.), George Holding (R-N.C.), and John Katko (R-N.Y.), Matt and Summer Bravo, Jeff Dressler, Katie Meyer, James Min, Matt and Maria Sparks, Kristin and John Stipicevic, John Leganski, Chris Bien, Chris Vieson, Danielle Burr, Phil Simms, Shuwanza Goff, Lydia Strunk, Nicole Foltz, Cindy Herrle, Parker Polling, Steve Pinkos.

--Teresa Buckley, former chief of staff for Rep. Larry Bucshon (R-Ind.) and now director of federal affairs at PhRMA, and **Aaron Bill,** legislative director for Rep. Phil Roe (R-Tenn.), were married Saturday afternoon in Washington, D.C. at St. Peter's Church followed by a reception at the Capitol Hill Club. Pool report: The couple "were introduced/set-up by Dave and Lizzy Peluso, who thought Teresa and Aaron would be perfect for each other. Dave and Lizzy were obviously right. It was 4 years ago during the government shutdown that they had their first date. Perhaps the best thing to come out of that showdown." ***Pic of the couple with Reps. Bucshon and Roe*** http://bit.ly/2x5RXuZ

SPOTTED: Rep. Larry Bucshon and Dr. Kathryn Bucshon, Rep. Phil Roe and Clarinda Roe, Stephen Martinko and Callie Hoyt, Jared Eichhorn, Sarah Cannon, Tim and Sarah Killeen, Mitch and Janelle Relfe, Jon and Sara Causey, Matt and Olivia Meyer, Dave and Lizzy Peluso, Meghan Dubyak, Geoff Lane, Marni Goldberg, Tara Mazer.

--Taylor Haulsee, press secretary for Sen. Lamar Alexander (R-Tenn.) and the HELP committee, got married last night to **Katie Delzell**, director of development at American Action Network/Congressional Leadership Fund. Their ceremony was on the terrace at DAR, with the Washington monument as their backdrop. The couple met on the Romney campaign in Iowa. ***Pic*** http://bit.ly/2fH8xdi

OBAMA ALUMNI -- "Rachel Tulchin, Kevin Bailey" - N.Y. Times: "Ms. Tulchin, 35, is the global communications manager for sustainability at Anheuser-Busch InBev in New York. ... Mr. Bailey, also 35, is the director for business development at CommonBond, a financial technology company in New York. ... The couple met on a blind date in Washington in the spring of 2014, when both were serving in the Obama administration. The bride worked as a senior policy adviser to the ambassador at large for global women's issues in the secretary's office at the State Department, before moving onto a role as deputy director at the Clinton Foundation in New York. The groom served as a member of Vice President Joe Biden's staff in the White House, and later as senior policy adviser for financial institutions policies at the Treasury Department." ***With pic*** http://nyti.ms/2ygUUZE

BIRTHDAYS: Tommy Andrews, director of member services for Speaker Paul Ryan, the pride of Cincinnati and a Boehnerland alum, is 31 (hat tip: the Ryan comms shop) ... former President Jimmy Carter is 93 ... British Prime Minister Theresa May is 61 ... National Journal managing editor Ben Pershing is 42 (h/t Hanna Trudo) ... NYT's Jose DelReal is 27 ... Tim Hannegan ... Rob Seidman, SVP at Glover Park Group (h/t Liz Johnson) ... Brook Hougesen, comms director for Sen. Joni Ernst (R-Iowa) (h/t Leigh Claffey) ... CNN correspondent Brian Todd ... Joanne Peters, director of media relations at UNC-Chapel Hill... Jennifer Storipan ... Kenny Cunningham, senior associate at Prism Group, is 28 ... Alex Gleason ... AEI's Joe Antos ... Nikolai Wenzel ... Politico's Rose Lichtenfels, Andy Goodwin and Marie French ...

... Cincinnati City Councilman P.G. Sittenfeld is 33 ... Daniel Clifton ... Michael Knopf, director at MediaLink (h/t Christian Emanuel) ... Alexandra Fox ... Cammie Croft, chief community officer at FWD.us ... Nayyera Haq, Obama WH and State alum and currently CEO of Avicenna Strategy (h/t Ben Chang) ... Rep. Jimmy Panetta (D-Calif.) is 48 ... Rep. Grace Meng (D-N.Y.) is 42 ... Rep. Devin Nunes (R-Calif.) is 44 ... Scott Rosenthal ... CNN's Evan Semones is 25 ... David Kerr ... Robert Rosen of the Gates Foundation ... CRC Public Relations SVP Mike Thompson ... Facebook's Catherine Dennig ... Alex Reese ... Theo Yedinsky ... Jeremy Lott ... Eric Laing ... Lauren Pfeifle ... Candice Rogers ... Gretel Truong ... Debby Wolf ... Susan Peacock ... Jennifer Lenhart ... Lorraine Adams ... Vinh Nguyen ... AFP alum Chris Berg ... IBM's Vera Rhoads ... Charlie Rose, the pride of City Year (h/t Teresa Vilmain)

****** **A message from Morgan Stanley** : Storage makes renewable energy available when it's needed the most. Given the U.S. electric grid's lack of storage capacity, conventional power plants, including gas-fired ones, have remained utilities' most reliable source of electricity. That could be about to change. Morgan Stanley analysts argue that the price of both solar and wind energy, as well as new storage units, have reached a point where renewable energy can finally become a dependable, rather than an unpredictable, source of energy. According to the report, the demand for storage is expected to grow from a less than $300 million a year market to as much as $4 billion in the next two to three years. More affordable battery storage units could enable the growth of renewables or defer costly transmission and distribution projects, and also could lead to significant utility bill savings for solar customers. Read more from Morgan Stanley. ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Mon 6/26/2017 5:21:02 PM
Subject: Playbook Power Briefing, presented by the Coalition for Affordable Prescription Drugs (CAPD): SCOTUS reinstates parts of Trump's travel ban -- Senate releases revised health care bill -- CORNYN says health care vote needs to occur this week

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Today's Playbook Power Briefing presented by the Coalition for Affordable Prescription Drugs (CAPD)

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

WHAT THE WHITE HOUSE IS HAPPY ABOUT -- "High Court reinstates Trump travel ban, will hear arguments," by AP Supreme Court reporter Mark Sherman: "The Supreme Court is letting the Trump administration mostly enforce its 90-day ban on travelers from six mostly Muslim countries, overturning lower court orders that blocked it.

"The action Monday is a victory for President Donald Trump in the biggest legal controversy of his young presidency. The court did leave one category of foreigners protected, those 'with a credible claim of a bona fide relationship with a person or entity in the United States,' the court said in an unsigned opinion. The justices will hear arguments in the case in October. ... The ban would apply to citizens of Iran, Libya, Somalia, Sudan, Syria and Yemen." http://apne.ws/2sTjbzB

PRESIDENT TRUMP'S STATEMENT on the travel ban: "Today's unanimous Supreme Court decision is a clear victory for our national security. It allows the travel suspension for the six terror-prone countries and the refugee suspension to become largely effective.

"As President, I cannot allow people into our country who want to do us harm. I want people who can love the United States and all of its citizens, and who will be hardworking and productive.

"My number one responsibility as Commander in Chief is to keep the American people safe. Today's ruling allows me to use an important tool for protecting our Nation's homeland. I am also particularly gratified that the Supreme Court's decision was 9-0."

BY THE WAY ... JUSTICE ANTHONY KENNEDY did not make any announcement about his retirement.

OTHER SCOTUS MOVES -- SAME-SEX MARRIAGE CASE: NYT's ADAM LIPTAK: "The Supreme Court agreed on Monday to hear an appeal from a Colorado baker with religious objections to same-sex marriage who had lost a discrimination case for refusing to create a cake to celebrate such a union. The case will be a major test of a clash between laws that ban businesses open to the public from discriminating based on sexual orientation and claims of religious freedom. Around the nation, businesses like bakeries, florists and photography studios have said, so far with little success, that forcing them to serve gay couples violates their constitutional rights." http://nyti.ms/2tdAi1V

-- "Supreme Court turns down case on right to carry guns," by Josh Gerstein http://politi.co/2taCeaL

-- "Supreme Court rules churches eligible for certain public funds," by Benjamin Wermund: "The Supreme Court ruled Monday that religious institutions may not be excluded from state programs with a secular intent - in this case, making playgrounds safer. However the court framed its decision narrowly, declining to say how far states can go with school choice programs like vouchers being pushed by President Donald Trump as part of a sweeping school choice agenda." http://politi.co/2u8SPcs

Good Monday afternoon. PLAYBOOK has been hitting the road, taking our events across the country. We are trying to find out a bit more information on where you, the Playbook community, live. Please take this two-question survey: http://bit.ly/2u9pcYo

THE WHITE HOUSE has again decided today to hold a press briefing off camera, starving Americans of an opportunity to hear the executive branch discuss its priorities and policies. And they have something to talk about today -- a favorable Supreme Court decision.

NEW -- @seungminkim: "NEW: Here's the revised Senate GOP health care bill with summary of changes" http://bit.ly/2sedjiA ... ***The bill*** http://bit.ly/2tdhy2v ... ***Burgess Everett notes POLITICO broke this story first.***

-- A MAIN CHANGE: You have to wait six months for insurance coverage if you have a two-month lapse.

TRACK THE LATEST DEVELOPMENTS LIVE -- POLITICO has set up a page to follow ALL the twists and turns. http://politi.co/2s9pCkS

-- @JohnCornyn: "I am closing the door. We need to do it this week before double digit premium increases are announced for next year."

GREAT NUGGET FROM BUZZFEED'S TARINI PARTI in Colorado Springs: "Doug Deason, a major Trump backer and Texas-based Koch network donor, said that Republicans could have moved faster on their agenda, but that he's not disappointed with the Trump administration at all. ...

"Deason said he even turned down a meeting with Senate Majority Leader Mitch McConnell, telling the Kentucky Republican he needed to pass those bills first. Deason added that he respected McConnell, but that he'd like to 'see him grow a pair.'" http://bzfd.it/2tN8XRn

SPEAKER PAUL RYAN this evening will swear in the two newest members of Congress, Karen Handel (R-Ga.) and Ralph Norman (R-S.C.).

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD):** A new study projects pharmacy benefit managers (PBMs) will save Medicare Part D $896 billion over ten years. PBMs drive savings for taxpayers and seniors by negotiating discounts from drug manufacturers; by encouraging the use of lower cost, clinically equivalent drugs; and by providing clinical programs that improve health outcomes. Learn more at affordableprescriptiondrugs.org ******

STATEMENTS FROM THE WHITE HOUSE -- @realDonaldTrump at 8:30 a.m.: "The Democrats have become nothing but OBSTRUCTIONISTS, they have no policies or ideas. All they do is delay and complain. They own ObamaCare!" ... **at 8:37 a.m.:** "The reason that President Obama did NOTHING about Russia after being notified by the CIA of meddling is that he expected Clinton would win.." ... **at 8:50 a.m.:** "...and did not want to 'rock the boat.' He didn't 'choke,' he colluded or obstructed, and it did the Dems and Crooked Hillary no good." ...

... at 8:59 a.m.: "The real story is that President Obama did NOTHING after being informed in August about Russian meddling. With 4 months looking at Russia..." ... **at 9:05 a.m.:** "..under a magnifying glass, they have zero 'tapes' of T people colluding. There is no collusion & no obstruction. I should be given apology!" ... **at 9:14 a.m.:** "Republican Senators are working very hard to get there, with no help from the Democrats. Not easy! Perhaps just let OCare crash & burn!"

NEW NUMBERS -- "Support for Same-Sex Marriage Grows, Even Among Groups That Had Been Skeptical" -- Pew Research Center: "Two years after the Supreme Court decision that required states to recognize same-sex marriages nationwide, support for allowing gays and lesbians to marry legally is at its highest point in over 20 years of Pew Research Center polling on the issue. By a margin of nearly two-to-one (62% to 32%), more Americans now say they favor allowing gays and lesbians to marry than say they are opposed. ...

"For the first time, a majority of Baby Boomers favor allowing gays and lesbians to marry legally. Currently, 56% of Boomers favor same-sex marriage. ... Blacks have long been less supportive of same-sex marriage when compared with whites, but the share of African Americans who favor same-sex marriage has risen 12 percentage points since 2015, from 39% to 51%. ... For the first time, a majority of Republicans and Republican-leaning independents do not oppose allowing gays and lesbians to marry legally. Today, 48% of Republicans and Republican leaners oppose same-sex marriage,

while 47% favor this. ... Overall, white evangelical Protestants continue to stand out for their opposition to same-sex-marriage: 35% of white evangelical Protestants favor same-sex marriage, compared with a 59% majority who are opposed." http://pewrsr.ch/2taGln8

FRANK RICH on the cover of **NEW YORK MAG -- "Just Wait:** Watergate didn't become Watergate overnight, either": "[A]mong those of us who want Donald Trump gone from Washington yesterday, there's a fair amount of fear that he, too, could hang on until the end of a four-year term that stank of corruption from the start. Even if his White House scandals turn out to exceed his predecessor's - as the former director of national intelligence James Clapper posited in early June - impeachment is a political, not a legal, matter, and his political lock on the presidency would seem secure. Unlike Nixon, who had to contend with Democratic majorities in the House and Senate, Trump has the shield of a Republican Congress led by craven enablers terrified of crossing their Dear Leader's fiercely loyal base. That distinction alone is enough to make anti-Trumpers abandon all hope.

"I'm here to say don't do so just yet. There's a handy antidote to despair: a thorough wallow in Watergate, the actual story as it unfolded, not the expedited highlight reel that most Americans know from a textbook précis or cultural artifacts like the film version of All the President's Men. If you look through a sharp Nixonian lens at Trump's trajectory in office to date, short as it has been, you will discover more of an overlap than you might expect." http://nym.ag/2u8rly9 ... ***The cover*** http://bit.ly/2te3KVM

AFTERNOON READS -- "How the Right Gets Reagan Wrong," by Henry Olsen, author of "The Working Class Republican: Ronald Reagan and the Return of Blue-Collar Conservatism," in POLITICO Mag: "[E]lection returns show Americans don't want what Reaganism's high priests are preaching. More crucially, I learned that everything I thought I knew about Reagan was wrong-that Reaganism misrepresents Reagan's own views. Reagan's conservatism actually fit squarely within Franklin D. Roosevelt's New Deal consensus, not the anti-New Deal conservatism that forms Reaganism's heart. Heresy! some readers will cry. How can a man who backed Barry Goldwater, who said that 'libertarianism is the heart of conservatism,' and who told America that 'government is not the solution to the problem, it is the problem' be a New Deal conservative?

"The answer is that while all those statements are true, they exist in the context of a much more pro-government world view than Reaganism admits. The young Reagan was an ardent devotee of FDR and the Democratic Party. His friends from that era say he memorized FDR's 'fireside chats' and incessantly prattled on about New Deal liberalism. Many assume that his political outlook changed so much as he moved to the right that he rejected FDR and the New Deal. But Reagan always said "I didn't leave the Democratic Party, the Democratic Party left me." http://politi.co/2tbARZr ... ***$19.03 on Amazon*** http://amzn.to/2tb53Uv

JACK SHAFER in the July/Aug. issue of POLITICO Mag, **"America's Mayor: The 45th president is trying to run the White House like it's city hall":** "Our classic big-city

mayors all cut a similar figure [as Trump as president]. Even after winning office, they kept campaigning, stumping for their causes without apology. They blustered in the name of the neighborhoods, the parishes and the synagogues. They feuded with their enemies. Loudly. They 'fixed' things, looked for deal-making partners and struck alliances. They maintained peace between labor and capital, and they kept civil order. They played the booster. The classic mayors knew how to shame companies from moving their headquarters out of town, how to crowd their way to the center of any photo opportunity, how to junket and how to get results. Most of all, classic mayors were virtuosos in the art of blowing their own horns.

"It's from this script that Trump has largely governed, which helps to explain why, surrounded by all the trappings of the presidency, he still seems so unpresidential. It also helps explain why the initial months of his administration have accomplished so little. He's a self-proclaimed champion dealmaker. But where are the deals? How can someone with the political skills to become president so totally lack the political skills to be president? Because he basically misunderstands the dimensions of the job. The presidency isn't a supersized mayoralty. Mayors can get away with bullying city councils and acting like a legislature of one because councils are relatively weak. We've seen the approach in the first months of Trump's presidency in the dismissive way he treats Congress-and we've seen it fail, over and over." http://politi.co/2sJxJDx

HAPPENING TODAY -- Former Vice President **Joe Biden** and Dr. **Jill Biden** are launching the Biden Cancer Initiative today in New York City at the Alexandria Center for Life Science. The event will livestream on the initiative's Facebook page starting at 2:45 p.m. http://bit.ly/2u8PBWn

-- Former second lady **Tipper Gore** made a $1-million donation to the National Alliance on Mental Illness to expand their teen mental health program. ***Full release*** http://prn.to/2tbE0Zf

CLICKER -- "The 25 Most Influential People on the Internet," from TIME -- ***With appearances from Matt Drudge, Donald Trump, the founders of the Indivisible Guide, Skimm founders Danielle Weisberg and Carly Zakin and more*** http://ti.me/2tb5o9Z

TODAY'S BEYOND THE BELTWAY -- Universal health care bill shelved in California -- Charlie Baker stumps for Massachusetts with biotech companies http://politi.co/2u8V3bP

MAGICAL WORLD -- "Our 16 Favorite 'Harry Potter' Moments," from the staff of The Ringer, celebrating the 20th anniversary of the first Harry Potter book http://bit.ly/2u8Ms95

-- @JK_Rowling: "20 years ago today a world that I had lived in alone was suddenly open to others. It's been wonderful. Thank you. #HarryPotter20"

SPOTTED: Vernon Jordan (Bill Clinton consigliere) and Healy Baumgardner (Trump original and now lobbyist) sharing a golf cart to pre-board the 8 a.m. Acela from D.C. to NYC this morning ... Rep. Steve King (R-Iowa) at DCA this morning

WEEKEND WEDDINGS - Tom Schaller, professor and chair of the political science department at University of Maryland, Baltimore County, former BaltSun columnist and author of "The Stronghold" and "Whistling Past Dixie," got married on Saturday to **Laura Siemer,** who starts today as senior proposal writer for SOS International, a major government contracting defense-security firm. They had small family wedding of 30 people at the Tabard Inn and are honeymooning next week in Ocracoke on the Outer Banks of North Carolina. The couple met after a WashCaps hockey game in October 2014. *Pic* http://bit.ly/2s9mPbx

--Paige Alwood, who had her last day on Friday as deputy comms director for Sen. Ron Johnson (R-Wis.), got married to **Caleb Burr,** who graduated from seminary a week before their wedding and has taken a job in Raleigh, N.C., as a youth pastor. Their ceremony was at the Church of the Ascension and St. Agnes with their reception down the street at Epic Yoga, "a gorgeous venue space on the second floor overlooked Dupont Circle," she told us.

... They "met about 4 years ago when I moved to DC to do a fellows program through the Falls Church Anglican - it's called the Fellows Initiative. It's an incredible vocational/leadership development program that's been replicated in cities all over the East Coast ... My husband, Caleb, moved to DC around the same time to participate in a different program at the same church ... Because our story played out here even though neither of us are from here - I wanted this to be where we got married." ***Pics*** http://bit.ly/2sek3g6 ... http://bit.ly/2sJ4fWi ... http://bit.ly/2u8IY68

--"Marc Cipullo, Septime Webre" - N.Y. Times: "Mr. Cipullo, 48, ... was until January a director of special projects at South Florida Federal Partners, a private investment firm in Washington. ... Mr. Webre, 55, ... was until last year artistic director of the Washington Ballet. In July, he is to become artistic director of the Hong Kong Ballet." ***With pic*** http://nyti.ms/2s7hu4p ... ***Wedding pics*** http://bit.ly/2sJ9OnS ... http://bit.ly/2tcV9SW (h/t Judy Kopff)

BONUS BIRTHDAYS: NPR's Nicole Beemsterboer ... BerlinRosen VPs Shantha Susman and Niketa Kumar ... Lucy Silver ... Joe Durheim ... Ed Bearss, noted Civil War and military historian, expert battlefield guide for the Smithsonian and other organizations, and pride of Billings, Montana, is 94 ... **(was yesterday):** Matthew Felling, former Lisa Murkowski comms director now Hill+Knowlton VP and US News columnist. He spent the day wearing New Edition t-shirt in protest of the NKOTB (New Kids On The Block) reunion at the Verizon Center (h/t Ryan Taylor, who was on time)

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD):** A new study estimates that Medicare Part D costs would be 58 percent higher without pharmacy benefit managers' (PBMs') clinical tools and price negotiations with drug

manufacturers and pharmacies. The study shows PBMs significantly lower premiums and out-of-pocket costs for Medicare beneficiaries. In fact, PBMs are projected to save Medicare Part D $896 billion over the next decade. Thanks to PBMs, Medicare Part D continues to drive savings and value for taxpayers and beneficiaries, ensuring that more than 39 million American seniors can access the prescription drugs they need. Learn more at affordableprescriptiondrugs.org ******

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Subject: BREAKING NEWS: Trump says he'll designate North Korea as state sponsor of terrorism

President Donald Trump said on Monday he would designate North Korea as a state sponsor of terrorism, according to a White House pool report.

North Korea was previously designated a state sponsor of terrorism, but in 2008, the designation was rescinded by the State Department. The Trump administration has said for weeks it was considering reinstating the designation.

Read more: https://www.politico.com/story/2017/11/20/trump-says-hell-designate-north-korea-as-state-sponsor-of-terrorism-250344

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Today's Playbook Power Briefing presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Monday afternoon. THERE ARE ROUGHLY 40 LEGISLATIVE DAYS left in 2017.

THE CONGRESSIONAL BUDGET OFFICE is aiming to publish a preliminary analysis of the Graham-Cassidy draft this afternoon. But, the analysis will be of the older bill, not the new legislation with changes. So, it matters a bit less.

-- ... BUT, BUT BUT: "Republicans brace for failure on Obamacare repeal: Skeptical GOP senators have yet to endorse the Graham-Cassidy bill, even after a flurry of 11th hour changes," by Burgess Everett and Josh Dawsey: "Republicans in the Senate and White House are increasingly resigned to defeat in their final bid to repeal Obamacare this week, despite a flurry of last-second revisions meant to win over skeptical senators.

"President Donald Trump seemed far more pessimistic on Monday morning than he had been last week, telling the 'Rick & Bubba' radio show that he expected crippling opposition, calling it 'disgusting' that party leaders can't pass a bill to repeal and replace the 2010 health law. Trump wants to continue the health care fight even though he is said to be resigned it will fail this time, a White House official said.

"Meanwhile, the latest version of the bill by Sens. Lindsey Graham (R-S.C.) and Bill Cassidy (R-La.) has not yet moved any of the 'no' or undecided votes into the 'yes' column. GOP leaders have yet to pull the plug on the effort, but a massive change in dynamics must occur in the sharply divided Senate for the Graham-Cassidy measure to pass. Sen. Rand Paul (R-Ky.) is still opposed to the bill, an aide said on Monday morning. Sen. John McCain (R-Ariz.) has also not changed his position, which hardened on Friday into a 'no' vote against his close friend Graham's legislation.

"And though the latest changes to the bill are intended to woo Sens. Lisa Murkowski (R-Alaska) and Susan Collins (R-Maine), Collins has not budged from her 'lean no' stance and Murkowski has yet to get on board." http://politi.co/2xvLztS

-- **@elysepg**: Murkowski flying from Alaska this morning, spending flight 'thinking about her decision,' per staff."

A GAME OF CONGRESSIONAL CHICKEN -- "House Democrats to oppose FAA extension," by Heather Caygle and Brianna Gurciullo: "House Minority Leader Nancy Pelosi is attempting to block Republican attempts to expedite an FAA extension before the agency's current authority expires at week's end. Pelosi said in a statement that the 'sprawling' bill goes far beyond just extending federal aviation programs and includes many provisions that don't have Democratic backing, including language dealing with the federal flood insurance program and tax credits for hurricane victims. The Democratic leader also cited Republican inaction on the Dream Act - the bipartisan bill that would provide a path to citizenship for some young, undocumented immigrants - as reason for her opposition." http://politi.co/2wfLbhR

MUST READ -- POLITICO INVESTIGATION -- "Congressional aides risk conflicts with stock trades," by Maggie Severns: "A POLITICO review of federal disclosures for 2015 and 2016 found that some senior aides regularly buy and sell individual stocks that present potential conflicts of interest with their work. A smaller number of staffers trade in companies that lobby Congress and the committees that employ them. In all, approximately 450 aides have bought or sold a stock of more than $1,001 in value since May 2015.

"That's likely just the tip of the iceberg, since most congressional aides aren't required to report their trades. Only those in positions earning more than $124,406 per year must reveal their investments. Of the 12,500 staffers working for lawmakers, committees and leadership offices, only about 1,700 make that much, according to data compiled by Legistorm and the Brookings Institution. Government watchdogs say that, at a minimum, staffers should be prevented from buying shares of companies with business before their committees. But they are not. And despite the disparity between the rigorous standards for the executive branch and the laxness of Congress, the House and Senate have taken a permissive approach even to enforcing existing rules." http://politi.co/2yBYr1L

SCOOP -- THE LATEST ON IMMIGRATION REFORM -- "GOP senators to unveil new 'Dreamers' bill," by Seung Min Kim: "A new Senate GOP proposal is being released Monday that creates a pathway to legalization for so-called Dreamers, but it won't allow them to sponsor family members to the United States - one of several provisions that make the bill far more conservative than other relief measures for young undocumented immigrants. The lead Republican writers of the bill - Sens. Thom Tillis of North Carolina and James Lankford of Oklahoma - have touted their plan as a more GOP-friendly vision for the fate of young undocumented immigrants in the United States, especially compared to the Dream Act led by Sens. Dick Durbin (D-Ill.) and Lindsey Graham (R-S.C.).

"Tillis and Lankford hope their legislation, called the Succeed Act, can win support

from conservatives as Congress scrambles for a fix following the White House's decision to begin revoking work permits and deportation protections early next year for hundreds of thousands of Dreamers." http://politi.co/2yogCqW

THE ONE AMERICA APPEAL, the hurricane relief fundraiser spearheaded by all the living former presidents, will be expanded to include hurricane relief for Puerto Rico and the U.S. Virgin Islands after they were devastated by Hurricane Maria. ***Donation page*** http://bit.ly/2y3k26q

****** **A message from Morgan Stanley** : A Morgan Stanley survey found that interest in sustainable investing is stronger than ever, with 75% of individual investors polled- and 86% of Millennials-expressing interest. The survey examined the attitudes, perceptions and behaviors of individual investors toward sustainable investing and considers the broader implications for investors, corporations and governments. Read more. ******

MEDIAWATCH -- WSJ's MIKE BENDER (@MichaelCBender): "GREAT NEWS: Two heavies coming to WSJ - the talented @bykowicz is covering money & politics, & grizzled vet Mike Gordon joins natsec team!"

WEINER SENTENCED -- "Weiner sentenced to 21 months in prison for latest sexting scandal," by POLITICO NY's Laura Nahmias: "Former congressman Anthony Weiner was sentenced to 21 months in prison and three years of supervised release in federal court in Manhattan Monday after pleading guilty in May to transmitting obscene material to a minor. 'The difference here is that this is a very strong compulsion,' said Judge Denise Cote in handing down the sentence, saying that compulsion was evidence by 'the destruction of his career on two occasions.' Weiner, who was unaccompanied by his wife Huma Abedin, buried his face in his hands on hearing the sentence." http://politi.co/2yC2WJO

UPPING THE ANTE -- "North Korea's foreign minister: Trump's words are 'clearly a declaration of war'" http://politi.co/2y3Gs7g

ON THE PRESIDENT'S MIND -- @realDonaldTrump at 7:25 a.m.: "So proud of NASCAR and its supporters and fans. They won't put up with disrespecting our Country or our Flag - they said it loud and clear!" ... **at 7:31 a.m.:** "Many people booed the players who kneeled yesterday (which was a small percentage of total). These are fans who demand respect for our Flag!" ... **at 7:39 a.m.:** "The issue of kneeling has nothing to do with race. It is about respect for our Country, Flag and National Anthem. NFL must respect this!" ... **at 7:44 a.m.:** "The White House never looked more beautiful than it did returning last night. Important meetings taking place today. Big tax cuts & reform." ... **at 9:02 a.m.:** "#StandForOurAnthem" ***The president also retweeted a photo of Pat Tillman, the former NFL player who joined the military and died in Afghanistan.***

-- NASCAR driver Dale Earnhardt Jr. (@DaleJr): "All Americans R granted rights 2 peaceful protests Those who make peaceful revolution impossible will make violent

revolution inevitable-JFK" ... **@bylindsayhjones:** "NFL spokesman Lockhart: 'If the president wants to engage in something positive and constructive, he knows our number.'"

BANNON VS. THE VALLEY -- "Steve Bannon Sought To Infiltrate Facebook Hiring," by BuzzFeed News' Joseph Bernstein: "Steve Bannon plotted to plant a mole inside Facebook, according to emails sent days before the Breitbart boss took over Donald Trump's campaign and obtained by BuzzFeed News. The email exchange with a conservative Washington operative reveals the importance that the giant tech platform -- now reeling from its role in the 2016 election -- held for one of the campaign's central figures.

"And it also shows the lengths to which the brawling new American right is willing to go to keep tabs on and gain leverage over the Silicon Valley giants they used to help elect Trump -- but whose executives they also see as part of the globalist enemy. The idea to infiltrate Facebook came to Bannon from Chris Gacek, a former congressional staffer who is now an official at the Family Research Council, which lobbies against abortion and many LGBT rights." http://bzfd.it/2yB4Wln

-- "No one is tracking the illegal political ads in your Facebook feed," by Vice News' Alex Thompson and Noah Kulwin: "On Facebook and other digital platforms, no one -- not Facebook or the [FEC] -- vets political content that's backed by advertising dollars. This, experts warn, has turned Facebook into a vast, opaque, and unmonitored world where political advocacy has become hard to distinguish from political advertising." http://bit.ly/2yBnm5D

THE LATEST ON RUSSIA -- "White House stonewalls Capitol Hill over records in Russia probe," by CNN's Manu Raju and Jeremy Herb: "Tension is rising between congressional investigators probing Russia meddling and the Trump administration, as the White House and Justice Department withhold a number of records sought by Capitol Hill at a critical time in the investigations. Operating on parallel tracks from special counsel Robert Mueller, the three congressional committees probing Russia's election meddling have asked for scores of documents related to everything from Jared Kushner's security clearance to records surrounding President Donald Trump's discussions with James Comey before he was fired as FBI director.

"At the same time, the GOP leader of the House intelligence committee is threatening to hold a public hearing this week over documents the Justice Department has so far failed to turn over to Capitol Hill regarding the FBI's ties to a British operative who compiled a dossier of allegations on Trump's connections with Russia. And the GOP-led Senate judiciary committee is in a growing standoff with the Justice Department's deputy attorney general, Rod Rosenstein, over several issues, including the department's decision to prevent two senior FBI officials from sitting down for transcribed interviews on Capitol Hill to provide eyewitness accounts of the Comey firing.

"While the Trump campaign has provided lawmakers with thousands of pages of documents thus far, there are numerous requests where the White House, FBI and Justice Department have missed the committees' deadlines, prompting some committee members to threaten to issue subpoenas to the West Wing and Justice Department." http://cnn.it/2y36LL1

HISTORY LESSON -- "Segregation lingers in US schools 60 years after Little Rock," by the AP's Errin Haines Whack and Andrew DeMillo: "Six decades later, the sacrifice of those black students stands as a symbol of the turbulence of the era, but also as a testament to an intractable problem: Though legal segregation has long ended, few white and minority students share a classroom today. The lack of progress is clear and remains frustrating in the school district that includes Central High. The Little Rock School District, which is about two-thirds black, has been under state control since 2015 over the academic performance of some of its schools. The district has seen a proliferation of charter schools in recent years that opponents say contributes to self-segregation." http://bit.ly/2yBBRGA

TRUMP IS ALL IN ON STRANGE -- "Trump calls 'Rick & Bubba,' calls Roy Moore 'Ray' as he stumps for Strange," by AL.com's Leader Gore: "A primary win by 'Ray' Moore would open Alabama's U.S. Senate seat to Democrats, President Donald Trump told radio-hosts 'Rick and Bubba' this morning. Trump called the popular syndicated radio show on Monday morning, just days after appearing at a Huntsville, Alabama rally for Republican Senate nominee Luther Strange.

"'Luther Strange is going to be a great Senator,' Trump said. 'He loves Alabama, he loves the states and he loves the country. He will absolutely win against the Democrat. Ray will have a hard time. If Luther wins, the Democrats will hardly fight. If Ray wins (Democrats) will pour in $30 million.' When host Rick Burgess clarified that Moore's first name was Roy and not Ray, Trump came back with why it's 'not a good sign' when the president doesn't know your name." http://bit.ly/2y3o3Ya

THE DEMOCRATIC GRASSROOTS -- "This is the party boss driving Democrats to the left," by McClatchy's Alex Roarty: "'In some ways, we're the biggest obstacle in our own pathway to success,' [Ilyse] Hogue told her coffee-house crowd, summing up an argument she's made in countless op-eds and interviews. 'By buying into abortion stigma, by not talking about it, by not grounding it in common values, by not having the conversation that needs to be had, we're letting them off the hook.' For the 48-year-old, this point of view comes naturally. She has spent a lifetime in liberal activism, taking on radical projects that might seem far-fetched to some but are at the heart of her mission to change how the nation functions." http://bit.ly/2yBdGrD

WEEKEND WEDDINGS -- Joseph Henchman, EVP at the Tax Foundation, on Saturday married **Ethan Bishop,** an operations associate at the R Street Institute, in a ceremony at the Washington National Cathedral. ***Pic*** http://bit.ly/2wO1zdl

SPOTTED: Scott Hodge, Scott Drenkard, Michael Vogler, Kyle Pomerleau, Nicole

Kaeding, Eli Lehrer, Arthur Rizer, Zach Graves, Devin Hartman, Kevin Kosar, Garrett Watson, Trevor Burrus and Heather Kartsch, Dan Rothschild, Nigel Ashford, Max Behlke, Art Rosen, Stephen Kranz, Tori Bell, Stacey Chamberlin, Mike Godwin, Dave Weigel, Kevin Lees, Heidi Heilig, Hunter Koski and Andrew Moylan.

-- Kay Hagan alumni **Travis Cooke** and **Dorothy Allen** were married Saturday night at an outdoor ceremony in Charleston, S.C. The couple was introduced in the summer of 2012 in DC. Cooke is a senior policy fellow at the Theodore Roosevelt Conservation Partnership, and Allen is a support services advocate at DC SAFE. ***Pic*** http://bit.ly/2xEParH

****** **A message from Morgan Stanley** : Interest in sustainable investing has held steady, and on some fronts grown, according to a new survey published by the Morgan Stanley Institute for Sustainable Investing. The second edition of the survey, Sustainable Signals, examines the attitudes, perceptions and behaviors of individual investors towards sustainable investing and considers the broader implications for investors, corporations and governments. Individual investors, led by Millennials, increasingly see this as a normal and desirable element of any portfolio. 75% of investors-and 86% of Millennials-are interested in sustainable investing, a rise from the previous survey. Investors report an uptick in sustainability-minded investment decisions since 2015 (38%, up from 32%). "As widespread attention to sustainability continues to increase, consumers and investors alike are now more than ever factoring sustainability issues into their investment decisions," said Audrey Choi, Chief Sustainability Officer and Chief Marketing Officer at Morgan Stanley. Read more of the results. ******

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Subject: Playbook Power Briefing, presented by the Coalition for Affordable Prescription Drugs (CAPD): TRUMP goes after MCCONNELL again -- Big shakeup at Wells Fargo -- 2016 WARMEST YEAR on record -- SAM CLOVIS, POTUS' pick for top Ag post, stoked birtherism

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Today's Playbook Power Briefing presented by the Coalition for Affordable Prescription Drugs (CAPD)

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Happy Thursday afternoon. THE PRESIDENT, at 12:40 p.m.: "Mitch, get back to work and put Repeal & Replace, Tax Reform & Cuts and a great Infrastructure Bill on my desk for signing. You can do it!"

-- KNOW THIS. There is some consternation that these comments came as Trump is sitting at his golf course in New Jersey. McConnell has been attending events in Kentucky.

FROM A SENATE REPUBLICAN AIDE: "This makes about as much sense as sidelining Tom Brady because you didn't like his answer at a news conference. The reality is both men need each other to succeed. These tweets are unnecessary."

UNPACKING TRUMP VS. MCCONNELL. It's kind of difficult to truly fathom why **PRESIDENT DONALD TRUMP** thinks it wise to lambast Mitch McConnell, the Senate majority leader who has the loyalty of the overwhelming majority of Republican senators. McConnell holds the keys to Trump's entire agenda. Think of McConnell like the D.C. version of Michigan and Wisconsin -- Trump can't win without him. The base Trump needs to please is the 292 Republicans in Congress.

WE'VE spent the morning culling the knowledge of Trump world, Senate and House Republicans and POLITICO's top Hill mind -- the BUREAU CHIEF -- John Bresnahan. Here's what you need to know:

-- YES, THIS TIFF IS COUNTERPRODUCTIVE. Almost everyone we've spoken to acknowledges the back and forth between Trump and McConnell is not helpful. We're going into a September where Congress needs to raise the debt ceiling, fund government and pass a budget. And the White House is promising tax reform on top of that by the end of October (again, this probably won't happen). To have two of the most powerful men in Washington going back and forth is not a useful development if you are long on Washington. With McCain sidelined, McConnell has a 51-seat majority, and that

includes Sen. Susan Collins (R-Maine), who is independent minded, and Sen. Lisa Murkowski (R-Alaska), who Trump thoroughly angered. That's a string-thin margin, and that's a reality the Senate wants the White House to come to grips with.

-- SOME OF THESE CRITICISMS ARE FAIR. McConnell has made clear that he doesn't much care for the president's style. He thinks the phony deadlines set the White House up for failure, and he would prefer the president stay on message. And Trump is not happy that the health care bill failed under McConnell's watch -- neither is McConnell, to be honest.

-- THE TRANSLATION. McConnell is trying to tell Trump to get in the game. You want the debt ceiling lifted? Well, Mr. President, you're going to have to get your shoulder into it. You can't just say, "I want something to sign" and go on your way. You want tax reform? Don't use your health care strategy which was hands off, to put it generously. McConnell wants Trump to be the president. McConnell got Gorsuch through. Now he wants Trump to hold up his end of the bargain.

DOES JOHN KELLY -- a Marine -- think it's a good idea for Trump to be dumping all over the Senate majority leader?

SARAH HUCKABEE SANDERS during a gaggle at Bedminster on the McConnell/Trump feud, per pooler Gregory Korte of USA Today: "You can see the president's tweets. Obviously there's some frustration. I don't have anything more to add."

THE PRESIDENT will appear in front of a pool spray at 4 p.m. today. WILL HE TALK ABOUT MCCONNELL?

BREAKING: "2016 broke global temperature records -- again," by Emily Holden: "2016 was the warmest year on the Earth's surface in nearly 150 years of measuring, scientists said today in an international report that also found the highest sea levels since 1993 and the highest carbon dioxide concentrations in about 800,000 years. It was the third year in a row to set a new global temperature record." http://politi.co/2usP2Lp

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

IMPORTANT MID-DAY READ -- "Deep Divisions Emerge in Trump Administration as North Korea Threatens War," by NYT's Peter Baker in Bridgewater, New Jersey, and Gardiner Harris in Kuala Lumpur, Malaysia: "The spiral of fighting words left the Trump administration debating how to handle a standoff that has defied three presidents and only grown more ominous in recent weeks as North Korea successfully tested

intercontinental ballistic missiles for the first time. Neither Mr. Tillerson nor Mr. Mattis had reviewed in advance Mr. Trump's threat on Tuesday, when he said North Korea 'will be met with fire and fury like the world has never seen.' And the dissonance in their own follow-up statements reflected the struggle inside the Trump administration. ...

"Alexander Vershbow, a former ambassador to South Korea, said the Trump administration 'policy seems incoherent' and the threat of military action 'will likely harden the North Koreans' stance' and make it more difficult to get China to follow through on its support for the United Nations sanctions.

"'If denuclearization is still the goal, the only way to get there is through increased Chinese pressure,' Mr. Vershbow said. 'Since there is no viable military option, the only other course of action is to develop a long-term deterrence and containment strategy -- but that means accepting the unacceptable,' North Korea as a nuclear power." http://nyti.ms/2vmNBNw

MIKE DUFFY on **TIME'S NEW COVER -- "Why General John Kelly is Trump's Last Hope":** "So began a new era at Donald Trump's White House, one that might be his best, or last, chance for success. Almost overnight, Kelly shut the always-open door to the Oval Office, sent hangers-on back to their desks, fired the combustible communications director Anthony Scaramucci and told all the leaders of all the many White House factions to report to him, not to the President. No one knows whether Kelly will succeed, how long he might last or if the general's starched-shirt discipline will be rejected by the client. Early results were mixed, and skeptics are not hard to find. But Kelly clearly arrived with a mission: to fix a broken system that the nation and the world depends on every day to keep the ship called Earth in the middle of the channel." http://ti.me/2upGsgK ... ***See the cover:*** http://bit.ly/2uqimSl

--@maggieNYT: "This type of cover has always gone so well for folks with Trump in the past".

TRACKING MUELLER -- "With Bank Subpoenas, Mueller Turns Up the Heat on Manafort," by Bloomberg's Christian Berthelsen and Greg Farrell: "U.S. special counsel Robert Mueller is bearing down on former Trump campaign chairman Paul Manafort as he directs a wide-ranging probe into Russian interference in last year's presidential election. Mueller's team of investigators has sent subpoenas in recent weeks from a Washington grand jury to global banks for account information and records of transactions involving Manafort and some of his companies, as well as those of a long-time business partner, Rick Gates, according to people familiar with the matter. The special counsel has also reached out to other business associates, including Manafort's son-in-law and a Ukrainian oligarch ... Those efforts were characterized as an apparent attempt to gain information that could be used to squeeze Manafort, or force him to be more helpful to prosecutors." https://bloom.bg/2vSNeLg

BUSINESS BLITZ -- "Embattled Wells Fargo Plans Board Shake-Up," by WSJ's Emily Glazer: "The board of Wells Fargo, grappling with fresh problems even as it tries

to move past the bank's sales-practices scandal, is planning a shake-up that is likely to include Steven Sanger stepping down as nonexecutive chairman, according to people familiar with the matter. Directors are aiming to make final decisions on any changes by Labor Day, some of the people said. Mr. Sanger is expected to step down before the bank's shareholder meeting next spring, one of these people said. Vice Chair Elizabeth Duke, a former Federal Reserve governor, is then likely to take the top spot, some of these people said." http://on.wsj.com/2usD3gU

-- KELLY AYOTTE has joined the board of Caterpillar. http://bit.ly/2wxPiX8 ... **COMPENSATION IN 2016** for board members was roughly $275,000. **AYOTTE** is also on the board of News Corp.

FORMER VIRGINIA GOP REP. RANDY FORBES is joining Greenberg Traurig's office in D.C.

HE'S NOT GONNA LIKE THIS -- "Sebastian Gorka, the West Wing's Phony Foreign-Policy Guru," by Bob Dreyfuss in Rolling Stone: "Gorka views himself as a 'utility infielder, especially in the field of counterterrorism,' and claims to provide behind-the-scenes advice to Trump on how to fight terrorism, while serving under the wing of Steve Bannon, his former boss at Breitbart. 'It's surreal and quite horrifying that someone who's such an amateur has reached such heights,' says David Ucko, associate professor in the Department of War and Conflict Studies at National Defense University. Adds Michael S. Smith II, a veteran terrorism analyst who's had unpleasant run-ins with Gorka, 'This is not somebody who should be working anywhere near the White House.' Even more bluntly, a colleague of Smith's, Cindy Storer, an ex-CIA terrorism analyst, said, 'He's nuts.'" http://rol.st/2uJyWbA

CUE: JUBILATION ON FIRST ST SE -- "The Democratic Party's Looming Fundraising Crisis," by Michael Whitney in POLITICO Magazine: "As one of the people who led Senator Bernie Sanders' fundraising operation during the 2016 primaries, I watched Donald Trump's campaign take many of our ideas and duplicate them, employing language and tactics nearly identical to those we used on the Sanders campaign. What we found to be most powerful wasn't just hiring the right people or using the right technology. What mattered more was figuring out an empowering message of hope and reaching people with it. In the Trump era, the Democratic Party has sputtered along with fundraising appeals focused on scare tactics-understandable, but counterproductive. Meanwhile, Trump-a billionaire who is already president-is still winning grass-roots donors by offering his supporters an empowering message." http://politi.co/2uJIFPa

TRUMP'S CHIEF AG SCIENTIST PICK -- "Trump pick Sam Clovis stoked birther conspiracy, called Eric Holder a 'racist black'," by CNN KFILE's Andrew Kaczynski, Chris Massie, and Paul LeBlanc: "Sam Clovis, Donald Trump's pick to be chief scientist for the Department of Agriculture, pushed unfounded theories about then-President Barack Obama's upbringing and called then-Attorney General Eric Holder a 'racist black,' a CNN KFile review of Clovis's writings and radio broadcasts during 2012 and

2013 has found. Clovis was a conservative radio host and political activist in Iowa before gaining national attention as one of the more vocal supporters of Trump during the presidential campaign. His nomination to head science at the USDA requires Senate confirmation. ...

"The material shows how Clovis regularly engaged with fringe theories that were prevalent in the right-wing radio and blogosphere during Obama's presidency. Clovis did not return a request for comment. A spokesperson for the USDA and the White House also did not respond to emails requesting comment. In a 2012 blog post archived on the website for the Sioux City-based radio station KSCJ, Clovis raised questions about Obama's biography that echoed some of the theories pushed by those in the birther movement who claim that Obama isn't an American citizen." http://cnn.it/2uJIZxC ... ***KFILE's research*** http://cnn.it/2uJqFEM

NEEDLING TRUMP -- TIM BURGER in Town and Country, "Is John McCain's Pick to Lead the International Republican Institute a Strike Against Donald Trump?": "Republicans say the maverick from Arizona, who cast that vote after being diagnosed last month with a brain tumor, has figuratively showed Trump another finger by announcing Daniel Twining, a vocal never-Trumper, as the new president of the International Republican Institute. The IRI is the GOP's democracy-building organization, the twin of the National Democratic Institute, which is chaired by heavy hitter Democrat Madeleine Albright. As the longtime chairman of the IRI, McCain chairs its board and plays a key role in choosing its leadership-and that choice can send a signal. A onetime foreign policy advisor to McCain, Twining is currently counselor and director of the Asia Program at the German Marshall Fund of the United States ... Turns out Albright has something else in common with Twining: She and McCain's new IRI president both endorsed Hillary Clinton for president last year." http://bit.ly/2vqd2vY

VINEYARD UPDATE - "Do Businesses Need Foreign Workers? Martha's Vineyard Is Finding Out -- Shortage of H-2B visas hits summer-season hiring, triggering a search for American employees and novel workarounds," by WSJ's Laura Meckler in Vineyard Haven: "Jamaicans and other foreign workers have long powered the summer economy in the upscale tourist haven of Martha's Vineyard, cleaning hotel rooms, waiting tables and mixing fudge. This year, many local businesses had to come up with a Plan B. Facing a shortage of foreign laborers, local restaurants have reduced hours of operation and pared back menus.

"Managers are cleaning hotel rooms, laundry is piling up and at least one restaurant is using disposable cups to ease the dishwashers' load. The problem is a scarcity of the H-2B visas used to bring foreign seasonal workers to the U.S. It has affected many resorts and other businesses that depend on such workers, including Alaskan fisheries. Isolated locations such as Martha's Vineyard-it has a tiny year-round population and is accessible only by ferry or plane-are especially vulnerable." http://on.wsj.com/2utdyIn

MEDIAWATCH -- SEWELL CHAN has been named the first international news editor at the New York Times. He previously oversaw breaking news in London for the Times.

Full release http://bit.ly/2uJJWGc

-- AL FRANKEN'S newest book, Giant of the Senate, has jumped back up to number one on the New York Times' nonfiction best sellers' list http://politi.co/2usCWC8

SPOTTED: Steve Schmidt, Sheila Johnson and Catherine Reynolds and Matt Brooks dining at separate tables at Mirabelle on Wednesday night.

TRANSITIONS -- Mike Senich has joined Majority Strategies as director of sales operations. He previously worked at Facebook and is a Boehner alum. ... **Susan Phalen** is the new director of external affairs at FEMA. She was previously on the Hill as a comms director for several committees.

WELCOME TO THE WORLD -- Colin Jones, director of social at the Daily Beast and an MSNBC, Vice and N.Y. Daily News alum, and **Lindsey Jones,** a butcher at Fleishers Craft Butchery in Brooklyn, post on Twitter: "Meet Jasper Patrick Jones. This little dude was born [Wednesday] at 3:05 p.m. Mom and kiddo are doing great. I love him so damn much." ***Three pics on one page*** http://bit.ly/2vST4wW

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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July 19, 2017 - Number 137

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Leading the News

Water Pollution
D.C.'s Wipes Law: Flush it or Flaunt It?
A battle in the District of Columbia over what kinds of disposable wipes can be flushed down the toilet has pitted the city government and municipal wastewater utilities against manufacturers, such as Kimberly-Clark Corp. and Procter & Gamble.

Special Report

Oil & Gas
Liquefied Natural Gas Export Plans Face Years of Oversupply
Plans for exports of U.S. liquefied natural gas have multiplied as a global supply glut has developed, raising the prospect that some exporters may lose money for several years.

News

Air Pollution
Bill Delaying EPA's Ozone Standards Heads to Senate
A bill to postpone deadlines under the EPA's updated ozone air pollution standards sailed through the House and heads to the Senate where its outlook is murkier.

Air Pollution

EPA Must Revisit Toxic Air Pollution Standards, Court Says

Environmentalists will press for new toxic air pollution limits on petroleum refineries, chemical plants, and pesticide manufacturers after a federal court ordered the EPA to provide further evidence that it has adequately regulated those emissions.

Air Pollution

EU Finalizes International Ozone, Air Pollution Agreements

The European Union has formally accepted amendments to United Nations agreements to fight air pollution and the emissions of global warming gases.

Air Pollution

Switching Airplanes to Unleaded Difficult with EPA Vacancies

Federal efforts to phase out leaded fuel in the aviation industry are stalling as a result of a leadership vacuum at the EPA, an agency official said.

Biodiversity

Listing Triggers Northwest Territories Protection Plan for Bison

Canada's Northwest Territories is ratcheting up a recovery strategy for wood bison after the species was moved to the territory's List of Species at Risk as a threatened animal.

Biofuels

Two Biofuel Company Owners Sentenced for Fraud

The co-owners of Indiana biolfuel company Triton Energy LLC each were sentenced to more than two years in prison in connection with a scheme that generated more than $60 million in fraudulent tax credits.

Biotechnology

Norway Tweaks Review Process for Genetically Modified Seeds

Norway streamlined its approval processes for using and importing living genetically modified organisms, such as seeds, bringing the country in line with a European Union directive.

Chemicals

Harm From Low Doses of Chemicals Could Be Overlooked: Academies

Potential health problems associated with low doses of hormonally-active chemicals could be missed unless the EPA specifically looks for them, according to a National Academies report released July 18.

Disclosure

Some Sustainability Reports Better Than Others, Study Shows

Companies that follow the world's most commonly used sustainability reporting framework provide higher quality disclosures than those that don't, according to a study released July 18.

EPA

EPA Chemical Office Pick Has Risk Experience, Industry Ties

President Donald Trump's choice to head the EPA's chemical safety and pesticides office is winning praise from the American Chemistry Council and other industry groups, but some ex-agency officials say Michael Dourson's ties to industry need to be scrutinized.

Emissions Trading

Extension of California Climate Program May Spur Funding Fight

California lawmakers have extended the state's greenhouse gas emissions carbon trading program. Now they have to pay for it.

Energy

Energy Grid Security Risks Need Assessment, Democrats Say

The vulnerability of U.S. pipelines and other energy infrastructure to cyberattack needs to be assessed, top energy policy Democrats told the Government Accountability Office.

Energy

Fewer Nuclear Licenses to Force Layoffs at Nuclear Regulator

Up to 20 administrative support workers at the Nuclear Regulatory Commission may lose their jobs as the agency seeks to cut its workforce to help make up for a funding shortfall resulting from fewer licensing applications, an NRC spokesman told Bloomberg BNA July 18.

Energy

Grid Security Funding, Hydroelectric Bills Pass House

Federal funding authorization to help states shore up energy security plans passed the House without opposition July 18.

Energy

Senate Appropriators Vote to Fund Energy Innovation Agency

The Energy Department's innovation office, whose budget House appropriators have proposed to eliminate, would get $330 million in the Senate Appropriations energy and water panel's spending bill.

European Union

EU Courts Remain Closed on Groups' Environment Challenges

European Union courts will remain closed to individuals and campaign groups that want to challenge EU bodies' environmental decisions.

Forests

Brazil President Pushes Amazon Deforestation Bill

By Simone Iglesias: Brazil's President Michel Temer is submitting a bill to Congress that would reduce protections of a large national forest in the Amazon, just weeks after vetoing similar legislation.

Motor Vehicles

German Diesel Makers Get Reprieve as Home States Reject Bans

By Elisabeth Behrmann and Birgit Jennen: Diesel engines received a reprieve in Germany after the home states of BMW AG, Daimler AG and Audi signaled they'd allow upgrades of older motors instead of supporting driving bans that some cities are pushing to cut air pollution.

Pesticides

Court Hands EPA Win in Fight Over Dow Pesticide

The EPA's decision not to ban a widely used insecticide gained the backing of a federal appeals court, which said the agency followed court orders when it denied a request from environmental groups to restrict chlorpyrifos.

Proxy Voting

Vanguard's Votes on Climate Change Up for Their Own Vote

Mutual fund giant Vanguard Group, at a rare shareholder meeting later this year, will

consider an even rarer request from fund participants to review and report on how it casts proxy votes on climate change.

Renewable Energy

Clean Energy Is Trouncing Oil, Gas and Coal in Trump Era

By Joe Ryan, Christopher Martin and Brian Eckhouse: President Donald Trump took office vowing to revive the coal industry's fortunes. So far, the smart money has been on clean energy.

Renewable Energy

German Green Power Output Up 10 Percent After Wind, Solar Boom

By Brian Parkin: Power generated in Germany by green sources jumped 10 percent in the first half of the year compared with a year ago, according to the latest report of the Federal Environment Office.

Sales and Use Taxes

California Cap-and-Trade Bills Expand Sales Tax Exemption

A package of bills to extend California's carbon cap-and-trade program includes last-minute changes to expand an underutilized sales and use tax exemption for manufacturing equipment purchases.

Toxic Substances

Ametek Can't Shake Elementary School Contamination Suit

A teacher and students at a Southern California elementary school presented enough exposure and causation evidence to proceed with claims stemming from a toxic plume that migrated from an adjacent industrial site, the Southern District of California ruled (Trujillo v. Ametek, Inc., 2017 BL 246482, S.D. Cal., No. 15-cv-1394, 7/17/17).

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sun 12/3/2017 4:17:38 PM
Subject: POLITICO Playbook, presented by PhRMA: MCCONNELL: Gov't won't shut down -- TRUMP unleashes on Twitter: POTUS says people who lost money in stock market should SUE ABC -- INSIDE the GRIDIRON DINNER -- PETER BAKER A1: TRUMP's whiplash presidency

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by PhRMA

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

KEEP YOUR HOLIDAY PLANS ... MAYBE!: MCCONNELL PREDICTS NO SHUTDOWN: GEORGE STEPHANOPOULOS speaks to **SENATE MAJORITY LEADER MITCH MCCONNELL** on **ABC'S "THIS WEEK": STEPHANOPOULOS:** "Republicans have a majority in the House and the Senate. Can ... you keep the government open on your own?" **MCCONNELL:** "Look there's not going to be a government shutdown. It's just not going to happen."

THE BIG PICTURE: REMOVE THE BLUE BAG -- PETER BAKER on **A1** of the **SUNDAY TIMES -- "Wrenched From Scandal to Success, Trump Looks Ahead, and Over His Shoulder":** "The highs and lows of a presidency rarely come in such quick succession. But within hours, President Trump watched as one of his closest former aides pleaded guilty and promised to help prosecutors seek out more targets, then stayed up late to cheer on the Senate as it broke through months of gridlock to pass the largest tax cuts in years.

"Scandal and success in short order left the White House whipsawed and searching for a path forward that would generate more of the latter while knowing that the former is not going away anytime soon. Michael T. Flynn, the former national security adviser who pleaded guilty to a felony on Friday, was the fourth person near Mr. Trump to be charged and few in Washington expect him to be the last.

"No president in modern times has faced such a major investigation so early in his term even as he was still seeking to establish his political footing, much less one with as little popular support in polls as Mr. Trump has. The challenge for Mr. Trump in the weeks to come will be how to press forward on his agenda without letting the ominous drumbeat of indictments and court hearings consume his presidency."

http://nyti.ms/2nq5Pvy

Good Sunday morning. WHAT'S ON THE PRESIDENT'S MIND -- @realDonaldTrump at 8:36 a.m.: "Report: 'ANTI-TRUMP FBI AGENT LED CLINTON EMAIL PROBE' Now it all starts to make sense!" ... **at 8:15 a.m.:** "People who lost money when the Stock Market went down 350 points based on the False and Dishonest reporting of Brian Ross of @ABC News (he has been suspended), should consider hiring a lawyer and suing ABC for the damages this bad reporting has caused - many millions of dollars!"

... at 8 a.m.: "After years of Comey, with the phony and dishonest Clinton investigation (and more), running the FBI, its reputation is in Tatters - worst in History! But fear not, we will bring it back to greatness." ... **at 7:42 a.m.:** "Tainted (no, very dishonest?) FBI 'agent's role in Clinton probe under review.' Led Clinton Email probe. @foxandfriends Clinton money going to wife of another FBI agent in charge."

THE TRUMP TWEET EVERYONE IS TALKING ABOUT: @realDonaldTrump at 6:15 a.m.: "I never asked Comey to stop investigating Flynn. Just more Fake News covering another Comey lie!"

-- AP'S CALVIN WOODWARD and **KEN THOMAS:** "Trump shifted his story Saturday on why he fired Flynn, lumping in the retired Army lieutenant general's lies to the FBI along with his untruthfulness with Vice President Mike Pence. The president's initial explanation was that Flynn had to go because he hadn't been straight with Pence about contacts with Russian officials. Lying to the FBI is a crime, and one that Flynn acknowledged Friday in pleading guilty and agreeing to cooperate with the special counsel's Russia investigation.

"Trump tweeted Saturday: ' I had to fire General Flynn because he lied to the Vice President and the FBI. He has pled guilty to those lies. It is a shame because his actions during the transition were lawful. There was nothing to hide!' Amid questions raised by the tweet, Trump associates tried to put distance Saturday evening between the president himself and the tweet. One person familiar with the situation said the tweet was actually crafted by John Dowd, one of the president's personal attorneys. Dowd declined to comment when reached by The Associated Press on Saturday night." http://bit.ly/2zJrtN2

-- JAKE TAPPER talks with **SEN. MARK WARNER (D-VA.)** on **CNN'S "STATE OF THE UNION": TAPPER:** "President Trump says he never asked Comey to stop investigating Flynn. As you know better than I, Comey testified under oath before your committee in June that President Trump did ask him to drop the investigation. Whom do you believe?" **WARNER:** "I believe FBI Director Comey. I think he was very credible in his testimony and his private meetings with us. And it's not just Comey. You had -- clearly, you had an attorney general who has had to recuse himself because of untold contacts with Russians. You had the president of the United States trying to intervene, as has been reported, with other national intelligence leaders, who he appointed,

saying, could you back off?"

-- TAPPER with **SEN. TIM SCOTT (R-S.C.): TAPPER:** "Your fellow senator from South Carolina, Lindsey Graham, told CNN that he would urge President Trump to pledge to not pardon Michael Flynn. Do you agree with that?" **SCOTT:** "I do. At the end of the day, here's what we know. We have to have a way to restore confidence of the American people in their elected officials and the leaders of this country. One way that you do that is by holding those folks who are, A, lying to the FBI, you hold those folks accountable, and, B, you have a process that is clear and transparent. When the Intel ... Committee is finished, we will have the facts."

NYT'S MIKE SCHMIDT, SHARON LAFRANIERE and **SCOTT SHANE: "Emails Dispute White House Claims That Flynn Acted Independently on Russia":** "When President Trump fired his national security adviser, Michael T. Flynn, in February, White House officials portrayed him as a renegade who had acted independently in his discussions with a Russian official during the presidential transition and then lied to his colleagues about the interactions. But emails among top transition officials, provided or described to The New York Times, suggest that Mr. Flynn was far from a rogue actor.

"In fact, the emails, coupled with interviews and court documents filed on Friday, showed that Mr. Flynn was in close touch with other senior members of the Trump transition team both before and after he spoke with the Russian ambassador, Sergey I. Kislyak, about American sanctions against Russia. While Mr. Trump has disparaged as a Democratic 'hoax' any claims that he or his aides had unusual interactions with Russian officials, the records suggest that the Trump transition team was intensely focused on improving relations with Moscow and was willing to intervene to pursue that goal despite a request from the Obama administration that it not sow confusion about official American policy before Mr. Trump took office.

"**On Dec. 29, a transition adviser to Mr. Trump,** K. T. McFarland, wrote in an email to a colleague that sanctions announced hours before by the Obama administration in retaliation for Russian election meddling were aimed at discrediting Mr. Trump's victory. The sanctions could also make it much harder for Mr. Trump to ease tensions with Russia, 'which has just thrown the U.S.A. election to him,' she wrote in the emails obtained by The Times. It is not clear whether Ms. McFarland was saying she believed that the election had in fact been thrown. A White House lawyer said on Friday that she meant only that the Democrats were portraying it that way." http://nyti.ms/2zldyad

MORE RUSSIA TIES -- "Operative Offered Trump Campaign 'Kremlin Connection' Using N.R.A. Ties," by NYT's Nick Fandos: "A conservative operative trumpeting his close ties to the National Rifle Association and Russia told a Trump campaign adviser last year that he could arrange a back-channel meeting between Donald J. Trump and Vladimir V. Putin, the Russian president, according to an email sent to the Trump campaign.

"A May 2016 email to the campaign adviser, Rick Dearborn, bore the subject line

'Kremlin Connection.' In it, the N.R.A. member said he wanted the advice of Mr. Dearborn and Senator Jeff Sessions of Alabama, then a foreign policy adviser to Mr. Trump and Mr. Dearborn's longtime boss, about how to proceed in connecting the two leaders. Russia, he wrote, was 'quietly but actively seeking a dialogue with the U.S.' and would attempt to use the N.R.A.'s annual convention in Louisville, Ky., to make "first contact." ...

"'Putin is deadly serious about building a good relationship with Mr. Trump,' the N.R.A. member and conservative activist, Paul Erickson, wrote. 'He wants to extend an invitation to Mr. Trump to visit him in the Kremlin before the election. Let's talk through what has transpired and Senator Sessions's advice on how to proceed.'" http://nyti.ms/2jaUxHa

WHAT AMERICA IS WAKING UP TO -- BIRMINGHAM NEWS -- "Will black voters turn out Dec. 12?" http://bit.ly/2il8Ntl ... **DES MOINES REGISTER:** "Despite warnings, few Iowa farmers face tax" http://bit.ly/2BCYFr3

****** **A message from PhRMA: How much are hospitals marking up medicine prices?** According to new Moran Company analysis, hospitals mark up medicine prices nearly 500 percent. The analysis of 20 medicines also found a hospital is paid 2.5 times what the biopharmaceutical company, who brought the medicine to market, receives. Read more: http://onphr.ma/2hSaqox ******

KELLY FILES -- "Trump Finds Loopholes in Chief of Staff's New Regime," by WSJ's Mike Bender: "Chief of Staff John Kelly over the past five months has imposed discipline and rigorous protocols on a freewheeling White House. But President Donald Trump has found the loopholes. The president on occasion has called White House aides to the private residence in the evening, where he makes assignments and asks them not tell Mr. Kelly about the plans, according to several people familiar with the matter. At least once, aides have declined to carry out the requested task so as not to run afoul of Mr. Kelly, one of these people said.

"The president, who values counsel from an informal group of confidants outside the White House, also sometimes bypasses the normal scheduling for phone calls that give other White House staff, including Mr. Kelly, some control and influence over who the president talks to and when. Instead, some of his friends have taken to calling Melania Trump and asking her to pass messages to her husband, according to two people familiar with the matter. They say that since she arrived in the White House from New York in the summer, the first lady has taken on a more central role as a political adviser to the president. 'If I don't want to wait 24 hours for a call from the president, getting to Melania is much easier,' one person said." http://on.wsj.com/2Aocdsk

JOKES! -- HOUSE REPUBLICAN CONFERENCE CHAIRMAN CATHY MCMORRIS RODGERS spoke at the Gridiron Dinner last night. What she said: "I know, it's been a long evening already, but don't try to leave early. Matt Lauer helped us with all the locks. ... My dear friend Vice President Pence had a lot of fun at the spring dinner. I asked him

once 'Mike, if you could pick any color to be -- what would you choose?' And he said: 'Definitely never nude!' ... Seriously, I am so proud of our work this Congress. Without the brave and steady hand of Paul Ryan and Mitch McConnell, those 3 pieces of legislation would never have become law."

-- SEN. TAMMY DUCKWORTH (D-ILL.) also at the Gridiron: "Look at us all here. My goodness. We're all dressed like we're getting a huge tax cut. ... I actually just heard there's another event like this at the White House tonight, but it's not black tie. It's orange jumpsuit. ... Is Donald Trump's next book going to be 'The Art of the Plea Deal?' ... It used to be getting invited to speak at the Gridiron was the ultimate sign that you have made it in D.C. No offense, but now that ultimate sign is being mentioned in a Donald Trump tweet. As journalists, you have not arrived until you win Donald Trump's 'fake news' trophy.

"Senators, for us, we have to wait until Donald Trump gives us an insulting nickname -- Crooked Hillary, Little Marco, Lyin Ted. Seriously, Pocahontas? But what about me? What's a girl gotta do to get some of Donald Trump's attention? On second thought -- don't answer that. I'm Asian. I was born in a foreign country. I'm disabled. I'm a woman. And we know he doesn't like people who were shot down. So I deserve an insensitive nickname, too. I may have some suggestions for our president.

"How about Not So Fly Girl? Peking Duckworth. Lame Duckworth. Tammy Duckworthless. Or maybe because of my bionic powers, Tammy Duckworth the $6 million woman -- which might not sound like an insult, but remember, $6 million ain't gonna get you in the Trump Cabinet. It's barely enough to get you one of Paul Manafort's suits. You can't even take Mrs. Mnuchin on a date night with that."

PAGE TURNER -- COREY AND BOSSIE'S NEW BOOK -- "Trump's campaign: Big Macs, screaming fits and constant rivalries," by WaPo's Michael Kranish: "Elton John blares so loudly on Donald Trump's campaign plane that staffers can't hear themselves think. Press secretary Hope Hicks uses a steamer to press Trump's pants -- while he is still wearing them. Trump screams at his top aides, who are subjected to expletive-filled tirades in which they get their 'face ripped off.' And Trump's appetite seems to know no bounds when it comes to McDonald's, with a dinner order consisting of 'two Big Macs, two Fillet-O-Fish, and a chocolate malted.'

"The scenes are among the most surreal passages in a forthcoming book chronicling Trump's path to the presidency co-written by Corey Lewandowski, who was fired as Trump's campaign manager, and David Bossie, another top aide. The book [is] 'Let Trump Be Trump' ... 'Sooner or later, everybody who works for Donald Trump will see a side of him that makes you wonder why you took a job with him in the first place,' the authors wrote. 'His wrath is never intended as any personal offense, but sometimes it can be hard not to take it that way. The mode that he switches into when things aren't going his way can feel like an all-out assault; it'd break most hardened men and women into little pieces.'" http://wapo.st/2BtHBmw ... ***$17.70 on Amazon*** http://amzn.to/2jFW1Zq

IF YOU READ ONE THING - "Inside the secretive nerve center of the Mueller investigation," by WaPo's Bob Costa, Carol Leonnig and Josh Dawsey: "In the past two months, Mueller and his deputies have received private debriefs from two dozen current and former Trump advisers, each of whom has made the trek to the special counsel's secure office suite. Once inside, most witnesses are seated in a windowless conference room where two- and three-person teams of FBI agents and prosecutors rotate in and out, pressing them for answers.

"Among the topics that have been of keen interest to investigators: how foreign government officials and their emissaries contacted Trump officials, as well as the actions and interplay of Flynn and Jared Kushner, the president's son-in-law. Often listening in is the special counsel himself, a sphinx-like presence who sits quietly along the wall for portions of key interviews. ... Meanwhile, some witnesses who have been interviewed came away with the impression that the probe is unfolding and far from over. ...

"The volume of questions about Kushner in their interviews surprised some witnesses. 'I remember specifically being asked about Jared a number of times,' said one witness. ... Some witnesses were introduced to so many federal agents and lawyers that they later lamented that they had largely forgotten many of their names by the time one team left the room and a new team entered. ... People familiar with the Mueller team said they convey a sense of calm that is unsettling. 'These guys are confident, impressive, pretty friendly - joking a little, even,' one lawyer said. When prosecutors strike that kind of tone, he said, defense lawyers tend to think: 'Uh oh, my guy is in a heap of trouble.'" http://wapo.st/2At793U

SEN. DIANNE FEINSTEIN (D-CALIF.) talking with **CHUCK TODD** on **NBC'S "MEET THE PRESS"** about the Mueller investigation: "And, I think, what we're beginning to see is the putting together of a case of obstruction of justice. I think we see this in the indictments, the four indictments and pleas that have just taken place, and some of the comments that are being made. I see it in the hyper-frenetic attitude of the White House: the comments every day, the continual tweets. And I see it, most importantly, in what happened with the firing of Director Comey and it is my belief that that is directly because he did not agree to lift the cloud of the Russia investigation. That's obstruction of justice."

ON THE WORLD STAGE -- "Trump Boycotts U.N. Migration Talks: The White House's 'America First' policy makers see little gain in setting the global rules for migration," by Foreign Policy's Colum Lynch: "President Donald Trump has decided to boycott a global conference on migration scheduled to begin Monday in Puerto Vallarta, Mexico, sending a blunt signal that the United States is no longer interested in forging a concerted response to the world's burgeoning migration crises. ...

"The U.S. president's decision to pull out of the negotiations highlighted the enduring influence of Stephen Miller, the 32-year-old senior White House policy

advisor who has championed the Trump administration's effort to sharply restrict immigration to the United States. In recent weeks, Miller led efforts to pull out of the migration talks. ...

"White House chief of staff John Kelly, who previously led the Department of Homeland Security's crackdown on illegal immigrants, and Attorney General Jeff Sessions strongly backed a pullout, according to diplomatic sources familiar with the deliberations. The State Department initially opposed the withdrawal, but its policy planning chief, Brian Hook, who represented Secretary of State Rex Tillerson at the principals' meeting, reversed course and recommended ditching the negotiations. The meeting ended in deadlock, with Nikki Haley, the U.S. ambassador to the United Nations, expressing the lone dissent. Haley had argued that the United States would have a better shot at influencing the outcome of the negotiations if it participated in the process." http://atfp.co/2nkQFrs

THE LATEST IN ALABAMA -- "Is Roy Moore winning? Don't ask the pollsters," by Steven Shepard: "Roy Moore appears to have inched back in front of Democrat Doug Jones in the latest Alabama Senate election polls, according to the oft-cited RealClearPolitics average - a change in fortune from mid-November, when sexual misconduct allegations against Moore first surfaced. The reality? No one really has a clue about where things stand with Alabama voters in the December 12 special election.

"For all the national attention and the millions of dollars spent to win the seat, there's relatively little public polling in the contest. Only three public surveys in the average have been conducted since the Thanksgiving holiday, and odds are you've never heard of two of the three pollsters. And that's precisely the problem. The most important and closely watched election in the nation is taking place in the equivalent of a polling black box." http://politi.co/2ArzO9q

-- "Jones rallies black voters to turn out against Moore: The Alabama Democrat visits Selma as he tries to charge up the African-American vote for the Senate race," by Daniel Strauss in Selma: "Doug Jones' hunt for votes took him over the Edmund Pettus Bridge and into Selma's annual Christmas parade Saturday, seeking to energize his most important bloc of supporters in Alabama's special Senate election: African-Americans. Jones' visit to a civil rights movement landmark epitomized his strategy in the final days of the Alabama race. Jones simply cannot win without African-American voters flooding to the polls on December 12, when he faces scandal-plagued Republican Roy Moore and hopes to become the first Democrat in years to win a statewide race in Alabama. ...

"[Y]ears of Democratic losses have weakened voter interest and atrophied the state party, which is also riven by conflict between the different factions that remain. That has forced Jones to build a coalition almost from scratch in the last few months, leading some to criticize Jones for starting black outreach too late." http://politi.co/2zK7jCM

THE BATTLEFIELD -- "Battle for the House: GOP targets Democrats in Trump

districts," by Elena Schneider: "When Democratic Rep. Matt Cartwright woke up on Election Day 2016, he represented a safe blue Pennsylvania district. But by the time he went to sleep that night, Donald Trump had painted Cartwright's turf red beneath his feet. Cartwright still won a third term, but Republicans hope to follow up on Trump's top-of-the-ticket success by targeting Cartwright and 11 other House Democrats in Trump districts in 2018.

"A well-funded Republican jumped in to oppose Cartwright for the first time, while Cheri Bustos - the only Midwesterner in House Democratic leadership - has also drawn a stronger challenger than last year. Other Trump-district Democrats in Iowa, Minnesota and Wisconsin are also top Republican targets, as are open seats in the Las Vegas suburbs and southern New Hampshire.

"Republicans are mostly on defense in the House of Representatives ahead of the 2018 midterm elections, with Democrats looking to erase the GOP's 24-seat advantage and take back the majority. But Republicans are also confident they can pad their margin by picking off some Democrats in heavily white, blue-collar districts next fall, despite the political winds blowing against them elsewhere in the U.S. - and Democrats are relying on those members to learn the lessons of Hillary Clinton's 2016 loss to avoid 2018 surprises." http://politi.co/2zY33DQ

FASCINATING MCCONNELL QUOTE -- "'This is class warfare': Tax vote sparks political brawl over populism that will carry into 2018 elections," by WaPo's Dave Weigel, Bob Costa and Paul Kane: "'They tend not to be popular,' Senate Majority Leader Mitch McConnell (R-Ky.), referring to bills passed with only one party's support, told The Washington Post in an interview Saturday. 'Generally speaking, in the beginning, people decide they don't like it.' The test for Republicans is whether they can convince voters that this legislation will put more money in their wallets - and the GOP leader is not sure whether they can do that in time for the 2018 elections. 'We don't know,' McConnell said. But he said he thinks that in the long run, the economic boost will come and voters will eventually reward Republicans. 'Whether it's immediately popular or not becomes irrelevant if it does what you hope,' he added." http://wapo.st/2zKsi8w

SUNDAY BEST -- CHRIS WALLACE talks to **H.R. MCMASTER** on **"FOX NEWS SUNDAY": WALLACE:** "Let me ask you about another personnel issue which bubbled up this week. White House officials are talking openly about a plan to replace Secretary of State Tillerson by January of the first anniversary of President Trump being sworn into office. The president and Secretary Tillerson pushed back on that hard. But, can you flatly deny that there is any plan in place to replace Secretary Tillerson over the next couple of months?" **MCMASTER:** "Yeah, I'm not aware of any plan at all. What I'm aware of is that the secretary of state is traveling today to advance and protect our interests, as is our secretary of defense."

-- JOHN DICKERSON talks with **OMB DIRECTOR MICK MULVANEY** on **CBS'S "FACE THE NATION": DICKERSON:** "[L]et me ask you about the shutdown which

might be coming. Government's [going to] run out of money. Democrats wouldn't meet with the president. What's the status of things?" **MULVANEY:** "You know, it's funny to see now that the Republicans are in charge I think there's a group of right-wingers in the House who say they want to shut the government down. There's a group of Democrats who want to shut the government down over DACA. And there's a group of lawmakers from some of the hurricane states who want to shut the government down until they get what they want. This just sheds light on the fact that the spending system is broken when any little group can sort of hold the government hostage. We need to get beyond that. I think that we will. I don't think you'll see a government shutdown."

DICKERSON: "People used to say that about you. You were in one of those little groups when you wanted to shut the government down for reasons. You've changed your stripes." **MULVANEY:** "Well, all the more reason the system should be fixed. We don't spend money properly in Washington, D.C. We jump these massive bills to massive bills. The government shut down I think, John, 17 times in 20 years between '80 and '94 or something like that."

TV TONIGHT -- On MSNBC's "Kasie DC": former Sen. Kelly Ayotte (R-N.H.), Rep. Eric Swalwell (D-Calif.), Rep. Cheri Bustos (D-Ill.), Jake Sherman, Shawna Thomas, Nick Confessore, Natasha Bertrand, Jeremy Bash, Ken Dilanian, Marin Cogan, Ben Schreckinger

YOU'RE INVITED -- Our first live podcast taping next Thursday night (Dec. 7) at 7 p.m. at Sixth and I. Our inaugural guests: **MICHAEL BARBARO** , host of the New York Times' hit podcast "The Daily," **DCCC EXECUTIVE DIRECTOR DAN SENA** and **NRCC EXECUTIVE DIRECTOR JOHN ROGERS**. And a panel of **POLITICO** stars: **RACHAEL BADE, SEUNG MIN KIM** and **ANNIE KARNI**. Get your tickets now! http://bit.ly/2hWK7tF

Playbook Reads

PHOTO DU JOUR: President Donald Trump approaches the South Lawn of the White House aboard Marine One on Dec. 2. Trump was returning from a fundraising trip to New York. | Shawn Thew-Pool/Getty Images

SNL COLD OPEN - "White House Christmas Cold Open: President Donald Trump (Alec Baldwin) is visited by the spirits of Michael Flynn (Mikey Day), Billy Bush (Alex Moffatt), Vladimir Putin (Beck Bennett) and Hillary Clinton (Kate McKinnon)" - **FLYNN** (in chains): "Donald J. Trump. Donald J. Trump." ... **TRUMP:** "You've come to get me, I knew it. It's the Muslim stuff, right?" **FLYNN:** "No." **TRUMP:** "It's for calling Mexicans rapists?" **FLYNN:** "No." **TRUMP:** "The Roy Moore stuff?" **FLYNN:** "No." **TRUMP:** "Draft-dodging?" **FLYNN:** "No." **TRUMP:** "The birther stuff?" **FLYNN:** "No." **TRUMP:** "Pocahontas?" **FLYNN:** "No." **TRUMP:** "The Central Park Five? No wait. Making fun of

the handicapped reporter like this?" **FLYNN:** "No, sir. Sir. I'm not here for any of that."

TRUMP: "Who are you? Jacob Marley? You've got a lot of chains on." FLYNN: "No, I am Michael Flynn, the ghost of witness flipped. Mr. President, I came to warn you. It's time to come clean for the good of the country." **TRUMP:** "What the good of the?" **FLYNN:** "The good of the country." **TRUMP:** "The goobadacomcom?" ***6-min. video*** http://bit.ly/2AQvwLO

FOR YOUR RADAR -- "Pentagon evaluating U.S. West Coast missile defense sites - officials," by Reuters' Mike Stone in Simi Valley, California: "The U.S. agency tasked with protecting the country from missile attacks is scouting the West Coast for places to deploy new anti-missile defenses, two Congressmen said on Saturday, as North Korea's missile tests raise concerns about how the United States would defend itself from an attack. West Coast defenses would likely include Terminal High Altitude Area Defense (THAAD) anti-ballistic missiles, similar to those deployed in South Korea to protect against a potential North Korean attack." http://reut.rs/2AQRJti

MICHAEL GRUNWALD -- "Trump Wants to Dismantle Elizabeth Warren's Agency. Good Luck With That": "The Consumer Financial Protection Bureau is now the star of a bizarre legal and bureaucratic drama, a Rome-versus-Avignon power struggle unfolding a block from the White House. The resignation of the bureau's director, Richard Cordray, has created a soap-opera succession battle tailor-made for the frenzied Washington news cycle, with two dueling officials claiming his job and furious partisans arguing both sides." http://politi.co/2ArktFR

HEALTH CARE FALLOUT -- "GOP Medicaid work rules imperil care for opioid abusers," by Rachana Pradhan and Brianna Ehley: "Red states ravaged by the opioid crisis are pushing for Medicaid work requirements that could push people out of treatment as they try to get off drugs. Kentucky, New Hampshire, Maine and Indiana are among at least eight GOP-led states seeking federal approval to require Medicaid enrollees to work as a precondition of their health coverage. All four states have been hard hit by drug addiction, which claims 140 lives a day nationally.

"Governors say they would exempt people with chronic drug problems or severe mental illness from the Medicaid work requirements, but who would qualify and under what circumstances hasn't been spelled out. Critics fear that many addicts could lose benefits, particularly if they go in and out of treatment, or have relapsed - a not uncommon occurrence. Employers' resistance to hiring people who have failed drug tests or have criminal records could also put health benefits at risk." http://politi.co/2npdwCk

MEDIAWATCH -- "ABC News suspends Brian Ross for 4 weeks over erroneous Flynn story," by CNN's Oliver Darcy: "ABC News announced Saturday that it has suspended investigative reporter Brian Ross for four weeks without pay after Ross was forced to correct a bombshell on-air report about Michael Flynn. 'We deeply regret and apologize for the serious error we made [Friday]. The reporting conveyed by Brian Ross

during the special report had not been fully vetted through our editorial standards process,' ABC said in a statement. 'As a result of our continued reporting over the next several hours ultimately we determined the information was wrong and we corrected the mistake on air and online.' 'It is vital we get the story right and retain the trust we have built with our audience -- these are our core principles,' the statement added. 'We fell far short of that [Friday].'" http://cnnmon.ie/2ADn4iu

--@BrianRoss: "My job is to hold people accountable and that's why I agree with being held accountable myself."

****** **A message from PhRMA:** According to new analysis from the Moran Company, hospitals mark up medicine prices, on average, nearly 500 percent. The analysis of 20 medicines also found a hospital is paid 2.5 times what the biopharmaceutical company, who brought the medicine to market, receives. While hospital markups lead to higher costs for patients, employers and payers, these markups are often overlooked in conversations about medicine costs. As the provider market continues to become more concentrated and the number of medicines being administered in hospital-owned facilities is growing, the amount hospitals mark up medicine prices needs greater scrutiny. http://onphr.ma/2Ba0TOa ******

BONUS GREAT WEEKEND READS, curated by Daniel Lippman:

-- "The Lost Genocide," by Doug Bock Clark in Longreads: "One [Rohingya] survivor described watching an attack on the town's elderly religious leader as he was being carried from the flaming village on his son's back. Soldiers knocked the son down, and then four of them grabbed the imam by his limb. They rocked back and forth to start the old man swinging and then hurled him into the inferno." http://bit.ly/2jE2Ri5

-- "The Recruiters: Searching For The Next Generation Of Warfighters In A Divided America," by Adam Linehan in Task and Purpose - per TheBrowser.com's description: "To join the US Army you need good physical and mental health, no tattoos on face or hands, a high-school diploma and a clean police record. Only 29% of Americans in the 17-24 age group meet those criteria. It's easiest to recruit in the south and west around military bases where the army is familiar, hardest in the north and east. Since the draft ended in 1973, recruiting has become 'one of the most important jobs in the military'. Here's how the Army goes about it." http://bit.ly/2AzKGo8

-- "A Mother's Ninth-Century Manual on How to Be a Man," by Edward White in the Paris Review: "Dhuoda's book outlines the subjects that should most concern a man of high birth, such as how to pray and read the Bible; how to distinguish vice from virtue; how best to honor his parents; how to serve God and the Crown; how to handle illness, affliction, and hardship. The Liber Manualis beguiles with its intimacy and exquisite intricacy, a glittering portal to a culture that can seem entirely alien from our own." http://bit.ly/2zHCdLT

-- "The Refugee Scandal on the Island of Lesbos," by Giorgos Christides and Katrin

Kuntz in Der Spiegel: "Those wishing to visit ground zero of European ignominy must simply drive up an olive tree-covered hill on the island of Lesbos until the high cement walls of Camp Moria come into view. The dreadful stench of urine and garbage greets visitors and the ground is covered with hundreds of plastic bags. Inside, you see containers meant for six people packed with 14, overflowing toilets and garbage bins that nobody empties with mothers changing their babies' diapers right next to them." http://bit.ly/2A7o51O

-- "The Conflict in Yemen: A Primer," by Clare Duncan in Lawfare: "The war is at a stalemate. There are functionally two governments: the Houthis in Sanaa, and Hadi in Aden. Yemenis are facing famine, primarily the consequence of a blockade by the Saudi-led coalition. For decades, Yemen has relied on imports for around 90 percent of its food needs, and the Saudi blockade-meant to prevent arms shipments to the Houthis-has cut off Yemenis' access to food, along with medicine, fuel, and other humanitarian aid." http://bit.ly/2AOvLH1

-- "Understand and Survive in a Chinese Office," by Qianwei Zhang on Medium: "Despite the fact that Chinese people are more and more open to outside influence, and economic opportunities have encouraged them to pursue individuality and freedom, deep down, they are still the sons and daughters of Confucius who were taught to respect collective interest and bow to the man above your rank." http://bit.ly/2iDzekz

-- "The Christian Legal Army Behind 'Masterpiece Cakeshop': A special investigation into the rise of Alliance Defending Freedom," by Sarah Posner in the Nation: "The organization, which once aspired to be merely a Christian antidote to the secular ACLU, has fast become a training ground for future legislators, judges, prosecutors, attorneys general, and other government lawyers-including, notably, in the Trump administration." http://bit.ly/2hXmwZO

-- "What Do We Do with the Art of Monstrous Men?" by Claire Dederer in the Paris Review: "The real question is this: can I love the art but hate the artist? Can you? When I say we, I mean I. I mean you." http://bit.ly/2zY33Aq

-- "'A tale of decay': the Houses of Parliament are falling down," by Charlotte Higgins in the Guardian: "As politicians dither over repairs, the risk of fire, flood or a deluge of sewage only increases. But fixing the Palace of Westminster might change British politics for good - which is the last thing many of its residents want." http://bit.ly/2j71vg5

-- "Terry McAuliffe's Dead-Serious Advice For Democrats: Have Fun!" by BuzzFeed's Ruby Cramer: "Terry McAuliffe spent 35 years chasing checks from donors, raising millions for Democrats, amassing success and scandal, befriending the Clintons, and earning legendary political status as the high-energy, fun-loving fundraiser known as 'the Macker.' Now he's a governor with a serious record, in a state where Democrats just won big. So what's changed about him? As it turns out, not much." http://bzfd.it/2AlUz8w

-- **"Trump Tower's Murky History and Murkier Future: Slumping Sales, Pentagon Leases, and Shadowy L.L.C.S,"** by Suzanna Andrews in Vanity Fair: "Once home to celebrities like Bruce Willis and Michael Jackson, apartments in Trump Tower are now frequently owned by shadowy L.L.C.s-and even a few criminals. With security up and sales slumping, what does the future hold for the Trump Organization's flagship property?" http://bit.ly/2zKEdTu

-- **"Walter Isaacson: Why I Left DC"** - Washingtonian: "After years among the capital's elite, an establishment fixture decides to return home." http://bit.ly/2izrNuB

-- **"The case for normalizing impeachment,"** by Vox's Ezra Klein: "Impeaching an unfit president has consequences. But leaving one in office could be worse." http://bit.ly/2i2W2Gd

-- **"Have You Ever Tried to Sell a Diamond?"** by Edward Jay Epstein in the Feb. 1982 issue of the Atlantic: "An unruly market may undo the work of a giant cartel and of an inspired, decades-long ad campaign." http://theatln.tc/2pkf2ml (h/t Longform.org)

-- **"22 Crushes,"** by Davy Rothbart in California Sunday magazine: "Seeing the names [in a journal] again after so long transfixed me. There was Heidi, who rode the same bus as I did every day in junior high. Tara, whom I met at the neighborhood pool. Abby, a cellist. Colleen from gym class. And Allison, who shared my love for the Detroit Tigers." http://bit.ly/2BkB0uy

Playbookers

SPOTTED: Reps. Mark Meadows (R-N.C.) and Barbara Comstock (R-Va.) in downtown Middleburg yesterday on Main Street before the "Christmas in Middleburg" parade ... Senate Majority Leader Mitch McConnell on a 9 a.m. DCA flight on Saturday to Louisville, sitting in first class.

REMEMBERING LES WHITTEN - WaPo's Harrison Smith: "Les Whitten, an investigative reporter whose skill at cultivating government sources and securing secret documents - sometimes through threats or the use of a paid private investigator - made him a top legman of muckraker Jack Anderson and an enemy of President Richard M. Nixon, died Dec. 2 at an assisted-living community in Adelphi, Md. He was 89. ... A self-described 'swashbuckler,' Mr. Whitten was an aspiring novelist who covered wars in the Dominican Republic and Vietnam before joining the staff of the country's most popular daily news column, the Washington Merry-Go-Round, in 1969." http://wapo.st/2Alr1ro

WEEKEND WEDDINGS -- Romney Ramblers wedding - Pool report: "CNN's **Rachel Streitfeld** and DHS's **Tim Runfola** exchanged hand-written vows Saturday night at the Texas Discovery Gardens in Dallas, beneath the 212-foot Texas Star Ferris wheel. The

couple danced the night away to a 10-piece band while guests enjoyed a roving poet, artisanal cotton candy and other Texas treats. Rachel's mom, former Dallas KXAS-TV anchor Carolyn Raiser, distributed cowboy hats to guests on the dance floor." ***Instapics*** http://bit.ly/2BBfv9z ... http://bit.ly/2BvgNSO

SPOTTED: former Fed Chairman Paul Volcker - great uncle of the bride, Kasie Hunt (bridesmaid in pomegranate) and Matt Rivera, Reid Epstein, Ashley Parker and Mike Bender, Sara Murray and Garrett Haake, Phil Rucker, Chris Laible (in from Beijing), Holly Bailey, Eric Thayer, Jo Ling Kent and Scott Conroy, Nicole Busch, Michael Falcone, Zain Asher and Steve Peoples, Shawna Shepherd and Craig Minassian, and Rachel's CNN crew: Matt Hoye and Melissa Junior, Rob Yoon, Bonney Kapp, Abigail Crutchfield, Kevin Bohn, Laura Bernardini and Marlena (Baldacci) Militana.

-- ADAM WOLF, deputy chief of staff to Rep. Carlos Curbelo (R-Fla.), married **ANNIE MINKLER** of the Rules Committee.

SPOTTED at Christopher Bedford's annual Christmas party last night: Amanda Lee House, Heather Swift, Nika Nour, Vince Coglianese, Melissa Brown, Ryan Coyne, Saagar Enjeti and Katie Watson, Sarah Westwood, Gabby Morrongiello, Francesca Chambers and Michael Moroney, Ben Jenkins, Peter Doocy, Alex Pfeiffer, Al Weaver, Asawin Suebsaeng, Lachlan Markay and Anna Massoglia, Steve Guest, Matt Gorman, Tommy Schultz and Ashley Harvey, Matt Wolking, Nihal Krishan, Tina Nguyen, Robbie Myers, Alex Pappas.

BIRTHWEEK (was yesterday): Deb Haaland, running for Congress in New Mexico

BIRTHDAYS: Robby Mook ... Jesse Lee ... Politico Florida's Bruce Ritchie ... Eleanor Schiff ... Mike Inacay, Sen. Brian Schatz's comms director ... Katelyn Rieley Johnson ... Ali Zelenko, SVP of NBC News PR (hat tip: Erika Masonhall) ... WaPo's Scott Higham ... Jacqueline Quasney ... Elizabeth Edelman, VP of strategy and biz development at Global Citizen and a Romney alum ... Bill Sternberg, editorial page editor of USA Today, is 61 ... Jamie Carroll ... Jamie Sherman ... Margaret Mulkerrin, a press assistant for Whip Hoyer ... NYT biz reporter Diane Cardwell ... Angelica Brantley ... Kevin Baron, executive editor of Defense One ... Aron Goldman is 47 ... Robert Pondiscio ... Cody Sanders, former Luther Strange staffer who joined the White House in November as a presidential writer. "What he knows for sure is that Alabama fans care about Alabama football, Auburn fans care about Auburn. War Eagle!" (h/t Nicole Schiegg) ... Lance Trover, a Bruce Rauner and NRSC alum ...

... Bill Tighe, VP of federal government affairs at the National Association of Chain Drug Stores, is 4-0 ... Laura Howard of Sentinel Strategic Advisors (h/ts Matt Gorman and Remy) ... Katherine Klein, vice dean of the Wharton Social Impact Initiative and professor of management (h/t Jon Haber) ... Rep. Jim Renacci (R-Ohio) is 59 ... Rep. Eddie Bernice Johnson (D-Tex.) is 82 ... Arkansas Gov. Asa Hutchinson is 67 ... former Rep. Stephanie Herseth Sandler (D-SD) is 47 ... Danielle Filson of Uber ... Matthew Flaherty ... Mandi Critchfield, comms. director for Senate Banking Committee ... Neal

Ungerleider ... CQ-Roll Call VP David Meyers ... Lance Trover ... Let Freedom Ring USA president Colin Hanna ... Chris Kelaher ... Rich McFadden ... Miles Doran, producer for "CBS This Morning" ... Tom Oppel ... John Toohey ... Greg Everts ... Francie Phelps (h/ts Teresa Vilmain)

****** **A message from PhRMA:** According to new analysis from the Moran Company, hospitals mark up medicine prices, on average, nearly 500 percent. The analysis of 20 medicines also found a hospital is paid 2.5 times what the biopharmaceutical company, who brought the medicine to market, receives. While hospital markups lead to higher costs for patients, employers and payers, these markups are often overlooked in conversations about medicine costs. As the provider market continues to become more concentrated and the number of medicines being administered in hospital-owned facilities is growing, the amount hospitals mark up medicine prices needs greater scrutiny. http://onphr.ma/2Ba0TOa ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 8/2/2017 7:48:06 PM
Subject: Interior No. 2 tells employees to follow the law, not 'parrot' special interests

By Esther Whieldon

08/02/2017 03:44 PM EDT

Interior Deputy Secretary David Bernhardt, a former lobbyist, believes a few bad apples within the department have "forgotten their oath" and "choose to parrot comments of special interests rather than carry out their governmental duties to move the country forward," he told employees in an introductory email sent after he was sworn in Tuesday.

"By doing so, they often avoid grounding their views in the actual facts or the law. Such conduct is arbitrary. It is lazy. We must always refrain from taking such a path," Bernhardt wrote in the email, a copy of which was obtained by POLITICO today.

Before being confirmed as Interior Secretary Ryan Zinke's second-in-command, Bernhardt spent years as a lobbyist for clients including Westlands Water District. Bernhardt pledged during his confirmation process to recuse himself from matters involving past clients for two years.

In the email, Bernhardt promised to respect employees at the Interior Department, where he served a previous stint under President George W. Bush. But he stressed that they were bound by laws set by Congress and obligated to exercise discretion in implementing those laws to accord with the administration's views.

The agency's authority has limits, he wrote, and instead of trying to "stretch the law like a fraying rubber band to fit a particular policy vision," the agency should ask Congress for help.

Bernhardt told the Senate Energy and Natural Resource Committee in May that the president's views, not the recommendations of climate scientists, would guide the department's policies where possible.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/interior-no-2-tells-employees-to-follow-the-law-not-parrot-special-interests-091418

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 7/7/2017 11:52:57 PM
Subject: July 10 -- Daily Environment Report

Daily Environment Report

July 10, 2017 - Number 130

The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Leading the News

Chemical Safety Board
Safety Board's Push for Exxon Records Carries High Stakes
A years-long dispute over the Chemical Safety Board's access to ExxonMobil Corp. documents will enter a new phase at a Los Angeles federal courthouse in August, posing a test for the agency—and for corporations seeking to avoid disclosure that could prompt new regulations.

General Policy
Week Ahead: Senate Expected to Confirm New Regulatory Chief
The Trump administration's pick for chief regulatory officer is expected to win Senate confirmation, one of several developments on environment and energy issues during the week of July 10.

Regulatory Policy
EPA Defeat on Methane Could Hinder Other Regulatory Rollbacks
A defeat in court of the EPA's plan to postpone methane standards for oil and gas wells could bolster challenges to delays of emissions limits for landfills and regulations for new chemical plant security.

News

Air Pollution
Ex-Audi Manager Charged in U.S. Over VW Emissions Scandal
Munich prosecutors arrested a former manager at Volkswagen AG's Audi unit in a probe of the diesel-emissions scandal three days before he was charged by the U.S. Justice Department, two people familiar with the case said.

Air Pollution

Los Angeles Refineries to Pay More for Excessive Flaring

Los Angeles area oil refineries face higher fees for unplanned and repeat flaring events under a new local regulation.

Chemicals

Regional Role in Chemicals Nixed in EPA Guidance to Staff

EPA regions are no longer directed to intensify their work promoting chemical safety in guidance to agency officials overseeing the program.

Cybersecurity

Russians Are Said to Be Suspects in Nuclear Site Hackings

Hackers working for a foreign government recently breached at least a dozen U.S. power plants, including the Wolf Creek nuclear facility in Kansas, according to current and former U.S. officials, sparking concerns the attackers were searching for vulnerabilities in the electrical grid.

Endangered Species

German Vote Would Ease Construction Near Protected Species

German lawmakers voted to amend the country's Federal Act for the Protection of Nature to make it easier for construction projects to proceed, even if they threaten protected species.

Endangered Species

Sage Grouse Lawsuits on Hold Pending Interior Action

Three court fights over protections for the greater sage grouse were halted as the Interior Department reconsiders its strategy for protecting the birds, which could impact energy production, mining, and livestock operations.

Energy

Cooler Efficiency Rule Issued, Others on Ice at Energy Agency

It was a welcome breath of cold air for refrigeration companies and energy efficiency advocates when the Energy Department released a walk-in cooler and freezer energy efficiency standard that was held at the end of the Obama administration.

Energy

Germany Extends Tax Breaks for Natural Gas Production

A plan to extend significant tax breaks for production of both natural gas and liquefied petroleum gas through 2023 was approved July 7 by German lawmakers, who deemed the measure deemed necessary for the country's problematic transportation sector.

Energy

Germany Moves to Equalize Consumer Electric Grid Costs

The upper house of the German Parliament, the Bundesrat, passed a bill July 7 that clears the way for the government to harmonize long-distance electricity transmission costs across the country by 2023, a move many welcome but say comes too late at too high a cost.

Energy

Millennials and Their iPhones Are Killing Traditional Utilities

It won't be long, experts say, before the average Londoner will be able to program her day to start this way:

International Climate

China, EU Bolster Greener Global Shipping to Curb Emissions

The trillion-dollar global shipping industry may soon be forced to curb greenhouse gas emissions under new rules backed by the European Union and China.

Oil Spills

NAFTA Agency Asked to Study Leaks From Oil Sands Operations

The commission that addresses environmental issues under the North American Free Trade Agreement said July 7 it has been asked to review Canada's enforcement of rules that prohibit toxic leaks from oil sands operations in Alberta.

Pesticides

Appeals Court Hands Win to Kansas Termite Control Industry

A federal appeals court upheld a tougher termite control regulation in Kansas than what's required on the federal level, but the very industry that supports the rule may be seeking changes anyway.

REACH

EU Chemicals Agency Chief: Firms Not Updating Dossiers

Companies that trade chemicals in the European Union are failing to meet their obligations to update the substance registration dossiers they submitted under the bloc's REACH law, according to the head of the European Chemicals Agency.

Renewable Energy

Tesla to Build World's Largest Energy Storage Battery in Australia

Tesla will install the world's largest energy storage battery in South Australia and will get the job done in 100 days, Premier Jay Weatherill announced July 7.

Stormwater

Cities, Towns Writing New Water Permits Under EPA Direction

Cities, towns and counties that are in the process of renewing their permits to minimize stormwater runoff from paved surfaces can now rely on the EPA's recently updated guidance.

Superfund

EPA Plans for Fewer Superfund Cleanups, More Brownfield Jobs

The Environmental Protection Agency plans to review fewer contaminated sites and make fewer cleanup actions but wants to leverage thousands of new jobs, according to a draft agency document.

Sustainability

EU Lawmakers Seek to Promote More Durable Consumer Products

European lawmakers want the European Union to take steps to promote more durable and more easily repairable consumer products, in order to reduce waste and conserve resources.

Toxic Chemicals

Eastman, American Water $150M Elk River Settlement Approved

Eastman Chemical Co. and public drinking water providers gained preliminary court approval of a settlement with those impacted by a 2014 chemical spill into West Virginia's Elk River that could total $151 million (Good v. W. Va. Am. Water Co., 2017 BL 233263, S.D. W.Va., No. 14-1374, 7/6/17).

Toxic Chemicals

Ruling: Medical Monitoring Claims Barred by Superfund Law

A family's medical monitoring case over water pollution from two U.S. Navy facilities must be dismissed because it is barred by the federal Superfund law, the Eastern District of Pennsylvania ruled July 6 (Giovanni v. U.S. Dep't of Navy, 2017 BL 232930, E.D. Pa., No. 16-cv-04873, 7/6/17).

Toxic Substances

Brazil Ratifies Minamata Convention to Phase Out Mercury

Brazilian President Michel Temer is expected to issue a decree specifying how the country will fully comply with the Minamata Convention on Mercury, which was ratified July 7 via a Congressional proclamation.

Toxic Substances

EU Criteria on Endocrine Disruptors in Pesticides Draw Fire

A European Union committee's approval of criteria for identifying endocrine-disrupting substances in pesticides—which could be applied to other chemicals in future EU legislation—is under fire from industry and lawmakers.

Toxic Substances

Petroleum Industry Wins Partial Victory in EPA Challenge

The American Petroleum Institute July 7 won a partial victory in its challenge to the EPA's definition of solid waste regulations as the D.C. Circuit vacated a section related to recycling of hazardous waste materials (American Petroleum Institute v. EPA, D.C. Cir., No. 09-01038, 7/7/17).

Vehicle Fuels

France Aims to End Sale of Fossil Fuel-Powered Cars by 2040

France plans to end the sale of gasoline- and diesel-powered vehicles by 2040 in a bid to become a carbon-neutral nation, Energy Minister Nicolas Hulot said, effectively promoting electric cars.

Vehicle Fuels

Late to the Battery-Car Race, VW Says It Can Still Blunt Tesla

Volkswagen AG will start deliveries of its first standalone battery-powered models in 2020, around the time that Tesla Inc. wants to hand over 1 million vehicles a year. So why does the German carmaker think it can stop the U.S. electric-auto pioneer in its tracks?

Water Pollution

Ohio Law Boosts Control Over Lake Erie Dredging, Landfills

Ohio's EPA gained ground in its latest move to control dredging in Lake Erie, landfill cleanups, and community water systems management in a bill that received nearly unanimous bipartisan support.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 6/20/2017 6:51:24 PM
Subject: EPA could cut more than 1,200 employees with buyouts

By Alex Guillén

06/20/2017 02:47 PM EDT

EPA's early retirement and buyout programs could shrink the agency's 15,000-person workforce by as many as 1,228 people by September, according to an agency email.

Though the programs must still be approved by the Office of Personnel Management and the Office of Budget and Management, EPA attorney Robert Coomber wrote to union leaders that the program will be offered to a maximum of 1,228 workers across the agency, although it is not known whether those people will accept them.

In a separate agency-wide memo, Acting Deputy Administrator Mike Flynn wrote that "we expect a limited number of employees" will be given an offer under the buyout programs, known in federal lingo as VERA and VSIP. Anyone who applies and accepts an offer would have to leave by early September.

The "voluntary separations" help EPA "complete workforce restructuring with minimal disruption to the workforce," Flynn added. EPA has at least $12 million set aside to pay for the buyouts.

EPA's proposed budget calls for reducing EPA's workforce by 3,200 positions, or about 21 percent of the agency, although congressional appropriators indicated they will not grant that request.

As much as a third of the federal workforce is currently eligible for retirement, although it is not clear what the exact figure is at EPA.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/06/epa-could-cut-more-than-1-200-employees-with-buyouts-089386

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Thur 11/2/2017 2:06:00 PM
Subject: POLITICO's Morning Transportation: V2V mandate in question — TSA checkup coming up — Terrorist-proofing bike paths

By Tanya Snyder and Brianna Gurciullo | 11/02/2017 10:00 AM EDT

With help from Stephanie Beasley and Adrienne Hurst

V2V MANDATE IN QUESTION: The administration has placed an Obama-era connected car rule on "long-term" status and removed it from a list of regulations actively under consideration, raising questions about whether DOT is pulling the proposed rule requiring automakers to install vehicle-to-vehicle communication technology in new cars. DOT denies that it's made any decisions and the item remains on the DOT's monthly regulatory report, but the move seems to signal that it's slipped to a low priority item, or worse.

Tech firms celebrate, autos not so much: Assuming the rule is being put on ice, Silicon Valley, which has long opposed the rule as mandating an outdated technology, has something to celebrate. They say industry is doing fine on its own and the government should just give them space to set their own standards. They also can't wait to be free of the DSRC technology they say has long since been overtaken by wireless technology and will be blown out of the water entirely next year with the arrival of 5G. But it's a blow for automakers, who have been depending on the administration to set standards for the technology that will help roll out increasingly connected cars. They'd also like to see the administration help settle the debate over the 5.9 gHz band of spectrum, which they'd like to see preserved exclusively for connected cars unless it could be definitively proven that sharing it with other wireless uses would have no impact on safety.

Not breaking out the champagne: It's a safety issue, too. A joint statement issued by organizations representing the transportation technology industry, transportation engineers and state DOTs called the issue "a matter of life and death" and asked for "federal leadership to reduce the uncertainty concerning V2V and to help deploy this technology faster."

IT'S THURSDAY: Thanks for docking at POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Tanya will be in the MT driver's seat for the next few months, so be sure to reach out to her: tsnyder@politico.com or @TSnyderDC.

"A sinking ship, an awkward kiss / A chance to set things straight."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

FOR YOUR RADAR: DOT announced that Transportation Secretary Elaine Chao will formally kick off the Trump administration's drone pilot program today. Attendees will include FAA Administrator Michael Huerta and Association for Unmanned Vehicle Systems International President and CEO Brian Wynne. Watch the livestream here. A notice in the Federal Register will also go up today "detailing the timeframe, requirements and goals of the new program,"

according to DOT.

HOUSE HEARING ON TSA SCREENINGS: Steph got the scoop on the House Homeland Security Committee's plan to hold a hearing on TSA's efforts to protect transportation systems. The Nov. 8 hearing will follow a classified briefing with TSA Administrator David Pekoske and DHS Inspector General John Roth on findings from the IG's latest audit of TSA airport screenings. Pekoske and Roth are also expected to testify at the hearing regarding the IG findings, which have not yet been publicly been released.

A sprinkle of optimism: New Jersey Democrat Bonnie Watson Coleman, the ranking member of the transportation security subpanel, said she would keep an "open mind" going into next week's briefing but expected to see significant improvements from the failures highlighted in the IG's 2015 audit. "If it reveals that there are similar deficiencies, I need to know what [the IG] is recommending and I need to know from TSA what they're doing about them," she said.

ALSO NOV. 8: Kirstjen Nielsen, Trump's nominee to be DHS secretary, will appear before the Senate Homeland Security and Governmental Affairs Committee on Nov. 8. Nielsen is White House chief of staff John Kelly's deputy and was Kelly's chief of staff when he led DHS.

FOR YOUR BOOKMARKING: The House's calendar for 2018, released Wednesday, is here.

N.Y. SEN. CALLS FOR TRAFFIC BARRIERS: Sen. Kirsten Gillibrand (D-N.Y.) is pushing DOT to create a grant program to help fund the construction of traffic barriers that could prevent attacks similar to the one that happened in New York City this week when a man intentionally drove into a bike lane. Gillibrand introduced legislation that would provide $50 million to local governments over the next 10 years for traffic barriers that would keep vehicles separate from bike paths, sidewalks and other public pedestrian areas. It is similar to a House bill, H.R. 4051 (115).

ON THE TRUCK-IT LIST: Neither chamber's self-driving car bill currently covers trucks and buses, but trucks could get special treatment from the House Transportation Committee. Rep. Sam Graves told MT Wednesday that the committee will tackle self-driving trucks in a separate bill - or, "at least that's what the plan is right now," he said.

Graves on infrastructure: Graves also told a conference of drone industry professionals Wednesday that the infrastructure bill will be released next year, though they had hoped to do it this year. He also said the bill could seek to standardize lane markings and signage to pave the way for driverless cars. (h/t Eno's Greg Rogers)

COLGAN FAMILIES CRY FOUL: Families of the victims of the 2009 Colgan Air crash Tuesday called the recent release of Aviation Rulemaking Committee recommendations on pilot training "just another attempt by the regionals and their lobbyists to sneak a Trojan horse right under the noses of DOT and FAA." The recommendations, whose release was requested by Sen. John Thune (R-S.D.) in support of a similar provision he included in the Senate FAA bill, S. 1405 (115), suggested allowing some airline-provided training programs to count as flight hours for pilot certification for people with certain military or academic backgrounds. The Colgan

families said "it is patently unfair to the flying public to sacrifice actual flying experience in exchange for these enhancements."

'A HUGE MISTAKE': Rep. John Delaney (D-Md.) wants overhauling the tax code to get bipartisan - and is arguing that pulling infrastructure into tax legislation is the best route. "The GOP is making a huge mistake in leaving infrastructure out of their plan, because that's something that we all agree on and it's a way to start having a real bipartisan negotiation," Delaney said in a statement Wednesday. "If they do jam through tax reform without any new funding for infrastructure, then they might as well put up a flashing billboard on the mall that says 'There Won't Be Any Infrastructure Bill' because there won't be any money left to pay for one."

TWEET DU JOUR: For National Native American Heritage Month, the FAA tweeted on Wednesday that it was recognizing Mary Riddle, "who became the first #NativeAmerican woman to obtain a pilot's license 87 years ago."

MT INFLUENCE: The Hill on Wednesday unveiled its 2017 list of top lobbyists for associations, featuring: Mitch Bainwol for the Alliance of Automobile Manufacturers; John Bozzella for Global Automakers; Mark Baker for the Aircraft Owners and Pilots Association; Nicholas Calio for Airlines for America; Kevin Burke for Airports Council International-North America; Roger Dow and Jonathan Grella for the U.S. Travel Association; Ed Hamberger for the Association of American Railroads; David Melcher for the Aerospace Industries Association; and Stephen Sandherr for the Associated General Contractors of America.

CONSOLIDATION CONSOLATION: A new report from the Eno Center for Transportation says the average consumer has benefited from airline consolidation, even with just four airlines - America, Delta, United and Southwest - dominating the domestic market. Having fewer carriers to choose from has boosted the availability of seat miles and nonstop flights, according to the report, but it's also concentrated traffic at the biggest airports and could "negatively affect passengers if it forces more connecting flights for customers not flying out of large hubs."

FLY-IN: Employees of Delta Air Lines are in Washington this week to talk Open Skies with lawmakers and aides. It's the fifth D.C. trip by Delta employees this year, airline spokeswoman Elizabeth Wolf told MT in a statement. "Taken together with earlier meetings, Delta people have visited hundreds of congressional offices" in 2017, Wolf said.

On one side: Meanwhile, the Partnership for Open and Fair Skies, of which Delta is a member, paid for a full-page print advertisement in Wednesday's New York Times and New York Post. The ad is a letter to Trump boasting that 300 lawmakers have signed letters taking the side of Delta, United Airlines and American Airlines in their fight against Etihad Airways, Emirates Airline and Qatar Airways.

And the other: U.S. Airlines For Open Skies, which includes JetBlue Airways and Hawaiian Airlines, is responding with an infographic and video aimed at Trump.

SHIFTING GEARS: Amtrak is promoting Christian Zacariassen from associate vice president

for product, portfolio and customer management to chief information officer. ... John Degnan, the former Port Authority of New York and New Jersey chairman, will be president and CEO of the American Insurance Association starting next week. (h/t POLITICO Influence)

THE AUTOBAHN:

- "As London cracks down on Uber, Baltics embrace ride-sharing." POLITICO Europe.

- "Maglev developers ink deal to use union workers for project construction." The Baltimore Business Journal.

- "Trump's NASA pick faces blistering criticism on Capitol Hill." POLITICO.

- "Garrett emerges from Senate grilling with Ex-Im job in jeopardy." POLITICO Pro Financial Services.

- "Most states are unlikely to copy California's gas tax hike." Marketplace.

- "Shuster holds roundtable to lay foundation for next Water Resources Development Act." The Ripon Advance.

- "Baltimore's double-stack rail project collapses." The Journal of Commerce.

- "Auto sales continued hot streak in October." The Wall Street Journal.

THE COUNTDOWN: DOT appropriations run out in 37 days. The FAA reauthorization expires in 150 days. Highway and transit policy is up for renewal in 1,064 days.

To view online:
https://www.politico.com/tipsheets/morning-transportation/2017/11/02/v2v-mandate-in-question-223144

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 6/13/2017 9:45:17 AM
Subject: Morning Energy: NRC, EPA nominees get their date in committee today — Tillerson's first post-Paris trip to Capitol Hill — State regulators pitch Federalism 2.0

By Anthony Adragna | 06/13/2017 05:42 AM EDT

With help from Alex Guillén, Esther Whieldon and Darius Dixon

NUCLEAR NOMS REACH CRITICAL: The Senate Environment and Public Works Committee is lining up this morning to hear from Trump's trio of Republican nominees for the Nuclear Regulatory Commission. The toughest questions for NRC Chairwoman Kristine Svinicki and nominees Annie Caputo and David Wright are likely to be parochial in nature. Nuclear power is a fairly contentious issue in New York and California, so Sens. Kirsten Gillibrand and Kamala Harris may press the nominees on home state concerns. Sen. Ed Markey is also a regular needler of NRC officials. Top EPW Democrat Tom Carper told ME he met with Caputo and Wright Monday afternoon and said "at first blush, both appear to be well-qualified" for the NRC slots.

Svinicki's term expires June 30 — just under three weeks! — but the White House dragged its feet in sending the three nominations to the Senate and EPW leaders are now trying to make up for lost time: The panel has already scheduled a Thursday morning vote on Svinicki's renomination and intends to move her ASAP. Meanwhile, Carper has said — and reiterated Monday — that he'd like to eventually package Caputo and Wright with a renomination of NRC Commissioner Jeff Baran, a Democrat whose term runs out next summer.

Also, up for a turn in the hot seat is Trump's pick to serve as EPA enforcement chief, Susan Bodine. She'll likely get hammered on the White House's proposed budget cuts, which hit enforcement along with most other areas at a time when many states have scaled back their own policing of environmental crimes. Senators may bring up the Justice Department's new policy blocking so-called "third party settlements" that pay for environmental projects, though she can easily enough deflect that as a matter to raise with DOJ. Bodine is a getting a lot more bipartisan support than her soon-to-be-boss; EPA rounded up compliments Monday from Obama-era officials like John Cruden and Avi Garbow.

One other thing to watch: Carper's been frustrated by the lack of responses to his oversight requests from EPA Administrator Scott Pruitt's agency and told ME there would be a "robust conversation about it" at the hearing. Look for him to possibly push Bodine to commit to responding to information requests from both parties and request Chairman John Barrasso echo the comments of Senate Judiciary Chairman Chuck Grassley that the administration's policy of only responding to Republican chairmen is " nonsense."

If you go: The hearing starts at 10 a.m. in Dirksen 406.

ALSO FOR YOUR RADAR: Secretary of State Rex Tillerson appears before the Senate Foreign Relations Committee today at 10 a.m. and then heads to a Senate Appropriations

subpanel at 2:30 p.m. to testify on the State Department's budget request. ME isn't a betting man, but expects the Trump administration's withdrawal from the Paris climate agreement will come up along with other international climate diplomacy questions. Tillerson, of course, favored remaining a part of the Paris pact and was notably absent from Trump's Rose Garden speech announcing the pull out.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and Kansas is the state that has gone longest without a Democratic senator (none since the 1930s). For today let's flip it around: Which state has gone longest without a Republican senator? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

HONEY I SHRUNK BEARS EARS? Interior Secretary Ryan Zinke recommended Monday trimming back the controversial Bears Ears National Monument, Pro's Esther Whieldon reports. But Zinke did appear to rule out fully doing away with it. "Rescinding the monument was an option, but looking at it, there are some antiquities within the monument that I think deserve to be protected," he said in a press call. Zinke also suggested that Congress pass legislation to treat some of the land as national conservation or recreation areas and give tribes the ability to co-manage whatever remains of the monument. Any effort to reshape the boundaries of the monument are sure to face challenges from environmental advocates and tribal groups. The secretary has until Aug. 24 to send his final recommendations to the White House on more than two dozen prior monument designations under the Antiquities Act.

Many groups quickly slammed the decision: Earthjustice and the Natural Resources Defense Council threatened to sue if Trump adopts the recommendation. "No president of the modern era has ever attempted to significantly alter the boundaries of a national monument, and we believe executive branch actions to reverse or otherwise undermine a single monument would jeopardize the future of all monuments," Joel Webster, director of Western lands for the Theodore Roosevelt Conservation Partnership, said in a statement. And Defenders of Wildlife's Jamie Rappaport Clark urged Zinke to "consider the full record" and warned "an attack on one monument is an attack on them all."

But Utah politicians raved: House Natural Resources Chairman Rob Bishop backed the recommendations even though he pushed to fully rescind the monument. "I commend Secretary Zinke for actually listening to local voices on the issue and conducting a thoughtful and deliberative review to help inform the president's ultimate decision," he said in a statement. Gov. Gary Herbert called the interim report an "important first step toward re-establishing sound land management practices" in the area and urged Trump to "take this recommendation seriously." Esther has more on the reaction here.

VA BENE? A subsidiary of Italian oil company Eni is seeking permission to drill from an already existing facility in Alaska state waters in the Beaufort Sea, Pro's Ben Lefebvre reports. BOEM is accepting comments through June 22 on the scope of its environmental review and through July 3 on Eni's drilling plan itself. Eni has proposed to start drilling in December of this year and continue into 2019.

REIMAGINING FEDERALISM FOR 2017: State environmental regulators are rethinking how they can best deal with EPA to respond to national and global threats while responding to local concerns and keeping regulatory costs manageable. The Environmental Council of the States released an outline of its Cooperative Federalism 2.0 approach between EPA — which "should continue to lead in setting and adopting national minimum standards to protect public health and the environment" — and the states who are responsible for much of the implementation of federal environmental laws. "State flexibility to determine the best way for its programs to achieve national minimum standards ... is a particularly important aspect of ensuring that environmental protection and economic prosperity go hand-in-hand with healthy and vibrant communities," ECOS writes.

While ECOS did not cite specific examples, it said states "should generally have the ability to set standards that are more stringent or that are broader in scope than federal standards." (The Trump administration is mulling whether to let California keep its Clean Air Act waiver for tough vehicle emissions rules.)

SHAKING THE CONVENTIONAL WISDOM ON CHINA: The Council on Foreign Relations' Elizabeth Economy argues in POLITICO Magazine that China has undeservedly seized the mantle of a world climate change leader — at least so far. "Filling the void left by the United States must be earned, not simply granted by overeager officials and pundits. China may one day earn that right, but not today," Economy writes. She argues true global leadership requires nations subordinate their own narrow interests to those of the larger international community and President Xi Jinping has not shown this will happen on climate change for China.

RED ALERT: Government officials and energy sector leaders were scrambling Monday to analyze a newly discovered cyber weapon that could map grid networks, sabotage safety equipment and paralyze power companies, Pro Cybersecurity's Eric Geller reports. The weapon, which may be the work of Russia-linked cyber warriors, can seize control of switches and circuit breakers and wipe servers to delete all traces of itself. It's worth noting the industry has plotted for such scenarios for years, the government has improved its ability to respond quickly to potential threats and there's no indication the malware has infiltrated U.S. power grid networks to date.

HOUSE PASSES BUNCH O'ENERGY BILLS: Lawmakers approved 10 energy infrastructure and energy efficiency measures in the House on Monday night. Among the highlights: The HYPE Act (H.R. 2274), which would allow FERC flexibility to extend deadlines on hydropower project permitting; H.R. 627, which helps schools learn about federal funding for energy efficiency projects; H.R. 338, which hopes to expand education and training opportunities for energy and manufacturing-related jobs; and H.R. 1109, which would amend the Federal Power Act to set $10 million as the minimum threshold for mergers and acquisitions subject to FERC jurisdiction. All of those passed by voice vote.

ZINKE KICKS OFF NEW ENGLAND SWING: Zinke kicks off a four-day trip through New England today where he'll tour several national monuments and scope out additional agency lands and holdings. First up: Zinke speaks to the National Congress of American Indians at

Mohegan Sun in Connecticut and then drives over to New Hampshire to announce a major conservation grant.

GREEN GROUPS PUSH PERRIELLO IN VIRGINIA PRIMARY: 350 Action supporters from all 50 states made calls Monday urging voters to back former Rep. Tom Perriello over Lt. Gov. Ralph Northam in today's Virginia Democratic gubernatorial primary. Climate Hawks Vote, Bill McKibben and Friends of the Earth are among the environmental endorsements Perriello has racked up in the primary campaign. Former Republican National Committee chair Ed Gillespie is a heavy favorite in the Republican primary. Polls close at 7 p.m.

FORMER EPA EMPLOYEES HIT PROPOSED TRUMP CUTS: Ahead of Pruitt's Thursday testimony on his agency's budget request, the Environmental Protection Network released an analysis finding the administration's push to slash EPA's budget by nearly one-third would "severely affect almost every aspect of EPA's programs and operations" and hit younger employees especially hard. "Staff layoffs most likely will hit younger, more recently hired staff, decimating the next generation of environmental professionals and crippling EPA and state efforts for years to come," the report from the bipartisan group of former agency employees concludes.

Speaking of which, Rep. Dan Kildee holds a press conference at 11 a.m. this morning Sierra Club and the American Federation of Government Employees in opposition to proposed budget cuts to the Great Lakes region and agency more broadly.

A $3.4 BILLION (REQUIRED) SALE: General Electric must sell its Water & Process Technologies division if it wants DOJ's sign off on a merger with oilfield services giant Baker Hughes, Pro's Alex Guillén reports. GE announced plans to do precisely that in a deal $3.4 billion deal with Suez, a French water and energy company. The Trump administration filed a lawsuit to block the merger today, along with a proposed settlement that would resolve the antitrust concerns, according to the department.

MAIL CALL! HANDS OFF OUR MONUMENTS: Hot on the heels of Zinke's Bears Ears interim report, California Democratic Sens. Dianne Feinstein and Kamala Harris released a letter urging Interior not to alter the boundaries of six existing national monument in their state. "We respectfully request that your Department not recommend to the President that California's national monuments be rolled back or otherwise reduced," they wrote.

GET THOSE E15 PITCHES IN: More than two dozen advanced biofuel producers and trade associations, led by the Biotechnology Innovation Organization and Advanced Biofuels Business Council, sent Barrasso and Carper a letter Monday urging support for the Consumer and Fuel Retailer Choice Act (S. 517). That measure, which would allow year-round sales of the E15, is slated for a hearing in EPW on Wednesday.

ARPA-E GETS A HEALTH CHECK: The National Academies of Sciences, Engineering, and Medicine releases a report at 11 a.m. today looking at how good DOE's ARPA-E program, which aims to support radical new energy technologies, has been over its first six years. ME readers likely remember the Trump administration has called for zeroing out the program's

funding.

REPORT: MINIMAL OVERLAP BETWEEN SAGE GROUSE, ENERGY DEVELOPMENT: Backcountry Hunters and Anglers is releasing a new report today finding 79 percent of areas with medium to high potential for energy development fall outside of the greater sage grouse's habitat. It comes as Interior launched a review of the sage grouse conservation plans already in place.

NEW CAMPAIGN PUSHES NATURAL GAS: The American Gas Association launched a new national campaign — entitled "Your Energy" — educating consumers about what it says are the positive benefits of natural gas and the role it plays in their lives. State-specific programming kicks off in Connecticut and Virginia first. New website here (with autoplay!).

AWARDS SEASON: The Edison Electric Institute's Board of Directors gave retiring Executive Vice President David Owens the Thomas A. Edison Legacy Award, while the Institute for Electric Innovation awarded Pepco Holdings' Karen Lefkowitz with its Technology Leadership Award.

MOVER, SHAKER: Steptoe & Johnson has added Monique Watson as of counsel, working in the energy group. She previously spent 15 years at the Federal Energy Regulatory Commission, where she focused on oil and natural gas pipeline issues (h/t POLITICO Influence).

QUICK HITS

— Big Oil could shift a fifth of spending to renewables by 2035, Wood Mac says. Houston Chronicle.

— Democrats aim to block Atlantic energy surveys. API.

— TransCanada asks for pause on review of ND oil pipeline. Bismarck Tribune.

— Dakota Access Pipeline reprimanded by Iowa regulators for lack of liability insurance. Des Moines Register.

— BP Violated Contract When It Blended Texas Crude-Monroe Energy. Reuters.

HAPPENING TODAY

9:00 a.m. — "The Methanol Policy Forum," National Press Club, 529 14th St. NW, 13th Floor

10:00 a.m. — Senate committee hearing on NRC and EPA nominations, Senate Environment and Public Works Committee, 406 Dirksen

10:00 a.m. — "Small Watershed Infrastructure: Continuing the Mission, Building upon Success," House Agriculture Committee's Conservation and Forestry Subcommittee, 1300 Longworth

11:00 a.m. — American Petroleum Institute holds briefing on E15 and the Renewable Fuel Standard, RSVP: fangs@api.org

11:00 a.m. — Rep. Dan Kildee holds press conference call with Sierra Club and AFGE on proposed EPA budget cuts, RSVP: mitchell.rivard@mail.house.gov

11:00 a.m. — The National Academies of Sciences, Engineering, and Medicine releases report on ARPA-E program, National Academies' Keck Center, 500 Fifth St. NW, Room 100

THAT'S ALL FOR ME!

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/06/nrc-epa-nominees-get-their-date-in-committee-today-023270

Stories from POLITICO Pro

Carper has asked Barrasso to reconfirm Svinicki solo Back

By Darius Dixon | 06/08/2017 03:31 PM EDT

A Senate Democrat said today that he's asked Republicans to split up the confirmations of Nuclear Regulatory Commission nominees in order to fast track the reappointment of Kristine Svinicki.

Sen. Tom Carper, the top Democrat on the Senate Environment and Public Works Committee, told reporters that he supports Svinicki's renomination and pitched to EPW Chairman John Barrasso that she get confirmed while the panel reviews the other two Republican nominees.

"She's been through several times, so it shouldn't be too heavy a lift," the Delaware Democrat said.

Carper said the other nominees, Annie Caputo and David Wright, could be packaged with a renomination of NRC Commissioner Jeff Baran, a Democrat whose term runs out next summer.

"One of the things I've suggested to Chairman Barrasso is to find a way to pair those two maybe with one Democrat, and there's a Democrat on the NRC whose term expires ... next year," Carper said. "The idea of going ahead and moving his renomination along with a couple of Republicans would be of interest to me."

Repackaging the two new GOP nominees with Baran would mean "we wouldn't have to do them, like, next week," Carper said.

Svinicki, who has been an NRC commissioner for nine years, was elevated to the agency's chairmanship by Trump in January. But she's facing a time crunch and would have to step down,

even temporarily, if the Senate fails to confirm her for another five-year term by June 30.

WHAT'S NEXT: The Senate Environment and Public Works Committee has scheduled a nomination hearing to review all three GOP NRC nominees on June 13.

To view online click here.

Back

Grassley rips Trump administration for blowing off certain oversight requests Back

By Burgess Everett | 06/09/2017 11:25 AM EDT

The Trump administration's policy of ignoring the oversight requests of Democrats and rank-and-file members has earned it a powerful enemy: Senate Judiciary Committee Chairman Chuck Grassley.

In a letter to President Donald Trump, the veteran Iowa Republican senator urged Trump to reverse a policy instituted by the White House and the Department of Justice's Office of Legal Counsel to answer oversight requests only from committee chairmen, all of whom are Republicans because of GOP control of Congress. Though Grassley said that the Obama administration did sometimes ignore him, he said the formalization of a policy of ignoring the minority party "doesn't drain the swamp, Mr. President. It floods the swamp."

"I respectfully request that the White House rescind this OLC opinion and any policy of ignoring oversight request from non-Chairmen. It harms not just the members who happen to be in the minority party at the moment, but also, members in the majority party who are not currently chairmen. It obstructs what ought to be the natural flow of information between agencies and the committees, which frustrates the constitutional function of legislating," Grassley wrote.

He was not near done. In the seven-page letter to the president, Grassley calls the administration's opinion "nonsense" and argues that the president is being "ill-served and ill-advised" by his staff.

"To so fundamentally misunderstand and misstate such a simple fact exposes its shocking lack of professionalism and objectivity. Indeed, OLC appears to have utterly failed to live up to its own standards," Grassley added.

The Justice Department declined to comment to Grassley's letter. The White House did not immediately respond.

Fearing the weaponization of oversight requests by Democrats amid a deepening investigation into the administration's ties to Russia, White House officials instructed government agencies not to respond to oversight requests from anyone other than chairmen last month. Also in May, OLC wrote a guidance memo that formally restricted the flow of information to Democrats.

"Individual members of Congress, including ranking minority members, do not have the authority to conduct oversight in the absence of a specific delegation by a full house, committee, or subcommittee," OLC wrote in the memo.

There have been some exceptions to this policy on subjects like national security and at the Treasury Department, according to Democratic and Republican Hill staffers. But Democrats released dozens of letters on Thursday that they said have gone substantively unanswered by the Trump administration.

Democrats are outraged at the moves by the Trump White House to squash their requests, which range from overtly partisan letters asking for information that would likely damage the president to parochial issues that will never grab headlines. And now, some Republicans are, too.

"Members of Congress simply do not treat executive branch officials with such contempt and they do not deserve such treatment in return," Grassley wrote. "Unlike virtually all executive branch officials, Members are elected to constitutional positions. Instead, the executive branch should work to cooperate in good faith with all congressional requests to the fullest extent possible."

To view online click here.

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Zinke recommends shrinking Bears Ears monument Back

By Esther Whieldon | 06/12/2017 04:07 PM EDT

Interior Secretary Ryan Zinke proposed shrinking the Bears Ears National Monument on Monday, trimming back the controversial Utah monument created by former President Barack Obama during his final days in office.

A preliminary review of the 1.4 million-acre monument that Zinke sent to the White House over the weekend shows his "belief that the monument needs to be right-sized," Zinke said in a statement.

Any move by President Donald Trump to alter the monument designed to protect thousands of sensitive archaeological sites will set off a legal fight with tribes and conservation groups that have complained the Native American ruins there were being damaged and would be threatened by oil and gas development in the area.

Zinke's preliminary recommendations to Trump show he did not plan to go as far as revoking Obama's monument designation — a move that has been sought by the state's congressional delegation.

"Rescinding the monument was an option, but looking at it, there are some antiquities within the monument that I think deserve to be protected," he said in a press call.

Trump has ordered Zinke to review 22 of the national monuments that were established in the past two decades to determine if they should be altered or revoked. The secretary has until Aug. 24 to send his final recommendations to the White House, and Zinke has extended the comment period on Bears Ears to July 10.

Zinke is also pressing Congress to look at the Bears Ears boundaries "to see whether the lands are more appropriately designated as national conservation areas or national recreation areas," he said. "There's certainly a high demand of recreation. There's certainly a demand for conservation in some parts, but we believe that those areas are better suited under congressionally mandated designations than they are a monument."

The secretary also asked Congress to grant tribes the ability to co-manage specific areas within Bears Ears, and for Congress to clarify how wilderness areas that overlap with monuments should be treated, an issue for Bears Ears and some other monuments under review.

A former congressman from Montana, Zinke cited his concern that the federal government restricts activities on the land it designates as protected, saying that designating a monument the size of Bears Ears where "multiple-use management is hindered or prohibited is not the best use of the land and is not in accordance with the intention of the Antiquities Act."

President Barack Obama created the monument in southeast Utah in December, angering Republicans who accused the administration of federal overreach by ignoring locals who opposed the move and using the Antiquities Act to cut off commercial activity such as mining and oil and gas drilling.

Prior legislative attempts by the Utah delegation to curb federal monuments in the state have failed. Utah Republicans Rob Bishop and Jason Chaffetz did manage last year to get their Utah Public Lands Initiative legislation through the Natural Resources Committee, which Bishop chairs, but it never received a floor vote.

If Trump ultimately decides to alter Bears Ears or the other monuments on the list, he is certain to face legal challenges from environmental groups. "An attack on one monument is an attack on all of them," said Jesse Prentice-Dunn, advocacy director at the Center for Western Priorities.

Past presidents have changed the size of monuments but none have revoked them entirely, and legal questions remain as to whether the law allows a president to fully undo their predecessor's actions.

Zinke last month traveled to the Bears Ears and Grand Staircase-Escalante monuments and this week he will head to New England to visit the Katahdin Woods and Waters National Monument in Maine, which is also under review.

Zinke has repeatedly talked about the need to balance conservation with commercial and

recreational demands on public lands, and has already this year ended the moratorium on new coal leases and launched reviews on ways to open up more areas for oil and gas development.

To view online click here.

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Greens pan Zinke's Bears Ears plan, Utah lawmakers offer praise Back

By Esther Whieldon | 06/12/2017 05:02 PM EDT

Environmental and recreation groups slammed Interior Secretary Ryan Zinke's recommendation that President Donald Trump should shrink the Bears Ears National Monument, warning they would fight the move in court.

Earthjustice and the Natural Resources Defense Council threatened to sue if Trump adopts the recommendation, and NRDC President Rhea Suh said Zinke's proposal "sends a chilling signal about the Trump administration's intent to hand over irreplaceable American landscapes to mining and fossil fuel interests."

Zinke's preliminary report recommended Trump downsize the 1.4 million-acre Bears Ears monument and suggested Congress pass legislation that designates some portions as national recreation areas or national conservation areas.

But the Outdoor Industry Association noted that previous attempts to pass legislation on monuments in the last congress had fizzled. "We are worried that the legislative process would fail again, leaving these important areas unprotected," said Amy Roberts, OIA executive director.

Utah's Congressional delegation praised Zinke's call to reduce the size of the monument, even though the lawmakers had pushed to revoke the monument. Many of Zinke's recommendations are similar to a bill the delegation backed in the last Congress.

Sen. Orrin Hatch (R-Utah) in a tweeted video said Zinke's recommendation "reflects a balance of our shared priorities in protecting this land and the antiquities that are found on it, while still preserving local involvement and taking into consideration the needs of local communities." And Rep. Rob Bishop (R-Utah) said Zinke's report "recognizes that local input should matter."

WHAT'S NEXT: Zinke has until Aug. 24 to make his final report on all 22 monuments he is reviewing and the agency is accepting public comments on all of them through July 10.

To view online click here.

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Eni submits plan to drill in Alaska's Beaufort Sea Back

By Ben Lefebvre | 06/12/2017 05:54 PM EDT

BOEM is asking the public to weigh in on whether it should allow a subsidiary of Italian oil company Eni to drill in Alaska's Beaufort Sea.

Eni's move coincides with the Trump administration's push to open up more federal waters for oil and gas development. The Interior Department is currently reviewing how much of federal offshore holdings should be open to drilling.

Eni would drill into federal waters from its already existing facility in Alaska state waters, according to the plan it submitted to BOEM. The company proposes to start drilling in December of this year and continue into 2019.

WHAT'S NEXT: BOEM is accepting comments through June 22 on the scope of its environmental review and through July 3 on Eni's drilling plan itself. The agency will take 30 days to evaluate Eni's plan.

To view online click here.

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Why China Is No Climate Leader Back

By Elizabeth Economy | 06/12/2017 04:57 PM EDT

When President Donald Trump yanked America's support for the Paris Climate Accords, pundits were quick to hail China as the world's new environmental leader. Two veteran journalists wrote that the decision was "the greatest strategic gift to the Chinese, who are eager to fill the void that Washington is leaving around the world."

But is leadership on climate change really a strategic gift? Do the Chinese want it? And above all, do they merit it? The quick answer is no, no and no.

True global leadership is costly: It requires vision, creativity, perseverance, deft diplomacy and often cold, hard cash. It also demands a willingness on the part of political leaders to align, and in some cases subordinate, their own narrow interests to those of the larger international community. The Chinese, including President Xi Jinping, understand this. That is why any number of Chinese analysts have been quick to reject the idea that Chinese leadership on climate change is realistic, arguing as one did, "Taking on global leadership is too much, too soon for China." Xi Jinping, himself, is somewhat less willing to reject the idea out of hand. China as a global power shaping norms and institutions is a central element of his rejuvenation narrative. He therefore flirts with the prospect, proclaiming China ready to defend globalization and to protect

the Paris climate agreement. But nowhere does Xi say that China will actually lead; that is left to others.

So where does China stand on the climate leadership spectrum? First, the good. It will meet its Paris commitment: By 2030, China's CO2 emissions will peak and its energy intensity (the amount of energy consumed per unit of GDP) will be reduced by 60-65 percent. In addition, Beijing is making strides toward rebalancing its energy mix. This year it cancelled 85 new coal fired power plants on top of the 18 that it cancelled last year; if brought on line, these 103 new plants would have exceeded China's 2020 targets of 1100GW of coal-fired power capacity by 150 GW. (By way of comparison, total U.S. energy produced from coal is 350GW.) Moreover, China has pledged not to approve new coal-fired power plants in as many as 13 provinces and regions until 2018. (Of course, one might reasonably ask what is happening in the other 18 provinces and regions, and what 2018 might bring.) China has also stepped up its commitment to renewable energy. In 2016 China invested $78.3 billion in renewable energy—topping both Europe ($59.8 billion) and the United States ($46.4 billion). China also ranks first in terms of total installed renewable electric capacity. Much of this capacity, however, remains idle. In 2016, in three of the most wind power-rich provinces and regions—Gansu, Xinjiang and Inner Mongolia—for example, levels of curtailment (capacity not utilized) reached 43 percent, 38 percent and 21 percent respectively. The curtailment rate for solar energy was similarly high. In contrast, curtailment rates in the United States and Europe are generally between 0-5 percent. In the wait and see category, China is reportedly set to launch a nationwide CO2 cap and trade system sometime this year. This system could be spectacular, or it could be spectacularly embarrassing.

Now the bad. China is still the largest emitter of CO2 on the planet by a substantial margin, contributing 29 percent of the world's total CO2 emissions in 2015. The United States comes in a distant second at 14 percent. In addition, while Beijing is cutting back on coal-fired power plants—particularly in its wealthy and pollution-conscious coastal provinces—it is upping its count of CO2 emitting coal-to-chemical (including coal-to-gas) plants. There are 46 coal-to-chemical plants in operation and another 22 under construction that will add another 193 million tons of carbon emissions annually. A conservative estimate suggests that by 2020, such plants will contribute as much CO2 as all of Poland's contribution to global carbon emissions, while the extreme scenario—if China builds all the coal-to-chemical plants outlined in its 13th Five Year Plan—will lead to a contribution of almost 800 million tons per year, more than German's total carbon emissions in 2015, and equal to roughly 10 percent of China's current CO2 contribution.

China also falls short in the eyes of some independent monitoring groups that assess countries' climate commitments. The 2017 annual report by German Watch and the Climate Action Network ranks China 48th—just a few places behind the United States at 43rd—in terms of how much it has done to avoid climate change and how much it plans to do. True climate leadership belongs to the Europeans—France, Sweden and the United Kingdom, in particular—although even these climate leaders come in for some criticism. Moreover, the Climate Action Tracker, produced by three international research institutions, indicates that China's current emission reduction targets are not consistent with ensuring that the earth's warming remains below 2 degrees C.

And finally the ugly. Whatever positive steps China is taking at home are not being replicated in its behavior abroad. China is the world's largest exporter of coal-fired power plant finance and technology. Even as Xi is calling for an "international coalition for green development on the Belt and Road" (his comprehensive new trade and development initiative involving 65 countries), Beijing is backing more than 100 new coal-fired power projects in the Belt and Road countries. China's much-touted Belt and Road deals in Pakistan, for example, include plans for as many as 12 coal-fired power plants—even in areas recognized for their superior solar energy potential. In addition, China is actively pushing coal-to-chemical plants abroad. The Paris accords don't account for countries' actions outside their own borders, so China is not breaking the letter of its Paris commitments, but these Belt and Road investments are certainly not in keeping with the spirit of the agreement.

Beyond the clear limitations of China's climate policies at home and abroad, there remains the larger question of diplomatic leadership. Will China rally other countries to adopt another round of more ambitious greenhouse gas reduction targets? Will it stop the overseas financing and sale of coal-fired power plants and coal-to-chemical plants? Will it push forward to limit other harmful greenhouse gas emissions, such as methane? Will it accede to international monitoring and verification of its emissions, an important measure it continues to reject? Thus far, there is no indication that China has plans to adopt any of these leadership-worthy measures.

When Trump, in the midst of withdrawing the United States from the Paris agreement, offered up the possibility of renegotiating the climate pact, the rest of the world in effect said, "not going to happen." Undoubtedly other countries are becoming accustomed to the idea of a world without American leadership. But filling the void left by the United States must be earned, not simply granted by overeager officials and pundits. China may one day earn that right, but not today.

To view online click here.

Back

Electric sector, feds rush to thwart 'milestone' cyber weapon Back

By Eric Geller | 06/12/2017 04:09 PM EDT

Government officials and energy sector leaders scrambled Monday to analyze a newly discovered cyber weapon that researchers are calling a "milestone" for hackers hoping to cripple power grids.

But while all involved concede that the weapon — which may be the work of Russia-linked cyber warriors — has the power to unleash never-before-seen cyberattacks, security experts and industry representatives cautioned that the U.S. power grid is better suited than many others to fend off such a digital assault.

The energy sector has spent years wargaming such scenarios, and it has systems in place to

replace damaged equipment, share resources and swap information in the wake of a massive power outage. The government has also improved its rapid-response capabilities in recent years for just such instances. And as of yet, industry representatives noted, there is no indication the malware has infiltrated U.S. power grid networks.

"Our grid benefits from significant experience with weather and other challenges and is very robust," said John Hultquist, director of cyber espionage analysis at iSIGHT, a division of the security firm FireEye.

The new digital weapon leapt into the public eye Monday morning via reports from security firms Dragos and ESET . Researchers described it as a highly customized toolkit for mapping grid networks, sabotaging safety equipment and paralyzing power companies. The malware — which Dragos calls CrashOverride and ESET calls Industroyer — can seize control of switches and circuit breakers and wipe servers to delete all traces of itself. ESET claimed that it can also disable equipment designed to prevent grid overloads, potentially letting hackers cause widespread physical damage.

"This is a milestone for critical infrastructure in the West where it's been anxiously anticipated for quite some time," said Hultquist.

Experts believe Russian hackers tested the malware's new powers in a little-noticed cyberattack on the Ukrainian power grid last December, an incident that was largely overlooked amid concerns about Moscow's alleged meddling in the U.S. presidential race. The attack — which mirrored a first-of-its-kind 2015 digital strike on Ukraine's power grid — briefly turned off one-fifth of the electric power generated in Kiev, Ukraine's capital.

"This capability now appears to be in the hands of a government who has violated every norm in this space with increasingly aggressive behavior," Hultquist said. "I doubt Ukraine is the last place we will see this capability deployed."

The electric sector jumped into action shortly before the reports dropped. Researchers briefed the industry's cyber information sharing center on Sunday morning, and the group began distributing technical data about the malware that afternoon. An industry coordinating group known as the Electricity Subsector Coordinating Council is also in contact with the Department of Energy, according to Scott Aaronson, the group's secretary.

Elsewhere, the North American Electric Reliability Corporation — the electricity industry's main nonprofit regulatory body — is preparing a public alert on the new malware and will release it "as soon as possible," according to spokeswoman Kimberly Mielcarek.

"There is no question that cyberthreats like the one in Ukraine are real and that constant vigilance is needed to protect the reliability of the North American grid," Mielcarek said.

Industry forces are also working with DHS, which has a cyber command center constantly monitoring hacking threats. NERC has a representative at the that center — known as the National Cybersecurity and Communications Integration Center — who helps coordinate

between DHS and the electric sector.

A DHS spokesman said the department was aware of the malware and was "working with the researchers and industry on this issue," but declined to discuss specifics.

For years, the public and private sectors have operated joint exercises to try and prepare for the types of bruising attacks that CrashOverride may unleash. Electric companies and government agencies gather every two years for drills that simulate digital and physical disruptions at power facilities and encourage collaboration to resolve the problems.

The most recent exercise, in 2015, brought together top executives from energy firms and senior officials from DHS, the Pentagon, the FBI, the Department of Energy, the White House and other federal agencies.

The exercise "highlighted the importance of well-coordinated communications," according to a summary report. But participants complained that the information sharing center's portal "needed enhancements to handle real-time, urgent communication," the report said. "During the exercise, information was quickly buried within the portal and it became difficult to highlight important information."

A major priority for electric companies is being able to continue operations despite network disruptions — what Aaronson called operating "in a degraded state."

"What we have learned from any number of these incidents [is] that you cannot protect everything from everything," Aaronson said. "We have to focus on restoration, response and recovery in order to ensure that we can continue to provide the product that is critical to the life, health and safety of Americans."

The electric sector also prides itself on what Aaronson called "cyber mutual assistance," in which unaffected companies send technicians to assist the digitally-targeted operators.

In general, security experts said, the American power system is less vulnerable to a large-scale digital disruption than systems in other countries.

But those same experts, as well as federal officials and even industry representatives, acknowledge that the threat is still grave and that more work needs to be done. And preparations for thwarting CrashOverride's potentially damaging, information-wiping, recovery-system-immobilizing attacks are based on the scant few examples of what such an incapacitating cyberattack might look like.

The CrashOverride toolkit is only the second known example of malware designed to disrupt a power facility. The United States and Israel are believed to have deployed the first such virus, codenamed Stuxnet, in the mid-2000s to sabotage Iranian nuclear centrifuges. But despite its formidable design and potentially devastating consequences, experts said the industry would handle it through normal channels.

CrashOverride is "another example of malware that has the potential to have an impact on grid operations," said Aaronson. "But notice the word that I used there: it is another one. And there will be another one tomorrow, and another one after that."

John Chirhart, federal technical director at the security firm Tenable, said it was important to note that the malware did not use any zero-day vulnerabilities, pieces of code that exploit undiscovered flaws.

"With all of the buzz around Industroyer being 'the next Stuxnet,' you'd think it was one of the most sophisticated threats out there," he said, "but with no zero days in the Industroyer payload, the significance of this malware as a stand-alone event is small."

Aaronson cited the flurry of chatter that started Sunday as evidence that the proper response mechanisms were in place.

"I think we are well positioned to deal with this particular threat and all of the ones that are yet to come," he said.

Tim Starks contributed to this report.

To view online click here.

Back

DOJ will require GE to sell refinery chemicals business before Baker Hughes merger Back

By Alex Guillén | 06/12/2017 03:52 PM EDT

The Justice Department today said it will require General Electric to sell off its Water & Process Technologies division if it wants the government's blessing to merge with oilfield services giant Baker Hughes.

GE in March announced plans to sell that division to Suez, a French water and energy company, for $3.4 billion. Carrying out that sale will satisfy the DOJ.

GE and Baker Hughes together represent two of the four major providers of refinery chemicals and services, which are classified as "process technologies." Allowing GE and Baker Hughes to combine their refinery chemicals division would hurt competitiveness and drive up prices, the DOJ argued.

The DOJ filed a lawsuit to block the merger today, along with a proposed settlement that would resolve the antitrust concerns, according to the department. The proposal is subject to 60 days of public comment and court approval.

To view online click here.

Back

Zinke orders review of sage grouse plans Back

By Esther Whieldon | 06/07/2017 07:17 PM EDT

Interior Secretary Ryan Zinke signed a secretarial order on Wednesday launching an internal review of the agency's sage grouse conservation plans across 11 Western states that aims to foster increased energy development.

The order, which will be released Thursday morning, directs the Bureau of Land Management, U.S. Fish and Wildlife Service and the U.S. Geological Survey to identify parts in BLM's 98 land use management plans that should be tweaked or rescinded because of their effect on development or due to differences with each state's own plans.

The review will focus on principal threats to the sage grouse habitat, such as invasive grasses and wildland fire, and will consider options like captive breeding and setting population targets — something the governors of Wyoming and Colorado warned may not be the right approach. Zinke directed the team to report back within 60 days.

Some governors have complained that the current management plans set under the Obama administration hinder their ability to develop oil and gas resources and create hurdles for timber harvesting and recreation, Zinke said in a press call.

But former Interior Secretary Sally Jewell told POLITICO on Wednesday the existing management plans were "designed to be very flexible and to allow the states and the federal land management agencies to work together" to support both sage grouse conservation and energy development.

However, she acknowledged the agency's 2015 decision not to list the sage grouse as endangered or threatened was not fully hashed out. "When you do something on this scope and scale, you haven't refined all the details yet," Jewell said. What matters is that "everybody understands that they need to protect critical habitat if that decision to not list the bird is going to stick."

The Western Energy Alliance, an oil and gas industry group, has challenged some of the existing plans in court and says the agency ignored the technological advances that reduce the impact of fossil fuel extraction on the sage grouse habitat, which spans all of the major producing basins in Wyoming, Utah, Montana and parts of Colorado.

Alliance President Kathleen Sgamma said Interior should defer more to states since they know where the sage grouse is most active, and she isn't worried that reworking the plans could take years.

"What risk is there?" Sgamma said. "Development is at practically a standstill already in sage

grouse habitat."

Conservation groups contend Zinke's move will prioritize energy development over conservation.

"Zinke seems to believe that the highest and best use of America's public lands is for the development of dirty fossil fuels and so it's unsurprising that he's proposing to take a look at gutting protections for an imperiled species to benefit that industry," said Ted Zukoski, an Earthjustice staff attorney who has represented conservation groups in legal battles over sage grouse plans in Wyoming and Utah.

Collin O'Mara, president and CEO of the National Wildlife Federation, said Zinke's idea to set population targets for states could actually increase the likelihood the FWS will later list the bird, since the agency would have to revisit the decision if states fail to meet their targets.

"The very thing that some folks and industry are fearing, which is not being able to do anything, would almost definitely occur if they went on the path they're proposing," O'Mara said.

Nada Culver, senior counsel and director of The Wilderness Society's BLM Action Center, said the existing plans do not need to be scrapped but rather the agency can better clarify how fossil fuel and renewable energy projects can be developed in sage grouse habitat. "There's room in the plan to do that," she said.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 7/5/2017 11:43:53 PM
Subject: July 05 -- Energy and Climate Report

Energy and Climate Report

July 05, 2017 - Number 128

News

Air Pollution
World's Costliest Gas Clouding China's Quest for Bluer Skies
China has promised to make its skies blue again, but having some of the world's most-expensive natural gas isn't helping.

Biofuels
U.S. Favors Midwest Corn Farmers in Proposed Biofuels Quotas
The Trump administration proposed a requirement that U.S. refiners use 15 billion gallons of conventional renewable fuels in 2018, while lowering targets for advanced alternatives that oil refiners have described as unattainable.

Climate Policy
China Seen Scaling Back Carbon Market After Trump's Paris Move
China may remove industries including steel from the national carbon market it plans to start this year because President Donald Trump wants to pull the U.S. out of the Paris climate deal.

Climate Policy
G-20 Ire On Paris Withdrawal Unlikely to Affect Trump Plans
Leaders of Group of 20 nations, outspoken in their opposition to President Donald Trump's withdrawal from the Paris climate accord, won't be able to do much about it at this week's summit in Hamburg, Germany, business representatives and an academic told Bloomberg BNA.

EPA
Petroleum Institute Lawyer Picked for EPA Legal Counsel
A lawyer picked to be one of the EPA's senior attorneys says he is learning about areas of the agency that he "did not touch" during his lobbying experience for an oil and natural gas trade association.

Energy
G-20's Financing of Fossil Fuels Outweighs Renewables, Study Says
Fossil fuels received four times more than clean energy in public financing from Group of 20 member countries, according to a report by environmental groups that urged more financing be directed to renewables to address climate change.

Energy
Germany's Russian Gas Fix Raises Alarm in Merkel's Backyard

Hidden by pine forests near the deserted site of what was once East Germany's biggest nuclear reactor, two shiny pipelines emerge from the Baltic Sea to mark the spot where Chancellor Angela Merkel is trying to secure the country's energy future.

Energy

Merkel's Germany Won't Offer Fast Exit from Dirtiest Fossil Fuel

German Chancellor Angela Merkel ruled out an abrupt phase-out from the dirtiest fossil fuel used to generate power, even as the nation struggles to meet its climate targets.

Mergers and Acquisitions

Halliburton Buys Summit to Fill Hole in Oil-Service Offerings

Halliburton Co. acquired Summit ESP LLC, giving the world's biggest fracking services provider much-needed help in a key area of its oil services portfolio. Terms were not disclosed.

Motor Vehicles

New Zealand Exempts Road Fees for Heavy Electric Vehicles

New Zealand is exempting heavy electric vehicles from road use charges, a move that could save some truck drivers thousands of dollars a year.

Motor Vehicles

Volvo Vaults to Volts, Planning to Pull Plug on Gasoline Engines

As it turns out, news of the death of the internal combustion engine may not be very exaggerated after all.

Oil & Gas

Methane Leak Rule in Effect Can't Be Halted, Lawsuit Says

The Interior Department can't halt measures to reduce methane leaks from oil and gas wells on public lands six months after they took effect, the attorneys general of California and New Mexico said in a lawsuit.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Mon 11/20/2017 4:10:52 PM
Subject: POLITICO Pro Breaking News: Nebraska approves Keystone XL pipeline

Nebraska regulators approved the Keystone XL pipeline, removing the last big regulatory hurdle for the oil project after years of bitter protests from environmentalists and landowners, and giving President Donald Trump a victory in his campaign for U.S. "energy dominance."

The Nebraska Public Service Commission voted 3-2 to approve the route through the state for the pipeline that will transport up to 830,000 barrels per day of crude from Canada and North Dakota to oil refineries on the Gulf Coast. Former President Barack Obama had blocked the permits for the pipeline in 2015, citing the oil sands' impact on climate change, but Trump quickly reversed that decision after taking office.

Today's approval comes just days after the original Keystone Pipeline ruptured and dumped 210,000 gallons of oil into a rural area of South Dakota. But Nebraska law barred regulators from considering spills or pipeline safety in its decision-making process.

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Subject: June 29 -- EHS State Regulatory Alert

EHS State Regulatory Alert

June 29, 2017 - Number 124

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Florida

AIR
Motor Vehicle Air Pollution Control Equipment Regulations
Florida AIR

Final rule of the Department of Environmental Protection amends regulations under FAC 62-243.500 and repeals regulations under FAC 62-243.300 regarding tampering with motor vehicle air pollution control equipment. The rule consolidates statutory exemptions listed under FAC 62-243.300, eliminates references to a previously repealed rule, and removes obsolete provisions on acknowledgment of certification. The rule is effective July 13, 2017. Contact: Terri Long; DEP, Division of Air Resource Management; 850-717-9023; Terri.Long@dep.state.fl.us

—Florida Administrative Weekly (06/27/2017)

Regulatory Update

New Mexico

GENERAL ENVIRONMENT AND SAFETY
Ground and Surface Water Protection
New Mexico GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Environment Department, Water Quality Control Commission, amends regulations under 20.6.2 NMAC regarding groundwater and surface water protection. The rule adds definitions, modifies variance procedure, aligns numeric standards with U.S. EPA specified maximum containment levels for pollutants, and revises provisions on technical infeasibility and alternative abatement standards. The rule also adds an exemption for certain facilities and activities under the authority of the Environmental Improvement Board. In addition, the rule revises notice of intent to discharge procedures. A hearing is scheduled for Nov. 14-16, 2017, in Santa Fe. Comments are due Nov. 14, 2017. Contact: Pam Castaneda; Water Quality Control

Commission; 505-827-2425

—New Mexico Register (06/27/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Oil and Gas/Horizontal Well Completion Reports, Hydraulic Fracturing Disclosures
New Mexico OIL AND GAS INDUSTRY

Notice of the Energy, Minerals and Natural Resources Department, Oil Conservation Commission, announces a hearing on a May 30, 2017, proposed rule to amend regulations under 19.15.7.16 and 19.15.16.19 NMAC regarding oil and gas well reporting and disclosures. The rule increases the time frame for reporting completion of horizontal wells to 45 days and requires disclosures concerning hydraulically fractured wells to be made on forms prescribed by the Frac Focus chemical disclosure registry. The hearing is scheduled for July 13, 2017, in Santa Fe. The preliminary agenda will be made available two weeks before the hearing and the final agenda will be available 72 hours prior to the hearing. Comments are due July 6, 2017. Contact: Florene Davidson; Oil Conservation Commission; 505-476-3458

—New Mexico Register (06/27/2017)

Regulatory Update

Rhode Island

GENERAL ENVIRONMENT AND SAFETY
DEM Expedited Permit Process
Rhode Island GENERAL ENVIRONMENT AND SAFETY

Proposed direct final rule of the Department of Environmental Management repeals regulations regarding the expedited permit process. The rule specifies that the requirements are obsolete. The rule is effective July 27, 2017, if no objections are received by that date. Contact: Sarah Gousie; DEM, Office of Legal Services; 401-222-6607; sarah.gousie@dem.ri.gov

—Rhode Island Regulations (06/26/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
RIDEM Uniform Appeal Period
Rhode Island GENERAL ENVIRONMENT AND SAFETY

Proposed direct final rule of the Department of Environmental Management amends various regulations to comply with the statutory uniform appeal period of 20 days for enforcement appeals and 30 days for denial of license or permit. The rule updates provisions regarding requests for adjudicatory hearings, administrative penalties, individual sewage disposal systems, composting and solid waste management facilities, freshwater wetlands, sewage sludge, water

quality, and fish and wildlife. The rule is effective July 27, 2017, if no objections are received by that date. Contact: Sarah Gousie; DEM, Office of Legal Services; 401-222-6607; sarah.gousie@dem.ri.gov

—Rhode Island Regulations (06/26/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Maisano, Frank[frank.maisano@bracewell.com]
From: Maisano, Frank
Sent: Mon 9/25/2017 4:11:03 PM
Subject: Sept 25 PRG Energy Update: Solar Case, Clean Energy Week, Taxes/Healthcare

Friends,

L'Shana tova… I hope all will have a good fast this Friday for Yom Kippur. Starting today with the long ball… Yes, my friends Mike Allen and Fred Frommer tell me that Kansas City's Alex Gordon last week broke Major League Baseball's season home run record with 12 days to spare, hitting the 5,694th long ball of 2017. No word on why the ball is flying out of the park more, but I wonder if can potentially be linked to climate change.

Welcome to National Clean Energy Week… And what a way to launch into the week with the Friday US International Trade Commission decision on the solar 201 tariff case. The ITC ruled that an injury did occur while considering a petition filed by two bankrupt companies. Now the case moves on to the remedy phase where ITC, and eventually the Administration, will consider what to do. In this phase, the Energy Trade Action Coalition – which represents other sectors impacted like utilities, contractors, cooperatives, retailers and conservative groups – will play a more aggressive role in highlighting economic impacts of higher tariffs on the broader economy, which is a factor the President must take into consideration in his final decision. See a full round up below...

If we can stop talking about the NFL, this week Congress should dig into the health care and tax reform issues as we approach the end of the actual fiscal year on Saturday. While budgets have been extended, reconciliation consideration of health care (meaning 50 votes to pass) ends. On energy, it is still busy with Clean Energy week including an event tomorrow featuring Interior Secretary Ryan Zinke, Energy Secretary Perry, Sen. Lindsey Graham and Rep. Cathy McMorris Rodgers; a Senate Energy DOE nomination hearing and a House Oversight hearing on nuclear waste. Wednesday events include Shale Insight in PA and Wilson's North American Energy Forum. On Thursday, there is a Clean Energy Forum at conservative group R Street and Friday at 11:30 a.m., Heritage hosting a major policy address by Zinke.

Speaking of the tax debate, check out this week's edition of the Bracewell PRG podcast "The Lobby Shop" which host Josh Zive interviews Associated Builders and Contractors tax expert Liam Donovan on the upcoming tax debate in Congress. (You can subscribe to it on iTunes and SoundCloud). And don't forget Platt's Capitol Crude as well which this week features *Windfall* author Meghan O'Sullivan, the deputy national security adviser on Iraq and Afghanistan.

And don't forget that next week – Wednesday to Saturday – the Society of Environmental Journalists will hold its annual meeting in Pittsburgh. Great day trips, policy/political Panels and the 15th annual Bracewell PRG Reception on Thursday evening.

Call with questions. Best,

Frank Maisano

(202) 828-5864

c. (202) 997-5932

FRANKLY SPOKEN

"As the remedy phase moves forward, I am determined to reach a conclusion that will protect the solar industry, our workers and the American public from what amounts to a shakedown by these two companies. An improper remedy will devastate the burgeoning American solar economy and ultimately harm America's manufacturers and 36,000 people currently engaged in solar manufacturing that don't make cells and panels."

Abigail Ross Hopper, president and CEO of the Solar Energy Industries Association (SEIA).

"Utilities, power co-ops, retailers, manufacturers and other large commercial users, along with conservative groups who have criticized federal solar subsidies, all agree that unwarranted tariffs would cause severe damage to the solar industry while setting a terrible precedent for future trade cases. Artificially raising the price of solar products would increase costs for solar power consumers and jeopardize tens of thousands of U.S. manufacturing jobs."

Paul Nathanson, spokesman for the Energy Trade Action Coalition (ETAC), a group of companies, associations and organizations who joined together to oppose the trade petition.

"Policymakers and candidate who embrace clean energy showcase independent governing and smart thinking on actions that can be equally good for the economy, national security and environment."

ClearPath Action Founder Jay Faison, in announcing new GOP polling results on clean energy.

THE BIG NEWS

Solar Case to Move Forward – On Friday, the US International Trade Commission found that imported solar panels have harmed domestic solar manufacturers, setting up a high-stakes decision on tariffs for the Trump administration. The ITC will submit formal recommendations to the White House by November, after which President Trump has two months to decide on a final policy.

Some Video – Renewable Energy World has a great explanation on the case with some video. They will also host a webinar on the next phase on Thursday at 2:00 p.m. featuring SEIA's Hopper and others. See more details here.

SEIA Calls Case Deeply-Flawed, Harmful to Industry – SEIA's Abby Hopper said the ITC's decision was disappointing for nearly 9,000 U.S. solar companies and the 260,000 Americans they employ. Foreign-owned companies that brought business failures on themselves are attempting to exploit American trade laws to gain a bailout for their bad investments. Hopper: "Analysts say Suniva's remedy proposal will double the price of solar, destroy two-thirds of demand, erode billions of dollars in investment and unnecessarily force 88,000 Americans to lose their jobs in 2018. While we continue to believe that this is the wrong decision, based on Suniva and SolarWorld's mismanagement, we respect the commission's vote and we will continue to lead the effort to protect the solar industry from damaging trade relief. We expect to be front and center in the ITC remedy process, and in the administration's consideration of this deeply-flawed case."

Coalition Also Hits Back at Ruling – The Energy Trade Action Coalition (ETAC) expressed disappointment at the vote to continue the case. ETAC also pledged to remain fully engaged in the trade case to strongly advocate that the ITC and President Trump avoid imposing any remedies that would threaten the U.S. solar industry and the many related industry sectors that use solar. "The ITC decision to find injury is disappointing because the facts presented made it clear that the two companies who brought this trade case were injured by their own history of poor business decisions rather than global competition, and that the petition is an attempt to recover lost funds for their own financial gain at the expense of the rest of the solar industry," said ETAC Spokesperson Paul Nathanson. "ETAC will continue to fight vigorously during the remedy phase, encouraging Administration officials and Members of Congress to help ensure that no remedies are imposed that would threaten the solar industry's ability to compete with other energy sources."

Some Other Key Views

Scott Segal, Executive Director of the Electric Reliability Coordinating Council,

"The imposition of trade remedies on solar technology sought by the two petitioners in this case, Suniva and SolarWorld, could fundamentally change those carefully calibrated assessments of grid stability -- and do so without any consequent societal benefits. Ill-conceived energy protectionism in the guise of a trade remedy, on the other hand, will only do more harm than good. We would all do well to take heed of recent events and remember to prioritize the importance of maintaining a diverse and resilient electric grid. The government should say no to the Section 201 trade petition for solar."

(ERCC is a group of utilities that includes Ameren, Southern, DTE and several others.)

Diane V. Denton, Managing Director of Federal Policy for Duke Energy

"In the event that imported modules are subject to an artificial floor price or significant import tariff as requested by the petitioners in this case, the module market, and Duke Energy's plans to procure modules, will likely be significantly disrupted. If such a remedial floor price or tariff is imposed, we expect that the installed cost of solar projects will increase 30% or more and that demand for modules would contract precipitously. As solar energy is just approaching parity with the traditional grid resources in a number of states, a significant reduction in demand for new solar projects could deliver a serious blow to continuing development and evolution of this market."

John M. Grau, CEO of the National Electrical Contractors Association

"Solar energy is one of the most promising sectors in the American economy, providing good construction and manufacturing jobs and valuable products at a low cost to consumers. It's been creating jobs for electricians who install utility scale and roof top solar systems around the country. These are good, middle-class jobs that promote apprenticeship, community based hiring, and veterans. All this progress would be placed at risk if the government decided to cut off the cells and modules that form the basic ingredients of the U.S. solar supply chain."

Paul Spencer, CEO/Founder of Clean Energy Collective

The trade barriers proposed would needlessly make solar more expensive at a time when we are seeing record low prices that make solar cheaper for consumers and provide ever-increasing benefits for the global environment.

(CEC works with rural cooperatives and others to develop Community Solar projects)

David French, Senior Vice President, Government Relations at the National Retail Federation

The trade restrictions that would result from this petition would raise the price of solar cells and modules, the basic ingredients of solar panels, brought into the U.S. from anywhere in the world. This trade case threatens the competitiveness of solar power and could negatively impact retailers across the country who have proactively moved to diversify their energy sources.

Karla Jones, Director of International Relations & Federalism, American Legislative Exchange Council

"Long a champion of free markets, ALEC opposes the ITC's decision as protectionism that will ultimately harm the U.S. economy and cost American jobs. We urge the President, who will make the final determination on whether to accept or reject the ITC's recommendation, to choose free market principles over protectionism."

Katie Tubb, trade policy specialist at the Heritage Foundation

"The tariffs requested by Suniva and SolarWorld will make solar products and services in America more expensive and less competitive by removing inexpensive, often imported choices

from other solar companies and their customers."

Some Great Links

•□□□□□ ***ALEC on Solar Case:*** *https://townhall.com/columnists/sarahhunt/2017/08/15/draft-n2369019*

•□□□□□ ***Heritage Policy Paper:*** *http://dailysignal.com/2017/09/21/absurdity-propping-two-favored-solar-companies/?wpisrc=nl_energy202&wpmm=1*

•□□□□□ ***R Street Policy Paper:*** *http://www.rstreet.org/wp-content/uploads/2017/09/RSTREETSHORT45.pdf*

•□□□□□ ***Governors Letter to ITC:*** *https://www.seia.org/sites/default/files/2017-09/Govs%20Solar%20Tariff%20Letter%20CO%20MA%20NV%20NC.pdf*

•□□□□□ ***House & Senate Letter to ITC:*** *https://www.seia.org/news/bipartisan-group-69-lawmakers-urge-feds-oppose-punitive-tariffs-would-gut-us-solar-industry*

•□□□□□ ***ERCC Greentech Media Op-ed:*** *https://www.greentechmedia.com/articles/read/utilities-solar-trade-protections-do-more-harm-than-good*

IN THE NEWS

ClearPath Polling Shows Strong GOP Support for Clean Energy – A survey of GOP and independent voters in states key to the 2018 congressional midterm election show strong support for Republican candidates who take action on clean energy. In the eight states surveyed,

Republicans gained a 25% swing on average over the generic ballot after focused messaging on clean energy, according to the early June poll commissioned by ClearPath Action. Among those who voted for President Trump, 77 percent said they support accelerating clean energy, with 39 percent citing strong support. Nearly 90 percent of independents said they support accelerating clean energy, with more than 60 percent citing strong support. ClearPath Action Founder Jay Faison said the polling results are far stronger than what he expected and stronger than what he saw last cycle. Faison: "Policymakers and candidate who embrace clean energy showcase independent governing and smart thinking on actions that can be equally good for the economy, national security and environment." The survey shows significant ballot movement and momentum favoring Republicans who back clean energy across all eight states. That includes more than a 25-point ballot movement statewide in Nevada, Michigan and Arizona using a sample of all likely voters. Full details and More specifics here.

Senate Energy Approves Final Two FERC Noms – The Senate Energy Committee unanimously approved Kevin McIntyre and Richard Glick to serve on FERC. The panel also approved Ryan Nelson to be solicitor of the Interior Department, David Jonas to serve as general counsel of the Energy Department and Joseph Balash to be assistant secretary for land and minerals management at Interior, thus advancing all five nominees to the full Senate.

SMU Expert: Oil/Gas Resilient Through Hurricane – US oil and natural gas markets will shrug off the impacts of Hurricanes Harvey and Irma soon and move further along the path to stability and possibly modest growth this year and next, according to analysts. Our friend Bud Weinstein of the SMU Maguire Energy Institute recently wrote the oil and gas infrastructure along the Gulf Coast also sustained very little damage, certainly compared with Hurricane Katrina. Weinstein said overall, the refining and petrochemical industries along the Gulf Coast, as well as pipelines and offshore production platforms, proved to be extraordinarily resilient as more than 50 inches of rain inundated Houston and Beaumont-Port Arthur over four days. "The untold story is that after Hurricanes Rita, Katrina and Ike the energy industry spent billions upgrading their facilities along the Gulf Coast so they could withstand future catastrophic storms," Weinstein wrote.

Partners Conducting Wildlife Study at RI Offshore Project – Deepwater Wind is partnering with researchers from the U.S. Fish and Wildlife Service (FWS), the University of Rhode Island (URI) and the University of Massachusetts-Amherst on studies of bird and bat activity off the Atlantic Coast. The studies, funded by BOEM, provide data on offshore movements of high-priority species to inform conservation efforts, says Deepwater. In August, Deepwater Wind installed a wildlife tracking station on the easternmost foundation platform at the Block Island Wind Farm, located three miles off the coast of Block Island, R.I. The tracking station contains four antennas, plus a receiver that collects data on migrating patterns of birds and bats that scientists have previously tagged with tiny, very high-frequency (VHF) transmitters, weighing

less than 1.5 grams each. These transmitters provide data on any tagged species that fly within a 20-mile radius of the wind farm.

ON THE SCHEDULE THIS WEEK

NATIONAL CLEAN ENERGY WEEK – September 25-29th. Hosted by Citizens for Responsible Energy Solutions, the American Council on Renewable Energy, Advanced Energy Economy, the American Wind Energy Association (AWEA), the Business Council for Sustainable Energy, the Biomass Power Association, Clean Energy Business Network, the Nuclear Energy Institute, the National Hydropower Association, and the Solar Energy Industries Association (SEIA). Sects. Perry and Zinke will launch the event tomorrow at the Reserve Officers Association on Capitol Hill in a discussion moderated by former New Hampshire Sen. Kelly Ayotte. Also expected to speak throughout the day are Rep. Cathy McMorris Rodgers, Sen. Tom Carper and Sen. Lindsey Graham.

Wharton DC Hosts Innovation Summit – The Wharton DC Innovation Summit will be held today at the Marriott Bethesda North Conference Center. The Wharton DC Summit has a rich history of getting at key questions for venture capitalists, a seasoned entrepreneurs, an aspiring entrepreneurs or the intellectually-intrigued by innovation. Interesting panels on transportation, (AVs), drones and many other topics.

AEE Holds Michigan Energy Future Conference – The Advance Energy Economy will hold its 4th Annual Michigan Energy Future Conference today at the College for Creative Studies in downtown Detroit. The global market for mobility solutions is growing rapidly, building on innovation, information technology, and new transportation business models. Focusing on this convergence, the event, sponsored by our friends at DTE Energy, will dive deep into the intersection of energy, telecommunications, and transportation. While other conferences have explored these issues independently, the Michigan Energy Future Conference will be the first comprehensive look at the synergies between sectors, exploring opportunities for the U.S. to benefit as the pace of convergence between these sectors accelerates.

Forum to Look at Petro Diplomacy – The Arab Gulf States Institute in Washington will hold a conference this afternoon looking at critical issues facing the oil industry against the background of the shifting economic and political landscape in the region. The Lunch Keynote will feature Majid Al-Moneef, former Secretary General of the Supreme Economic Council of Saudi Arabia and Member of the Board of Directors of Saudi Aramco. Then a panel featuring Columbia

University energy policy expert Jason Bordoff and others will follow.

Senate Energy to Hear from DOE Noms – The Senate Energy Committee will convene a hearing tomorrow at 10:00 a.m. to consider the DOE nominations for the office of Electricity Delivery and Energy Reliability and Fossil Energy. Nominees Bruce Walker and Steve Winberg will testify.

WCEE Event to Look at MD Offshore Wind – The Women's Council on Energy and the Environment (WCEE) will hold a lunch forum tomorrow at Dentons looking at the latest insights into the Maryland PSC's work on offshore wind and energy efficiency, the political challenges faced and the businesses opportunities created. Marissa Gillett, Senior Advisor to the Public Service Commission's Chairman, will be the speaker.

ELI to Look at Ocean Energy – Tomorrow at Noon, the Environmental Law Institute will hold a forum on ocean energy technologies (wave, tidal, and current hydrokinetic energy) under development. Wave and tidal energy developers claim that federal subsidies and tax cuts are insufficient to promote research and development, and some of the most successful ocean energy companies have moved overseas. A panel of experts will look at key questions to improve development of the hydrokinetic technology sector in the U.S. Among the panelists, Annie Jones, FERC Energy Projects advisor.

Gas Tech CEO to Address Roundtable – The Natural Gas Roundtable will host that David Carroll, president of the International Gas Union at its next luncheon tomorrow. Carroll is the President and CEO of the Gas Technology Institute. He oversees the company's operations and directs its programs for developing technologies, products, and services for customers in the natural gas and related industries. Carroll assumed the additional role of President of IGU for a three-year term in 2015.

Forum to Look at Future of Nuclear – The Global America Business Institute (GABI) is hosting a special workshop tomorrow looking at the future of nuclear power globally, focusing on technological, security, and geopolitical considerations. Achieving progress towards decarbonizing and reducing the environmental impact of energy generation is arguably impossible without a significant expansion of nuclear power internationally. However, improving and strengthening the global nuclear governance system and maintaining high international standards in nuclear safety, security, and nonproliferation are essential for nuclear power to become a more integral part of the world's energy portfolio. Speakers will include

Partnership for Global Security President Kenneth Luongo and NEI's Everett Redmond.

Coal Event to Hear from Alpha CEO – The 40th annual Coal Marketing Days forum will be held tomorrow and Wednesday at the Omni William Penn Hotel in Pittsburgh. The event hosts a variety of coal suppliers and buyers, coal transport companies, and industry-wide analysts who exchange in-depth knowledge on the current state of the global and domestic coal-producing markets and focuses on the current trends and challenges shaping the business. Alpha Natural Resources CEO David Stetson is the keynote.

Ideas Conference Set – *The Atlantic* and the Aspen Institute holds its 9th annual Washington Ideas conference tomorrow through Thursday. "Washington Ideas" convenes the nation's leaders in politics, business, health, science, technology, arts, culture and journalism for three days of can't miss conversation and connections. In the heart of the nation's capital, we will tackle the most consequential issues facing the country and the world.

House Oversight to Look at Nuclear Waste – The House Oversight Committee's Subcommittee on the Interior, Energy, and Environment will convene a hearing tomorrow at 2:00 p.m. examining America's nuclear waste management and storage to examine the management of the nation's increasing amount of nuclear waste and to highlight the challenges communities across the country face when dealing with nuclear waste. Witnesses will include Maryland PSC Commissioner Anthony O'Donnell, Aiken County, SC Councilmember Chuck Smith, David Victor of UC-San Diego School of Global Policy & Strategy (who also chairs San Onofre Nuclear Generating Station's Community Engagement Panel and our friend Katie Tubb of the Heritage Foundation.

Wilson to Hold Energy Forum – The Mexico and Canada Institutes will host the Wilson Center's 2017 North America Energy Forum on Wednesday. The Forum is now in its fourth year and will focus on the major challenges and opportunities facing energy producers and consumers in the region, with a strong focus on innovation in the energy sector. Chamber Energy President Karen Harbert and NOIA head Randy Luthi will be among the speakers.

EMA Sets Annual Forum – The Environmental Markets Association holds its 21st Annual Meeting on Wednesday to Friday at the Renaissance Nashville Hotel. The event focuses on trading, legislation and regulation of environmental markets. The agenda includes panel sessions covering Carbon / RGGI, what's next after the Clean Power Plan, update on current developments and trends in other existing environmental markets such as the SO2 and Nox programs and a general REC Market Overview that provides an update on supply and demand as well as estimates on potential growth as the market faces pricing pressure.

PA Shale Conference Set – SHALE INSIGHT 2017 will be held on Wednesday and Thursday at the Pittsburgh Convention Center. The event holds the most important discussions on shale development, featuring some of the most prominent industry and government leaders. Influential industry executives and innovative thought leaders will work through two days of technical and public affairs insight sessions, major keynote addresses, and a dynamic exhibit hall featuring all the major shale players.

Forum to Look at Storage During Hurricanes – The Congressional Advanced Energy Storage Caucus will hold a forum on Wednesday at 2:00 p.m. on potential issues with storage and hurricanes. Caucus co-chairs Rep. Chris Collins (R-NY) and Rep. Mark Takano (D-CA) will provide an update on the U.S. energy storage market, and a briefing on the role of energy storage in electric infrastructure resilience.

Smart Mobility Forum Set – The C3 Group hosts the 3rd annual Smart Mobility Forum on Capitol Hill on Wednesday at 2:30 p.m. in the Capitol Visitors Center. The Forum will include presentations by experts on the deployment of autonomous vehicle technology and its impact on automotive, transportation, society and policy followed by an interactive Q&A. Featured Speakers include C3 Group President and smart mobility expert Doug Newcomb, Autotrader Senior Analyst Michelle Krebs and Dushyant Wadivkar of Bosch Automated Vehicles.

Senate Ag Looks at Energy Programs in Farm Bill – The Senate Committee on Agriculture will convene a hearing Thursday at 9:30 a.m. on rural development and energy programs. They will focus on perspectives for the 2018 Farm Bill.

R Street Hosts Clean Energy Event – R Street will host a forum on Thursday at 10:00 a.m. with panelists from Microsoft, the American Coalition of Competitive Energy Suppliers (ACCES), Advanced Energy Economy (AEE), and Citizens for Responsible Energy Solutions (CRES) to discuss clean energy opportunities. Affordable clean energy future rests with the advancement of competitive energy markets and consumer choice. Such policies provide better opportunities to facilitate distributed generation and rest at the intersection of conservative and green agendas. Speakers will include Microsoft's Michelle Patton, AEE's Dylan Reed, Devin Hartman of R Street and Frank Caliva of ACCES.

Trade Expert to Discuss Solar Case Next Steps – *Renewable Energy World* holds a webinar on Thursday at 2:00 p.m. looking at what happens next following the Sept. 22 ITC ruling. The webcast will include SEIA President and CEO Abigail Ross Hopper; NEXTracker CEO Dan Shugar and Matthew Nicely, the trade lawyer arguing against the petition.

CSIS, Fortune Smart Women Conference to Feature Ernst – On Friday at 9:00 a.m., the Smart Women, Smart Power Initiative holds a conversation with Senator Joni Ernst (R-IA). The topics will include North Korea, Syria, Afghanistan, and other global hotspots with Senator Ernst, a member of the Senate Armed Services Committee. She is the first female combat veteran elected to the U.S. Senate. The event is – as always – moderated by Nina Easton of Fortune.

JHU to Host Italian CEO on NatGas Europe – On Friday at 9:45 a.m., the Johns Hopkins University Center for Trans-Atlantic Relations will hold a discussion with Marco Alverà, CEO at Snam to discuss natgas in Europe. He will join JHU SAIS Dean Vali Nasr. Introductory remarks will be given by Daniel Hamilton, Executive Director of Johns Hopkins SAIS Center for Transatlantic Relations. Alverà has been the Chief Executive Officer of Snam, a European leader in the construction and integrated management of natural gas infrastructure, since April 2016. He also serves as Managing Director of Snam Rete Gas and as ad interim Chief Industrial Assets Officer of Snam.

Wilson to Host Arctic Enviro Forum – The Wilson Center's Polar Initiative will host a forum on Friday at 10:00 a.m. on the future of the Arctic Environment. Leading Arctic scientists, policymakers, and emergency response officials will present and discuss the most recent research on Arctic change, extreme weather, indigenous communities, and emergency response operations. Among the Speakers will be former State Department Official Sherri Goodman among others.

Heritage to Host Zinke – On Friday at 11:30 a.m., the Heritage Foundation will host a major policy address by the U.S. Secretary of the Interior, Ryan Zinke in its Allison Auditorium. Secretary Zinke will discuss President Donald Trump's American energy dominance agenda, focusing specifically on the importance of American energy production and how the federal government can be a better business partner.

IN THE FUTURE

Geothermal Conference Set for Utah – The Geothermal Energy Association (GEA) is holding

GEOEXPO+ on October 1-4th at the Salt Palace in Salt Lake City, UT. The meeting will be held in conjunction with the GRC Annual Meeting.

WCEE Hosts Federal Lands Discussion – Next Monday at Noon, the Women's Council on Energy and the Environment (WCEE) holds a forum to discuss current opportunities and challenges for the development of energy and mineral resources under the new Administration. Among other hotly debated topics, the event will cover the role of climate change considerations in decision-making, potential changes in mitigation requirements, issues regarding royalty valuation and payment, and still unresolved issues regarding the scope of Presidential withdrawal authority onshore and offshore under decades-old statutes.

CCS Forum to Look at Norway Success Story – The Global CCS Institute will hold a forum on Tuesday, October 3rd at 9:00 p.m. in National Press Club's Zenger Room on the Innovation and low-carbon policies that are driving the development of clean energy technologies around the world. The discussion will explore how Norway has fostered the development of its carbon capture infrastructure, as well as the emerging business case for carbon capture in the U.S. and globally. Featured speakers Gassnova CEO Trude Sundset, Rich Powell of ClearPath Foundation, Thina Saltvedt of Nordea Bank Norge and Statoil VP of New Energy Solutions Steinar Eikaas, who operates the world's most successful carbon capture project in the North Sea.

Forum to Look at Iran Deal – On Tuesday, October 3rd from 1:30 p.m., the Center for a New American Security will hold two panel discussions on the implications of the potential collapse of the Joint Comprehensive Plan of Action (JCPOA). The discussion will focus on what happens if President Trump begins unraveling the nuclear agreement in mid-October by not certifying Iranian compliance to Congress and will also examine other potential collapse scenarios. Our friend Elizabeth Rosenberg is among the panelists.

SEJ Set for Pittsburgh – Speaking of Pittsburgh, SEJ's 27th annual conference is set for October 4-8 in Steel City.

Vets in Energy Forum Set – Veterans In Energy will hold a forum on October 5th through 7th at NRECA in Arlington. VIE provide transition, retention and professional development support to the growing population of military veterans who have chosen energy careers. Speakers will include Chris Hale of GI Jobs and Gen. John Allen, former Dep Commander of US Central Command.

CSIS to Look at Electricfication – The CSIS Energy & National Security Program will host a discussion on Thursday October 5th at 9:30 a.m. looking at the future of electrification with Arshad Mansoor, Senior Vice President of Research and Development at the Electric Power Research Institute (EPRI). Mansoor will provide an overview of the recent EPRI report, *The Integrated Energy Network: Connecting Customers with Reliable, Affordable and Cleaner Energy*, which calls for a more interconnected and integrated energy system through greater electrification. Frank O'Sullivan, Director of Research and Analysis at the MIT Energy Initiative, and Ken Colburn, Principal and U.S. Program Director at the Regulatory Assistance Project, will follow with views on the opportunities and benefits, as well as obstacles and potential drawbacks of a path to a more electrified economy. This event is part of CSIS's ongoing work on Electricity in Transition, which surveys the current landscape of the U.S. and global electricity sector.

Forum to Look at LNG in Latin America – The Atlantic Council hosts a forum on Thursday, October 5th at Noon looking at the Growing Role of LNG in Latin America. Natural gas is emerging as a critical source of energy in the Americas and around the world, and Latin America is rapidly becoming a key destination for US LNG exports. Latin America is currently the number one destination for US LNG exports, accounting for over 40%. Many governments in the region see natural gas as a low-carbon energy option that can support their increasing turn towards renewables. Additionally, lower global LNG prices, the impacts of drought conditions on the region's hydropower sector, and a departure from industries such as coal and diesel have driven the demand for LNG and calls into question whether this is an opportunity for Latin America to become more integrated. The forum will feature a conversation with Argentinian Ministry of Energy and Mining Transport Director Gonzalo Aguirre, Jose Luis Castro of Sociedad Portuaria El Cayao (SPEC), Giovani Machado of Empresa de Pesquisa Energética and the State Department's acting Deputy Assistant Secretary of Energy Resources Sue Saarnio.

ELI, DC Bar to Look at Policy Reversals – The Environmental Law Institute and the DC Bar are hosting a forum on Thursday October 5th on how agencies often reverse policy. Since the presidential transition, EPA and other agencies have used a variety of tools to change policies and regulations. Three common tools they have used are stays, remands, and reconsideration. Agencies administratively stay the effective date of rules preventing them from going into effect, seek voluntary remand of rules in litigation to revisit rules administratively while avoiding a judicial decision, and administratively reconsider rules. Some of these actions have been the subject of the heated litigation, and the courts have acted to constrain agency discretion, including in an important D.C. Circuit decision rejecting EPA's stay of the oil and gas methane rule. Expert panelists will discuss the use of these legal tools in changing agency policy, and offer cutting-edge perspectives from the government, the private sector, and the environmental advocacy community.

ACORE Finance Forum Set – The American Council on Renewable Energy will hold forum on the state of the renewable energy public policy, financial markets and corporate renewables strategy when they hold ACORE Finance West on October 12th at the Bently Reserve in San Francisco. This annual conference convenes senior investors, industry executives, and other top transactional professionals to address market trends in the context of renewable investment opportunities in the Western U.S.

Bloomberg Hosts Sustainability Forum – Bloomberg holds its 3rd annual Sustainable Business Summit on October 12-13th in its New York offices to discuss how companies are yielding positive returns for investors, creating sustainably valuable products and processes, and developing innovative sustainable business models. Uniquely positioned at the intersection of sustainable business and sustainable investing, the summit will explore the challenges and even greater opportunities emerging across industries.

WAPA to Host Road Rally – The Washington Automotive Press Association holds its 2017 WAPA Rally on October 12th. This year's event will be a drive event on the roads just beyond the Chesapeake Bay Bridge on the scenic Eastern Shore of Maryland. The event provides the opportunity to drive or ride in the latest and greatest cars, trucks and SUVs provided by WAPA's automotive partners.

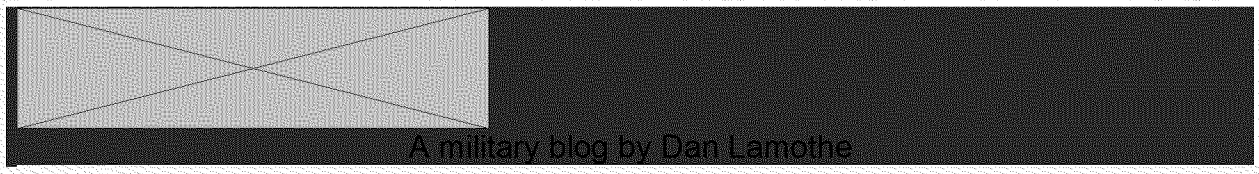
Renewable Tour Set for October Shenandoah Fall – JMU's Center for Wind Energy joins the nonprofit American Solar Energy Society (ASES) and hundreds of solar-savvy installers and grassroots organizations throughout America to showcase thousands of solar-powered homes, schools and businesses in Virginia and across North America -- for the 22nd Annual National Solar Tour, the world's largest grassroots solar event. The ASES National Solar Tour shows families and businesses real-life examples of how their neighbors are harnessing free energy from the sun to generate electricity, warm and cool their homes, heat water and slash monthly utility bills.

Green Bonds Conference Set for NYC – Environmental Finance will host Green Bonds 2017 at 10 on the Park in New York City on October 23rd. According to the Green Bonds Database, the American green bonds market has continued its rapid growth with over 17$ billion issued in the last twelve months.

At the conference this year we will look at the drivers behind this boom and how to ensure

sustainable growth as the market matures.

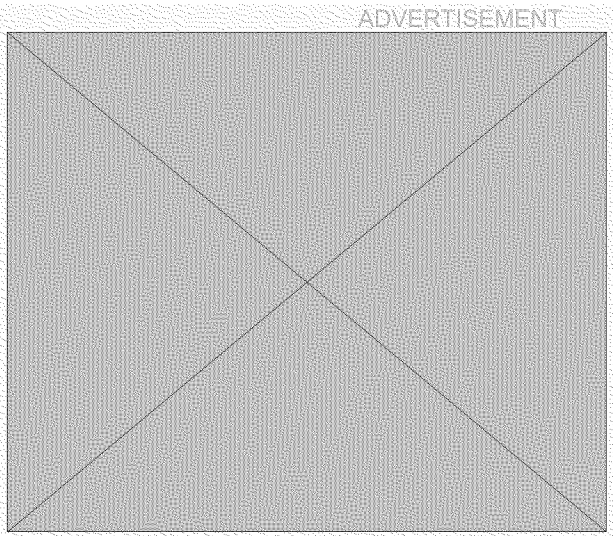
To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Wed 7/26/2017 4:01:18 PM
Subject: [SPAM] Checkpoint: Navy surveillance plane dodges Chinese jet with 'evasive action'



An Iranian ship refused to heed the Navy's warning. Then shots were fired.

It was the latest aggressive encounter between the two adversaries.
By Andrew deGrandpre • Read more »

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Mattis upbraids Pentagon over Afghan uniform spending

"Cavalier or casually acquiescent decisions to spend taxpayer dollars in an ineffective and wasteful manner are not to recur," Secretary of Defense Jim Mattis wrote.
By Thomas Gibbons-Neff • Read more »

Navy surveillance plane dodges Chinese jet with 'evasive action'

The incident occurred in airspace along the edge of the East China Sea and Yellow Sea west of the Korean Peninsula and involved a Navy EP-3 aircraft and two Chinese J-10s.

By Dan Lamothe • Read more »

Mattis decides to withhold U.S. cash from key Pakistani military fund

The decision follows an Obama-era move that slashed cash from the same fund.

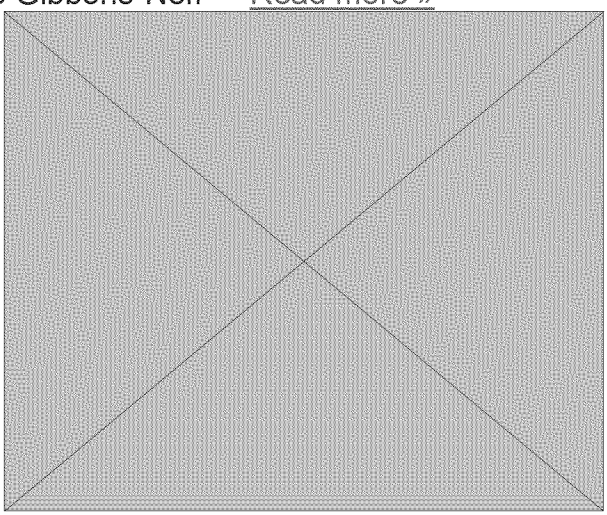
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Pentagon voices 'concerns' after Turkish news agency posts map of U.S. bases in Syria

Parts of the article appear taken down.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 7/18/2017 11:48:31 PM
Subject: July 18 -- Energy and Climate Report

Energy and Climate Report

July 18, 2017 - Number 137

News

Biofuels
Two Biofuel Company Owners Sentenced for Fraud
The co-owners of Indiana biolfuel company Triton Energy LLC each were sentenced to more than two years in prison in connection with a scheme that generated more than $60 million in fraudulent tax credits.

Emissions Trading
Extension of California Climate Program May Spur Funding Fight
California lawmakers have extended the state's greenhouse gas emissions carbon trading program. Now they have to pay for it.

Energy
Energy Grid Security Risks Need Assessment, Democrats Say
The vulnerability of U.S. pipelines and other energy infrastructure to cyberattack needs to be assessed, top energy policy Democrats told the Government Accountability Office.

Energy
Fewer Nuclear Licenses to Force Layoffs at Nuclear Regulator
Up to 20 administrative support workers at the Nuclear Regulatory Commission may lose their jobs as the agency seeks to cut its workforce to help make up for a funding shortfall resulting from fewer licensing applications, an NRC spokesman told Bloomberg BNA July 18.

Energy
Grid Security Funding, Hydroelectric Bills Pass House
Federal funding authorization to help states shore up energy security plans passed the House without opposition July 18.

Energy
Senate Appropriators Vote to Fund Energy Innovation Agency
The Energy Department's innovation office, whose budget House appropriators have proposed to eliminate, would get $330 million in the Senate Appropriations energy and water panel's spending bill.

Proxy Voting
Vanguard's Votes on Climate Change Up for Their Own Vote
Mutual fund giant Vanguard Group, at a rare shareholder meeting later this year, will consider an even rarer request from fund participants to review and report on how it casts

proxy votes on climate change.

Renewable Energy

Clean Energy Is Trouncing Oil, Gas and Coal in Trump Era

By Joe Ryan, Christopher Martin and Brian Eckhouse: President Donald Trump took office vowing to revive the coal industry's fortunes. So far, the smart money has been on clean energy.

Renewable Energy

German Green Power Output Up 10 Percent After Wind, Solar Boom

By Brian Parkin: Power generated in Germany by green sources jumped 10 percent in the first half of the year compared with a year ago, according to the latest report of the Federal Environment Office.

Sales and Use Taxes

California Cap-and-Trade Bills Expand Sales Tax Exemption

A package of bills to extend California's carbon cap-and-trade program includes last-minute changes to expand an underutilized sales and use tax exemption for manufacturing equipment purchases.

Special Report

Oil & Gas

Liquefied Natural Gas Export Plans Face Years of Oversupply

Plans for exports of U.S. liquefied natural gas have multiplied as a global supply glut has developed, raising the prospect that some exporters may lose money for several years.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sat 12/2/2017 3:32:52 PM
Subject: POLITICO Playbook, presented by PhRMA: TAX BILL sneaks through Senate just before 2 a.m. -- SEUNG MIN KIM talks to MCCONNELL about how he got a win on taxes -- SPOTTED at the WH Xmas media party -- KUSHNER working on Middle East peace without REX

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by PhRMA

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

Good Saturday morning. PRESIDENT DONALD TRUMP walked out of the White House this morning and took questions from the press, according to pooler James Osborne of the Houston Chronicle.

-- ON THE SENATE TAX BILL: "It was a fantastic evening last night. We passed the largest tax cuts in the history of our country and many other things along with it. Now we go onto conference and something beautiful is going to come out of that mixer. People are going to be very, very happy. They're going to get tremendous, tremendous tax cuts and tax relief, and that's what this country needs. Business tax all the way down from 35 to 20. It could be 22 when it comes out but it could also be 20. We'll see what ultimately comes out."

-- ON FLYNN: "What has been shown is no collusion, no collusion. There's been absolutely no collusion, so we're very happy. And frankly last night was one of the big nights. We'll see what happens."

Trump left at 9 a.m. for Joint Base Andrews for a day trip to New York City.

ONE STEP CLOSER TO A LEGISLATIVE ACHIEVEMENT -- A.P. BULLETIN at 1:51 a.m.: "WASHINGTON (AP) - Senate narrowly OKs near-$1.5 trillion tax bill, pushing President Trump and GOP close to year's biggest legislative win."

-- SEUNG MIN KIM, BRIAN FALER, COLIN WILHELM and **BERNIE BECKER:** "The 51 to 49 vote came after Senate Republicans frantically rewrote the multi-trillion dollar legislation behind closed doors to win over several final holdouts, and left congressional Republicans just a few steps away from sending legislation to President Donald Trump's

desk. The House passed its own plan in November.

"Sen. Bob Corker of Tennessee was the only Republican to oppose the measure, in what's also a big victory for Senate Majority Leader Mitch McConnell (R-Ky.), who repeatedly fell short in his efforts to push through an Obamacare repeal measure this year. 'I think one reason we were able to get there was because there's widespread interest,' McConnell said in an interview with POLITICO. 'Every single member of our conference wanted to get to yes, and all but one did.'" http://politi.co/2AkigOo

-- WAPO'S HEATHER LONG: "How an unequal tax cut grew more unequal": "As Republicans moved closer to a final vote on the bill Friday night, they made several tweaks to the tax legislation. They announced more benefits for business owners, particularly wealthy ones, but they voted down a proposal by Sens. Marco Rubio (R-Fla.) and Mike Lee (R-Utah) to give low-income families a bigger tax break.

"The disparate treatment underlined how the legislation -- a massive rewrite of the individual and corporate tax code -- has evolved since its first incarnation: What began as an effort that would favor wealthy individuals and corporations became, in many ways, even more tilted in their favor as the legislation made its way through the Senate.

"Rubio and Lee had suggested paying for their idea by lowering the corporate tax rate from 35 percent to 21 percent instead of 20 percent. 'We could have helped so much more,' an exasperated Rubio had said earlier Friday, anticipating defeat. 'With less than that one percent difference, we can make a huge difference in the lives of millions of Americans making between $20,000 and $50,000.'" http://wapo.st/2kiGcff

-- **"A Hasty, Hand-Scribbled Tax Bill Sets Off an Outcry,"** by NYT's Jim Tankersley and Alan Rappeport: "By midafternoon on Friday, Republicans had the votes to pass their tax bill in the Senate. What they did not have was a bill. The legislation, covering nearly 500 pages, finally surfaced well after the sun had set. It appeared first in the lobbying shops of K Street, which sent back copies to some Democrats in the Senate, who took to social media to protest being asked to vote in a matter of hours on a bill that had yet to be shared with them directly. The drafts that leaked to journalists included changes scrawled in looping handwriting in the margins. Democrats posted screenshots and accompanying complaints." http://nyti.ms/2AoY9wz

-- @SenatorTester: "I was just handed a 479-page tax bill a few hours before the vote. One page literally has hand scribbled policy changes on it that can't be read. This is Washington, D.C. at its worst. Montanans deserve so much better." ***1-min. video*** http://bit.ly/2nneEGG

-- ONE SMALL DEM VICTORY: "Democrats defeat GOP bid to shield conservative college from endowment tax," by Michael Stratford: "Four Senate Republicans joined with Democrats to strip from the GOP tax bill a last-minute provision that would have shielded Hillsdale College, a prominent conservative school, from a new tax on university endowments. An amendment offered by Sen. Pat Toomey (R-Pa.) - and

incorporated into a package of changes Republicans unveiled Friday evening to their tax plan, H.R. 1 (115) - would have exempted all colleges that don't accept federal student aid from the endowment tax.

"But Democrats immediately cried foul over the plan because it appeared to benefit only a single college, Hillsdale College, whose president, Larry Arnn, is influential in conservative intellectual circles. Arnn, who was floated last year as a potential pick to be President Donald Trump's Education secretary, has served as a Heritage Foundation trustee since 2002. The school also has close ties to the family of Education Secretary Betsy DeVos.

"Republican Sens. Susan Collins of Maine, Deb Fischer of Nebraska, John Kennedy of Louisiana, and Lisa Murkowski of Alaska joined with Democrats early Saturday morning to pass an amendment by Sen. Jeff Merkley (D-Ore.) that stripped the provision from the tax bill." http://politi.co/2BFpX00

THE SEUNG MIN KIM QUICK-TURN TICK TOCK (published at 3:16 a.m.) -- **WITH MCCONNELL INTERVIEW: "How McConnell got a win on taxes":** "On a recent phone call to discuss the GOP's tax push, Senate Majority Leader Mitch McConnell suggested President Donald Trump focus his personal lobbying efforts on one senator in particular: Ron Johnson. For weeks, the Wisconsin Republican had made it clear he would seek more generous tax treatment of certain small businesses - and that he was willing to use his vote as leverage.

"But after several phone calls from Trump and one final negotiating session inside Senate Majority Whip John Cornyn's ornate Capitol office, Johnson said early Friday he would finally support the bill. That announcement made passage seem all but inevitable just one night after the bill nearly collapsed in spectacular fashion on the Senate floor. McConnell and his leadership team ultimately secured passage of the tax code rewrite in the early hours of Saturday morning after weeks of methodically working each wavering vote, and by trying to learn the lessons of their Obamacare repeal failure.

"It worked. By moving the tax bill through the committee process and letting more GOP senators give more input as they drafted the bill, the Kentucky Republican delivered a sorely-needed legislative achievement to his party in a year marked by turbulence on both ends of Pennsylvania Avenue." http://politi.co/2norXXm

MCCONNELL ASSESSMENT OF THE YEAR: "It's been quite a year for Senate Republicans," McConnell said in an interview with POLITICO as the chamber prepared to pass the bill. "We've changed the Supreme Court for a generation and done the first comprehensive tax reform in 31 years. Big year for us."

TRUMP ON REPUBLICANS -- @realDonaldTrump at 7:54 a.m.: "Biggest Tax Bill and Tax Cuts in history just passed in the Senate. Now these great Republicans will be going for final passage. Thank you to House and Senate Republicans for your hard work and commitment!"

THE MACRO -- The Republican Senate passed the largest rewrite of the tax code in a generation, after failing to gut the health care law championed by President Barack Obama. **THE MICRO --** This passed at nearly 2 a.m. after a slew of backroom deals between Republican leaders and senators. This is the same stuff the GOP nailed Democrats on for years.

WHAT HAPPENS NOW? -- The House will vote on Monday to begin a formal negotiation -- called a conference -- to reconcile the differences in the two bills. Senior aides we speak to think a conference will go pretty quickly.

REMEMBER: The government shuts down in less than a week. There are severe misgivings about the GOP plan to pass a short-term funding bill until Dec. 22, and then another until January. But the House GOP announced Saturday morning that they would proceed with that plan, scheduling a meeting of the Rules Committee to set the guidelines for debate.

****** **A message from PhRMA: How much are hospitals marking up medicine prices?** According to new Moran Company analysis, hospitals mark up medicine prices nearly 500 percent. The analysis of 20 medicines also found a hospital is paid 2.5 times what the biopharmaceutical company, who brought the medicine to market, receives. Read more: http://onphr.ma/2hSaqox ******

BREAKING at 10:06 a.m.: "LANSING, Mich. (AP) - 3 Democrats tell AP longtime Democratic Rep. Sander Levin of Michigan to retire, won't seek re-election to 19th term."

SPLIT SCREEN -- PELOSI, DCCC CHAIRMAN call for Rep. Ruben Kihuen (D-Nev.) to resign.

-- THE STORY: BUZZFEED'S KATE NOCERA and **TARINI PARTI: "She Says She Quit Her Campaign Job After He Harassed Her. Now He's In Congress":** "Last year, a 25-year-old woman left her job on Democratic Rep. Ruben Kihuen's campaign because of what she says were repeated, unwanted propositions for dates and sex. ... Kihuen said on Friday, 'I sincerely apologize for anything that I may have said or done that made her feel uncomfortable.'

"On Feb. 6, 2016, Samantha says she accompanied Kihuen to a fundraiser - a normal function of her job as finance director. As she attempted to leave when the event wrapped up, she says Kihuen walked her to her car. 'He followed me to my car and said, "You look really good, I'd like to take you out if you didn't work for me,"' she recalled. Samantha said she quickly stated that she had a boyfriend, got in her car, and left. The advances became more frequent and more aggressive after that, asking if she had ever 'cheated on her boyfriend' and repeating that he would take her out if she did not work for him.

"On Feb. 19, Samantha says she accompanied Kihuen to a meeting with Rep. Tony Cárdenas at the Aria Hotel. Cárdenas was in town to support presidential candidate Hillary Clinton ahead of the Nevada caucuses. Cárdenas' office confirmed that he and his wife stayed in the hotel that weekend. In the elevator on the way to the meeting, Samantha said Kihuen told her, 'We should get a hotel room here.'

"'I said 'no' very firmly and he just laughed at me. It was humiliating,' she told BuzzFeed News. Kihuen drove on the way back from the meeting to their campaign office, with Samantha in the passenger seat. Samantha said Kihuen again asked if she'd ever cheated on her boyfriend, and started touching her thigh. She told him to stop, and said she said 'no' and began talking about her boyfriend. A separate time, in March, Kihuen asked for help with something on the computer during 'call time' -- when a candidate makes fundraising calls -- and Samantha alleges he grabbed the back of her thigh while she looked at the screen." http://bzfd.it/2j9GaTj

-- HEATHER CAYGLE and **ELANA SCHOR:** "House Minority Leader Nancy Pelosi is calling on Nevada Rep. Ruben Kihuen to resign amid allegations that the freshman Democrat sexually harassed a campaign staffer during the 2016 election. 'In Congress, no one should face sexual harassment in order to work in an office or in a campaign. The young woman's documented account is convincing, and I commend her for the courage it took to come forward,' Pelosi said in a statement after talking with Kihuen. 'In light of these upsetting allegations, Congressman Kihuen should resign.' ...

"'Members and candidates must be held to the highest standard. If anyone is guilty of sexual harassment or sexual assault, they should not hold elected office. Congressman Kihuen should resign,' Rep. Ben Ray Luján (D-N.M.), chairman of the Democratic Congressional Campaign Committee, said in a statement. Kihuen signaled Friday evening that he did not intend to resign." http://politi.co/2AE1j26

-- IT'S WORTH NOTING: House Democratic leaders moved much faster here than they did when Rep. John Conyers (D-Mich.) was accused of improper behavior. Pelosi and DCCC Chair Ben Ray Lujan both called for Kihuen's resignation on the same day the report surfaced. It took Pelosi several days before she called for Conyers to step down.

DEMOCRATIC OPERATIVES we talk to tell us the more closely the Democratic Party is associated with the "swamp" the harder it is for them to be able to pick up seats and make a real run at the majority. That's why you'll see them move swiftly to throw lawmakers overboard.

ON THE OTHER SIDE OF THE AISLE -- "Republicans divided on Farenthold resignation," by John Bresnahan and Rachael Bade: "Speaker Paul Ryan and his conference's top advocate on sexual harassment appear divided about whether Rep. Blake Farenthold should resign following news of his taxpayer-funded sexual harassment settlement. Ryan will not call on the Texas Republican to resign following a POLITICO report that he used $84,000 in taxpayer funds to pay off an accuser, his office said Friday night -- even though he has called for Democratic Rep. John Conyers

(D-Mich.) to step aside over similar sexual harassment allegations.

"But GOP Rep. Barbara Comstock (Va.), who's led the charge for Republicans against sexual harassment on Capitol Hill, said through a spokesperson that Farenthold should step aside. Comstock also called on Farenthold to reimburse taxpayers for the full $84,000 settlement and for both parties to waive their confidentiality agreement so they can testify about what happened." http://politi.co/2Bt3FgX

OTHER SETTLEMENTS COME TO LIGHT -- "Gowdy, Benghazi panel settled wrongful firing suit with $150,000 in public funds," by WaPo's Elise Viebeck and Michelle Ye Hee Lee: "As chairman of the House Select Committee on Benghazi, Rep. Trey Gowdy (R-S.C.) used $150,000 in taxpayer dollars to settle with a former aide who alleged he was fired in part because he was not willing to focus his investigative work on Hillary Clinton. The Post confirmed the confidential settlement reached between Gowdy and the Benghazi panel and Bradley Podliska after it appeared in a list of settlements released Friday by the congressional Office of Compliance. Gowdy is now the chairman of the House Oversight Committee." http://wapo.st/2AAuwLI

MUELLER WATCH -- "Trump keeps playing nice with Mueller, for now," by Darren Samuelsohn: "President Donald Trump's lawyers have been counseling him since this past summer to play nice with special counsel Robert Mueller. Cooperation with the Russia probe, the president's attorneys have argued, is the best path to the exoneration Trump has craved all year - a way not just to get things over with quickly, but also to signal to prosecutors that the administration has good intentions and nothing to hide.

"Now, as Mueller's probe moves deeper into the president's inner circle, some of Trump's longtime advisers are urging him to stick with the approach outlined by White House lawyer Ty Cobb. 'Take a deep breath, follow Ty Cobb's lead, trust the process,' said former Trump legal spokesman Mark Corallo. 'Antagonizing prosecutors is never a good idea. This is not arbitration. This is not mergers and acquisitions. This is not real estate law. This is criminal law. Prosecutors can do things with their almost unlimited resources, time and authority.'" http://politi.co/2Aladkh

THE MICHAEL FLYNN EARTHQUAKE -- "Mueller's swift moves signal mounting legal peril for the White House," by WaPo's Ros Helderman, Tom Hamburger and Karen DeYoung: "According to the filings, Flynn consulted with multiple senior Trump officials during the transition. One adviser, described in court documents as a 'very senior member' of the transition team, directed Flynn in December to reach out to Kislyak and lobby him about a United Nations resolution on Israeli settlements. People familiar with the investigation identified the adviser as Trump's son-in-law, Jared Kushner. Kushner lawyer Abbe Lowell declined to comment.

"Likewise, Flynn spoke to Kislyak about new U.S. sanctions imposed on Russia by President Barack Obama in late December only after discussing the matter with a senior Trump official who had accompanied him on a trip to Trump's private Mar-a-Lago club ... The senior official was Flynn's deputy, K.T. McFarland, according to two people

familiar with the conversation." http://wapo.st/2i7UvPo

--"Trump White House caught off guard by Flynn plea," by Andrew Restuccia, Annie Karni and Nancy Cook: "[T]here is a growing sense of dread among Trump's closest confidants that the noose is tightening - if not around the president, then around his closest advisers and family members. ... One person close to the White House described the mood this way: 'What they're freaked out about is that there are no leaks. Papadopoulos didn't leak. Flynn didn't leak. They feel like they can't trust anyone. Their own counsel didn't know.'" http://politi.co/2AzNukZ

-- "Trump Fumed for Weeks About Flynn Turning on Him," by The Daily Beast's Lachlan Markay and Asawainn Suebsaeng: "For weeks, Trump has vented privately to advisers and confidants about his anxiety over signs that Flynn had flipped. He noted the possibility that Flynn had 'turned on me,' three sources close to the president independently recall him saying. These sources had relayed details of these conversations to The Daily Beast over the course of the past week." http://thebea.st/2izAFjQ

-- JEFFREY TOOBIN in The New Yorker, "Michael Flynn's Guilty Plea Sends Donald Trump's Lawyers Scrambling: The President insists that the investigations into Russian meddling amount to nothing more than fake news. But the truth is now emerging." http://bit.ly/2jEIaSV

-- "What Michael Flynn's Plea Deal Means: Eleven legal experts weigh in" -- POLITICO Magazine: http://politi.co/2jDLhuH

HMM -- @brianstelter: "Via CNN's @GloriaBorger: 'One source close to the president attempted to mitigate the severity of the charge against Flynn by pointing out that everyone lies in Washington.'"

PIC DU JOUR -- @mflynnJR: "Family is the most important thing in life.....don't ever take yours for granted. Thanks everyone for the support." http://bit.ly/2As9Na9

--@TheDailyShow: "Curl up and enjoy the Mike Flynn 'Lock Her Up' Yule Log, just in time for the holiday season!" http://bit.ly/2j91M2j (h/t Matt Negrin)

OOPS: "ABC News corrects bombshell Flynn report," by CNN's Oliver Darcy: "ABC News on Friday evening corrected an explosive special report that aired in the morning saying that Donald Trump, as a candidate for president, had asked Michael Flynn to make contact with Russians. During 'World News Tonight,' ABC News investigative reporter Brian Ross said the source who had provided the initial information for his story later told him that it was as president-elect, not as a candidate, that Trump asked Flynn to contact the Russians.

"The initial report, based on one anonymous source, prompted a dramatic reaction in the financial markets, and the Dow fell more than 350 points. ... A tweet published by

ABC News containing Ross' initial report had been retweeted more than 25,000 times and embedded in various news stories online before it was deleted. ABC posted a 'clarification' on Twitter around 8 p.m." http://cnnmon.ie/2i8YMlu

TRUMP'S SATURDAY -- THE PRESIDENT is in New York. He speaks at a breakfast fundraiser at 11:20 a.m., an RNC lunch fundraiser at 12:35 p.m., participates in an RNC roundtable at 1:40 p.m. and arrives back in D.C. by 4:45 p.m.

SIREN -- WAPO: "Alabama race is neck and neck, with voters divided over Roy Moore allegations, poll finds," by Michael Scherer and Scott Clement: "With less than two weeks to go, support for Democrat Doug Jones stands at 50 percent vs. [Republican Roy] Moore's 47 percent support among likely voters -- a margin of a scant three points that sets up a nail-biter for the oddly timed Dec. 12 special election." http://wapo.st/2iCcMrO

-- AP'S STEVE PEOPLES: "Alabama Republican Roy Moore has celebrated his isolated fight against the political establishment in both parties. The outsider story may resonate with Alabama voters, but the reality has a clear downside: The Senate candidate and his allies are almost completely cut off from the GOP's traditional donor network and struggling to raise money for the final-weeks sprint to Election Day. Federal fundraising reports released Friday reveal that Moore is losing the battle for campaign cash to Democrat Doug Jones. And he's losing badly. Moore raised $1.7 million from Oct. 1 to Nov. 22, according to a filing with the Federal Election Commission. Jones raised $9.9 million over the same period." http://bit.ly/2i9PxBv

MEDIAWATCH -- "Minutes after slamming 'fake news,' Trump welcomes 'my friends in the media' for Christmas party: President tells reporters they are 'honestly in many ways very special people - at least many of you,'" by Jason Schwartz: "After spending most of the year attacking the media's credibility, President Donald Trump gave brief, but friendly, welcoming remarks to a large turnout of reporters and editors at his White House Christmas party on Friday afternoon. Those in attendance described the event as, in many ways, like any other White House holiday party ...

"Following his remarks, which lasted two minutes, Trump spent another two or three minutes shaking hands near the front of the crowd before leaving ... In previous years, presidents have stayed usually for about two hours to take pictures with media members. White House chief of staff John Kelly, press secretary Sarah Huckabee Sanders and counselor to the president Kellyanne Conway made appearances, though many senior administration officials skipped the party or stayed only a brief time." http://politi.co/2iDj3n1

SPOTTED: Kellyanne Conway chatting with Laura Ingraham and Sean Hannity, James Rosen, Steve Doocy chatting with Greta Van Susteren, John Coale, Jonathan Karl, Devin Dwyer, Justin Fishel, Michael Anton, Hogan Gidley, Brian Kilmeade, Annie Linskey, Matt Viser, Jen Jacobs, Michael Falcone, Kevin Cirilli, Jesse Watters, Howard Kurtz and Judy Kurtz, Hunter Walker, Byron York, Francesca Chambers, Peter Doocy,

Trey Yingst, Chris Isham, Charlie Spiering, Eliana Johnson, Annie Karni, Tara Palmeri, Craig Gordon, Alex Pappas, Ed Henry, Norah O'Donnell, Jackie Alemany, Louise Dufresne, Kristen Welker, Louise Radnofsky, Alice Lloyd, Jeff Mason, Steve Thomma.

YOU'RE INVITED -- Our first live podcast taping next Thursday night (Dec. 7) at 7 p.m. at Sixth and I. Our inaugural guests: **MICHAEL BARBARO**, host of the New York Times' hit podcast "The Daily," **DCCC EXECUTIVE DIRECTOR DAN SENA and NRCC EXECUTIVE DIRECTOR JOHN ROGERS**. And a panel of **POLITICO** stars: **RACHAEL BADE, SEUNG MIN KIM a**nd **ANNIE KARNI**. Get your tickets now! http://bit.ly/2hWK7tF

Playbook Reads

PHOTO DU JOUR: Senate Majority Leader Mitch McConnell (R-KY) gives a thumbs-up as he and his Director of Operations Stephanie Muchow head for the Senate floor on Dec. 1. | Chip Somodevilla/Getty Images

TV MONDAY - THE HOLLYWOOD REPORTER: "Billy Bush Books 'Late Show With Stephen Colbert,' Appearance": http://bit.ly/2jGoOx4

TRUMP WHITE HOUSE DEPARTURE LOUNGE - "Former White House southeast political director running Tennessee Senate campaign," by Daniel Strauss and Daniel Lippman: "Thomas Midanek, formerly the White House southeast regional political director, has left the Trump administration and joined former Tennessee Rep. Stephen Fincher's Senate campaign as campaign manager." http://politi.co/2jEvJXg

HOLY LAND READ -- "Trump inches toward moving U.S. Embassy to Jerusalem," by Andrew Restuccia and Eliana Johnson: "President Donald Trump and his senior aides are mulling a plan to eventually move the U.S. Embassy in Israel from Tel Aviv to Jerusalem, a decision that could derail Trump's attempts to restart peace talks between the Israelis and the Palestinians. A leading option under consideration: temporarily keeping the U.S. embassy in Tel Aviv while also outlining a longer-term strategy to begin the process of moving the embassy to Jerusalem, according to two administration officials. The plan is meant to strike a middle ground on the politically treacherous issue. One of the officials also said the administration is weighing whether to officially recognize Jerusalem as the capital of Israel." http://politi.co/2zSjVeY

FLYING SOLO -- "Kushner Is Leaving Tillerson in the Dark on Middle East Talks, Sources Say," by Bloomberg's Nick Wadhams and Erik Schatzker: "Secretary of State Rex Tillerson is increasingly alarmed by what he sees as secret talks between Jared Kushner, President Donald Trump's son-in-law and senior adviser, and Saudi Arabian Crown Prince Mohammed bin Salman -- fearful that the discussions could backfire and tip the region into chaos, according to three people familiar with Tillerson's concerns.

"The central goal of the Kushner-Prince Mohammed negotiations ... is for an historic agreement featuring the creation of a Palestinian state or territory backed financially by a number of countries including Saudi Arabia, which could put tens of billions of dollars toward the effort. ... Tillerson believes Kushner hasn't done enough to share details of the talks with the State Department ... leaving senior U.S. diplomats in the dark on the full extent of the highly sensitive negotiations." https://bloom.bg/2AkDBqR

****** **A message from PhRMA:** According to new analysis from the Moran Company, hospitals mark up medicine prices, on average, nearly 500 percent. The analysis of 20 medicines also found a hospital is paid 2.5 times what the biopharmaceutical company, who brought the medicine to market, receives. While hospital markups lead to higher costs for patients, employers and payers, these markups are often overlooked in conversations about medicine costs. As the provider market continues to become more concentrated and the number of medicines being administered in hospital-owned facilities is growing, the amount hospitals mark up medicine prices needs greater scrutiny. http://onphr.ma/2Ba0TOa ******

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker -- ***14 keepers*** http://politi.co/2ApI7Co

GREAT WEEKEND READS, curated by Daniel Lippman:

--"Where Millennials Come From," by Jia Tolentino in the New Yorker: "Millennials, according to recent headlines, are killing hotels, department stores, chain restaurants, the car industry, the diamond industry, the napkin industry, homeownership, marriage, doorbells, motorcycles, fabric softener, hotel-loyalty programs, casinos, Goldman Sachs, serendipity, and the McDonald's McWrap." http://bit.ly/2AblR1y

--"How Peter Thiel and the Stanford Review Built a Silicon Valley Empire," by Andrew Granato in Stanford Politics: "But 30 years ago, as a sophomore at Stanford, Thiel ... co-founded ... the Stanford Review. ... Thiel continues to meet with the publication's editors, and he is substantially more open with them about his beliefs than he is with the general public, including on highly controversial issues like race and immigration. And across the Bay Area, many of The Review's alumni, spearheaded by Thiel, have built a relatively small but tight-knit network that extends across three decades and has a net worth that extends into the billions." http://bit.ly/2j8PgQd

--"Feeding Puerto Rico," by Anderson Cooper in CBS' "60 Minutes": "José Andrés has some 30 popular restaurants across the United States, but he's barely stepped foot in them for two months. He and an army of chefs and volunteers have been serving the people in Puerto Rico." http://cbsn.ws/2AzbNjJ

--"A failed vision," by LA Times' Richard Marosi in Veracruz, Mexico: "Mexico promised affordable housing for all. Instead it created many rapidly decaying slums."

http://lat.ms/2AbBxl4

--"When Does a Watershed Become a Sex Panic?" by Masha Gessen in the New Yorker: http://bit.ly/2mqEcSK

--"On the other side of the catcall," by Natalie Johnson in March 2014 in the Libertarian Republic: "I have never in my life been more aware of my gender until I traveled to Europe. This is not to say that I didn't feel objectified and degraded through various forms of harassment prior to studying abroad. ... This unexplainable feeling of entitlement that many men have toward women is nothing new to me. However, I have never in my life experienced it to the scale that I have while abroad." http://bit.ly/2BCrfc9

--"Kick Against the Pricks," by Laura Kipnis in the N.Y. Review of Books, reviewing "Be Fierce: Stop Harassment and Take Your Power Back," by Gretchen Carlson: "Toppling power isn't about storming the Bastille these days, it's about changing the way people talk and think. Creating a crisis of authority for those in power is how the world changes. But we're reminded by recent events that the agents of progress can be unlikely: just as the military was a major force in desegregation, now we have corporations like News Corp acting like progressives on sexual harassment." http://bit.ly/2ApHlFu ... ***$16.60 on Amazon*** http://amzn.to/2jFUjXY (h/t TheBrowser.com)

--"Trapped: The Grenfell Tower Story," by Tom Lamont in GQ: "Buildings aren't supposed to burn the way London's Grenfell Tower did. But to the residents stuck inside, and to the firefighters who rushed to save them, this was a different kind of fire, a blaze that burned at 1,800 degrees, a devastating inferno that killed dozens and shocked an entire nation. This is the untold story of what it felt like to fight that fire and to flee it-a story of a thousand impossible decisions and the people who dared that night to make them." http://bit.ly/2iB3X1l (h/t Longform.org)

--"Every Parent Wants to Protect Their Child. I Never Got the Chance," by Jen Gann in NYMag's The Cut: "In what's called a wrongful-birth case, plaintiffs sue a medical practitioner for the failure to diagnose or inform them of a disease or disability possible to detect in utero. The money awarded goes toward the cost - astronomically high - of the child's medical care. A mother desperate to help her child declares that she would not have had that child." http://bit.ly/2zIfbZx

--"Europe's Heart of Darkness," by Alexander Clapp in 1843 Magazine: "A fledgling human-trafficking trade takes in refugees from the Aegean Sea, hustles them over to the Adriatic and on to Italy. Guns come by boat from Albania or Ukraine. Hash arrives from Crete, heroin from the Turkish border, cocaine in car parts imported from South America. The contraband cigarette business makes ???1bn of illegal profit in Greece alone." http://bit.ly/2jCefL6

--"Lake Chad: The World's Most Complex Humanitarian Disaster," by Ben Taub in the New Yorker: "Boko Haram, climate change, predatory armies, and extreme hunger are converging on a marginalized population in Central Africa." http://bit.ly/2n91NYe

--"The Case for Not Being Born," by Joshua Rothman in the New Yorker: "The anti-natalist philosopher David Benatar argues that it would be better if no one had children ever again." http://bit.ly/2zJNwrf (h/t ALDaily.com)

--"The new great game in the Middle East," by John Jenkins in the New Statesman: "What we are seeing is the eruption of a previously submerged rivalry between an expansionist Iran and a historically cautious Saudi Arabia that has been years in the making. The rivalry flows from Lebanon through Syria and Iraq, across to Bahrain, Oman and Yemen and up the Red Sea. It also affects Pakistan and Afghanistan." http://bit.ly/2Alaeoj

--"The secret tricks hidden inside restaurant menus," by Richard Gray on BBC: "Great thought and effort go into creating restaurant menus - and there are some very powerful psychological tricks employed to make you choose." http://bbc.in/2mObDPb

--"How the sandwich consumed Britain," by Sam Knight in the Guardian: "The industry has its own 80:20 rule: 80% of sales come from 20% of the flavours. These are often referred to as 'the core' - the egg mayonnaise, the BLT, the chicken salad. Pret's best-selling sandwiches (the top three are all baguettes: chicken caesar and bacon, tuna and cucumber, cheddar and pickle) have not changed for seven years. [Marks and Spencer's] prawn mayo has been its No 1 for 36." http://bit.ly/2mVUZNL

--"A Generation in Japan Faces a Lonely Death," by NYT's Norimitsu Onishi in Tokiwadaira, Japan - per Longreads.com's description: "With a population of 127 million, Japan has the most rapidly aging society on the planet. Elderly individuals often live in extreme isolation, albeit only a few feet from neighbors on all sides, 'trapped in a demographic crucible of increasing age and declining births.' Their fate? A 'lonely death' where their body may remain undiscovered in their small government apartment for days (or even years) because family is distant both physically and emotionally, and friends have all long since passed away." http://nyti.ms/2zFhHvr

TRY AGAIN -- "Milo Yiannopoulos' crusade fizzles in California, so he heads to Australia," by LA Times' Ben Oreskes: Cal State "Fullerton was supposed to be just one stop in what Yiannopoulos billed as a major national tour in which he would bring hard-right attitude to liberal campuses and other venues. But the tour has largely fizzled. Of the at least eight planned events nationally in October and November, Fullerton was the only one on a college campus that ended up happening. (He also spoke at a book signing with former Trump advisor Roger Stone in mid-October in Orlando, Fla.). A spokeswoman for the writer's company disputed these numbers but declined to offer more details about where else he may have spoken." http://lat.ms/2zVBF9z

Playbookers

SPOTTED: Michelle Obama dining with two friends at Chez Billy Sud in Georgetown ... Reps. Trey Gowdy (R-S.C.), Steve Stivers (R-Ohio), Tim Ryan (D-Ohio) and Richie Neal (D-Mass.) all at DCA midday on Friday ... Rep. Mark Sanford (R-S.C.) sitting on the floor of DCA Friday with no shoes on waiting for a flight to Charleston - ***pic*** http://bit.ly/2j7aAWw

OUT AND ABOUT -- SPOTTED at a party and dinner at Café Milano last night hosted by UAE Ambassador Yousef Al Otaiba, Bob Johnson and Franco Nuschese honoring Kennedy Center Honors recipient Lionel Richie: Colin Powell, Norman Lear, Quincy Jones, Bill Cohen and Janet Langhart, Ret. Gen. Jim Jones and Diane Jones, Catherine and Wayne Reynolds, Bob Woodward and Elsa Walsh, Tammy Haddad, Jonathan Karl, Tom Quinn, Roxanne Roberts, Bobby Kotick.

SPOTTED at a party last night in celebration of Kennedy Center honoree Norman Lear hosted by Amb. Elizabeth Frawley Bagley at her home in Georgetown: Democratic Leader Nancy Pelosi and Paul Pelosi, Kennedy Center Chairman David Rubenstein and President Deborah Rutter, Leslie Moonves and Julie Chen, Norman and Lyn Lear, Lara Bergthold, David Bohnett, Ron Brownstein, Alex Witt, Andrea Mitchell, Judy Woodruff, Amb. Lou DeBaca and Lorena Chambers, Ambassador John Emerson and Kimberly Emerson, Harold Ickes, Michael Keegan, Frank Loy, Ricki Seidman and Aviva Rosenthal.

SPOTTED at the Saban Forum gala dinner last night at the Willard Intercontinental Hotel: John Allen on stage in conversation with Yonit Levi, Ehud Barak interviewed by Jeffrey Goldberg, Jeremy Ben-Ami, Justice Stephen Breyer, Leader Nancy Pelosi, Amb. Ron Dermer, former Sen. Joe Lieberman, Sen. Chris Coons (D-Del.), Reps. Adam Schiff (D-Calif.), Eliot Engel (D-N.Y.), and Nita Lowey (D-N.Y.), Egyptian Amb. Yasser Reda, George Tenet, Martin Indyk, Haim Saban, Gabi Ashkenazi, Nir Barkat, Jackson Diehl, Amb. Dan Shapiro.

ANNIVERSARY: Autumn and Jim VandeHei celebrate 17 years of marriage today.

BIRTHDAYS: former Senate Majority Leader Harry Reid is 78 ... former Attorney General Edwin Meese III is 85 ... Stone Phillips is 63 ... Nancy Haberman is 7-0 (hat tip: daughter Maggie) ... Cal Thomas is 75 ... Ken Babby ... Politico's Alex Short ... Grant Everett Starrett ... RNC alum Bob Carey ... Rep. Carol Shea Porter (D-N.H.) is 65 ... former Rep. Pete Gallego (D-Tex.) is 56 ... Jason Huntsberry ... Emily Schultheis, writing for POLITICO Europe in Berlin as a 2017-18 Robert Bosch fellow ... Carrie Wofford, head of Veterans Education Success, former Senate staffer, and a Clinton WH alum, and Jen Wofford, Ford Foundation consultant and an SEIU and AFL-CIO alum, are 5-0. "The Wofford clan (including their uncle, former Sen. Harris Wofford (D-Pa.) are gathering for a family celebration Saturday" (h/t Lauren Culbertson) ... Kelly Klass of Locust Street Group (h/t Allison Schneider) ...

... Marc La Vorgna, founder of comms and public affairs firm MLV Strategies ... Mina Moore, director at Glover Park Group ... Megan McCafferty ... Caroline Gangware ...

Mark Irion, former president at Levick and senior counselor at Prosper Group ... ... Bush WH alum Eleanor Schiff ... Dan Puskar ... Mairead Lynn, Democratic press secretary for the Senate HELP committee ... Erin Bailey ... Sara Siskind ... Patricia Rojas-Ungar, VP of gov't relations at the U.S. Travel Association ... Andrew Howell, partner at Monument Policy Group ... Conyers Davis of the USC Schwarzenegger Institute ... Bush 41 alum Mark A. Shiffrin is 61 ... Audrey Lavin ... Celeste Brown ... Rayshon Payton.

THE SHOWS, by @MattMackowiak, filing from Austin:

--ABC's "This Week": Senate Majority Leader Mitch McConnell (R-Ky.) ... Rep. Adam Schiff (D-Calif.) ... Michael Mukasey. Panel: Charles Blow, Alex Castellanos, Megan Murphy, Jen Psaki and Chris Ruddy

--NBC's "Meet the Press": Sen. Susan Collins (R-Maine) ... Sen. Dianne Feinstein (D-Calif.) ... Corey Lewandowski and David Bossie. Panel: Eddie S. Glaude, Jr., Doris Kearns Goodwin, Mike Murphy and Danielle Pletka

--CBS's "Face the Nation": Mitch McConnell ... Sen. Lindsey Graham (R-S.C.) ... Sen. Angus King (I-Maine) ... OMB Director Mick Mulvaney. Panel: Ron Brownstein, Ezra Klein, Julie Pace and Ramesh Ponnuru

--CNN's "State of the Union": Sen. Mark Warner (D-Va.) ... Sen. Tim Scott (R-S.C.). Panel: Mike Rogers, Jennifer Granholm, Rick Santorum and Karine Jean-Pierre

--"Fox News Sunday": National Security Advisor H.R. McMaster ... Sen. John Barrasso (R-Wyo.). Panel: adviser Karl Rove, Jennifer Griffin, Jason Chaffetz and Juan Williams ... panel Michele Flournoy and Gen. Jack Keane (Ret.) ... "Power Player of the Week" with former Secretary of State George Shultz (live from the Reagan National Defense Forum in Simi Valley, California)

--CNN's "Reliable Sources": Panel: Jeff Greenfield, Kathleen Hall Jamieson and Michael D'Antonio ... Hadas Gold and Marisa Guthrie ... Sally Quinn

--Fox News' "Sunday Morning Futures": Rep. Michael McCaul (R-Texas) ... Sen. David Perdue (R-Ga.) ... Bill Richardson. ... Rep. Marsha Blackburn (R-Tenn.) ... Art Laffer. Panel: Caitlin Huey Burns and Al D'Amato

--Fox News' "MediaBuzz": Mollie Hemingway ... Shelby Holliday ... Marie Harf ... Lynn Sherr ... Matthew Belloni ... Susan Ferrechio and Noah Rothman

--CNN's "Inside Politics" with John King: Panel: Julie Hirschfield Davis, Julie Pace, Sahil Kapur and Michael Warren

--CNN's "Fareed Zakaria GPS": Foreign policy panel: Ian Bremmer and Julia Ioffe ... T.R. Reid ... Thomas Erdbrink ... Max Boot

--Univision's "Al Punto": María Elena Durazo with two hotel employees and alleged victims of sexual harassment (Cecilia and Nuris) ... Rep. Luis Gutiérrez (D-Ill.) ... former Mexican foreign affairs secretary Jorge Castañeda ... journalist and Mexican presidential hopeful Pedro Ferriz de Con ... chef Cristina Martinez

--C-SPAN: "The Communicators": Cloudflare co-founder and CEO Matthew Prince ... **"Newsmakers":** Rep. Adam Smith (D-Wash.), questioned by Military Times' Leo Shane and Bloomberg Government's Roxana Tiron ... **"Q&A":** Author and Hoover Institution senior fellow John Cogan

--Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2mCW4tB): Hispanic Leadership Fund president Mario H. Lopez.

****** **A message from PhRMA:** According to new analysis from the Moran Company, hospitals mark up medicine prices, on average, nearly 500 percent. The analysis of 20 medicines also found a hospital is paid 2.5 times what the biopharmaceutical company, who brought the medicine to market, receives. While hospital markups lead to higher costs for patients, employers and payers, these markups are often overlooked in conversations about medicine costs. As the provider market continues to become more concentrated and the number of medicines being administered in hospital-owned facilities is growing, the amount hospitals mark up medicine prices needs greater scrutiny. http://onphr.ma/2Ba0TOa ******

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Subject: July 27 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Pipelines Awaiting Approval Pile Up at Federal Energy Regulator

Posted July 27, 2017, 7:00 A.M. ET

By Rebecca Kern

The backlog of natural gas pipelines awaiting Federal Energy Regulatory Commission approval is piling up as the agency enters its sixth month without enough members to approve $14 billion worth of infrastructure projects, and gas suppliers and pipeline companies could face longer-term impacts.

The pipelines awaiting regulatory approval include the proposed $5.5 billion Atlantic Coast Pipeline, owned by Dominion Energy and other partners, and the $2.1 billion Nexus pipeline, a joint project from DTE Energy Co. and an Enbridge subsidiary.

"The situation is manageable for the time being, but just barely, because we are a few months away from major delays, which would be disruptive to the construction of pipelines and gas producers," James Lucier, managing director of Capital Alpha Partners LLC, a policy research firm that follows energy investments, told Bloomberg BNA.

"If we don't have a quorum by September, we definitely need to worry," he said.

Pipeline companies are calling on the Senate to act quickly to confirm two Republican FERC nominees—Robert Powelson and Neil Chatterjee—who can return the agency to a quorum to address the pending pipelines. When fully staffed, the independent agency has five commissioners, but it is among the agencies with a long list of appointed officials that Congress has yet to confirm.

Down to One Commissioner

FERC has been without a voting quorum of three commissioners since February, and is now down to one commissioner—Acting Chairman Cheryl LaFleur. Without a quorum, it can't issue certificates authorizing construction and operation of natural gas pipelines, approve liquefied natural gas terminals or vote on contested rate hearings.

If the quorum isn't returned and the pipelines are delayed, down-the-line impacts are possible on construction jobs, and natural gas producers and shippers, pipelines companies say. This is the first time FERC has been without a voting quorum in its 40-year history. The latest pipeline awaiting a FERC vote is the proposed Atlantic Coast Pipeline, spanning 600 miles from West Virginia to North

Carolina, which received a favorable final environmental impact statement (EIS) from FERC staff July 21. It joins other high-profile pipelines including the proposed Nexus pipeline, owned by DTE Energy and Spectra Energy Partners LP (acquired by Enbridge), which received its environmental impact statement—the last step before a FERC vote—in November 2016.

"Quick action by the U.S. Senate on the FERC nominees will have an immediate impact on the nation's economy and Infrastructure," Jerry Norcia, president and chief operating officer at DTE Energy, told Bloomberg BNA.

Recently environmental groups opposing fracking and the development of natural gas pipelines have increased their efforts to put pressure on FERC.

The Sierra Club said it has opposed the nominations of Chatterjee and Powelson.

"Unfortunately, Donald Trump's nomination of Neil Chatterjee and Rob Powelson will continue FERC's status quo of approving unneeded fracked gas pipelines that take private land for corporate gain and lock Americans into higher electricity rates while increasing our dependency on fossil fuels for decades to come," Lena Moffitt, Sierra Club's director of the Our Wild America campaign aimed at protecting public land, told Bloomberg BNA.

Also, the Natural Resources Defense Council is an intervenor in the natural gas certificate cases at FERC for the Atlantic Coast and Mountain Valley pipelines. John Moore, director of the NRDC's Sustainable FERC Project, told Bloomberg BNA that his group believes these projects aren't necessary because there isn't enough demand for the fuel and other clean energy alternatives are available.

Senate Impasse

Chatterjee and Powelson were reported favorably out of a Senate committee in a 20-3 vote and are awaiting a Senate floor vote. Senators Ron Wyden (D-Ore.), Bernie Sanders (I-Vt.) and Mazie Hirano (D-Hawaii) were the three members who voted against them.

Two more nominees, Richard Glick (a Democrat) and Kevin McIntyre (a Republican)—have been named by President Donald Trump, but their nominations haven't been formally sent to the Senate to begin their hearing and confirmation process. Without agreements on vote timing between Senate Majority Leader Mitch McConnell (R-Ky.) and Senate Minority Leader Charles Schumer (D-N.Y.), FERC's quorum may not be restored until after Labor Day, Christi Tezak, managing director of research at ClearView Energy Partners LLC, told Bloomberg BNA. And the value of backlogged pipeline projects could reach $17 billion by October, she projected.

Sen. Lisa Murkowski (R-Alaska), chairman of the Senate Energy and Natural Resources Committee, which favorably reported out Powelson and Chatterjee, has said it is "critical to restore a working quorum at FERC as soon as possible." Sen. Maria Cantwell (D-Wash.), the committee's ranking member, also voted in favor of both nominees and has supported FERC returning to a quorum.

Impacts on Jobs, Suppliers, Consumers

The lack of FERC quorum "has implications that go pretty far beyond the pipeline companies," Don Santa, president of the Interstate Natural Gas Association of America, told Bloomberg BNA.

DTE Energy's Norcia said that if FERC approves the proposed Nexus pipeline, it would provide

more than 7,000 construction jobs to Ohio and Michigan. Atlantic Coast Pipeline says it will employ more than 17,000 construction workers West Virginia, Virginia and North Carolina.

Smaller pipelines such as the $1 billion proposed Penn East pipeline, owned by a group of companies including Spectra Energy and NJR Pipeline Co., would run through New Jersey and Pennsylvania and provide up to 3,000 construction jobs.

Santa, whose trade group represents the major U.S. pipeline companies, said uncertainty of the FERC approval timeline could lead to potential construction delays.

In addition, pipeline companies could be subject to paying penalties to shippers if contracts aren't met due to delayed approval, and the companies' shareholders may not get the returns on their investments if there are delayed in-service dates.

Dena Wiggins, president and CEO of the Natural Gas Supply Association, which represents natural gas producers such as ExxonMobil Corp. and Chevron Corp., said the backlog directly impacts them.

"Natural gas producers have to have pipelines to get their gas to market and we've got an abundant supply, but we've got to have the pipelines," she told Bloomberg BNA.

If there are further delays, consumers may see higher prices.

"When you build new pipeline infrastructure, particularly if you relieve a bottleneck in the pipeline system, that lowers delivered gas prices," Santa said. He said this could lower heating and electricity bills.

'Not a Practice I'd Recommend'

"We are literally driving right up to the end of the cliff. And the good news is that as long as you stay on this side of the edge, you can still be fine. It's just not a practice I'd recommend," Capital Alpha's Lucier said.

One the first pipelines to come online, if approved after a FERC quorum is restored, would likely be the Nexus pipeline. The pipeline will likely be completed some time in 2018, Gerry Anderson, DTE Energy's president and CEO, said in the company's second quarter earnings call July 26.

Other pipelines still project a late 2018 start-date, including the $3.5 billion Mountain Valley pipeline primarily owned by EQT Midstream Partners that would span through Virginia and West Virginia; and Penn East.

TransCanda Corp.'s $2 billion Mountaineer Xpress in West Virginia could be added to the list of potentially delayed projects if FERC doesn't have a quorum until later this year. The company is projecting for the pipeline be operational in late 2018 as well.

The owners of the Atlantic Coast Pipeline—Dominion Energy, Duke Energy, Piedmont Natural Gas and Southern Co.—say that they are confident they will receive FERC approval by the fall, and for the pipeline to be operational by late 2019.

Russian Energy Sanctions Poised for Quick Senate Approval

Posted July 27, 2017, 11:46 A.M. ET

By Brian Dabbs

New restrictions on U.S. energy projects overseas are poised to reach the president's desk in the coming days as part of a broad sanctions package targeting Russia, as well as Iran and North Korea.

Senate Democrats all signed off on the bill (H.R. 3364), which would prohibit U.S. companies from participating in energy projects that have a 33 percent or more Russian stake, a spokesman for Senate Majority Leader Charles Schumer (D-N.Y.) told Bloomberg BNA July 27.

The oil and gas industry lobbied hard against the original Senate version, which would have prohibited U.S. company participation in energy projects with any Russia stake. Exxon Mobil Corp., Chevron Corp., and other U.S. companies participate in joint energy projects across the globe. Marty Durbin, American Petroleum Institute executive vice president and chief strategy officer, told Bloomberg BNA the new bill marks an improvement.

"There remain concerns with how this legislation could affect U.S. business interests in the future, but the amended bill more appropriately focuses sanctions on the intended target—Russia and its energy firms—rather than inadvertently benefiting Russia at the expense of U.S. companies," Durbin said in an email.

Unanimous Republican support would allow the bill to bypass Senate procedural obstacles. A spokesman for Majority Leader Mitch McConnell (R-Ky.) didn't immediately respond to Bloomberg BNA's request for comment.

U.S. sanctions already target a wide range of the Russian energy sector, but existing policy applies only to projects—such as extraction and pipelines—within the Russian Federation. The change to a 33 percent threshold sparked some opposition among senators.

Senate Foreign Relations Committee Chairman Bob Corker (R-Tenn.), however, signaled senators are now willing to shelve those concerns.

"I am glad to announce that we have reached an agreement that will allow us to send sanctions legislation to the president's desk," Corker said late July 26.

GOP Renews Fight for Edison's Light Bulb as Industry Goes LED

Posted July 27, 2017, 12:48 P.M. ET

By Ari Natter

Congressional Republicans renewed their effort to save the traditional light bulb, passing a measure to block federal energy standards that have come to symbolize government overreach for many consumers but are largely embraced by manufacturers as the cost of the newer bulbs has plummeted.

The House passed an amendment to a spending bill late July 26 to block enforcement of Energy Department rules requiring manufacturers to phase out sales of incandescent light bulbs to cut power use. While the measure faces an uncertain future in the Senate, its sponsor called it an

important victory for freedom.

"Congress should fight to preserve the free market," Michael Burgess, a Texas Republican, said on the House floor before the vote. Burgess said he had heard from tens of thousands of people about how the regulations "will take away consumer choice when constituents are deciding which light bulbs they will use in their homes."

Standards Have Curtailed Use

The measure takes aim at rules that were issued under a 2007 bipartisan energy legislation signed into law by Republican President George W. Bush. The standards, which were phased in starting in 2012, have curtailed the use of incandescent light bulbs.

If it becomes law, the measure could have some unintended consequences, critics warn. While it won't change light bulb standards which have been in effect for years, it could hamstring authorities from blocking import of incandescent bulbs from China or other nations that that don't meet the requirements, said Steven Nadel, executive director of the American Council for an Energy-Efficient Economy, a non-profit group that promotes energy conservation.

When Republicans attacked these standards, manufacturers said they would still voluntarily comply with them, and the LED share of the market has surged over the last three years as the cost of those bulbs dropped.

LED light bulbs, which made up just 1 percent of global market share in 2010, are estimated to make up 95 percent that market by 2025, according to research by Goldman Sachs. They accounted for more than a quarter of U.S. sales last year, it said. Other bulbs that have been used to meet the requirements include the ubiquitous curly compact florescent, or CFL, bulbs and halogen lights.

When a similar measure passed into law as a rider in government funding legislation in 2011, the National Electrical Manufactures Association, which represents companies such as Philips Lighting NV and General Electric Co. said light bulb makers planned to comply with them regardless. Tracy Cullen, a spokeswoman for the trade group, did not respond to an email and phone message seeking comment.

'Mind-Boggling'

"It's mind-boggling to me," Elizabeth Noll, legislative director of the Natural Resources Defense Council's energy and transportation program, said. "It just adds uncertainty to their products and the rules of the road they are complying with."

The requirements, which have been put in place over time starting with the 100-watt light bulb in 2012, will cut the nation's electricity costs by $12.5 billion dollars annually and avoid the equivalent of 30 new power plants, the environmental group estimates.

"It's a an ideological objection to government interference in the market place," said Kateri Callahan, president of the Alliance to Save Energy, a Washington-based nonprofit. "All the things that Dr. Burgess and other opponents to those standards said would happen—limited choice by consumer, high prices—none of that has borne out."

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Growth-Starved Utilities Have Found a New Way of Making Money

Posted July 27, 2017, 8:54 A.M. ET

By Christopher Martin, Jim Polson and Mark Chediak

There's a new model emerging for growth-starved utilities looking to profit from America's solar and wind power boom.

American Electric Power Co. is using it for a $4.5 billion deal that'll land the U.S. utility owner a massive wind farm in Oklahoma and a high-voltage transmission line to deliver the power. NextEra Energy Inc.'s Florida unit is using it to build solar farms. And in April, the chief executive officer of Xcel Energy Inc. said he'd use it to help add 3.4 gigawatts of new wind energy over the next five years.

Here's how it works: Some utilities that for years contracted to buy electricity from wind and solar farm owners are now shifting away from these so-called power purchase agreements, or PPAs. They're instead seeking approval from state regulators to buy the assets outright and recover the costs from customers through rates. While the takeovers are being branded as a cheaper way of securing power, saving ratepayers millions in the end, they also guarantee profits for utilities.

"We keep wondering why utilities are always signing PPAs that pass the cost through to customers," said Amy Grace, an analyst at Bloomberg New Energy Finance. "If you put it in your rate base, you can get a guaranteed return on it. There's a big upside to ownership."

With the cost of building solar and wind farms sliding and electricity demand weakening, owning renewables is a more attractive proposition than ever for utilities.

"The price of wind has come down enough that it's going to be competitive with anything else you're probably going to propose to build out there," Kit Konolige, a New York-based utility analyst for Bloomberg Intelligence, said by phone July 26.

Biggest Hurdle

The catch, of course, is regulatory buy-in. AEP will need approval from Arkansas, Louisiana, Oklahoma, Texas and federal regulators to purchase the 2,000-megawatt Wind Catcher farm from developer Invenergy LLC, build a 350-mile (563-kilometer) transmission line and bake the costs into customer rates. The company expects to file these plans with regulators on July 31.

Benjamin Fowke, chief executive officer of Minneapolis-based Xcel Energy, said in April that the company would seek approval to add 3.4 gigawatts of new wind energy and bill customers for as much as 80 percent of that investment through rates. He said at the time that wind energy is now the cheapest new form of generation.

NextEra has already gotten Florida's go-ahead to recover the costs of the solar farms its Florida utility is building through customer rates.

Should AEP gain similar approvals, the utility will be embarking on its most expensive renewable energy project yet, underscoring a dramatic shift in America's power mix. Once the largest consumer of coal in the U.S., AEP is now shuttering money-losing plants burning the fuel and

diversifying its resources along with the rest of the utility sector.

The Wind Catcher farm in Oklahoma is set to become the largest wind farm in the nation and the second-biggest in the world, according Invenergy.

AEP estimated that the low cost of the wind power will save customers $7 billion over 25 years. Construction on the farm began in 2016, and the plant is scheduled to go into service in mid-2020, Invenergy said by email.

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Natural Gas Severance Tax Bill Passes in Pennsylvania Senate

Posted July 27, 2017, 01:03 P.M. ET

By Leslie A. Pappas

Natural gas drillers in Pennsylvania would pay a severance tax and consumers will pay higher taxes on natural gas under a proposal the Pennsylvania Senate narrowly approved today. House Bill 542, which passed the Senate 26-24, would levy a severance tax on the extraction of natural gas on top of the state's existing impact fee, which is levied on natural gas producers per well drilled. The bill would also impose a new gross receipts tax on natural gas that will be paid by consumers.

The new gas taxes are part of a revenue proposal that includes widespread tax increases, the Senate's solution to plugging a $2 billion hole in the state's fiscal 2017-18 budget. The Pennsylvania Legislature passed $32 billion spending package on June 30 without revenues to back it up, and since then, has been arguing about how to pay for it.

The bill now goes to the House.

If Petronas Can't Beat U.S. LNG Suppliers, It Could Join Them

Posted July 27, 2017, 7:57 A.M. ET

By Natalie Obiko Pearson, Ryan Collins and Kevin Orland

Malaysia's Petroliam Nasional Bhd has pulled the plug on its $27 billion plan to ship liquefied natural gas from Canada's west coast to Asia, losing out to U.S. suppliers who got to market first.

Well, if it can't beat them, it may still join them.

With its Pacific Northwest LNG project now dead, Petronas, as the state-owned company is known, needs to find a home for the gas produced by its Progress Energy Canada Ltd. unit in Canada's massive Montney formation—and exporting from the U.S. might be its best bet.

"Given the high quality of Petronas' liquid-rich shale assets in Canada, it wouldn't be surprising if Petronas tried to monetize some of them into LNG through a U.S. Gulf Coast facility," said David Austin, a Vancouver-based energy lawyer at Clark Wilson LLP who has advised clients working in the Montney, one of the continent's most prolific and cheapest sources of gas.

Petronas' decision to scrap the Pacific Northwest plant underscores how Canada's natural gas

industry has struggled to compete with surging supplies from U.S. shale formations, which are already reaching buyers from Chile to China. As U.S. gas shipments to overseas buyers climb to a record and Canada's export projects remain stalled, Canadian drillers may have little choice but to send their output through Gulf Coast LNG terminals.

"That resource that we own is world class and highly competitive," Progress CEO Mark Fitzgerald said on a conference call Tuesday when asked about the possibility of exporting through the U.S. "We'll look at every option that we can to bring that to market."

Petronas' Progress wouldn't be the first Canadian producer to turn to the U.S. for help in exporting gas. Cheniere Energy Inc., which owns two LNG terminals on the Gulf Coast, signed its first Montney supply deal with Calgary-based Seven Generations Energy Ltd. earlier this year.

Cheniere is "absolutely" looking at other Canadian natural gas suppliers, Corey Grindal, senior vice president of gas supply, said in a June 26 interview in Houston. "We are in conversations with others."

Grindal also said Cheniere is in discussions about whether additional infrastructure needs to be built, potentially with a partner, "to get gas from the Montney down to one or both our terminals." Cheniere operates the Sabine Pass terminal in Louisiana and is building a second near Corpus Christi, Texas.

The Montney, a formation sometimes referred to as the "the Permian of the North" after the massive Texas oil and gas field, straddles the provinces of British Columbia and Alberta. The play holds about 449 trillion cubic feet of marketable natural gas, according to a 2013 estimate from Canada's National Energy Board. That's about half the total reserves of Qatar, the world's biggest exporter of liquefied natural gas.

Seeking Markets

But Canadian oil and gas producers face limited options in finding potential customers for their supply. Regulatory delays and environmental opposition have long stymied pipeline and LNG terminal projects seeking to ship out of Canadian ports to newer, more profitable markets.

Canada "has a tremendous resource, but market outlets are limited," Matthew Phillips, director at Guggenheim Securities LLC in Dallas said.

Petronas spent C$5.2 billion to buy Progress Energy in 2012 to take control of gas fields in the Montney intended to supply the LNG terminal. Progress, with partners China Petrochemical Corp., Japan Petroleum Exploration Co., Indian Oil Corp. and Brunei's state oil company, produce more than 750 million cubic feet equivalent of natural gas per day, according to the company's website.

"There's just a huge amount of it," said Samir Kayande, director at Calgary-based RS Energy Group. "What they need to do is figure out what the market for that gas is."

TransCanada Corp., which was building the North Montney Mainline to supply Montney gas to Petronas' LNG terminal, said earlier this year that the pipeline would be successful even without the facility.

The line "is needed whether or not LNG goes ahead," Shawn Howard, a spokesman for TransCanada, said in an email. "The Montney basin is one of the lowest-cost, most prolific North American shale plays, and production growth in this area requires additional infrastructure to

connect supply to existing or new markets."

Canadian producers looking to boost gas exports to the U.S. will face stiff competition from producers in the Marcellus shale basin of Pennsylvania and West Virginia, Phillips said. A U.S. export valve is unlikely to resolve the basic conundrum facing stranded Canadian producers: better prices.

"It means we're beholden to the U.S.," said Andy Mah, chief executive officer of Calgary-based Advantage Oil & Gas Ltd. "Until we can start recognizing that we have something of value and make it happen, we're going to be at their mercy."

—With assistance from Robert Tuttle.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 8/2/2017 6:47:16 PM
Subject: NOAA measures largest Gulf dead zone ever

By Annie Snider

08/02/2017 02:44 PM EDT

Federal scientists have measured the largest dead zone in the Gulf of Mexico ever recorded, with this year's oxygen-depleted area covering a space roughly the size of New Jersey.

The National Oceanic and Atmospheric Administration, which lead the measurements, said the sprawling dead zone is fed by nutrient pollution washing down the Mississippi River, primarily from farms and urban and suburban runoff. Such "non-point pollution," in Clean Water Act parlance, is not federally regulated and is difficult to control. These nutrients spawn massive algae blooms that suck oxygen from the water as they decompose.

At 8,776 square miles, the dead zone continues to grow despite efforts launched in the 1990s to shrink it. A task force of state and federal agencies had set a goal in 2001 that aimed for the dead zone to be more than four and a half times smaller by now.

Scientists estimate that to shrink the dead zone to the goal of 1,900 square miles would require a 45 percent reduction in nutrient pollution along the Mississippi River. In 2015, when the federal-state task force missed its goal, it said it would take another two decades to reach those levels using voluntary, state-led efforts. The task force set an interim goal of cutting pollution by 20 percent by 2025.

WHAT'S NEXT: State and federal agencies have promoted voluntary efforts to measure and study nutrient pollution problems in the U.S., but the Trump administration has shown little interest in potentially controversial, more hands-on efforts to stanch nutrient pollution.

To view online:
https://www.politicopro.com/agriculture/whiteboard/2017/08/noaa-measures-largest-gulf-dead-zone-ever-091410

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Subject: July 07 -- Energy and Climate Report

Energy and Climate Report

July 07, 2017 - Number 130

News

Air Pollution
Los Angeles Refineries to Pay More for Excessive Flaring
Los Angeles area oil refineries face higher fees for unplanned and repeat flaring events under a new local regulation.

Chemical Safety Board
Safety Board's Push for Exxon Records Carries High Stakes
A years-long dispute over the Chemical Safety Board's access to ExxonMobil Corp. documents will enter a new phase at a Los Angeles federal courthouse in August, posing a test for the agency—and for corporations seeking to avoid disclosure that could prompt new regulations.

Cybersecurity
Russians Are Said to Be Suspects in Nuclear Site Hackings
Hackers working for a foreign government recently breached at least a dozen U.S. power plants, including the Wolf Creek nuclear facility in Kansas, according to current and former U.S. officials, sparking concerns the attackers were searching for vulnerabilities in the electrical grid.

Endangered Species
Sage Grouse Lawsuits on Hold Pending Interior Action
Three court fights over protections for the greater sage grouse were halted as the Interior Department reconsiders its strategy for protecting the birds, which could impact energy production, mining, and livestock operations.

Energy
Cooler Efficiency Rule Issued, Others on Ice at Energy Agency
It was a welcome breath of cold air for refrigeration companies and energy efficiency advocates when the Energy Department released a walk-in cooler and freezer energy efficiency standard that was held at the end of the Obama administration.

Energy
Germany Extends Tax Breaks for Natural Gas Production
A plan to extend significant tax breaks for production of both natural gas and liquefied petroleum gas through 2023 was approved July 7 by German lawmakers, who deemed the measure deemed necessary for the country's problematic transportation sector.

Energy

Germany Moves to Equalize Consumer Electric Grid Costs
The upper house of the German Parliament, the Bundesrat, passed a bill July 7 that clears the way for the government to harmonize long-distance electricity transmission costs across the country by 2023, a move many welcome but say comes too late at too high a cost.

Energy
Millennials and Their iPhones Are Killing Traditional Utilities
It won't be long, experts say, before the average Londoner will be able to program her day to start this way:

General Policy
Week Ahead: Senate Expected to Confirm New Regulatory Chief
The Trump administration's pick for chief regulatory officer is expected to win Senate confirmation, one of several developments on environment and energy issues during the week of July 10.

International Climate
China, EU Bolster Greener Global Shipping to Curb Emissions
The trillion-dollar global shipping industry may soon be forced to curb greenhouse gas emissions under new rules backed by the European Union and China.

Oil Spills
NAFTA Agency Asked to Study Leaks From Oil Sands Operations
The commission that addresses environmental issues under the North American Free Trade Agreement said July 7 it has been asked to review Canada's enforcement of rules that prohibit toxic leaks from oil sands operations in Alberta.

Regulatory Policy
EPA Defeat on Methane Could Hinder Other Regulatory Rollbacks
A defeat in court of the EPA's plan to postpone methane standards for oil and gas wells could bolster challenges to delays of emissions limits for landfills and regulations for new chemical plant security.

Renewable Energy
Tesla to Build World's Largest Energy Storage Battery in Australia
Tesla will install the world's largest energy storage battery in South Australia and will get the job done in 100 days, Premier Jay Weatherill announced July 7.

Vehicle Fuels
France Aims to End Sale of Fossil Fuel-Powered Cars by 2040
France plans to end the sale of gasoline- and diesel-powered vehicles by 2040 in a bid to become a carbon-neutral nation, Energy Minister Nicolas Hulot said, effectively promoting electric cars.

Vehicle Fuels
Late to the Battery-Car Race, VW Says It Can Still Blunt Tesla
Volkswagen AG will start deliveries of its first standalone battery-powered models in 2020, around the time that Tesla Inc. wants to hand over 1 million vehicles a year. So why does the German carmaker think it can stop the U.S. electric-auto pioneer in its tracks?

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 8/28/2017 7:26:37 PM
Subject: EPA inspector general to probe Pruitt's travel to Oklahoma

By Alex Guillén

08/28/2017 03:22 PM EDT

EPA's inspector general will probe Administrator Scott Pruitt's travel in response to complaints from Democratic lawmakers that Pruitt may have violated agency policies during to his visits to his home state of Oklahoma.

House Democrats asked the IG to investigate in July following an Environmental Integrity Project report showing Pruitt spent 43 out of 92 days between March and May in Oklahoma or traveling to or from the state, where he previously was attorney general.

A memo today from the IG's office says the focus will be on "policies, procedures and oversight controls pertaining to the Administrator's travel to Oklahoma."

Investigators will look at the "frequency, cost and extent" of Pruitt's travel to Oklahoma through July 31, whether travel policies were followed for Pruitt and any staff and bodyguards traveling with him, and whether EPA's policies "are sufficiently designed to prevent fraud, waste and abuse with the Administrator's travel that included trips to Oklahoma."

EPA has rejected allegations that Pruitt traveled home improperly on taxpayer money. Pruitt's travel "all serves the purpose of hearing from hard-working Americans about how EPA can better serve the American people," spokeswoman Liz Bowman said last month.

The inquiry was requested by congressional Democrats. A letter today to those lawmakers said the IG's office will also refer their complaint to EPA ethics officials "to determine whether there are any aspects of this matter that they wish to pursue." EIP also requested an IG inquiry.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/epa-inspector-general-to-probe-pruitts-travel-to-oklahoma-092161

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Yes, very	Somewhat	Neutral	Not really	Not at all

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 11/2/2017 12:33:07 PM
Subject: Nov. 02 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

November 02, 2017 - Number 211

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Air Quality Designations for the 2008 Ozone NAAQS/Philadelphia Area
AIR

Final rule of the EPA determines that the Philadelphia-Wilmington-Atlantic City, Pa.-N.J.-Md.-Del., marginal ozone nonattainment area has attained the 2008 ozone NAAQS based on monitoring data for 2013-2015. The determination does not constitute a redesignation to attainment and is not a clean data determination. The rule is effective Dec. 4, 2017. Contact: Gregory Becoat; EPA Region 3; 215-814-2036; becoat.gregory@epa.gov. Citations: 40 CFR 52.425, 52.1082, 52.1576, 52.2056

82 FR 50814 (11/02/2017)

Regulatory Update

AIR
Clean Air Act Advisory Committee Meeting
AIR

Notice of the EPA announces a meeting of the Clean Air Act Advisory Committee. The committee advises the EPA on issues related to implementation of the 1990 Clean Air Act Amendments. The meeting is scheduled for Dec. 12, 2017, in Washington, D.C. Contact: Tamara Saltman; EPA, Office of Air and Radiation; 202-564-2781; saltman.tamara@epa.gov

82 FR 50869 (11/02/2017)

Regulatory Update

AIR
Electric Motors and Small Electric Motors Test Procedures
AIR

Notice of the Energy Department, Office of Energy Efficiency and Renewable Energy, announces the receipt of petitions and requests information on potential revisions to the test procedure for electric motors and small electric motors. The petitions, which were submitted by the National Electrical Manufacturers Association, of Arlington, Va., and UL LLC, of Northbrook, Ill., request incorporation of the IEC 60034-2-1:2014 test methods 2-1-1A and 2-1-1B as alternative test methods for determining the energy efficiency of electric motors and small electric motors. Comments are due Jan. 2, 2018. Contact: Jeremy Dommu; DOE, Building Technologies Program; 202-586-9870; ApplianceStandardsQuestions@ee.doe.gov. Citations: 10 CFR 431, Subparts B, X

82 FR 50844 (11/02/2017)

Regulatory Update

AIR
Illinois/Volatile Organic Compounds
AIR

Direct final rule of the EPA approves revisions to the Illinois SIP concerning the control of ozone. The revisions update the definition of volatile organic material to remove the recordkeeping and reporting requirements related to the use of t-butyl acetate and to clarify the list of compounds excluded from the definition. The rule is effective Jan. 2, 2018, unless adverse comments are received by Dec. 4, 2017. Contact: Charles Hatten; EPA Region 5, Air Programs Branch; 312-886-3031; hatten.charles@epa.gov. Citations: 40 CFR 52.720

82 FR 50811 (11/02/2017)

Regulatory Update

AIR
Illinois/Volatile Organic Compounds
AIR

Proposed rule of the EPA would approve revisions to the Illinois SIP concerning the control of ozone. The revisions update the definition of volatile organic material to remove the recordkeeping and reporting requirements related to the use of t-butyl acetate and to clarify the list of compounds excluded from the definition. A concurrent direct final rule adopts the revisions, effective Jan. 2, 2018. Comments are due Dec. 4, 2017. Contact: Charles Hatten; EPA Region 5, Air Programs Branch; 312-886-3031; hatten.charles@epa.gov. Citations: 40 CFR 52.720

82 FR 50853 (11/02/2017)

Regulatory Update

AIR
Michigan SIP/Minor New Source Review
AIR

Notice of the EPA announces the reopening of the comment period for an Aug. 15, 2017, proposed rule (82 FR 38651) to approve portions of revisions to the Michigan SIP regarding the permit-to-install (PTI) minor new source review program. The revisions provide a waiver from the

requirement to obtain a PTI prior to the start of construction for minor construction activities and activities not considered construction or reconstruction under NESHAP standards. The revisions also add several categories of exemptions from the requirement to obtain a PTI and address required application materials and the processing of applications. Revisions to the public notice requirements will be addressed in a separate action. In response to multiple requests, comments now are due Dec. 4, 2017. Contact: Rachel Rineheart, EPA Region 5, Air Programs Branch; 312-886-7017; Rineheart.rachel@epa.gov. Citations: 40 CFR 52

82 FR 50853 (11/02/2017)

Regulatory Update

AIR
Minnesota SIP/Clean Air Act State Board Requirements
AIR

Final rule of the EPA approves revisions to the Minnesota SIP that address the Minnesota Pollution Control Agency and state board requirements under Clean Air Act Section 128. The revisions also incorporate state statutes into the SIP to address infrastructure requirements relating to state boards for the 1997 ozone, 1997 particulate matter (PM-2.5), 2006 PM-2.5, 2008 lead, 2008 ozone, 2010 nitrogen dioxide, 2010 sulfur dioxide, and 2012 PM-2.5 NAAQS. The approval does not apply to sources located within Indian country. The rule is effective Dec. 4, 2017. Contact: Eric Svingen; EPA Region 5, Air Programs Branch; 312-353-4489; svingen.eric@epa.gov. Citations: 40 CFR 52.1220

82 FR 50807 (11/02/2017)

Regulatory Update

AIR
Pennsylvania SIP/Lebanon County PM-2.5 Nonattainment Area
AIR

Proposed rule of the EPA would make a determination that the Lebanon County nonattainment area in Pennsylvania has attained the 2012 fine particulate matter (PM-2.5) NAAQS, based on ambient air monitoring data for 2014-2016. Comments are due Dec. 4, 2017. Contact: Maria Pino; EPA Region 3; 215-814-2181; pino.maria@epa.gov. Citations: 40 CFR 52

82 FR 50851 (11/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Alaska/Salmon and Annex Creek Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of an environmental assessment for the Salmon Creek and Annex Creek Hydroelectric Project, located in Juneau, Alaska. The project, proposed by Alaska Electric Light & Power Co., of Juneau, consists of the existing Salmon Creek Development and the Annex Creek Development, each including a dam, reservoir, and powerhouse. The project occupies 648.45 acres of Tongass National Forest lands administered by the U.S. Forest

Service. The EA provides the agency's conclusion that relicensing the project with appropriate environmental protective measures would not constitute a major federal action that would significantly affect the quality of the human environment. Comments are due Nov. 24, 2017. Contact: Suzanne Novak; FERC; 202-502-6665; Suzanne.novak@ferc.gov

82 FR 50867 (11/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Control of Yellow Toadflax
GENERAL ENVIRONMENT AND SAFETY

Notice of the Animal and Plant Health Inspection Service announces an extension of the comment period for a draft environmental assessment regarding control of yellow toadflax, an invasive plant in pastures and crops, particularly in the northern prairies of North America (82 FR 45796; 10/02/2017). The EA addresses the proposed issuance of permits for the field release of the stem gall weevil into the continental U.S. for classical biological control of yellow toadflax. Comments now are due Nov. 16, 2017. Contact: Colin Stewart; APHIS; 301-851-2327; Colin.Stewart@aphis.usda.gov

82 FR 50855 (11/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Florida/Okeechobee Lateral Pipeline Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to prepare an environmental assessment for the Okeechobee Lateral Pipeline Project in Okeechobee County, Fla. The project, proposed by Florida Southeast Connection LLC, of Juno Beach, Fla., would consist of the construction and operation of 5.2 miles of natural gas transmission pipeline to connect the mainline system with the Florida Power & Light Co.'s Okeechobee Clean Energy Center to provide 400 million cubic feet per day of natural gas. Comments are due Nov. 22, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 50864 (11/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oklahoma/Cana Stack Expansion Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Enable Gas Transmission LLC, of Houston, regarding the proposed Cana Stack Expansion Project in Grady and McClain counties in Oklahoma. The project would include the construction and operation of the Byars Lake Compressor Station; the installation of interconnect facilities consisting of a 12-inch hot tap, overpressure protection, and valves; and the addition of auxiliary equipment at the existing Amber Junction Compressor Station. The agency will complete an environmental assessment or

issue a notice of schedule of environmental review by Jan. 25, 2018. Protests and motions to intervene are due Dec. 26, 2017. Contact: FERC; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 50868 (11/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Patient Engagement Advisory Committee
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the renewal of the charter of the Patient Engagement Advisory Committee until Oct. 6, 2019. The committee advises the FDA commissioner on medical devices, their effectiveness, and their safety for human use. The committee provides advice and recommendations for agency guidance documents and policies, clinical trial or registry design, patient preference study design, benefit-risk determinations, device labeling, unmet clinical needs, available alternatives, patient reported outcomes, and device-related quality of life or health status issues. Contact: Letise Williams; FDA, Center for Devices and Radiological Health; 301-796-8398; Letise.Williams@fda.hhs.gov

82 FR 50882 (11/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pediatric Advisory Committee Nominations
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a request for nominations for nonvoting industry representatives to serve on the Pediatric Advisory Committee. The agency also seeks to identify industry members who are interested in participating in the selection of such representatives. Nominations and notifications are due Dec. 4, 2017. Contact: Marieann Brill; FDA, Office of the Commissioner; 240-402-3838; marieann.brill@fda.hhs.gov

82 FR 50883 (11/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Radiopharmaceuticals Used for Diagnosis and Monitoring
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the FDA to seek OMB approval for a continuing information collection request concerning regulations for in vivo radiopharmaceuticals used for diagnosis and monitoring. The collection addresses the information required to be submitted by manufacturers of diagnostic radiopharmaceuticals to demonstrate the safety and effectiveness of new diagnostic radiopharmaceuticals or new indications for use of an approved diagnostic radiopharmaceutical. The information includes, but is not limited to, nonclinical and clinical data on the pharmacology, toxicology, adverse events, radiation safety assessments, chemistry, manufacturing, and controls. Comments are due Jan. 2, 2018. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRAStaff@fda.hhs.gov. Citations: 21 CFR 315

82 FR 50885 (11/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Uranium Data Program
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Energy Department, Energy Information Administration, to seek OMB approval for a continuing information collection request regarding the Uranium Data Program, which collects data on domestic uranium supply and demand activities. The collection addresses the forms used to collect the necessary data for the annual (EIA-851A) and quarterly (EIA-851Q) Domestic Uranium Production Report, which addresses uranium milling and processing, uranium feed sources, uranium mining, employment, drilling, expenditures, and uranium reserves. The collection also addresses the form used to collect data for the Uranium Marketing Annual Report (EIA-858), which addresses uranium contracts and deliveries, inventories, enrichment services purchased, uranium in fuel assemblies, feed deliveries to enrichers, and unfilled market requirements for the current year and the following 10 years. Comments are due Jan. 2, 2018. Contact: Tim Shear; EIA; 202-586-0403; Tim.Shear@eia.gov

82 FR 50863 (11/02/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
California/Cooper Drum Co. Superfund Site
HAZARDOUS WASTE CLEANUP

Notice of the Justice Department announces a proposed consent decree in United States v. Cooper Living Trust (Civil Action No. 2:17-cv-7836), lodged on Oct. 26, 2017, with the U.S. District Court for the Central District of California, Western Division. The consent decree resolves claims under CERCLA for recovery of response costs incurred by the U.S. and addresses soil and groundwater contamination at the Cooper Drum Co. Superfund Site in Los Angeles County, Calif. The consent decree requires the defendants to sell the property adjacent to the site and to pay the U.S. the greater of 90 percent of the net sales proceeds or $2.5 million. Comments are due Dec. 4, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 50893 (11/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Fire Brigades Standard
OCCUPATIONAL SAFETY AND HEALTH

Notice of the Labor Department, Office of the Secretary, on behalf of OSHA, announces the submission of a continuing information collection request to the OMB concerning the fire brigades standard. The standard applies to discretionarily established fire brigades, industrial fire departments, and private or contract fire departments, but not airport crash rescue units or forest firefighting operations. The collection addresses requirements for covered employers to

develop and maintain an organizational statement that describes the functions performed by brigade members and the level of training and type of personal protective equipment necessary for members to perform assigned functions safely. The collection also addresses requirements for workers' fitness physician's certificates and hazard communications and safety training for special hazards, including storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water-reactive substances. Comments are due Dec. 4, 2017. Contact: Michel Smyth; DOL; 202-693-4129; DOL_PRA_PUBLIC@dol.gov. Citations: 29 CFR 1910.156

82 FR 50896 (11/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Fire Protection in Shipyard Employment Standard
OCCUPATIONAL SAFETY AND HEALTH

Notice of the Labor Department, Office of the Secretary, on behalf of OSHA, announces the submission of a continuing information collection request to the OMB regarding the fire protection in shipyard employment standard. The collection concerns requirements for employers to develop a written fire safety plan and written statements or policies that contain information about fire watches and fire response duties and responsibilities. The collection also concerns requirements for employers to obtain medical exams for certain workers, to develop training programs and train employees exposed to fire hazards, and to create and maintain records certifying employees have been made aware of the details of the fire safety plan. Comments are due Dec. 4, 2017. Contact: Michel Smyth; DOL; 202-693-4129; DOL_PRA_PUBLIC@dol.gov. Citations: 29 CFR 1915, Subpart P

82 FR 50895 (11/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Ionizing Radiation Standard
OCCUPATIONAL SAFETY AND HEALTH

Notice of the Labor Department, Office of the Secretary, on behalf of OSHA, announces the submission of a continuing information collection request to the OMB regarding the ionizing radiation standard. The collection documents that employers are providing their workers with protection from hazardous ionizing radiation exposure by monitoring worker exposure to ionizing radiation, posting caution signs at radiation areas, reporting worker overexposures to OSHA, maintaining exposure records, and providing exposure records to current and former workers. Comments are due Dec. 4, 2017. Contact: Michel Smyth; DOL; 202-693-4129; DOL_PRA_PUBLIC@dol.gov. Citations: 29 CFR 1910.1096

82 FR 50894 (11/02/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses
WATER

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water in September 2017. The notice addresses 15 projects by rule for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net. Citations: 18 CFR 806.22

82 FR 50930 (11/02/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water
WATER

Notice of the Susquehanna River Basin Commission announces one project rescinded for the consumptive use of water during September 2017. The project is located in Bradford County, Pa. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net. Citations: 18 CFR 806.22

82 FR 50930 (11/02/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 6/12/2017 11:59:34 PM
Subject: June 12 -- Energy and Climate Report



Energy and Climate Report

June 12, 2017 - Number 112

News

Climate Change
U.S. Finds Isolated Climate Change Stance at G-7 Talks
Two days of talks among Group of Seven environment ministers confirmed a crack between the world's other leading industrial nations and the U.S. over climate change issues.

Coal Mining
Arch Coal Could Expand Mining in Colorado Under Draft Plan
Arch Coal Inc. would be able to expand the area it can explore for coal deposits in northwest Colorado under the Forest Service's preferred alternative in a recent environmental analysis, raising the ire of environmentalists.

Emissions Trading
California Budget Bills Fail to Extend Cap-and-Trade
California budget bills on June 12 didn't include legislation Gov. Jerry Brown (D) is seeking to reauthorize the state's greenhouse gas emissions cap-and-trade program.

Energy
Big Oil's Clean Energy Ambitions Face Limits, Consultant Says
The world's biggest oil companies probably won't become renewable energy majors, according to industry consultant Wood Mackenzie Ltd.

Energy
Hydro Bills Pass House as Senate Takes Up Similar Measures
The House signed off on a set of hydropower and minor energy bills June 12, just as a Senate panel prepared to take up its own hydro measures.

Insurance
Insurers May Face Challenges From a U.S. Climate Deal Exit
The insurance industry could face challenges from climate change in the long term if the U.S. exits the Paris climate accord. But the industry sees the deal's goals as reachable through other methods, the world's largest reinsurer told Bloomberg BNA.

International Climate
EPA Head Blamed Obama for Paris Deal at G-7 Climate Summit
Environmental Protection Agency chief Scott Pruitt blamed former President Barack Obama for forging a bad Paris climate deal, leaving the U.S. with the job of extricating itself, the German environment minister said.

International Climate

Europe's Climate Advice Business Resilient to Trump Paris Exit

Europe's largest architecture and engineering consultancy says President Donald Trump's decision to pull the U.S. out of the Paris climate accord won't disrupt demand for advice on efforts to counter global warming.

International Climate

U.S. Says It Has Seat at Climate Talks—But Is It at Kids' Table?

The White House is insisting it will still have a seat at the table at the next United Nations climate summit just before Thanksgiving in Bonn—but President Donald Trump's exit from the Paris climate pact may mean the U.S. won't be sitting at the adults' table. Administration officials, including Secretary of State Rex Tillerson and EPA Administrator Scott Pruitt, insisted the U.S. still has a voice in climate negotiations, noting Trump stopped short of pulling out of ...

Natural Resources

Bears Ears Monument Boundaries Probably Extend Too Far: Zinke

Interior Secretary Ryan Zinke is recommending a reduction of the size of the Bears Ears National Monument and a legislative change to allow tribal co-management of the monument, Zinke told reporters in a teleconference June 12.

Renewable Energy

Goldman Is Buying Clean Energy to Help Power Its U.S. Operations

Goldman Sachs Group Inc. isn't just matching renewable-power plants with corporations looking to buy wind or solar power. It'll soon be a buyer of clean energy, too.

Science Policy

EPA Research Office Deputizes House Science Committee Aide

A House Science, Space and Technology committee staff member took over the EPA deputy slot at the Office of Research and Development (ORD) June 12, according to an internal memo obtained by Bloomberg BNA.

Correction

The story, "Lawmakers, Regulators Stress Urgency to Renew Mine Cleanup Fee," published June 8, was updated to reflect new information about the expenditure of Abandoned Mine Land funds, which the agency submitted to Congress after the hearing. The online version has been updated.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Thur 6/8/2017 11:15:21 AM
Subject: The Morning Headlines from InsideEPA.com -- June 8, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

June 8, 2017

Latest News

Environmentalists, States See Major Legal Barriers To EPA's Ozone Delay

Environmentalists and some states say EPA Administrator Scott Pruitt faces major legal barriers to his plan for delaying by one year designations for whether areas are attaining the 2015 ozone ambient air standard, and suggest Pruitt is aware of the hurdles and that his move aims to "buy time" for EPA to formally undo the 2015 limit.

EPA Anticipates Expedited OMB Review For TSCA Framework Regulations

EPA's acting toxics chief remains confident the agency will meet a looming June 22 statutory deadline for finalizing the trio of framework rules that implement the new Toxic Substances Control Act (TSCA), in part because the agency expects the Office of Management and Budget (OMB) will conduct expedited reviews for the two rules that require it.

Sessions' Ban On Third-Party Monetary Deals Could 'Cripple' SEPs, EIP Says

Attorney General Jeff Sessions' new policy barring monetary payments to third parties as part of civil settlements could "cripple" supplemental environmental projects (SEPs) that have been part of such deals for 40 years and provide additional benefits beyond directly cleaning up pollution at issue in enforcement actions, environmentalists say.

Democrats' Fears Over OIRA Nominee Take Back Seat To Oversight Worries

Democrats appear to have few substantive concerns with the Trump administration's pick to head the White House regulatory review office, even while expressing concern that the nominee, Neomi Rao, could play a major role in rolling back EPA and other agency regulations that protect the environment and public health.

Power Supplier Warns Air Rule Waiver Decision Will Prevent Compliance

A power supplier is warning that an appellate court ruling backing an EPA air toxics rule that does not allow for emissions limit violations even during unit malfunctions will make compliance with other air toxics rules impossible, because the agency will

follow the decision in rulemakings unless the Supreme Court overturns it.

OTC Warns Designations Delay Will Stop 'Momentum' On Reducing Ozone

SARATOGA SPRINGS, NY -- Members of the Ozone Transport Commission (OTC) of Northeast and Mid-Atlantic states are warning that early data show 2017 ozone levels are worsening and that EPA's one-year delay for implementing the 2015 ozone ambient air limit risks stopping the states' “momentum” on tackling ozone air pollution.

9th Circuit Ruling Could Slow EPA Nanomaterial Conditional Registrations

Environmentalists and industry sources agree that an appellate court's striking down EPA's conditional registration of a pesticide containing nanosilver could slow future registrations, as it raises the bar for granting such approvals and could also prompt the agency to revisit prior policy choices for how it handles nano registrations.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sat 10/7/2017 2:29:58 PM
Subject: POLITICO Playbook, presented by Koch Industries: A health care deal with Democrats? THE PROBLEMS -- PUERTO RICO may need even MORE cash -- JOHN KELLY hasn't returned former COS phone calls -- OBAMA joining Columbia Country Club -- SPOTTED AT THE NATS GAME

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by Koch Industries

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

Good Saturday morning. @realDonaldTrump at 8:17 a.m.: "I called Chuck Schumer yesterday to see if the Dems want to do a great HealthCare Bill. ObamaCare is badly broken, big premiums. Who knows!"

-- HERE IS WHAT WE KNOW, MR. PRESIDENT : Republicans control both chambers. The two parties agree on little when it comes to health care. Top Republicans -- including your White House -- sent signals that it opposed a bipartisan health care negotiation between Sens. Lamar Alexander (R-Tenn.) and Patty Murray (D-Wash.) in the Senate. You've threatened to stop Obamacare stabilization payments. If you want a deal with Democrats, it's going to require you abandoning long held positions, which, of course, is possible. But remember: you'll need cooperation of the majority, which doesn't like to feel cut out. And you might need 60 votes. And, remember: many who were opposed to the previous health care bill want an open process. Cutting a deal with Schumer isn't an open process. **ALSO, FROM A DEMOCRATIC AID**E: "Particularly after the birth control decision yesterday, the administration has to stop sabotaging the law before anything real can happen."

SCHUMER'S TAKE: "The president wanted to make another run at repeal and replace and I told the president that's off the table. If he wants to work together to improve the existing health care system, we Democrats are open to his suggestions. A good place to start might be the Alexander-Murray negotiations that would stabilize the system and lower costs."

-- WHERE THE HEALTH CARE FIGHT STANDS: "Health-Care Standoff in Washington Raises Stakes of State-Level Fights," by WSJ's Stephanie Armour: "The collapse of the Republican effort to overhaul the health-care system and the resulting

standoff in Washington has pushed the fight to the states, where a brewing conflict over Medicaid is shaping up as the next battleground. The Trump administration is expected to rule soon on Kentucky's push to impose work requirements and other rules on Medicaid enrollees, as other states line up to follow suit. Democrats say that would weaken the program." http://on.wsj.com/2xpDM48

ALSO ON THE PRESIDENT'S MIND: "Trump cites FCC equal time rule in dig at 'unfunny' late-night comedians," by Brent Griffiths: "President Donald Trump mused Saturday morning about whether he and his fellow Republicans should receive equal time on TV due to what he sees as consistently unfair coverage from late-night comedians. 'Late Night host are dealing with the Democrats for their very 'unfunny' & repetitive material, always anti-Trump! Should we get Equal Time?' Trump wrote on Twitter Saturday. He later added: 'More and more people are suggesting that Republicans (and me) should be given Equal Time on T.V. when you look at the one-sided coverage?'

"Trump appears to be referencing the FCC's equal time rule, which applies to broadcast TV and radio stations, not cable TV. More importantly, the provisions only apply to a legally qualified candidate for public office, so it's unclear how this would apply to the president, who is not up for re-election until 2020. The president also seemed to be inferring that the equal time provision would apply to commentaries, like Jimmy Kimmel's monologues on health care. It is unclear how this would fall under equal time, since the rule is usually invoked when a candidate appears on the program or is granted some other form of free air time." http://politi.co/2z5HRYj

COMING ATTRACTIONS -- PUERTO RICO NEEDS CASH : The governor of Puerto Rico has been calling Washington because the government is in a serious cash crunch. Tax revenue is non-existent at the moment and there are fears the government could shut down, according to multiple Capitol Hill sources involved. The White House is aware of the issue, and Treasury is taking the lead, our sources tell us. This potential cash infusion would be in addition to the disaster relief money Puerto Rico needs. The need to keep ponying up massive amounts of money to help fund relief in Puerto Rico, Texas, Florida and potentially Louisiana could become contentious on Capitol Hill. Republicans have in the past pushed to cut spending to cover the costs of funding bills like these.

ANNIE KARNI: "Kelly hasn't returned former chiefs of staff's messages: The former Marine general has charted his own path in the White House, largely keeping his own counsel rather than leaning on his predecessors": "When John Kelly was named White House chief of staff in July, one of his predecessors in the job, Rahm Emanuel, called his office to wish him luck and offer himself as a resource. Bill Daley, another former chief to President Barack Obama, sent him a note with the same message: My line is open if you need anything.

"Neither message was ever returned. In his first two frenetic months on the job, the retired four-star Marine general and former homeland security secretary has had

minimal contact with the small club of people who have served as gatekeepers to a president before him." http://politi.co/2kytmt5

-- THIS MIRRORS WHAT WE HAVE HEARD on Capitol Hill. Republicans have told us calls to Kelly frequently go unanswered for days, or even weeks. One lawmaker told us it's easier to get in touch with the president than his chief of staff.

BOSTON GLOBE'S ANNIE LINSKEY on **PAGE ONE** of the Saturday paper -- **"John Kelly: The Boston native in charge of bringing order to President Trump's White House"** http://bit.ly/2fZyJzK

WAPO -- "Nearly six dozen charter and military flights by Cabinet members, mapped" http://wapo.st/2xpij6j

IF YOU READ ONE THING - DEXTER FILKINS in The New Yorker, **"Rex Tillerson at the Breaking Point:** Will Donald Trump let the Secretary of State do his job?": "Before taking office, Tillerson ran a corporation whose reach and success have few rivals in American history. In government, he has been uncomfortably subordinate to an unpredictable man. 'I think running a Fortune 500 company is a whole lot easier than working as a Cabinet official, running foreign policy for the United State government,' a senior Trump Administration official told me. 'It's two different worlds. You cannot be God. The big, dirty secret about Washington is that no one has a lot of power in this town, O.K.? Even the wannabe Machiavellis don't do well in this town.' ...

"According to the senior Administration official, Nikki Haley, the U.N. Ambassador, is seen as the most effective diplomat in the crisis; twice she has rallied unanimous support for tighter sanctions at the U.N. Security Council, despite the members' reluctance to discomfit China. 'Nikki's getting it done,' the official told me. 'She's bringing home the bacon.' This has apparently fed an enmity between Tillerson and Haley. 'Rex hates her,' the official said. 'He f***ing hates her.'" http://bit.ly/2y5IW4s

SUICIDE PACT, WHAT SUICIDE PACT? -- A source close to Treasury Secretary Steven Mnuchin is throwing cold water on the report that Mnuchin, Secretary of State Rex Tillerson and Defense Secretary Jim Mattis are part of an agreement that if one of them leaves the administration, all three would leave. "He is not part of any suicide pact. He enjoyed working with the president on the campaign and is honored to serve in his cabinet," the source said.

****** **A message from Koch Industries:** Facing challenges can be intimidating. But at Koch, it's how we work. From creating renewable fuels to designing innovations that make vehicles more aerodynamic and energy-efficient, we challenge the status quo. Our more than 70,000 U.S. employees help reduce waste, and make everyday products better. See for yourself at ChallengeAccepted.com. ******

THE NEW SWAMP -- "Report: Trump-tied lobbyists cash in on their connections," by AP's Tami Abdollah: "Records through Aug. 31 showed at least 44 registered federal

lobbyists with ties to Trump or Vice President Mike Pence. These firms have collectively billed nearly $41.8 million to clients - seven of the 10 most lucrative being foreign interests, according to the analysis of federal lobbying disclosure filings.

"Clients have included the owner of a private equity group that received government approval to take over the major for-profit college chain University of Phoenix, and the directors of Wells Fargo, which has faced increased government scrutiny after its workers created bogus accounts for unwitting clients. Others include the Kingdom of Saudi Arabia, the governments of Afghanistan, Kenya, Iraq, Guatemala and Malaysia, and Moise Katumbi, the opposition leader in the Democratic Republic of the Congo." http://bit.ly/2ghHORs

2018 WATCH -- "Arizona Sen. Flake's vulnerability feeds GOP Senate concerns," by AP's Michael Balsamo and Brian Melley in Phoenix: "Arizona Republican Sen. Jeff Flake's re-election race is becoming a case study in the GOP's convulsions between the establishment, a furious base and angry donors. After bucking Donald Trump in a state the president won, Flake is bottoming out in polls. Yet Republicans look like they may be stuck with a hard-core conservative challenger who some fear could win the primary but lose in the general election.

"A White House search for a candidate to replace former state Sen. Kelli Ward in the primary appears to have hit a wall. And now conservatives want to turn Arizona into the latest example of a Trump Train outsider taking down a member of the GOP establishment. ... Despite discontent among some Republicans over Ward, Bannon met with her last week at a conservative conference in Colorado Springs to encourage her campaign, according to a Republican official who demanded anonymity to disclose the previously unreported private meeting." http://bit.ly/1ckcXew

FOR YOUR RADAR -- "North Korea preparing long-range missile test: RIA cites Russian lawmaker," by Reuters' Jack Stubbs in Moscow: "North Korea is preparing to test a long-range missile which it believes can reach the west coast of the United States, a Russian lawmaker just returned from a visit to Pyongyang was quoted as saying on Friday. Anton Morozov, a member of the Russian lower house of parliament's international affairs committee, and two other Russian lawmakers visited Pyongyang on Oct. 2-6, Russia's RIA news agency reported.

"'They are preparing for new tests of a long-range missile. They even gave us mathematical calculations that they believe prove that their missile can hit the west coast of the United States,' RIA quoted Morozov as saying. 'As far as we understand, they intend to launch one more long-range missile in the near future. And in general, their mood is rather belligerent.'" http://reut.rs/2yOpeHr

FOR YOUR SITUATIONAL AWARENESS -- "Hurricane Nate forms, heads to central Gulf of Mexico" - AP: "Hurricane Nate gained force as it continues rapidly moving over the central Gulf of Mexico early Saturday after drenching Central America in rain that was blamed for at least 21 deaths. Forecasters said it was likely to reach the

U.S. Gulf Coast over the weekend. Louisiana and Mississippi officials declared states of state of emergency and Louisiana ordered some people to evacuate coastal areas and barrier islands ahead of its expected landfall Saturday night or early Sunday. Evacuations began at some offshore oil platforms in the Gulf. Mississippi's government said it would open 11 evacuation shelters in areas away from the immediate coast." http://bit.ly/2hVf7O1

ON LAS VEGAS ... -- "Investigators Probing Whether Others Were in Las Vegas Gunman's Suite," by NBC News' Tom Winter and Pete Williams: "Investigators are trying to nail down whether anyone else was in the hotel suite reserved by the Las Vegas gunman during the time he was registered there, multiple senior law enforcement officials briefed on the investigation into the shooting told NBC News. The investigators are puzzled by two discoveries: First, a charger was found that does not match any of the cell phones that belonged to Stephen Paddock ... And second, garage records show that during a period when Paddock's car left the hotel garage, one of his key cards was used to get into his room. There are several possible explanations for these anomalies, the investigators say, but they want to get to the bottom of it." http://nbcnews.to/2y55rWx

PLAYBOOK METRO SECTION -- "Obama Will Join Columbia Country Club in Chevy Chase," by Washingtonian's Elaina Plott: "Former President Barack Obama has accepted an invitation to join Columbia Country Club in Chevy Chase, Maryland, Washingtonian has learned. It's the second country club he's joined since leaving office; in May ... he joined Robert Trent Jones Golf Club in Gainesville, Virginia. Columbia's board revealed the news in a letter to members on Thursday. 'Following careful deliberation, the Board of Governors voted to extend an invitation for Honorary Membership to former President of the United States Barack Obama,' reads an excerpt shared with Washingtonian. 'We have received official word from Mr. Obama of his acceptance of our invitation.'" http://bit.ly/2kxRIDg

-- ALSO A MEMBER OF COLUMBIA: Tony Kornheiser, a frequent Obama golf partner.

UGH, THE NATIONALS -- Game 2 vs. Chicago Cubs, 5:30 p.m.

Playbook Reads

PHOTO DU JOUR: Manuela Barela passes crosses on Oct. 6 set up to honor those killed during the mass shooting in Las Vegas. | Gregory Bull/AP Photo

STORY OF THE DAY -- YASHAR ALI in **HUFFPOST**: **"TV Journalist Says Harvey Weinstein Masturbated In Front Of Her":** "Harvey Weinstein once trapped a woman in the hallway of a restaurant that was closed to the public and masturbated in front of her until he ejaculated, she says. The accusation comes a day after Weinstein was the

subject of a bombshell New York Times report that revealed that he has settled at least eight sexual harassment claims.

"The incident took place a decade ago, according to Lauren Sivan, who at the time was a news anchor on a local cable channel in New York, Long Island 12. She says the experience left her shocked, and that while she told friends privately what happened, she remained quiet because she was in a long-term relationship and fearful of the power that Weinstein wielded in the media." http://bit.ly/2xobB5l

-- NYT'S BROOKS BARNES: "Without Harvey Weinstein, His Company Faces Uncertain Future" http://nyti.ms/2fZQJde

AT FIRST STREET -- "Trump supporters eager to 'drain the swamp' help fill Republican Party coffers," by WaPo's Matea Gold: "Fueled by a string of fundraising appeals from President Trump to his supporters, the Republican Party is on track to raise more money from small-dollar contributions than it has collected in more than a decade. The influx of cash from Trump's base is helping the GOP amass a major advantage as the parties prepare to battle for control of Congress in the 2018 elections, with the [RNC] pulling in nearly twice as much money overall as its Democratic counterpart this year. ... This year, more than $40 million of the $68 million in direct contributions to the RNC by the end of August came in donations of $200 and less - nearly 60 percent of contributions." http://wapo.st/2fZuzIo

THE TRUMP FAMILY -- "In book, Ivana Trump relives divorce from future president," by AP's Jonathan Lemire: "A new book from Donald Trump's first wife pulls back the curtain on a tumultuous period of the president's life, including the messy divorce that was splashed across New York's tabloids for weeks. Ivana Trump, who was married to the real estate magnate from 1977 to 1992, writes in 'Raising Trump' that she knew her marriage was over soon after a day in December 1989. 'This young blonde woman approached me out of the blue and said 'I'm Marla and I love your husband. Do you?' writes Ivana Trump. 'I said 'Get lost. I love my husband.' It was unladylike but I was in shock.' ... But she and the president have returned to far warmer terms. She writes that they speak about once a week and that she encourages him to keep using Twitter." http://bit.ly/2y6h7IN

WHAT LANGLEY IS READING -- "CIA vet replaces controversial official for national security post," by Nahal Toosi, Daniel Lippman and Bryan Bender: "President Donald Trump has placed a Central Intelligence Agency veteran in a key White House post that has been a point of friction with the CIA. Michael Barry took over as the National Security Council's senior director for intelligence programs in recent weeks, sources in and outside the Trump administration said. He replaces Ezra Cohen-Watnick, a controversial official who left in August after clashing with some CIA officials, as well as national security adviser H.R. McMaster. ... One ... former intelligence official said he knows 'for a fact' that Barry has served in the CIA." http://politi.co/2fSpaiB

VALLEY TALK - "Behind Tesla's Production Delays: Parts of Model 3 Were Being

Made by Hand," by WSJ's Tim Higgins in Fremont, Calif.: "Tesla Inc. blamed 'production bottlenecks' for having made only a fraction of the promised 1,500 Model 3s, the $35,000 sedan designed to propel the luxury electric-car maker into the mainstream. Unknown to analysts, investors and the hundreds of thousands of customers who signed up to buy it, as recently as early September major portions of the Model 3 were still being banged out by hand, away from the automated production line, according to people familiar with the matter. ... Automotive experts say it is unusual to be building large parts of a car by hand during production. 'That's not how mass production vehicles are made,' said Dennis Virag, a manufacturing consultant who has worked in the automotive industry for 40 years. 'That's horse-and-carriage type manufacturing.' ...

"In a statement, a Tesla spokeswoman declined to answer questions for this article and said, 'For over a decade, the WSJ has relentlessly attacked Tesla with misleading articles that, with few exceptions, push or exceed the boundaries of journalistic integrity. While it is possible that this article could be an exception, that is extremely unlikely.' The Journal disagrees with the company's categorization of its journalism." http://on.wsj.com/2xprMul

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-- "Anger, questions at USC after second medical school dean departs over inappropriate behavior," by L.A. Times' Sarah Parvini, Paul Pringle and Harriet Ryan: http://lat.ms/2fZ1NHy

MEDIAWATCH -- "Dianne Brandi, the Fox News Loyalist Who 'Knows Everything,' is Stepping Aside," by Vanity Fair's Gabe Sherman: On Friday "the network said in a statement that Brandi is taking a 'voluntary leave' from the company. ... Insiders theorize that her roadmap of where the bodies are buried may have protected her. But lately that protection has been weakening. ... At a funeral this August for former Fox head of graphics Rich O'Brien, Brandi told colleagues that she expected to leave the network. 'She's been saying she's unhappy,' the colleague said. 'She said there's no leadership at Fox. And she's been named in suit after suit. It's miserable.'" http://bit.ly/2yNX4w4

-- "Bannon ally wants to turn government media agency into 'legacy' for former Trump adviser," by CNN's Hadas Gold: "Jeffrey Scott Shapiro, a former investigative reporter who has ties to Bannon, was tapped by the White House for a position within

the [Broadcasting Board of Governors] over the summer. ... Shapiro has told colleagues that his goal is to turn the entire [BBG] into a 'Bannon legacy,' according to three sources within or familiar with the agency. He has also said he believes the Castros have infiltrated the Office of Cuba Broadcasting." http://cnnmon.ie/2gio404

-- "A Conversation With Bret Baier, the News Guy at Fox News," by The Atlantic's McKay Coppins: "The Special Report anchor on the "tough year" his network has had, attacks on the media, and his ongoing struggle to book an interview with President Trump." http://theatln.tc/2y0ih6R

-- ROB GIFFORD has been named managing editor of CBSN.

-- Joe Ruiz has been hired by CNN Politics to be senior weekend editor. He most recently has been NPR's weekend editor in charge of digital coverage.

DANIEL'S POSTCARD FROM THE NEW YORKER'S TECHFEST - MICHAEL LYNTON, chairman of Snap and former head of Sony, in a Q&A on Friday with David Remnick: "I think there is room in legislation for what is to be done about privacy. ... Going back to when Brandeis was a professor at Harvard, before he sat on the Supreme Court ... and his partner's daughter was -- it was right when photography started coming into newspapers, and his daughter was photographed going into a party that was put into the Boston Globe ...

"And he was outraged, and Brandeis wrote, at that time in the Harvard Law Review, a long piece on privacy, and how photography and new electronic devices would create a real problem for privacy going forward, and that ... something had to be done with legislation to deal with that. Now, subsequently, nothing has been done, but I think maybe we need to go back and look at when this whole thing first began and revisit it and try and understand whether you can just leave it be the wild west, or you in some way shape or form respect people's privacy."

-- FORMER EPA ADMINISTRATOR GINA MCCARTHY, in a Q&A with Elizabeth Kolbert: "I think if we can realistically remind people that you don't need to be seeing pollution to understand that it impacts your health and your kid's future. ... I don't know of any Republicans that don't want clean air, clean water and safe places for their kids to go to school and play outside. I don't see them rushing to want to live on the fence-line of a refinery where you don't know what the quality of the air is. ... My fear is that more hurricanes and more intense storms may be the price for that delay."

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker -- ***14 keepers*** http://politi.co/2yOJ5WS

GREAT WEEKEND READS, curated by Daniel Lippman, filing from New York:

-- "How Smartphones Hijack Our Minds," by Nicholas Carr on the cover of WSJ's Review section: "Research suggests that as the brain grows dependent on phone

technology, the intellect weakens." http://on.wsj.com/2hU3ozg

-- **"No Enemies,"** by Jacob Dreyer in Even Magazine - per Longreads.com's description: "For a generation of Chinese intellectuals, the events of 1989 were a chance to erase the ghosts of the past. But what happens when your side loses? When the entire country moves backward, not forward? Jacob Dreyer tells the story of modern China through the lives of four men: visual artists Xu Bing and Ai Weiwei, novelist Mo Yan, and activist Liu Xiaobo, who died this year in captivity." http://bit.ly/2hS68gc

-- **"Broken Windows,"** by George L. Kelling and James Q. Wilson in the March 1982 issue of The Atlantic: "The police and neighborhood safety." http://theatln.tc/2yN0DTw

-- **"The French farmer smuggling migrants in the Alps,"** by Daniel Trilling in the New Statesman: "He has found himself at the centre of Europe's migration crisis - but is he a hero or villain?" http://bit.ly/2wD9kiy

-- **"Philosophers Who Like Stuff,"** by Emrys Westacott in Humanities magazine - per ALDaily.com's description: "Philosophers have criticized luxury for a long time. But the consensus has always had its critics: the philosophers who like stuff." http://bit.ly/2y6lx2T

-- **"How the Elderly Lose Their Rights,"** by Rachel Aviv in The New Yorker: "Guardians can sell the assets and control the lives of senior citizens without their consent-and reap a profit from it." http://bit.ly/2xZLhf1

-- **"Can This State Be Saved?"** by The Weekly Standard's Alice Lloyd: "Connecticut has dug itself into a deep economic hole; David Walker senses political opportunity for an accountant." http://tws.io/2hVjEQf

-- **"Preet Bharara Is Now in the Trump-Opposition Business,"** by Andrew Rice in NYMag: "The prosecutor and his entrepreneur brother are trying to build a media empire for the resistance era. First step: a podcast." http://nym.ag/2y0jrQ1

-- **"Nestlé Makes Billions Bottling Water It Pays Nearly Nothing For,"** by Caroline Winter in Bloomberg Businessweek: "The company's operation in Michigan reveals how it's dominated the industry by going into economically depressed areas with lax water laws." https://bloom.bg/2hRBXG1

-- **"How Essential Oils Became the Cure for Our Age of Anxiety,"** by Rachel Monroe in The New Yorker: "Aromatic oils have become big business. But are they medicine or marketing?" http://bit.ly/2fRc6dm

-- **"A Former Superagent Bets Big on a More Diverse Hollywood,"** by Calvin Baker in the NYT Magazine: "After years as the industry's top African-American talent agent, Charles D. King is building an audacious new production company - with a vision for bringing long-neglected stories to the screen." http://nyti.ms/2yuyJ2j

-- **"Jackie Chan's Plan to Keep Kicking Forever,"** by Alex Pappademas in GQ: "Jackie Chan is in his 60s now. His stunts aren't as insane as they once were, but he's back on American screens with a killer new revenge flick called The Foreigner (Jackie vs. evil James Bond!). So GQ sent Alex Pappademas to Beijing to interview the king in his castle-a vast martial-arts complex as awesome and over-the-top as Jackie Chan himself." http://bit.ly/2wCaR8k (h/t Longform.org)

-- **"Mayonnaise, Disrupted,"** by Bianca Bosker in the Nov. Atlantic: "How did Josh Tetrick's vegan-mayo company become a Silicon Valley darling-and what is he really selling?" http://theatln.tc/2z4GCZt

-- **"The Mind of John McPhee,"** by Sam Anderson in the NYT Magazine: "A deeply private writer reveals his obsessive process." http://nyti.ms/2giJrhC

Playbook Reads

SPOTTED at last night's Nats game: Labor Secretary Alex Acosta, Sean Spicer, Jake Sullivan, Anita Dunn and Bob Bauer, David and Ann Castagnetti, Steve Rosenthal, James Carville, Luke Russert, and Erik Smith with sons Dolan, Henry and Mack.

--@SteveScalise: "What a memorable birthday! I threw the first pitch at tonight's @Nationals vs. @Cubs #NLDS game!" ***26-second video*** http://bit.ly/2y0MKo0

ENGAGED -- OBAMA ALUMNI -- Fran Holuba, who runs the boutique consulting firm Chief Social Architects and is a Politico and Obama NSC alum, got engaged yesterday to entrepreneur **Giuseppe Lanzone,** founder of Peruvian Brothers, the D.C. food truck enterprise. "He planned a surprise trip to Paris while we were in Europe visiting his family for a wedding in Lugano, Switzerland. We met in D.C. right after he had finished the 2012 Olympics in London. ... [W]e had both been asked to work this political cartoon event as guest bartenders at Malmaison before it opened to the public. He was very shy and asked me how to cut limes and we've never stopped laughing about that since." ***Pic*** http://politi.co/2xZbXiy

WELCOME TO THE WORLD -- Starlee Coleman, the Goldwater Institute's D.C. press and government affairs rep, and **Michael Coleman,** D.C. bureau chief for the Albuquerque Journal and a board member of the Regional Reporters Association, recently welcomed their first child, Autumn Belle Coleman. ***Pic*** http://bit.ly/2fTabVy

HAPPY 10th ANNIVERSARY to **Melissa Kelly,** deputy chief of staff and comms director for Rep. Pete Olson (R-Texas) and **David Kelly,** principal at Storm King Strategies and Bush 43 DOT and NHTSA alum

BIRTHDAYS: Chris Krueger of Cowen & Company ... Emily Davis, deputy assistant

USTR for public and media affairs ... GWU professor Sean Aday is 5-0 ... Suz Redfearn ... DNC chairman Tom Perez is 56 ... NYT's Charlie Savage, a Pulitzer Prize winner ... Roll Call photog Tom Williams is 43 ... Nation editor and publisher Katrina vanden Heuvel, celebrating by "going dancing-at a dance hall that only gets lively after 2 a.m. Then a couple very dry martinis" (hat tip: Caitlin Graf) ... Lt. Col. Oliver North (ret.) is 74 ... Barbara E. Martinez ... Rep. Bill Foster (D-Ill.) is 62 ... Mark Orlowski, executive director and founder of the Sustainable Endowments Institute ... Brandon Hurlbut, Obama WH and DOE alum now co-founder of Boundary Stone Partners ... CNN's Elizabeth Hartfield ... Bill Sweeney, staff director for the Senate DPCC ...Todd Weiler ... Kate Berner ... Arie Lipnick, principal at Macadamia Strategies ... Jay Korff ... MTA chair Joe Lhota ...

... Alice Lloyd, staff writer at the Weekly Standard, celebrating in Aruba (h/t Jenna Lifhits) ... Adam Fetcher, comms adviser and speechwriter at Patagonia ... Jacqueline Murphy ... Politico Europe's Anca Gurzu ... Patricia VanDyke ... former Interior deputy secretary David J. Hayes, "who recently launched the State Energy & Environmental Impact Center to help support state Attorneys General who are fighting against regulatory rollbacks and other actions" (h/t Kendra Barkoff) ... David Gellman of Federal Advocates (h/t Allison Turner) ... Jackie Murphy ... Holly Arthur ... Allison Worsham ... Gavin Carson ... Stephen Jackson ... Karen Maria Duca ... Jeffrey Blount ... Dinah Abrahamson ... James Ramsey ... Catherine Jaynes, the Bush Institute's director of evaluation and research ... James Ramsay ... BP's Tara Napier Harrison ... Jen Hengstenberg ... John Hedgecoth ... Mary Cox (h/ts Teresa Vilmain)

THE SHOWS, by @MattMackowiak, filing from Oranjestad, Aruba:

-- "Fox News Sunday": National Rifle Association executive director Chris Cox ... Steve Wynn. Panel: Gillian Turner, Julie Pace, Tom Rogan and Juan Williams

-- CNN's "State of the Union": Sen. Chris Murphy (D-Conn.) ... Sen. Ron Johnson (R-Wis.). Panel: Jennifer Granholm, Rick Santorum, Mary Katharine Ham and Karina Jean-Pierre

-- NBC's "Meet the Press": OMB Director Mick Mulvaney ... Sen. Dianne Feinstein (D-Calif.) ... House Majority Whip Steve Scalise (R-La.). Panel: Kristen Welker, Carol Lee, Eugene Robinson and Hugh Hewitt

-- CBS's "Face the Nation": Sen. Dianne Feinstein (D-Calif.) ... National Rifle Association CEO Wayne LaPierre ... Mary Ellen O'Toole and Fran Townsend ... Adam Winkler. Panel: Jeffrey Goldberg, Susan Page, David Leonhardt and Ramesh Ponnuru

-- ABC's "This Week": Rep. Seth Moulton (D-Mass.) ... Rep. Scott Taylor (R-Va.). Panel: Matthew Dowd, Geoff Bennett, Jeanne Cummings and Susan Glasser

-- Fox News' "Sunday Morning Futures": Rep. Diane Black (R-Tenn.) ... David Clarke ... Rep. Kevin Brady (R-Texas) ... Rep. Mac Thornberry (R-Texas). Panel: Al D'Amato

and Rich Lowry

-- Fox News' "MediaBuzz": Shannon Pettypiece ... Mollie Hemingway ... Marie Harf ... James Rosen ... Shelby Holliday

-- CNN's "Inside Politics" with John King: Abby Phillip, Karoun Demirjian, Michael Warren and Sara Murray

-- CNN's "Fareed Zakaria GPS": David Frum, Thomas Friedman and Leah Libresco ... Akhil Amar ... former Australian Deputy Prime Minister Tim Fischer

-- CNN's "Reliable Sources": Panel: USA Today editor in chief Joanne Lipman, American Urban Radio Networks' April Ryan and Sentinel Newspapers executive editor Brian Karem ... Washington Post executive editor Marty Baron ... Sen. Amy Klobuchar (D-Minn.) ... Charlie Sykes

-- Univision's "Al Punto": Las Vegas massacre survivor Maritza Flores ... Rep. Ruben Kihuen (D-Nev.) ... San Juan, Puerto Rico Mayor Carmen Yulín Cruz ... former Puerto Rico Attorney General Jose Fuentes ... White House Policy and Interagency Coordination Director Carlos Diaz-Rosillo ... Rep. Carlos Curbelo (R-Fla.) ... chef Jose Andres

-- C-SPAN: "The Communicators": WhiteScope founder and security researcher Billy Rios ... CanBusHack founder and DEF CON's Car Hacking Village's Robert Leale ... FBI Las Vegas Division Special Agent in Charge Aaron Rouse ... **"Newsmakers":** Rep. Linda Sanchez (D-CA), questioned by The Washington Post's Ed O'Keefe and The Los Angeles Times' Sarah Wire ... **"Q&A":** New York Magazine's Wil Hylton

-- PBS' "To the Contrary": Panel: Del. Eleanor Holmes Norton (D-D.C.), The Washington Post's Jennifer Rubin, Independent Women's Voice senior policy analyst Patrice Onwuka and former Judge and federal prosecutor Debra Carnahan

-- Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen

****** **A message from Koch Industries:** It's estimated that by the year 2030 there will be two billion motor vehicles on the world's highways - twice the number currently on the road. Koch companies are already preparing for this challenge with ideas for improving fuel efficiency while still embracing safety. Our researchers are integrating aerodynamic systems into automotive grilles to provide up to 20% weight savings and up to 30% better aero performance. Each step forward puts us closer to the bigger goal of responsibly powering far more automobiles than ever before. From transportation and technology to food, clothing and shelter, Koch is anticipating the needs of tomorrow and working on the solutions today. The quest for better never stops, and our more than 70,000 U.S. employees are helping to lead the way. See them in action at ChallengeAccepted.com. ******

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Subject: Pruitt to reconsider parts of 2015 coal ash rule

By Alex Guillén

09/14/2017 04:15 PM EDT

EPA will reconsider key portions of the 2015 coal ash rule, according to a letter from Administrator Scott Pruitt to industry officials released by Earthjustice.

Two petitions were filed in May by AES Puerto Rico and the Utility Solid Waste Activities Group, an umbrella group whose members include the Edison Electric Institute, National Rural Electric Cooperative Association, American Public Power Association and more than a hundred utilities and related companies.

Pruitt's letter does not specify which parts of the rule he plans to reconsider, but both USWAG and AES identified specific issues with the regulation.

USWAG's petition asked that pending deadlines be pushed back and called for the rule to be changed in the wake of a December 2016 law changing the enforcement scheme in order to accommodate new management options based on site-specific risk analyses rather than the original "burdensome, inflexible, and often impracticable requirements." USWAG also argued that various executive orders from President Donald Trump dealing with regulations justify cracking the rule open.

AES' petition focused on requirements for how power plants store their coal ash piles before they are moved off site to be disposed of or to make products such as concrete and wallboard.

Oral arguments at the D.C. Circuit Court of Appeals over the rule are currently scheduled for Oct. 17, but EPA is likely to ask the case be put on hold while it reconsiders the rule.

WHAT'S NEXT: Pruitt will initiate a formal reconsideration process. Any actual changes to the rule will have to go through public comment and will be open to legal challenge.

To view online:
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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Subject: June 29 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

June 29, 2017 - Number 124

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Summaries

AIR
Alabama SIP/PM-2.5 Infrastructure Requirements
AIR

Proposed rule of the EPA would approve portions of the Alabama SIP regarding infrastructure requirements for the 2012 annual particulate matter (PM-2.5) NAAQS. The rule would approve the state's Dec. 9, 2015, SIP submission for the applicable requirements, with the exception of the interstate transport provisions regarding contribution to nonattainment or interference with maintenance (prongs 1 and 2); visibility protection (prong 4); and the state board requirements, which will be addressed in separate rulemaking actions. Comments are due July 31, 2017. Contact: Tiereny Bell; EPA Region 4, Air Planning and Implementation Branch; 404-562-9088; bell.tiereny@epa.gov. Citations: 40 CFR 52

82 FR 29448 (06/29/2017)

Regulatory Update

AIR
California SIP/San Joaquin Valley Ozone Transportation Conformity
AIR

Notice of the EPA provides the agency's finding that motor vehicle emissions budgets in the San Joaquin Valley 2016 ozone plan are adequate for transportation conformity purposes for the 2008 eight-hour ozone NAAQS. The budgets cover the years 2018, 2021, 2024, 2027, 2030, and 2031. The metropolitan planning organizations in the area and the U.S. Department of Transportation are required to use the budgets for future conformity determinations. The finding is effective July 14, 2017. Contact: Anita Lee; EPA Region 9; 415-972-3958; lee.anita@epa.gov

82 FR 29547 (06/29/2017)

Regulatory Update

AIR

Engine Emission Defect and Recall Reports

AIR

Notice announces the intention of the EPA to seek OMB approval for a revised information collection request regarding engine emission defect information reports (DIRs) and voluntary emission recall reports (VERRs). The collection addresses requirements for manufacturers of heavy-duty highway and nonroad engines to submit DIRs (Form 5900-301) if emission-related defects that may cause the engines' emissions to exceed Clean Air Act standards are found on engines of the same model year. The collection also addresses requirements for manufacturers to submit VERRs (Form 5900-300) to initiate a voluntary recall and voluntary emissions recall quarterly progress reports (Form 5900-302). The revisions address that EPA may reduce the burden estimate due to the submission of fewer applications for certification of Category 3 engine families than previously estimated. Comments are due Aug. 28, 2017. Contact: Nydia Yanira Reyes-Morales; EPA; 202-343-9264; reyes-morales.nydia@epa.gov. Citations: 40 CFR 85 through 1068 (nonconsecutive)

82 FR 29544 (06/29/2017)

Regulatory Update

AIR

Gasoline Volatility/Fuel and Fuel Additives

AIR

Notice announces the intention of the EPA to seek OMB approval for a continuing information collection request regarding volatility standards for fuel and fuel additives. The collection addresses requirements for gasoline producers or importers to provide on product transfer documents legible and conspicuous statements that the gasoline contains ethanol and the percentage concentration of ethanol. The collection also addresses requirements for producers or importers seeking testing exemptions from volatility standards for research purposes to submit certain information to the EPA. Comments are due Aug. 28, 2017. Contact: James Caldwell; EPA, Office of Transportation and Air Quality; 202-343-9303; caldwell.jim@epa.gov. Citations: 40 CFR 80.27(d) and (e)

82 FR 29548 (06/29/2017)

Regulatory Update

AIR

Georgia SIP/Minor New Source Review

AIR

Direct final rule of the EPA approves revisions to the Georgia SIP that clarify that existing exemptions from minor new source review permitting do not extend to sources that are subject to NSPS for stationary sources or NESHAP. The revisions also add a definition of "pollution control project" and provide that such projects are exempt from minor new source review construction permit requirements. The rule is effective Aug. 28, 2017, unless adverse comments are received by July 31, 2017. Contact: Brad Akers; EPA Region 4, Pesticides and Toxics Management Division; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.570

82 FR 29418 (06/29/2017)

Regulatory Update

AIR
Georgia SIP/Minor New Source Review
AIR

Proposed rule of the EPA would approve revisions to the Georgia SIP that clarify that existing exemptions from minor new source review permitting do not extend to sources that are subject to NSPS for stationary sources or NESHAP. The revisions also add a definition of "pollution control project" and provide that such projects are exempt from minor new source review construction permit requirements. A direct final rule adopts the revisions, effective Aug. 28, 2017. Comments are due July 31, 2017. Contact: Brad Akers; EPA Region 4, Pesticides and Toxics Management Division; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.570

82 FR 29469 (06/29/2017)

Regulatory Update

AIR
Georgia, South Carolina SIPs/Ambient Air Standards and Definitions
AIR

Direct final rule of the EPA approves revisions to the Georgia SIP and portions of revisions to the South Carolina SIP. The Georgia SIP revisions incorporate definitions concerning fine particulate matter (PM-2.5) and amend state rules to reflect the 2008 NAAQS for lead. South Carolina SIP revisions incorporate the 2010 sulfur dioxide NAAQS, 2010 nitrogen dioxide NAAQS, 2012 PM-2.5 NAAQS, and the 2015 ozone NAAQS. The South Carolina SIP revisions also remove from the SIP the revoked 1997 eight-hour ozone NAAQS and the standard for gaseous fluorides. The rule is effective Aug. 28, 2017, unless adverse comments are received by July 31, 2017. Contact: Brad Akers; EPA Region 4, Air Planning and Implementation Branch; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.570 and 52.2120

82 FR 29414 (06/29/2017)

Regulatory Update

AIR
Georgia, South Carolina SIPs/Ambient Air Standards and Definitions
AIR

Proposed rule of the EPA would approve revisions to the Georgia SIP and portions of revisions to the South Carolina SIP. The Georgia SIP revisions incorporate definitions concerning fine particulate matter (PM-2.5) and amend state rules to reflect the 2008 NAAQS for lead. South Carolina SIP revisions incorporate the 2010 sulfur dioxide NAAQS, 2010 nitrogen dioxide NAAQS, 2012 PM-2.5 NAAQS, and the 2015 ozone NAAQS. The South Carolina SIP revisions also remove from the SIP the revoked 1997 eight-hour ozone NAAQS and the standard for gaseous fluorides. A concurrent direct final rule adopts the revisions, effective Aug. 28, 2017. Comments are due July 31, 2017. Contact: Brad Akers; EPA Region 4, Air Planning and Implementation Branch; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.570 and 52.2120

82 FR 29466 (06/29/2017)

Regulatory Update

AIR
Kentucky SIP/Louisville Metro Air Pollution Control District
AIR

Proposed rule of the EPA would approve portions of revisions to the Kentucky SIP concerning the Louisville Metro Air Pollution Control District's stationary source emissions monitoring and reporting requirements. The revisions authorize the district to require emissions monitoring at stationary sources and require specified sources to maintain emissions records and provide annual emissions statements to the district. Comments are due July 31, 2017. Contact: Richard Wong, EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-8726; wong.richard@epa.gov. Citations: 40 CFR 52

82 FR 29467 (06/29/2017)

Regulatory Update

AIR
Missouri SIP/Operating Permits Program
AIR

Final rule of the EPA approves revisions to the Missouri SIP and operating permits program. The revisions update the emissions fee for permitted sources as set by Missouri law from $40 to $48 per ton of air pollution emitted annually, effective Jan. 1, 2016. The rule also corrects the Jan. 15, 2016, direct final rule (81 FR 2090) that previously approved the revisions by removing the approval and codification under 40 CFR 52.1320 due to an agency error. In addition, the rule corrects the state effective date to March 30, 2015, under 40 CFR 70, Appendix A. The rule is effective July 31, 2017. Contact: Amy Algoe-Eakin; EPA Region 7, Air Planning and Development Branch; 913-551-7942; algoe-eakin.amy@epa.gov. Citations: 40 CFR 52.1320; 40 CFR 70, Appendix A

82 FR 29424 (06/29/2017)

Regulatory Update

AIR
NOx Budget Trading Program
AIR

Notice announces the intention of the EPA to seek OMB approval for continuing information collection request regarding the NOx Budget Trading Program to reduce the regional transport of ozone. The program has been replaced by ozone-season NOx trading programs under the Cross-State Air Pollution Rule. The collection addresses emissions monitoring and reporting requirements for industrial sources in certain states that continue to report emissions data to the EPA under a NOx SIP call. Comments are due Aug. 28, 2017. Contact: Karen VanSickle; EPA, Office of Atmospheric Programs; 202-343-9220; vansickle.karen@epa.gov. Citations: 40 CFR 75

82 FR 29551 (06/29/2017)

Regulatory Update

AIR
NSPS for Commercial and Industrial Solid Waste Incineration Units
AIR

Notice of the EPA announces the submission of a continuing information collection request to the OMB regarding NSPS for commercial and industrial solid waste incineration units. The collection addresses requirements for owners and operators of affected facilities to submit initial notification, performance tests, and periodic reports and results, and to maintain records of periods of startup, shutdown or malfunction or when the monitoring system is inoperative. Comments are due July 31, 2017. Contact: Patrick Yellin; EPA, Monitoring, Assistance and Media Programs Division; 202-564-2970; yellin.patrick@epa.gov. Citations: 40 CFR 60, Subparts A and CCCC

82 FR 29546 (06/29/2017)

Regulatory Update

AIR
NSPSs and NESHAPs
AIR

Notice announces the intention of the EPA to seek OMB approval for 68 continuing information collection requests and two new information collection requests regarding various NESHAPs and NSPSs. The collections address requirements for owners and operators of affected facilities to submit initial notification, performance tests, and periodic reports and results, and to maintain records of periods of startup, shutdown, or malfunction or when the monitoring system is inoperative. Comments are due Aug. 28, 2017. Contact: Patrick Yellin; EPA, Office of Compliance; 202-564-2970; yellin.patrick@epa.gov. Citations: 40 CFR 60, 61, 63

82 FR 29552 (06/29/2017)

Regulatory Update

AIR
New Mexico SIP/Albuquerque-Bernalillo County Minor New Source Review
AIR

Final rule of the EPA approves portions of revisions to the New Mexico SIP that update the Albuquerque-Bernalillo County minor new source review (MNSR) permit program, including to add a general construction permitting program, revise MNSR public participation requirements, and add exemptions from MNSR permitting for inconsequential emission sources and activities. The rule also conditionally approves provisions concerning accelerated permitting procedures, technical permit revision procedures, and a definition of "conflict of interest." The rule is effective July 31, 2017. Contact: Aimee Wilson; EPA Region 6; 214-665-7596; wilson.aimee@epa.gov. Citations: 40 CFR 52.1620

82 FR 29421 (06/29/2017)

Regulatory Update

AIR
North Dakota SIP/Infrastructure Requirements
AIR

Proposed rule of the EPA would approve portions of revisions to the North Dakota SIP to demonstrate that the state meets infrastructure requirements for the 2010 sulfur dioxide and 2012 fine particulate matter (PM-2.5) NAAQS. Comments are due July 31, 2017. Contact: Kate Gregory; EPA Region 8, Air Program; 303-312-6175; gregory.kate@epa.gov. Citations: 40 CFR 52

82 FR 29457 (06/29/2017)

Regulatory Update

AIR
Ohio/Clean Air Act Consent Decree
AIR

Notice of the Justice Department announces a proposed consent decree in United States v. Lima Refining Co. (Civil Action No. 3:17-cv-01320-JZ), lodged June 22, 2017, with the U.S. District Court for the Northern District of Ohio. The consent decree would resolve claims regarding alleged Clean Air Act violations at Lima Refining's petroleum refinery located in Lima, Ohio, and claims for stipulated penalties for violations of a 2007 consent decree addendum involving the facility. The consent decree would require the defendant to pay $1 million in penalties and to perform injunctive relief concerning its leak detection and repair program, continuous emissions monitoring system, flare efficiency and minimization, and its sulfur recovery plant. The defendant also would be required to perform a lead paint abatement supplemental environmental project, and to install oxygen enrichment at two of its sulfur recovery units as mitigation. Comments are due July 31, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701; pubcomment-ees.enrd@usdoj.gov

82 FR 29582 (06/29/2017)

Regulatory Update

AIR
Tennessee SIP/Ellison Surface Technologies Hazardous Air Pollutants Permit
AIR

Direct final rule of the EPA approves revisions to the Tennessee SIP concerning the operation of the Ellison Surface Technologies Inc., facility in Morgan County, Tenn. The revisions implement alternative state permit terms and conditions that substitute for the National Emission Standards for Hazardous Air Pollutants from plating and polishing operations. The rule is effective Aug. 28, 2017, unless adverse comments are received by July 31, 2017. Contact: Lee Page; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9131; page.lee@epa.gov. Citations: 40 CFR 63.99

82 FR 29432 (06/29/2017)

Regulatory Update

AIR

Tennessee SIP/Ellison Surface Technologies Hazardous Air Pollutants Permit

AIR

Proposed rule of the EPA would approve revisions to the Tennessee SIP concerning the operation of the Ellison Surface Technologies Inc., facility in Morgan County, Tenn. The revisions implement alternative state permit terms and conditions that substitute for the National Emission Standards for Hazardous Air Pollutants from plating and polishing operations. A concurrent direct final rule adopts the revisions, effective Aug. 28, 2017. Comments are due July 31, 2017. Contact: Lee Page; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9131; page.lee@epa.gov. Citations: 40 CFR 63.99

82 FR 29470 (06/29/2017)

Regulatory Update

AIR

Texas SIP/Collin County Lead Nonattainment Area

AIR

Direct final rule of the EPA provides the agency's determination that the Collin County, Texas, nonattainment area has attained the 2008 lead NAAQS based on complete, quality-assured, and certified ambient air quality monitoring data for 2013-2015, and redesignates the area to attainment. The attainment of the NAAQS and redesignation are due to the discontinuation of smelting operations at the Exide Technologies battery recycling plant in Frisco. The rule also approves revisions to the Texas SIP that address the attainment demonstration and maintenance plan for the 2008 lead NAAQS and a second 10-year maintenance plan for the 1978 lead NAAQS. The rule is effective Sept. 27, 2017, unless adverse comments are received by July 31, 2017. Contact: Robert Todd; EPA Region 6; 214-665-2156; todd.robert@epa.gov. Citations: 40 CFR 52.2270 and 81.344

82 FR 29426 (06/29/2017)

Regulatory Update

AIR

Texas SIP/Collin County Lead Nonattainment Area

AIR

Proposed rule of the EPA would provide the agency's determination that the Collin County, Texas, nonattainment area has attained the 2008 lead NAAQS based on complete, quality-assured, and certified ambient air quality monitoring data for 2013-2015, and redesignates the area to attainment. The attainment of the NAAQS and redesignation are due to the discontinuation of smelting operations at the Exide Technologies battery recycling plant in Frisco. The rule also would approve revisions to the Texas SIP that address the attainment demonstration and maintenance plan for the 2008 lead NAAQS and a second 10-year maintenance plan for the 1978 lead NAAQS. A concurrent direct final rule adopts the revisions, effective Sept. 27, 2017. Comments are due July 31, 2017. Contact: Robert Todd; EPA Region 6; 214-665-2156; todd.robert@epa.gov. Citations: 40 CFR 52.2270 and 81.344

82 FR 29469 (06/29/2017)

Regulatory Update

COASTAL ZONE
Gulf Coast Restoration Trust Fund/Nature Conservancy GulfCorps Program
COASTAL ZONE

Notice of the Gulf Coast Ecosystem Restoration Council announces a proposed subaward of $7.5 million to the Nature Conservancy to establish the Gulf Coast Conservation Corps (GulfCorps) program. The program will support habitat restoration in the Gulf of Mexico by creating partnerships among federal, state, academic, and nonprofit organizations to provide local labor for projects, as well as recruit, train, and employ individuals in the local restoration-based workforce. Projects may include invasive species removal, shoreline protection and enhancement, riparian restoration, debris removal, re-vegetation, reef restoration, and habitat monitoring and conservation. Contact: Will Spoon; Gulf Coast Ecosystem Restoration Council; 504-239-9814; raams_pgmsupport@restorethegulf.gov

82 FR 29565 (06/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Alternative Affirmative Defense Requirements for ULSD
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the EPA to seek OMB approval for a continuing information collection request concerning alternative affirmative defense requirements for ultra-low sulfur diesel fuel. The collection applies to retailers, refiners, importers, and distributors, who are deemed liable if a violation of the 15 parts per million sulfur standard is identified at a retail outlet. Such parties may rebut the presumption by establishing an affirmative defense showing that a quality assurance sampling and testing program was conducted. The collection addresses provisions that allow refiners and importers an alternative means of meeting the affirmative defense requirements by participating in a nationwide diesel fuel sampling and testing program. Comments are due Aug. 28, 2017. Contact: Geanetta Heard; EPA, Fuels Compliance Center; 202-343-9017; heard.geanetta@epa.gov

82 FR 29550 (06/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Biosimilar Enhanced Review Transparency and Communication Program
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA requests comments on proposed recommendations for the Program for Enhanced Review Transparency and Communication for original 351(k) biologics license applications as part of the reauthorization of the Biosimilar User Fee Act for fiscal years 2018-2022. The proposed program would allow for additional communication between the FDA and applicants through Biological Product Development Type 4 meetings, mid-cycle communications,

and late-cycle meetings. Also, the FDA specifies that it would begin the program's application review clock after the 60-day administrative filing review period to accommodate increased interactions during the regulatory review process. Comments are due July 31, 2017. Contact: Azada Hafiz; FDA, Center for Drug Evaluation and Research; 240-402-6073; Azada.Hafiz@fda.hhs.gov

82 FR 29569 (06/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Central Bay Operations and Maintenance Facility Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the National Marine Fisheries Service announces a request from the San Francisco Bay Area Water Emergency Transportation Authority for marine mammal incidental take authorization for the Central Bay Operations and Maintenance Facility project. The project involves pile installation and extraction in San Francisco Bay near Alameda, Calif. The applicant requests approval for incidental take of seven marine mammals by levels A and B harassment. Comments are due July 31, 2017. Contact: Laura McCue; NMFS, Office of Protected Resources; 301-427-8401

82 FR 29486 (06/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Marine Mammals Incidental Take
GENERAL ENVIRONMENT AND SAFETY

Notice of the National Marine Fisheries Service announces the agency's decision to authorize the San Francisco Bay Area Water Emergency Transportation Authority to take marine mammals incidental to the San Francisco Ferry Terminal Expansion Project and South Basin Improvements Project. The authorization allows only Level B harassment take of seven marine mammals, including the California sea lion, harbor porpoise, gray whale, and various species of seals. The authorization is effective June 1, 2017, and expires May 31, 2018. Contact: Laura McCue; NMFS, Office of Protected Resources; 301-427-8401

82 FR 29521 (06/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Diagnostic Devices for Antimicrobial Susceptibility and Resistance Workshop
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a workshop on the challenges in developing traditional antimicrobial susceptibility testing (AST) devices and devices that detect antimicrobial resistance markers by molecular or novel diagnostic technologies. The workshop agenda includes the new regulatory framework for updating AST devices with current susceptibility test interpretative criteria for approved antimicrobial drugs. The workshop also will address opportunities for the efficient development and evaluation of AST devices, the perspective from clinical laboratories

on AST result interpretation and reporting, and topics relevant to a draft guidance the agency is considering developing. The workshop is scheduled for Sept. 13, 2017, in Silver Spring, Md., and via webcast. Comments are due Oct. 20, 2017. Contact: Natasha Townsend; FDA, Center for Devices and Radiological Health; 301-796-5927; natasha.townsend@fda.hhs.gov

82 FR 29567 (06/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Florida/Okeechobee Clean Energy Center Pipeline
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Florida Southeast Connection (FSC) LLC, of Juno Beach, Fla., to construct and operate certain natural gas facilities in Okeechobee County, Fla. The project involves the construction of a 5.2 mile, 20-inch diameter natural gas pipeline lateral starting at milepost 77.2 of the FSC mainline along U.S. 441 and terminating at the Okeechobee Clean Energy Center, currently under construction by Florida Power & Light Co. The agency intends to complete an environmental assessment or issue a notice of schedule of environmental review by Sept. 27, 2017. Protests and motions to intervene are due Aug. 28, 2017. Contact: FERC; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 29542 (06/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Good Manufacturing Practice for Medical Gases
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a revised draft guidance for industry regarding current good manufacturing practices for medical gases. The guidance provides compliance recommendations for the manufacture, processing, packing, and holding of medical gases. The guidance replaces a May 6, 2003, draft guidance (68 FR 24005) and incorporates stakeholder comments and information from a review of relevant federal drug regulations, including a Nov. 18, 2016, final rule that addresses warning statements on medical gas labels (81 FR 81685). The revisions also address expiration dating for medical gases. Comments are due Aug. 28, 2017. Contact: Frank Perrella; FDA, Center for Drug Evaluation and Research; 301-796-3265. Citations: 21 CFR 210 and 211

82 FR 29565 (06/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Good Neighbor Environmental Board Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces meetings of the Good Neighbor Environmental Board to discuss the board's next report regarding environmental protection and security issues in the U.S.-Mexico border region. The meetings are scheduled for July 11, and Sept. 7, 2017, via teleconference.

Comments are requested, but a due date is not specified. Contact: Mark Joyce; EPA; 202-564-2130; joyce.mark@epa.gov

82 FR 29560 (06/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Mountain Valley and Equitrans Expansion Projects
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the final environmental impact statement for the Mountain Valley Project (MVP) and the Equitrans Expansion Project. The projects involve the construction and operation of natural gas pipeline facilities by Mountain Valley Pipeline LLC in Virginia and West Virginia and by Equitrans LP in Pennsylvania and West Virginia. The final EIS, which was prepared in cooperation with the EPA, the U.S. Army Corps of Engineers, the Transportation Department, the U.S. Fish and Wildlife Service, and the Bureau of Land Management, concludes that the project would result in some adverse environmental impacts that would be reduced to less than significant levels through the proposed mitigation measures. Contact: FERC, Office of External Affairs; 866-208-3372

82 FR 29539 (06/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
New York/Piercefield and Yaleville Hydroelectric Projects
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of an application to amend license terms for two hydroelectric projects located on the Raquette River in New York, the Piercefield Hydroelectric Project, in Franklin and St. Lawrence counties, and the Yaleville Hydroelectric Project, in St. Lawrence County. The applicant, Erie Boulevard Hydropower LP, of Marlborough, Mass., requests an extension of the license term for the Yaleville Project by approximately 12 years, to Dec. 31, 2033, and an acceleration of the license expiration term for the Piercefield Project by 10 years, to Oct. 31, 2035. The amendment is requested to provide for better coordination during project relicensing for all of the licensee's projects on the Raquette River, including four additional projects with a license expiration of Dec. 31, 2033. Comments are due July 24, 2017. Contact: Ashish Desai; FERC; 202-502-8370; Ashish.Desai@ferc.gov

82 FR 29541 (06/29/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oregon/Prospect No. 3 Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to prepare a draft and final environmental assessment on the major new license application by PacifiCorp, of Medford, Ore., for the Prospect No. 3 Hydroelectric Project on the South Fork Rogue River in Jackson County, Ore. The procedural

schedule has also been revised in response, with the target release date for a draft EA set at October 2017 and for a final EA set at April 2018. Contact: Dianne Rodman; FERC; 202-502-6077; dianne.rodman@ferc.gov

82 FR 29543 (06/29/2017)

Regulatory Update

RADIATION
Radioactive Byproduct Material/Manual License Verification Report
RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB regarding the Manual License Verification Report, which is used to verify a license with the issuing agency prior to the transfer of radioactive materials in quantities of concern (NRC Form 749). The form is used when a licensee subject to physical protection of byproduct material license verification requirements is unable to use the License Verification System to perform their license verification. Comments are due July 31, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; Infocollects.Resource@nrc.gov. Citations: 10 CFR 37

82 FR 29585 (06/29/2017)

Regulatory Update

WATER
Consolidated NPDES Program Information Collection
WATER

Notice announces the intention of the EPA to seek OMB approval for a continuing information collection request on the NPDES program. The collection addresses costs associated with the program, activities of industrial point source dischargers of pollutants under the program, obligations of state governments and the EPA, and the program areas that concern various regulated activities. The EPA also adds NPDES programs on consolidated animal sectors, pesticide applicators, the national pretreatment program, cooling water intake structures at Phase I and III facilities, and the electronic reporting rule to the collection. Comments are due Aug. 28, 2017. Contact: Amelia Letnes; EPA, Water Permits Division; 202-564-5627; letnes.amelia@epa.gov. Citations: 40 CFR 122, 123, 124, 125, 501, and 503

82 FR 29549 (06/29/2017)

Regulatory Update

WATER
Great Lakes Advisory Board Meeting
WATER

Notice of the EPA announces a meeting of the Great Lakes Advisory Board in response to charge questions from the federal Interagency Task Force on the development of the Great Lakes Restoration Initiative Action Plan 3. The meeting is scheduled for July 17, 2017, via teleconference. Comments are due July 14, 2017. Contact: Rita Cestaric; EPA Region 5; 312-353-

6059; Cestaric.Rita@epa.gov

82 FR 29561 (06/29/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission/Review and Approval of Projects
WATER

Final rule of the Susquehanna River Basin Commission clarifies application requirements and standards for review of projects and provides for the registration of grandfathered projects. The rule also revises requirements for hearings and enforcement actions and updates definitions. The final rule includes numerous changes and clarifications to the rule as proposed. For example, the final rule allows the executive director to use past grandfathering determinations and allows the commission to waive certain registration information if a project is relying on a past grandfathering determination. The final rule does not finalize proposed changes to the consumptive use mitigation policy. The commission plans to reevaluate its policies and procedures for consumptive use and consumptive use mitigation in a more comprehensive fashion. The rule is effective July 1, 2017. Provisions concerning registration of grandfathered projects and grandfathered consumptive use are effective Jan. 1, 2018. Contact: Jason Oyler; Susquehanna River Basin Commission; 717-238-0423; joyler@srbc.net. Citations: 18 CFR 806.1 through 808.18

82 FR 29387 (06/29/2017)

Regulatory Update

WATER
Waiver from Secondary Treatment Requirements for Discharges into Marine Waters
WATER

Notice announces the intention of the EPA to seek OMB approval for a continuing information collection request regarding municipal wastewater treatment facility waivers from secondary treatment requirements for discharges into marine waters. Facilities are required to submit information upon waiver reapplication or application revision and must continually submit monitoring and toxic control program information. States are required to submit determinations and certify that state water quality laws are satisfied under the waiver. Comments are due Aug. 28, 2017. Contact: Virginia Fox-Norse; EPA, Oceans and Coastal Protection Division; 202-566-1337; fox-norse.virginia@epa.gov. Citations: 40 CFR 125, Subpart G

82 FR 29545 (06/29/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Mon 9/25/2017 4:03:18 PM
Subject: INVESTIGATION: POLITICO probes congressional aides' potential conflicts with stock trades

Senior congressional aides are often more involved in writing legislation than the members themselves. But some regularly trade stocks that present potential conflicts of interest with their work. Some even invest in companies that lobby their committees. Among the regular traders are aides to leaders of both parties, senior staffers on the House and Senate appropriations committees, the Senate Judiciary Committee, and the House Energy and Commerce Committee, which oversees Obamacare. In the executive branch, they could be fired. But a POLITICO investigation found that Congress is far more lax in policing conflicts of interest.

Read the report: http://politi.co/2fLOMha

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 7/18/2017 11:46:49 PM
Subject: House appropriators vote to delay, relocate Maryland offshore wind project

By Alex Guillén

07/18/2017 07:43 PM EDT

House appropriators approved an amendment to their 2018 Interior-EPA spending package that would delay development of a Maryland offshore wind farm in order to move it further offshore.

Rep. Andy Harris (R-Md.) said a planned project off the coast of Ocean City is too close, and said research indicates tourists are less likely to return when turbines are visible offshore. The developer, U.S. Wind, is planning a project about 17 miles offshore. Harris' amendment would prohibit the government from approving construction plans for any project closer than 24 nautical miles from Maryland.

Rep. Betty McCollum (D-Minn.), the top Interior-EPA spending Democrat, objected, saying the bill would unnecessarily delay a long-planned project and cost the government $6 million in breach-of-contract fines with the developer. The subcommittee chairman, Rep. Ken Calvert (R-Calif.), said he had questions about whether the measure could inadvertently affect other projects but nonetheless supported Harris' amendment.

It was approved on a voice vote, and Democrats did not call for a recorded vote.

WHAT'S NEXT: The spending bill is set to clear the Appropriations Committee this evening, but it remains to be seen when it would come to the House floor.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/07/house-appropriators-vote-to-delay-relocate-maryland-offshore-wind-project-090735

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Sat 12/2/2017 3:19:13 PM
Subject: Pruitt Brings State Action Tour To Iowa & Kentucky

Pruitt Brings State Action Tour To Iowa And Kentucky

Click Here To Watch Administrator Pruitt's Interview On KCCI-TV Des Moines

The Cedar Rapids Gazette reports that Administrator Pruitt wants to use our natural resources. "The new head of the U.S. Environmental Protection Agency told an Iowa crowd Friday he will work with states when crafting environmental rules, and he criticized the Obama administration for doing the reverse. 'What's important for us in Washington, D.C., to do is to learn and partner and work with folks at the state level to achieve good outcomes together. That just simply has not happened for a number of years,' said EPA Administrator Scott Pruitt, during a stop in Nevada. Pruitt, the former Oklahoma attorney general, also said the United States should use the natural resources it has, not 'put up fences' around them."

The Des Moines Register reports Pruitt called farmers the first 'conservationists, environmentalists.' "Pruitt said the country needed to discuss what 'true environmentalism' means: 'We have been blessed with a bounty of natural resources. And some view that as 'We should simply not use them' — that we should put up fences and not use our natural resources. 'I don't buy that. We, as a country, have an obligation to feed the world and power the world,' he said, getting applause. 'When you have the natural resources like we do, we should use them to benefit our neighbors, our country and world.'"

The Quad-City Times reports that EPA is studying if E15 can be approved for year-round sale. "Pruitt, during his remarks at the Friday afternoon event near Nevada, said his agency is studying whether it has the legal standing to approve E15 for year-round sale. He said if it is determined the agency can do so without Congressional approval, it will make E15 available year-round. If not, Pruitt said he would make a recommendation to Congress to change the law."

In Kentucky, WHAS-TV in Louisville reports that next year, Pruitt will have changes to Obama's WOTUS. "The head of the United States Environmental Protection Agency was in Louisville Thursday with a promise of change to one of the most controversial environmental regulations for Kentucky farmers. Administrator Scott Pruitt told the Kentucky Farm Bureau's 98th Annual Meeting that the "Waters of the United States" regulation will be changed forever by mid-2018."

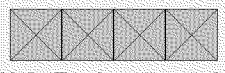
Click Here To Watch The Video

Finally, the West Kentucky Star reports that Pruitt denounced Obama's WOTUS. "Environmental Protection Agency chief Scott Pruitt found a friendly audience in Kentucky as he

lambasted an Obama-era clean-water rule. Pruitt told a Kentucky Farm Bureau audience on Thursday that the rule aimed at protecting small streams and wetlands from development and pollution was an example of federal overreach. He said the rule tried to redefine the Clean Water Act to cover puddles, dry creek beds and drainage ditches. President Donald Trump's environmental chief drew applause from the farm group as he said the rule is being 'fixed' and said a replacement rule is coming next year."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 7/27/2017 7:42:31 PM
Subject: July 27 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Water Infrastructure Bill Draws Bipartisan House Panel Support

Posted July 27, 2017, 02:01 P.M. ET

By David Schultz

A Republican bill that would authorize double the funding for an EPA loan program to help localities repair and upgrade their drinking water infrastructure sailed through a House committee today with the backing of the panel's top Democrat.

"I think this will be a noncontroversial bill that we can all support," Rep. Frank Pallone (D-N.J.) said at today's markup.

The bill, introduced by Rep. Gregg Harper (R-Miss.) introduced July 25, would include, among other things, funding for removing lead from school drinking fountains, prevailing wage provisions for federally funded water infrastructure projects, and language that could potentially force out-of-compliance utilities to consolidate with their neighbors.

The House Energy & Commerce Committee approved the water bill, H.R. 3387, on a voice vote. It will now head to the House floor.

Pipelines Awaiting Approval Pile Up at Federal Energy Regulator

Posted July 27, 2017, 7:00 A.M. ET

By Rebecca Kern

The backlog of natural gas pipelines awaiting Federal Energy Regulatory Commission approval is piling up as the agency enters its sixth month without enough members to approve $14 billion worth of infrastructure projects, and gas suppliers and pipeline companies could face longer-term impacts.

The pipelines awaiting regulatory approval include the proposed $5.5 billion Atlantic Coast Pipeline, owned by Dominion Energy and other partners, and the $2.1 billion Nexus pipeline, a joint project

from DTE Energy Co. and an Enbridge subsidiary.

"The situation is manageable for the time being, but just barely, because we are a few months away from major delays, which would be disruptive to the construction of pipelines and gas producers," James Lucier, managing director of Capital Alpha Partners LLC, a policy research firm that follows energy investments, told Bloomberg BNA.

"If we don't have a quorum by September, we definitely need to worry," he said.

Pipeline companies are calling on the Senate to act quickly to confirm two Republican FERC nominees—Robert Powelson and Neil Chatterjee—who can return the agency to a quorum to address the pending pipelines. When fully staffed, the independent agency has five commissioners, but it is among the agencies with a long list of appointed officials that Congress has yet to confirm.

Down to One Commissioner

FERC has been without a voting quorum of three commissioners since February, and is now down to one commissioner—Acting Chairman Cheryl LaFleur. Without a quorum, it can't issue certificates authorizing construction and operation of natural gas pipelines, approve liquefied natural gas terminals or vote on contested rate hearings.

If the quorum isn't returned and the pipelines are delayed, down-the-line impacts are possible on construction jobs, and natural gas producers and shippers, pipelines companies say. This is the first time FERC has been without a voting quorum in its 40-year history. The latest pipeline awaiting a FERC vote is the proposed Atlantic Coast Pipeline, spanning 600 miles from West Virginia to North Carolina, which received a favorable final environmental impact statement (EIS) from FERC staff July 21. It joins other high-profile pipelines including the proposed Nexus pipeline, owned by DTE Energy and Spectra Energy Partners LP (acquired by Enbridge), which received its environmental impact statement—the last step before a FERC vote—in November 2016.

"Quick action by the U.S. Senate on the FERC nominees will have an immediate impact on the nation's economy and Infrastructure," Jerry Norcia, president and chief operating officer at DTE Energy, told Bloomberg BNA.

Recently environmental groups opposing fracking and the development of natural gas pipelines have increased their efforts to put pressure on FERC.

The Sierra Club said it has opposed the nominations of Chatterjee and Powelson.

"Unfortunately, Donald Trump's nomination of Neil Chatterjee and Rob Powelson will continue FERC's status quo of approving unneeded fracked gas pipelines that take private land for corporate gain and lock Americans into higher electricity rates while increasing our dependency on fossil fuels for decades to come," Lena Moffitt, Sierra Club's director of the Our Wild America campaign aimed at protecting public land, told Bloomberg BNA.

Also, the Natural Resources Defense Council is an intervenor in the natural gas certificate cases at FERC for the Atlantic Coast and Mountain Valley pipelines. John Moore, director of the NRDC's Sustainable FERC Project, told Bloomberg BNA that his group believes these projects aren't necessary because there isn't enough demand for the fuel and other clean energy alternatives are available.

Senate Impasse

Chatterjee and Powelson were reported favorably out of a Senate committee in a 20-3 vote and are awaiting a Senate floor vote. Senators Ron Wyden (D-Ore.), Bernie Sanders (I-Vt.) and Mazie Hirano (D-Hawaii) were the three members who voted against them.

Two more nominees, Richard Glick (a Democrat) and Kevin McIntyre (a Republican)—have been named by President Donald Trump, but their nominations haven't been formally sent to the Senate to begin their hearing and confirmation process. Without agreements on vote timing between Senate Majority Leader Mitch McConnell (R-Ky.) and Senate Minority Leader Charles Schumer (D-N.Y.), FERC's quorum may not be restored until after Labor Day, Christi Tezak, managing director of research at ClearView Energy Partners LLC, told Bloomberg BNA. And the value of backlogged pipeline projects could reach $17 billion by October, she projected.

Sen. Lisa Murkowski (R-Alaska), chairman of the Senate Energy and Natural Resources Committee, which favorably reported out Powelson and Chatterjee, has said it is "critical to restore a working quorum at FERC as soon as possible." Sen. Maria Cantwell (D-Wash.), the committee's ranking member, also voted in favor of both nominees and has supported FERC returning to a quorum.

Impacts on Jobs, Suppliers, Consumers

The lack of FERC quorum "has implications that go pretty far beyond the pipeline companies," Don Santa, president of the Interstate Natural Gas Association of America, told Bloomberg BNA.

DTE Energy's Norcia said that if FERC approves the proposed Nexus pipeline, it would provide more than 7,000 construction jobs to Ohio and Michigan. Atlantic Coast Pipeline says it will employ more than 17,000 construction workers West Virginia, Virginia and North Carolina.

Smaller pipelines such as the $1 billion proposed Penn East pipeline, owned by a group of companies including Spectra Energy and NJR Pipeline Co., would run through New Jersey and Pennsylvania and provide up to 3,000 construction jobs.

Santa, whose trade group represents the major U.S. pipeline companies, said uncertainty of the FERC approval timeline could lead to potential construction delays.

In addition, pipeline companies could be subject to paying penalties to shippers if contracts aren't met due to delayed approval, and the companies' shareholders may not get the returns on their investments if there are delayed in-service dates.

Dena Wiggins, president and CEO of the Natural Gas Supply Association, which represents natural gas producers such as ExxonMobil Corp. and Chevron Corp., said the backlog directly impacts them.

"Natural gas producers have to have pipelines to get their gas to market and we've got an abundant supply, but we've got to have the pipelines," she told Bloomberg BNA.

If there are further delays, consumers may see higher prices.

"When you build new pipeline infrastructure, particularly if you relieve a bottleneck in the pipeline system, that lowers delivered gas prices," Santa said. He said this could lower heating and electricity bills.

'Not a Practice I'd Recommend'

"We are literally driving right up to the end of the cliff. And the good news is that as long as you stay on this side of the edge, you can still be fine. It's just not a practice I'd recommend," Capital Alpha's Lucier said.

One the first pipelines to come online, if approved after a FERC quorum is restored, would likely be the Nexus pipeline. The pipeline will likely be completed some time in 2018, Gerry Anderson, DTE Energy's president and CEO, said in the company's second quarter earnings call July 26.

Other pipelines still project a late 2018 start-date, including the $3.5 billion Mountain Valley pipeline primarily owned by EQT Midstream Partners that would span through Virginia and West Virginia; and Penn East.

TransCanda Corp.'s $2 billion Mountaineer Xpress in West Virginia could be added to the list of potentially delayed projects if FERC doesn't have a quorum until later this year. The company is projecting for the pipeline be operational in late 2018 as well.

The owners of the Atlantic Coast Pipeline—Dominion Energy, Duke Energy, Piedmont Natural Gas and Southern Co.—say that they are confident they will receive FERC approval by the fall, and for the pipeline to be operational by late 2019.

Russian Energy Sanctions Poised for Quick Senate Approval

Posted July 27, 2017, 11:46 A.M. ET

By Brian Dabbs

New restrictions on U.S. energy projects overseas are poised to reach the president's desk in the coming days as part of a broad sanctions package targeting Russia, as well as Iran and North Korea.

Senate Democrats all signed off on the bill (H.R. 3364), which would prohibit U.S. companies from participating in energy projects that have a 33 percent or more Russian stake, a spokesman for Senate Majority Leader Charles Schumer (D-N.Y.) told Bloomberg BNA July 27.

The oil and gas industry lobbied hard against the original Senate version, which would have prohibited U.S. company participation in energy projects with any Russia stake. Exxon Mobil Corp., Chevron Corp., and other U.S. companies participate in joint energy projects across the globe. Marty Durbin, American Petroleum Institute executive vice president and chief strategy officer, told Bloomberg BNA the new bill marks an improvement.

"There remain concerns with how this legislation could affect U.S. business interests in the future, but the amended bill more appropriately focuses sanctions on the intended target—Russia and its energy firms—rather than inadvertently benefiting Russia at the expense of U.S. companies," Durbin said in an email.

Unanimous Republican support would allow the bill to bypass Senate procedural obstacles. A spokesman for Majority Leader Mitch McConnell (R-Ky.) didn't immediately respond to Bloomberg BNA's request for comment.

U.S. sanctions already target a wide range of the Russian energy sector, but existing policy applies only to projects—such as extraction and pipelines—within the Russian Federation. The change to a 33 percent threshold sparked some opposition among senators.

Senate Foreign Relations Committee Chairman Bob Corker (R-Tenn.), however, signaled senators are now willing to shelve those concerns.

"I am glad to announce that we have reached an agreement that will allow us to send sanctions legislation to the president's desk," Corker said late July 26.

Volkswagen Gets Green Light for Emissions Fix to Diesel Cars

Posted July 27, 2017, 02:07 P.M. ET

By Carolyn Whetzel

Volkswagen can begin fixing an additional 326,00 diesel engine cars that included software to cheat on nitrogen oxides emissions tests after the EPA and California signed off on its buyback and repair plan July 27.

The plan covers model year 2009 through 2014 Jetta, Golf, Beetle and Audi A3 diesels, which were equipped with software that allowed the vehicles to pass emissions certification tests, but emit higher levels of pollution during routine driving. Owners of those vehicles will have the option of having the software updated to comply with emissions control requirements or selling their cars back to Volkswagen.

The company in January and May had received approval to fix other VW diesel models.

GOP Renews Fight for Edison's Light Bulb as Industry Goes LED

Posted July 27, 2017, 12:48 P.M. ET

By Ari Natter

Congressional Republicans renewed their effort to save the traditional light bulb, passing a measure to block federal energy standards that have come to symbolize government overreach for many consumers but are largely embraced by manufacturers as the cost of the newer bulbs has plummeted.

The House passed an amendment to a spending bill late July 26 to block enforcement of Energy Department rules requiring manufacturers to phase out sales of incandescent light bulbs to cut power use. While the measure faces an uncertain future in the Senate, its sponsor called it an important victory for freedom.

"Congress should fight to preserve the free market," Michael Burgess, a Texas Republican, said on the House floor before the vote. Burgess said he had heard from tens of thousands of people about how the regulations "will take away consumer choice when constituents are deciding which light bulbs they will use in their homes."

Standards Have Curtailed Use

The measure takes aim at rules that were issued under a 2007 bipartisan energy legislation signed into law by Republican President George W. Bush. The standards, which were phased in starting in 2012, have curtailed the use of incandescent light bulbs.

If it becomes law, the measure could have some unintended consequences, critics warn. While it won't change light bulb standards which have been in effect for years, it could hamstring authorities from blocking import of incandescent bulbs from China or other nations that that don't meet the requirements, said Steven Nadel, executive director of the American Council for an Energy-Efficient Economy, a non-profit group that promotes energy conservation.

When Republicans attacked these standards, manufacturers said they would still voluntarily comply with them, and the LED share of the market has surged over the last three years as the cost of those bulbs dropped.

LED light bulbs, which made up just 1 percent of global market share in 2010, are estimated to make up 95 percent that market by 2025, according to research by Goldman Sachs. They accounted for more than a quarter of U.S. sales last year, it said. Other bulbs that have been used to meet the requirements include the ubiquitous curly compact florescent, or CFL, bulbs and halogen lights.

When a similar measure passed into law as a rider in government funding legislation in 2011, the National Electrical Manufactures Association, which represents companies such as Philips Lighting NV and General Electric Co. said light bulb makers planned to comply with them regardless. Tracy Cullen, a spokeswoman for the trade group, did not respond to an email and phone message seeking comment.

'Mind-Boggling'

"It's mind-boggling to me," Elizabeth Noll, legislative director of the Natural Resources Defense Council's energy and transportation program, said. "It just adds uncertainty to their products and the rules of the road they are complying with."

The requirements, which have been put in place over time starting with the 100-watt light bulb in 2012, will cut the nation's electricity costs by $12.5 billion dollars annually and avoid the equivalent of 30 new power plants, the environmental group estimates.

"It's a an ideological objection to government interference in the market place," said Kateri Callahan, president of the Alliance to Save Energy, a Washington-based nonprofit. "All the things that Dr. Burgess and other opponents to those standards said would happen—limited choice by consumer, high prices—none of that has borne out."

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Growth-Starved Utilities Have Found a New Way of Making Money

Posted July 27, 2017, 8:54 A.M. ET

By Christopher Martin, Jim Polson and Mark Chediak

There's a new model emerging for growth-starved utilities looking to profit from America's solar and

wind power boom.

American Electric Power Co. is using it for a $4.5 billion deal that'll land the U.S. utility owner a massive wind farm in Oklahoma and a high-voltage transmission line to deliver the power. NextEra Energy Inc.'s Florida unit is using it to build solar farms. And in April, the chief executive officer of Xcel Energy Inc. said he'd use it to help add 3.4 gigawatts of new wind energy over the next five years.

Here's how it works: Some utilities that for years contracted to buy electricity from wind and solar farm owners are now shifting away from these so-called power purchase agreements, or PPAs. They're instead seeking approval from state regulators to buy the assets outright and recover the costs from customers through rates. While the takeovers are being branded as a cheaper way of securing power, saving ratepayers millions in the end, they also guarantee profits for utilities.

"We keep wondering why utilities are always signing PPAs that pass the cost through to customers," said Amy Grace, an analyst at Bloomberg New Energy Finance. "If you put it in your rate base, you can get a guaranteed return on it. There's a big upside to ownership."

With the cost of building solar and wind farms sliding and electricity demand weakening, owning renewables is a more attractive proposition than ever for utilities.

"The price of wind has come down enough that it's going to be competitive with anything else you're probably going to propose to build out there," Kit Konolige, a New York-based utility analyst for Bloomberg Intelligence, said by phone July 26.

Biggest Hurdle

The catch, of course, is regulatory buy-in. AEP will need approval from Arkansas, Louisiana, Oklahoma, Texas and federal regulators to purchase the 2,000-megawatt Wind Catcher farm from developer Invenergy LLC, build a 350-mile (563-kilometer) transmission line and bake the costs into customer rates. The company expects to file these plans with regulators on July 31.

Benjamin Fowke, chief executive officer of Minneapolis-based Xcel Energy, said in April that the company would seek approval to add 3.4 gigawatts of new wind energy and bill customers for as much as 80 percent of that investment through rates. He said at the time that wind energy is now the cheapest new form of generation.

NextEra has already gotten Florida's go-ahead to recover the costs of the solar farms its Florida utility is building through customer rates.

Should AEP gain similar approvals, the utility will be embarking on its most expensive renewable energy project yet, underscoring a dramatic shift in America's power mix. Once the largest consumer of coal in the U.S., AEP is now shuttering money-losing plants burning the fuel and diversifying its resources along with the rest of the utility sector.

The Wind Catcher farm in Oklahoma is set to become the largest wind farm in the nation and the second-biggest in the world, according Invenergy.

AEP estimated that the low cost of the wind power will save customers $7 billion over 25 years. Construction on the farm began in 2016, and the plant is scheduled to go into service in mid-2020, Invenergy said by email.

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Natural Gas Severance Tax Bill Passes in Pennsylvania Senate

Posted July 27, 2017, 01:03 P.M. ET

By Leslie A. Pappas

Natural gas drillers in Pennsylvania would pay a severance tax and consumers will pay higher taxes on natural gas under a proposal the Pennsylvania Senate narrowly approved today. House Bill 542, which passed the Senate 26-24, would levy a severance tax on the extraction of natural gas on top of the state's existing impact fee, which is levied on natural gas producers per well drilled. The bill would also impose a new gross receipts tax on natural gas that will be paid by consumers.

The new gas taxes are part of a revenue proposal that includes widespread tax increases, the Senate's solution to plugging a $2 billion hole in the state's fiscal 2017-18 budget. The Pennsylvania Legislature passed $32 billion spending package on June 30 without revenues to back it up, and since then, has been arguing about how to pay for it.

The bill now goes to the House.

If Petronas Can't Beat U.S. LNG Suppliers, It Could Join Them

Posted July 27, 2017, 7:57 A.M. ET

By Natalie Obiko Pearson, Ryan Collins and Kevin Orland

Malaysia's Petroliam Nasional Bhd has pulled the plug on its $27 billion plan to ship liquefied natural gas from Canada's west coast to Asia, losing out to U.S. suppliers who got to market first.

Well, if it can't beat them, it may still join them.

With its Pacific Northwest LNG project now dead, Petronas, as the state-owned company is known, needs to find a home for the gas produced by its Progress Energy Canada Ltd. unit in Canada's massive Montney formation—and exporting from the U.S. might be its best bet.

"Given the high quality of Petronas' liquid-rich shale assets in Canada, it wouldn't be surprising if Petronas tried to monetize some of them into LNG through a U.S. Gulf Coast facility," said David Austin, a Vancouver-based energy lawyer at Clark Wilson LLP who has advised clients working in the Montney, one of the continent's most prolific and cheapest sources of gas.

Petronas' decision to scrap the Pacific Northwest plant underscores how Canada's natural gas industry has struggled to compete with surging supplies from U.S. shale formations, which are already reaching buyers from Chile to China. As U.S. gas shipments to overseas buyers climb to a record and Canada's export projects remain stalled, Canadian drillers may have little choice but to send their output through Gulf Coast LNG terminals.

"That resource that we own is world class and highly competitive," Progress CEO Mark Fitzgerald said on a conference call Tuesday when asked about the possibility of exporting through the U.S. "We'll look at every option that we can to bring that to market."

Petronas' Progress wouldn't be the first Canadian producer to turn to the U.S. for help in exporting gas. Cheniere Energy Inc., which owns two LNG terminals on the Gulf Coast, signed its first Montney supply deal with Calgary-based Seven Generations Energy Ltd. earlier this year.

Cheniere is "absolutely" looking at other Canadian natural gas suppliers, Corey Grindal, senior vice president of gas supply, said in a June 26 interview in Houston. "We are in conversations with others."

Grindal also said Cheniere is in discussions about whether additional infrastructure needs to be built, potentially with a partner, "to get gas from the Montney down to one or both our terminals." Cheniere operates the Sabine Pass terminal in Louisiana and is building a second near Corpus Christi, Texas.

The Montney, a formation sometimes referred to as the "the Permian of the North" after the massive Texas oil and gas field, straddles the provinces of British Columbia and Alberta. The play holds about 449 trillion cubic feet of marketable natural gas, according to a 2013 estimate from Canada's National Energy Board. That's about half the total reserves of Qatar, the world's biggest exporter of liquefied natural gas.

Seeking Markets

But Canadian oil and gas producers face limited options in finding potential customers for their supply. Regulatory delays and environmental opposition have long stymied pipeline and LNG terminal projects seeking to ship out of Canadian ports to newer, more profitable markets.

Canada "has a tremendous resource, but market outlets are limited," Matthew Phillips, director at Guggenheim Securities LLC in Dallas said.

Petronas spent C$5.2 billion to buy Progress Energy in 2012 to take control of gas fields in the Montney intended to supply the LNG terminal. Progress, with partners China Petrochemical Corp., Japan Petroleum Exploration Co., Indian Oil Corp. and Brunei's state oil company, produce more than 750 million cubic feet equivalent of natural gas per day, according to the company's website.

"There's just a huge amount of it," said Samir Kayande, director at Calgary-based RS Energy Group. "What they need to do is figure out what the market for that gas is."

TransCanada Corp., which was building the North Montney Mainline to supply Montney gas to Petronas' LNG terminal, said earlier this year that the pipeline would be successful even without the facility.

The line "is needed whether or not LNG goes ahead," Shawn Howard, a spokesman for TransCanada, said in an email. "The Montney basin is one of the lowest-cost, most prolific North American shale plays, and production growth in this area requires additional infrastructure to connect supply to existing or new markets."

Canadian producers looking to boost gas exports to the U.S. will face stiff competition from producers in the Marcellus shale basin of Pennsylvania and West Virginia, Phillips said. A U.S. export valve is unlikely to resolve the basic conundrum facing stranded Canadian producers: better prices.

"It means we're beholden to the U.S.," said Andy Mah, chief executive officer of Calgary-based Advantage Oil & Gas Ltd. "Until we can start recognizing that we have something of value and make it happen, we're going to be at their mercy."

—With assistance from Robert Tuttle.

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Germany Considering Fund to Pay for Reducing Diesel Emissions

Posted July 27, 2017, 12:49 P.M. ET

By Birgit Jennen, Rainer Buergin and Brian Parkin

Chancellor Angela Merkel's government is considering setting up a fund to help pay for programs to cut diesel emissions as cities consider bans and allegations of cheating by German automakers cast doubts on the survival of the technology.

The "three-digit-million" euro fund would contribute to developing new mobility concepts for polluted cities, including Internet-based digital solutions, Transport Minister Alexander Dobrindt said in Berlin on July 27. Handelsblatt reported earlier that the program would likely be funded with 500 million euros ($585 million), split between car companies and the government, to cut diesel pollution and avoid driving bans.

Daimler AG's Mercedes-Benz last week announced plans to voluntarily recall 3 million diesel vehicles in Europe to upgrade their technology, while Volkswagen AG's Audi brand said it will service 850,000 cars. Volkswagen, which two years ago admitted to cheating on emissions in millions of vehicles, is also caught up in an unfolding scandal with Daimler and BMW AG over allegations that they colluded on technology for decades. BMW vehemently denies cheating on diesel technology. Industry executives and government officials set to meet Aug. 2 in Berlin to discuss their options.

"One pillar is the retrofitting of vehicles, in other words optimizing emissions; another pillar is the fund," said Dobrindt, a member of the Bavarian sister party to Merkel's Christian Democratic Union. "I honestly do not think it very effective today to speak about the funeral for the internal combustion engine."

U.K. Ban

While the U.K. on July 26 announced plans to ban sales of diesel and gasoline cars by 2040—echoing a similar initiative in France—Germany has chosen not to follow suit. Diesels still make up about half of all autos sales in Europe and carmakers say they need the fuel, which generates about a fifth less greenhouse gases than gasoline, to meet Europe's tightening emissions standards until the push to electric vehicles gathers more momentum.

"This is not about demonizing the diesel," Ulrike Demmer, a Merkel spokeswoman, told reporters July 26. "A ban on diesel or petrol vehicles is currently not on the agenda of the federal government."

German Environment Minister Barbara Hendricks on July 27 urged the government to go a step further and create a new unit—under her ministry—to more efficiently approve, categorize and scrutinize new vehicles. The relationship between the government and auto industry "has grown too

close," argued Hendricks, a member of the Social Democrats, Merkel's junior coalition partner.

Cem Oezdemir, a co-leader of the opposition Green Party, said at a meeting with VW works council members in Wolfsburg, Germany, that carmakers have pretended to adhere to what are already favorable regulations while the government has looked the other way.

"The diesel scandal, possible cartel arrangements—we have suffered a massive loss of reputation for Made in Germany, but the automobile industry has unfortunately contributed to this," Oezdemir said. "But I also don't want to release the government from their responsibility, because it always takes two for this sort of misconduct."

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 8/31/2017 12:39:46 PM
Subject: POLITICO Pro Breaking News: DOE releases oil from Strategic Petroleum Reserve

The Department of Energy is releasing 500,000 barrels of oil from its Strategic Petroleum Reserve to a Louisiana refinery that was affected by Tropical Storm Harvey.

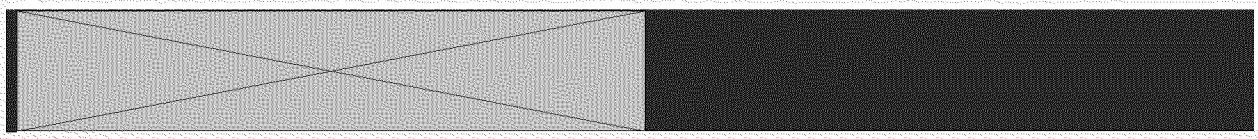
The oil will be delivered via pipeline to the Phillips 66 refinery in Westlake, La., a DOE spokeswoman said. Since last week, Harvey has forced the shutdown of 20 percent of offshore oil production in the Gulf of Mexico and up to 500,000 barrels per day of onshore output in Texas.

"The Department will continue to provide assistance as deemed necessary, and will continue to review incoming requests for SPR crude oil," a DOE spokeswoman said.

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Wed 7/12/2017 4:00:31 PM
Subject: [SPAM] Federal Insider: GOP House members hit Trump plan to break retirement promise to feds on moral, ethical grounds



GOP House members hit Trump plan to break retirement promise to feds on moral, ethical grounds

By Joe Davidson

Rep. Rob Bishop (R-Utah) speaking last year. He opposes President Trump's plan to cut retirement benefits for current federal employees. (J. Scott Applewhite/AP)

You can't always tell a book by its cover or a politician's position by the party.

Rep. Rob Bishop is a Utah Republican known as a solid right-winger. Like many Republicans, he generally doesn't get good grades on federal workforce issues.

His most recent ratings on congressional voting scorecards were 20 percent from the National Active and Retired Federal Employees Association (NARFE), 15 percent from the American Federation of Government Employees (AFGE) and 10 percent from the National Treasury Employees Union (NTEU).

But wait — while he has voted against positions favored by employee groups on many issues, he recently led a letter from nine Republicans opposing federal retirement cuts proposed by President Trump.

It's a principled position.

Citing the various ways Trump's budget plan would hit feds, despite his call for a 1.9 percent pay raise, the letter says "our strongest objection is how the proposals break a promise to employees and retirees who have based career planning on longstanding promised benefit calculations. They and their families don't deserve to be treated in this cavalier manner."

In addition to Bishop, it was signed by Reps. Tom Cole (Okla.), Austin Scott

DELIBERATIVE

(Ga.), Barbara Comstock (Va.), Rob Wittman (Va.), Christopher H. Smith (N.J.), Frank A. LoBiondo (N.J.), Walter B. Jones (N.C.) and Brian K. Fitzpatrick (Pa.).

They oppose Trump's plan to:

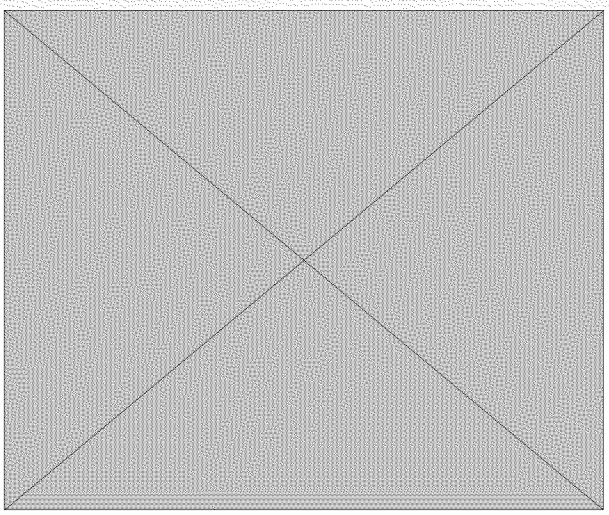
- Lower retirement benefits by basing them on the average of the high five years of salary instead of the current high three.
- Abolish cost-of-living adjustments (COLA) for current and future Federal Employee Retirement System employees.
- Reduce the COLA for Civil Service Retirement System (CSRS) employees by 0.5 percent from what the formula otherwise allowed.
- End supplemental retirement income for FERS employees who retire beginning in 2018.
- Increase individual out-of-pocket FERS payments by 1 percentage point each year until they equal the government's contribution. This would take up to six years and would amount to increased payments of about 6 percent. Payments from federal law enforcement officers would increase by the same amount but would not equal the greater contributions from law enforcement agencies.

The last point would be "tantamount" to a "permanent 6% pay cut," the letter said.

"I think we have a moral obligation to those currently in the system," Bishop explained during an interview. "That's the basis on which they were hired; that's how they are planning for their future."

The letter to House Speaker Paul D. Ryan (R-Wis.) and House Majority Leader Kevin McCarthy (R-Calif.) points out that these cuts have been pushed before without success: "Recycling discredited proposals targeting federal workers is disruptive to them, and demoralizing to all middle-class civilian worker families." The House leaders have not responded to the letter, and the Trump administration had no comment.

Bishop is not necessarily opposed to imposing less-generous retirement benefits on new staffers. "I can live with that," he said by phone. "I cannot go back retroactively and change those benefits. That's a philological position. … Philosophically, I just think it is wrong."



The proposal that Bishop wants to scrap would have affected Republican administrations. When Barack Obama was president, he proposed increasing retirement contributions made by current employees.

"I was opposed to it then, and I'm still opposed to it," said Bishop, whose district includes 16,000 civilian employees at Hill Air Force Base, an Internal Revenue Service center and other federal offices. "The idea of making retroactive cuts … it's not a conservative or liberal approach … and I've still think it's wrong, regardless of who proposes it."

That's a position that brings his current effort praise from employee organization leaders who generally rate him low.

NTEU President Tony Reardon: "Their letter puts House leadership on notice that any effort to slash federal salaries and pensions will be met with fierce, bipartisan resistance."

John Hatton, NARFE deputy legislative director: "NARFE applauds the letter, and appreciates that these members of Congress are highlighting for their leadership the harmful and unfair consequences that would result from the budget proposals targeting the earned retirement benefits of federal employees and retirees."

AFGE President J. David Cox Sr.: "Through [Bishop's] leadership the military facilities in Utah have thrived, as have the Department of Defense civilians who have found him to be an honest broker and backer of a common-sense approach to defense issues."

More from Federal Insider

The five signatures on the GOP letter lag far behind the 100 on a similar letter from House Democrats. Bishop said he made no attempt to secure a mass letter, preferring to include colleagues who really understand the issues. Apparently, not many Republicans do.

Once "the moral values and the ethical values" against cuts for current workers are explained to his colleagues, Bishop said "I think you'll find there will be much more empathy" toward his position.

The Republicans' letter noted that veterans make up more than 30 percent of the federal workforce, meaning Trump's plan would hit those who have risked their lives for the nation.

The GOP members recalled previous workforce compensation cuts, including a three-year partial pay freeze, furloughs and higher retirement payments by new workers. "In total, these combined shared sacrifices by federal workers have amounted to $182 billion since 2010," the letter said.

"No one needs to remind us of the deficit and debt problem our nation faces, but federal employees are an easy political target," the nine Republicans concluded. "In more ways than one, they have already repeatedly given at the office."

But can they convince their Republican colleagues?

Read more:

[Many veterans would suffer under Republican health-care plan]

[Democrats hit feds' long-term care issues and Trump's planned retirement cuts]

[Trump's budget shows feds little love despite pay hike]

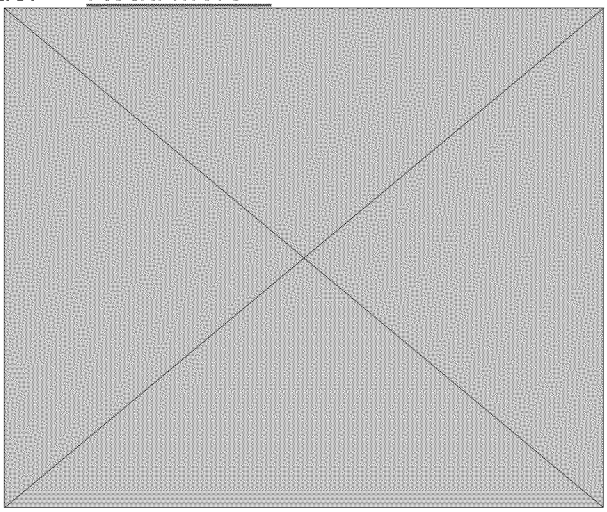
employee buyouts
Congress asked to raise payments to encourage federal employees to resign or retire to $40,000 government-wide.
By Eric Yoder • Read more »

Q&A for federal workers: New TSP investment, withdrawal options
Changes are coming for Thrift Savings Plan investors, but not just

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 7/7/2017 9:59:32 PM
Subject: EPA asks court to pause methane rule enforcement order

By Ben Lefebvre

07/07/2017 05:56 PM EDT

EPA today asked a federal court to delay an earlier decision requiring it to enforce an Obama-era rule to limit methane emissions from oil and gas drilling.

Administrator Scott Pruitt sought to put key aspects of the methane rule on hold last month while the Trump administration considers ways to revise it, but the U.S. Court of Appeals for the D.C. Circuit on Monday ruled that he could not do so without taking public comment. The court ordered EPA to immediately resume enforcing the rule, which requires installing leak detection and repair systems on new oil and gas wells and any that were drilled since it was finalized last August.

In a filing today, EPA argues that the court jumped the gun by requiring the agency to enforce the rule immediately after its ruling instead of allowing what it deems a normal seven-day lead time. That deprived the EPA sufficient time to consider a rehearing, agency lawyers claimed in the latest filing.

"In light of these interests in allowing the United States and the regulated community the standard period to thoughtfully decide whether to seek further review of the significant issues raised by the Court's decision, recall of the mandate is warranted," the agency wrote.

WHAT'S NEXT: It remains to be seen how quickly the court responds to EPA's motion. Pruitt has proposed a longer-term stay of the methane rule that is expected to be in place within the next few months.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/07/epa-asks-appeals-court-to-reconsider-decision-on-methane-emissions-rule-090180

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Fri 6/16/2017 11:14:33 AM
Subject: The Morning Headlines from InsideEPA.com -- June 16, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

June 16, 2017

Latest News

Pruitt Offers Muted Defense Of EPA Budget Cuts, Opening Door To Increases

EPA Administrator Scott Pruitt offered few specific defenses of the Trump administration's fiscal year 2018 budget request for the agency at a June 15 House appropriations interior subcommittee hearing, opening the door to lawmakers who have rejected the administration's proposed cuts to rewrite the plan.

Citing 'Broad' Reconsideration Discretion, EPA Defends Methane NSPS Stay

EPA is citing its "broad discretion" to reconsider agency rules and briefly pause such provisions as it defends its administrative stay of several key requirements of the Obama-era methane standards for new oil and gas sources against environmentalists' lawsuit asking an appellate court to halt the agency's action.

Environmentalists, EPA Fight Over Legality Of Power Plant CWA Rule Stay

Environmentalists and EPA are fighting over the legality of the agency's indefinite stay for its utility Clean Water Act (CWA) effluent rule, with environmentalists claiming the stay is unlawful and must be dissolved while EPA says litigation over the stay was filed in the wrong court and should be dismissed regardless of its merits.

House Democrats Fail In Bid To Require CASAC Approval For Ozone Delay

House Democrats at a June 15 markup failed with a bid to attach an amendment to a bill overhauling EPA's national ambient air quality standards (NAAQS) program to require the agency's Clean Air Scientific Advisory Committee (CASAC) to affirm any ozone NAAQS delay would not harm public health before it could proceed.

States Caught Between Calls For Reform, EPA Cuts As Hill Weighs Budget

State environmental officials appear caught between competing pressures as debate heats up over EPA's fiscal year 2018 budget, seeing potential opportunities to bolster their say on implementation of environmental policies but warning that full-throated attacks on EPA -- including on the agency's funding to states -- could have dire consequences.

EPA Pulls Draft Coal Ash Permit Guide From OMB, Submits Revised Version

EPA has without explanation withdrawn from White House review its draft guidance for states on crafting coal ash permit programs to comply with the agency's ash Resource Conservation & Recovery Act (RCRA) rule, pulling the guide that had been under review since May 25 and submitting a revised version for review on June 14.

Despite Trump Bar, OMB Mulls 'Rigorous' Method To Estimate GHG Damages

Despite President Donald Trump's bar on the use of the Obama-era social cost of carbon (SCC) metric to estimate climate damages, the administration is “trying to figure out a good, rigorous technical way” of calculating carbon dioxide damages in rules' cost-benefit analysis, a top regulatory review official says.

As Trump Seeks Elimination, NAS Offers Quiet Praise For EPA's STAR Grants

A National Academy of Sciences' (NAS) panel is offering quiet praise for a major EPA research grant program for its public benefits and careful planning -- a program that was cut by the Obama administration and is now slated for elimination by the Trump administration in its fiscal year 2018 budget request.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 11/2/2017 12:11:38 PM
Subject: Nov. 02 -- EHS State Regulatory Alert

EHS State Regulatory Alert

November 02, 2017 - Number 211

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Arkansas

PESTICIDES
Pesticide Control
Arkansas PESTICIDES

Proposed rule of the Department of Agriculture, State Plant Board, adopts Regulation No. 7 under Circular 9 regarding pesticide control and registration. The rule allows the board to request additional information from applicants about a pesticide before it is registered and clarifies that the board will give higher consideration to research specific to the state. The rule also directs the board to explain in writing to the registrant if and why any research supplied is found to be insufficient and gives applicants 14 days after receiving a notification of restricted use to notify the board that they wish to dispute the decision. In addition, the rule requires the board to provide written notice to the product registrant before placing further restrictions on a product that has received federal approval and is currently registered and being used in the state. A hearing is scheduled for Dec. 12, 2017, in Little Rock. Comments are due Dec. 3, 2017. Contact: Susie Nichols; State Plant Board, Pesticide Division; 501-225-1598; Susie.Nichols@apsb.ar.gov

—Arkansas Register (10/31/2017)

Regulatory Update

Florida

WATER
NPDES E-Reporting Requirements
Florida WATER

Final rule of the Department of Environmental Protection amends regulations under FAC 62-621.250 regarding general conditions for National Pollutant Discharge Elimination System (NPDES) and non-NPDES generic permits. The rule requires the electronic submittal, via the

department's online business portal, of discharge monitoring reports by permittees covered by the generic permit for discharges from petroleum contaminated sites and the multisector generic permit for stormwater discharge associated with industrial activity. The rule is effective Nov. 16, 2017. Contact: Abel Agosto; DEP, Division of Water Resource Management; 850-245-8603; Abel.Agosto@dep.state.fl.us

—Florida Administrative Weekly (10/31/2017)

Regulatory Update

Montana

AIR

Air Quality Standards

Montana AIR

Proposed rule of the Department of Environmental Quality, Board of Environmental Review, amends regulations under ARM 17.8.102 through .1502 (nonconsecutive) to incorporate by reference federal air quality standards, as of July 1, 2016, and the 2015 edition of the U.S. Code. The rule also removes exemptions from federal standards under 40 CFR 63, Subparts JJJJJ and KKKKK, concerning brick and structural clay products manufacturing and clay ceramics manufacturing, respectively. In addition, the rule incorporates the 2017 version of the state Ambient Air Monitoring Program Quality Assurance Project Plan and 2016 revisions to federal standards under 40 CFR 50.14 regarding ambient air quality standards and monitoring. Finally, the rule updates provisions concerning the availability of referenced documents. The rule does not incorporate federal standards under 40 CFR 60, Subparts OOOOa or TTTT, concerning certain crude oil and natural gas facilities and greenhouse gas emissions from electric utility generating units due to ongoing litigation. Comments and hearing requests are due Nov. 24, 2017. Contact: Sandy Scherer; DEQ; 406-444-2630; sscherer@mt.gov

—Montana Administrative Register (10/27/2017)

Regulatory Update

PESTICIDES

Pesticide Registration Fees

Montana PESTICIDES

Final rule of the Department of Agriculture adopts regulations under ARM 4.10.710 to establish an annual pesticide registration fee of $130 and a pesticide registration special needs fee of $8. The rule is effective Oct. 28, 2017. Contact: Cort Jensen; Department of Agriculture; 406-444-3144; agr@mt.gov

—Montana Administrative Register (10/27/2017)

Regulatory Update

Ohio

OCCUPATIONAL SAFETY AND HEALTH
Fire Code
Ohio OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Commerce, Division of State Fire Marshal, announces the refiling of an Oct. 2, 2017, proposed rule to adopt regulations under OAC 1301:7-7-01 through -39 (nonconsecutive) to update the state fire code to reflect current national and state standards, including the Ohio Building Code. The rule addresses emergency planning and preparedness, fire and smoke protection services, interior finishing and decorative materials, fruit and crop ripening, and lumber yards and woodworking facilities. The rule also addresses manufacture of organic coatings, industrial ovens, storage of combustibles, tire rebuilding and storage, and welding. In addition, the rule addresses fire safety during construction and demolition, dry cleaning, and aviation facilities. A related rule repeals regulations under OAC 1301:7-7-01 through 46. The rule is refiled to incorporate properly formatted text. Contact: Tracie Boyd; Division of State Fire Marshal; 614-387-0106; tracie.boyd@com.state.oh.us

—Ohio Regulations (10/30/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Fire Code
Ohio OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Commerce, Division of State Fire Marshal, announces the refiling of an Oct. 2, 2017, proposed rule to adopt regulations under OAC 1301:7-7-50 through -80 (nonconsecutive) to update the state fire code to reflect current national and state standards, including the Ohio Building Code. The rule addresses hazardous materials, compressed gases, corrosive materials, cryogenic materials, explosives, and fireworks. The rule also addresses toxic materials, liquefied petroleum gases, oxidizers, organic peroxides, pyroxylin plastics, and unstable materials. A related rule repeals regulations under OAC 1301:7-7-01 through -46. The rule is refiled to incorporate properly formatted text. Contact: Tracie Boyd; Division of State Fire Marshal; 614-387-0106; tracie.boyd@com.state.oh.us

—Ohio Regulations (10/30/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Fire Code
Ohio OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Commerce, Division of State Fire Marshal, announces the refiling of an Oct. 2, 2017, proposed rule to amend, adopt, repeal, and recodify regulations under OAC 1301:7-7-01 through -47 to update the state fire code to reflect current national and state standards, including the Ohio Building Code. The rule incorporates by reference standards of numerous safety organizations. The rule addresses building services and systems, motor fuel dispensing facilities and repair garages, and construction requirements for existing buildings.

The rule also addresses fire protection systems, means of egress, semiconductor fabrication facilities, fire safety during construction and demolition, and tire rebuilding and storage. Related rules adopt regulations under OAC 1301:7-7-01 through -80. The rule is refiled to incorporate properly formatted text. Contact: Tracie Boyd; Division of State Fire Marshal; 614-387-0106; tracie.boyd@com.state.oh.us

—Ohio Regulations (10/30/2017)

Regulatory Update

Oregon

GENERAL ENVIRONMENT AND SAFETY
Energy Facility Siting Council
Oregon GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Energy, Energy Facility Siting Council, amends, adopts, renumbers, and repeals regulations under OAR 345-015-0014 through -027-0100 (nonconsecutive) to revise and consolidate provisions concerning requests for amendments to site certificates. The rule establishes a Type A review process as the council's default process for reviewing types of changes proposed by energy facility site certificate holders in requests for applications. The rule also establishes Type B and Type C review processes that may be allowed upon request, a transfer process to review changes proposed by energy facility site certificate holders in a request for amendment, and a revised process to apply later-adopted laws. The rule is effective Oct. 24, 2017. Contact: Jason Sierman; Energy Facility Siting Council; 503-373-2127

—Oregon Bulletin (10/30/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 6/20/2017 6:17:27 PM
Subject: Interior could cut BLM staff by end of this year

By Ben Lefebvre

06/20/2017 02:12 PM EDT

The Interior Department has told the Bureau of Land Management to prepare for staff cuts of 1,000 positions as soon as the end of this year.

Those cuts would be in line with the White House budget proposal released in May, although lawmakers have already said they did not intend to follow that guidance.

In a memo to agency employees, acting BLM Director Michael Nedd conceded that although the White House budget cuts for the agency have not been approved, staff should prepare for the reductions.

?We remain hopeful that the BLM can handle reducing the size of our workforce through normal attrition, retirements, and smart, selective hiring with an emphasis on trying to fill our critical vacancies from within our current workforce,? Nedd said in the email. ?To accelerate attrition, the Department may also seek authority from the Office of Personnel Management to offer early retirement and voluntary separation incentives later this year.?

Neither BLM nor OPM would comment on the plans.

If implemented, the cut would eliminate 10 percent of BLM's staff. But the agency is already operating below full staffing, according to Public Employees for Environmental Responsibility, a nonprofit group representing state and federal workers.

"BLM is ridiculously thinly staffed," PEER Executive Director Jeff Ruch told POLITICO. "They haven't had 10,000 employees for three years. They've already shrunk 10 percent since 2010.?

Meanwhile, Congress has already said it would allot more money to Interior than the White House requested.

"I don't expect many of [the cuts] to become a reality, especially those that target popular programs," Sen. Lisa Murkowski (R-Alaska) told Interior Secretary Ryan Zinke during a Senate Energy and Natural Resources Committee budget hearing this morning.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/06/interior-could-cut-blm-staff-by-end-of-this-year-089376

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 6/12/2017 11:57:45 PM
Subject: June 13 -- Daily Environment Report

Daily Environment Report

June 13, 2017 - Number 112

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Leading the News

Climate Change
U.S. Finds Isolated Climate Change Stance at G-7 Talks
Two days of talks among Group of Seven environment ministers confirmed a crack between the world's other leading industrial nations and the U.S. over climate change issues.

Insurance
Insurers May Face Challenges From a U.S. Climate Deal Exit
The insurance industry could face challenges from climate change in the long term if the U.S. exits the Paris climate accord. But the industry sees the deal's goals as reachable through other methods, the world's largest reinsurer told Bloomberg BNA.

International Climate
EPA Head Blamed Obama for Paris Deal at G-7 Climate Summit
Environmental Protection Agency chief Scott Pruitt blamed former President Barack Obama for forging a bad Paris climate deal, leaving the U.S. with the job of extricating itself, the German environment minister said.

International Climate
U.S. Says It Has Seat at Climate Talks—But Is It at Kids' Table?
The White House is insisting it will still have a seat at the table at the next United Nations climate summit just before Thanksgiving in Bonn—but President Donald Trump's exit from the Paris climate pact may mean the U.S. won't be sitting at the adults' table. Administration officials, including Secretary of State Rex Tillerson and EPA Administrator Scott Pruitt, insisted the U.S. still has a voice in climate negotiations, noting Trump stopped short of pulling out of ...

News

Air Pollution

EPA Air Pollution Model Gets Inspector General Scrutiny

The EPA's process for approving the air pollution modeling methods it recommends for state regulators is slated for review by the agency's inspector general.

Chemical Security

Pruitt Delays Chemical Plant Regulation Changes to 2019

Chemical companies, oil refiners and other industrial sites will see a reprieve from an Obama administration regulation that would have imposed new safety requirements, the Environmental Protection Agency said.

Chemicals

Easing EPA Chemical Reporting Could Promote Recycling

Companies want to enlist the EPA's help so they can recycle valuable metals and other inorganic chemicals and cut down the amount of time and money they're spending filling out paperwork.

Coal Mining

Arch Coal Could Expand Mining in Colorado Under Draft Plan

Arch Coal Inc. would be able to expand the area it can explore for coal deposits in northwest Colorado under the Forest Service's preferred alternative in a recent environmental analysis, raising the ire of environmentalists.

Contribution

Mining Company Not Liable as Successor in Superfund Suit

A limestone mining company won't face Superfund liability as the successor of another company because there was no overlap in ownership, the U.S. District Court for the Western District of Virginia said (Dixon Lumber Co. v. Austinville Limestone Co., 2017 BL 196075, W.D. Va., Civil Action No. 7:16-cv-00130, 6/9/17).

Emissions Trading

California Budget Bills Fail to Extend Cap-and-Trade

California budget bills on June 12 didn't include legislation Gov. Jerry Brown (D) is seeking to reauthorize the state's greenhouse gas emissions cap-and-trade program.

Energy

Big Oil's Clean Energy Ambitions Face Limits, Consultant Says

The world's biggest oil companies probably won't become renewable energy majors, according to industry consultant Wood Mackenzie Ltd.

Energy

Hydro Bills Pass House as Senate Takes Up Similar Measures

The House signed off on a set of hydropower and minor energy bills June 12, just as a Senate panel prepared to take up its own hydro measures.

Groundwater

India Sets July Deadline for Industries to Get Groundwater Permits

Industries that extract water from underground to mine, manufacture and build products will have until July 13 to obtain "no objection" permits from India's federal groundwater authority, the government announced.

International Climate

Europe's Climate Advice Business Resilient to Trump Paris Exit

Europe's largest architecture and engineering consultancy says President Donald Trump's decision to pull the U.S. out of the Paris climate accord won't disrupt demand for advice on efforts to counter global warming.

Mergers and Acquisitions

Dow-DuPont Deal Clears India, Leaving U.S., Canada to Sign Off

DuPont Co. and the Dow Chemical Co. have cleared a major hurdle to their tie-up with conditional approval from the Competition Commission of India for their $78.5 billion merger. There are only two major countries left to approve the deal — Canada and the U.S.

Natural Resources

Bears Ears Monument Boundaries Probably Extend Too Far: Zinke

Interior Secretary Ryan Zinke is recommending a reduction of the size of the Bears Ears National Monument and a legislative change to allow tribal co-management of the monument, Zinke told reporters in a teleconference June 12.

Renewable Energy

Goldman Is Buying Clean Energy to Help Power Its U.S. Operations

Goldman Sachs Group Inc. isn't just matching renewable-power plants with corporations looking to buy wind or solar power. It'll soon be a buyer of clean energy, too.

Science Policy

EPA Research Office Deputizes House Science Committee Aide

A House Science, Space and Technology committee staff member took over the EPA deputy slot at the Office of Research and Development (ORD) June 12, according to an internal memo obtained by Bloomberg BNA.

Toxic Torts

Flint Water Crisis Class Action Won't Get SCOTUS Eye

A class action alleging an engineering firm didn't protect Flint, Mich., residents from lead contamination will remain in state court after the U.S. Supreme Court denied review June 12 (Lockwood, Andrews & Newnam v. Mason, U.S., No. 16-1092, review denied 6/12/17).

Water Pollution

Landfill Firm, Town Should Clean Up Private Wells, Suit Charges

The owners and operators of a suburban Massachusetts landfill should pay for allegedly contaminating the drinking water wells of close to 100 nearby residents, environmental groups and residents charge in a lawsuit filed in federal court.

Correction

The story, "Lawmakers, Regulators Stress Urgency to Renew Mine Cleanup Fee," published June 8, was updated to reflect new information about the expenditure of Abandoned Mine Land funds, which the agency submitted to Congress after the hearing. The online version has been updated.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer and Jake Sherman
Sent: Thur 6/8/2017 10:41:38 AM
Subject: POLITICO Playbook, presented by Samsung: THROWDOWN THURSDAY: COMEY's legacy day -- TRUMP leaves hole in schedule during hearing -- THE RNC'S TALKING POINTS and 'suggested tweets' for today's big event -- SPOTTED at Trump Int'l hotel -- B'DAY: Barbara Bush

View online version | Add politicoplaybook@politico.com to your address book.

Today's PLAYBOOK presented by Samsung
06/08/2017 06:37 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc) and JAKE SHERMAN (sherman@politico.com; @JakeSherman) with DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Driving the Day

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Good Thursday morning. GET READY FOR THROWDOWN THURSDAY. James Comey's testimony before the Senate Intel Committee starts at 10 a.m. Today all the networks and all the cables will be live -- with a few of them offering up live streams for free online. And if James Comey's much buzzed about statement is any indication of his savvy and willingness to dish, Trump will be more than tweeting today. He'll be seething. ***Comey's statement*** http://bit.ly/2rMG1bK

FOLLOW POLITICO's two reporters in the hearing room (Hart 216) today: Josh Gerstein (**@joshgerstein)** and Kyle Cheney (**@kyledcheney**).

THE PRESIDENT'S THURSDAY -- Trump speaks at the Faith and Freedom Coalition's Road to the Majority Conference at 12:15 p.m., and then will host governors and mayors at the White House for an infrastructure summit at 3:30.

-- NOTES: The president has nothing before his 12:15 speech. Some of the newsiest bits of the hearing will be at the top. **THE PRESS BRIEFING TODAY** is with Sarah Huckabee Sanders and it will be off camera. Speaker Paul Ryan is holding his weekly press conference at 11:30 a.m. today in the Capitol.

REMEMBER THIS -- Comey isn't constrained by traditional political considerations. Today will shape his legacy. Our reporting tells us that members of Congress don't expect him to accuse the president of a crime, but expect him to be extremely open about what transpired behind closed doors. We are told that he will, at times, go beyond

what he wrote in his statement.

THE BIG PICTURE -- NYT, A18 -- "Comey's Political Shrewdness Is on Display in Tussle With Trump," by Peter Baker and Glenn Thrush: "The morning, at least, seemed to go reasonably well for President Trump. He announced a new F.B.I. director, and two intelligence chiefs told Congress the president had never pressured them to interfere in the investigation into Russian election meddling.

"And then James B. Comey ... dropped the hammer. By authorizing the immediate release of the opening statement he plans to give in his much anticipated appearance before a congressional committee on Thursday, he instantly changed the conversation back to his assertion that the president tried to shut down part of the F.B.I. investigation.

"Mr. Trump may be relatively new to Washington, but Mr. Comey is not. A savvy veteran of the capital who has worked in high positions in multiple administrations, he has usually emerged on top in any internal power struggle. And in the month since his dismissal, Mr. Comey has shown why presidents are normally loath to fire F.B.I. directors." http://nyti.ms/2sGpeXF

THE REPUBLICAN NATIONAL COMMITTEE sent an email at 9:56 p.m. last night to people around town with the subject line: "Talking Points and Digital Packet for Senate Intelligence Committee Hearing." The first item under "top takeaway" is "President Trump feels completely and totally vindicated by Former FBI Director James Comey's opening testimony and is eager to move forward." It includes a "suggested tweets" section. ***The RNC talking points*** http://politi.co/2sGgWPA ... ***WSJ:*** RNC says they've dedicated 60 aides to the pushback effort. http://on.wsj.com/2s6pNx0

THE COUNTER ATTACK -- "West Wing aides fearful of directly attacking Comey: The White House has outsourced its counter-messaging effort during Comey's testimony, as aides try to avoid more personal legal risk," by Matt Nussbaum, Josh Dawsey, Darren Samuelsohn and Tara Palmeri: "'It's fair to say a storm is coming,' one administration source said. 'We're boarding up the windows for the impending hurricane.' ... The [RNC] is taking the lead in the response and has prepared a surrogate operation. ... Two former Trump White House officials - former deputy chief of staff Katie Walsh and former communications director Mike Dubke - are helping coordinate the effort. Press secretary Sean Spicer was at the RNC on Wednesday as preparations took place. ... For official comment, the White House has directed all questions to the office of Trump's outside counsel, Marc Kasowitz.

"Kasowitz's office, in turn, has directed inquiries to Emily Thall, the law firm's director of business development and marketing. On Tuesday, Thall declined to comment in a brief conversation with POLITICO about Comey testimony. By Wednesday, inquiries to Thall were met with an automatic response: She would be out of the office on vacation until next week. By Wednesday night, Kasowitz's firm had retained longtime political communications pro Mark Corallo to handle media inquiries." http://politi.co/2rY3CYY

QUOTE OF THE DAY - From the quadruple-byline story: "White House aides are trying to keep Trump busy Thursday morning with meetings so he won't watch TV and tweet during the hearing. 'But if he wants to watch it, it's not like we can say, 'oh, the TV doesn't work," one official said."

HOW IT'S PLAYING -- HUFFPOST banner, "COMEY BEFORE THE STORM" ... **DRUDGE** as of 6 a.m., "MAY DAY" (about the UK election) ... **N.Y. POST,** "'I EXPECT LOYALTY'" http://nyp.st/2sGrBtM ... **N.Y. DAILY NEWS,** "DON'S PLEA: COVERUP" http://nydn.us/2simZwi ... **EVEN TMZ IS IN ON THE ACTION --** They have videos of Sen. Richard Burr (R-N.C.) (http://bit.ly/2qYQTBX) and Rep. Peter King (R-N.Y.) (http://bit.ly/2s7kyNv).

****** **A message from Samsung:** Samsung has announced more than $10 Billion in US Growth since 2016, including our March 2017 acquisition of HARMAN International, a commitment of $1.2 Billion in U.S.-based IoT Investment and R&D, and a $1B expansion of our Austin, TX Semiconductor Manufacturing Facility. Visit Samsung.com/VisionForTomorrow for more. ******

FUN READ -- "'Must-See TV': Free Drinks and Canceled Meetings for Comey's Testimony," by NYT's Mike Grynbaum and Katie Rogers: "By the time details from Mr. Comey's prepared remarks surfaced on Wednesday ... the hearing had leapt from Beltway curiosity to required viewing, a cliffhanger episode of the nation's real-life reality show. ... At Union Pub in Washington, a sports bar steps from the Hart Senate Office Building, bartenders plan to dole out a free round of Budweisers or bourbon shots every time Mr. Trump blasts out a tweet. For those wondering: No, there will not be a limit. 'We'll give out 20 rounds' if the president tweets 20 times, Ashley Saunders, the bar's general manager, said." http://nyti.ms/2rXKSc3

THIS TOWN -- "White-collar lawyers see opportunity in Trump scandals," by Darren Samuelsohn and Andrew Restuccia: "More than a dozen attorneys and crisis communications specialists have already started working for Trump associates touched by the unfolding Russia scandal, according to a POLITICO tally. People close to the probes say that number is only expected to grow as more than 20 other senior campaign aides and White House officials begin receiving subpoenas, grand jury summons and other requests from special counsel Robert Mueller as well as congressional committees." http://politi.co/2qYR2Wa

ACROSS THE POND -- BRITISH ELECTION TODAY -- "Polls open in UK election after campaign marred by attacks," by AP's Danica Kirka in London: "Polling stations opened across Britain on Thursday for national elections, amid heightened security worries following a series of terror attacks in what one senior police official described as 'unprecedented times.' The public is being asked to be alert and to report concerns to police as voters choose 650 lawmakers for the House of Commons. Deputy Assistant Commissioner Lucy D'Orsi acknowledged concerns about Thursday's general election." http://apne.ws/2qYLB9t

ANNIE KARNI: THE FIRST FAMILY -- "Melania Trump set to make her D.C. move next week: Staffers hope the first lady will be a stabilizing presence in a White House that's been consumed by scandal and infighting": "With the school year over, first lady Melania Trump and the couple's son Barron are expected to finally make their official move to Washington on June 14, according to people familiar with the planning. ... Over the past few weeks, the often stiff-in-her-role first lady has been spending more time in the White House, building out her East Wing staff, preparing the residence for the family and slowly increasing her schedule of public events. ... [T]he June 14 date is seen as a major marker on the White House calendar - when the first lady puts away the full matching set of Louis Vuitton luggage that she travels with and settles in for good." ***With cameos by Sam Nunberg, Chris Ruddy and Anita McBride*** http://politi.co/2simMJL

-- US WEEKLY COVER: "IVANKA TAKES A STAND ... WHY I DISAGREE WITH MY DAD" (h/t Brian Stelter). Online header to the story: "How Ivanka Trump Influences Her Father Donald Trump" ***The cover*** http://bit.ly/2rYjUkz ... ***The story*** http://usm.ag/2rYva0u

CAPITOL HILL WATCH -- "Trump 'all in' on Senate Obamacare repeal," by Burgess Everett and Josh Dawsey: "At a meeting with congressional leaders on Tuesday, Trump urged Senate Majority Leader Mitch McConnell (R-Ky.) to follow through on an aggressive timetable for repealing the law in order to quickly turn to tax reform and help avoid a calamitous autumn full of key fiscal deadlines, according to multiple sources familiar with the meeting." http://politi.co/2rOpxzU

-- IT'S IMPORTANT TO NOTE: Senators don't like being told by Trump, or really any president, about how to run the Senate. While Republican senators have been working their way through how to pass a health care bill, GOPers across the ideological spectrum have been pessimistic about legislation actually passing. But most insiders note: don't count out Mitch McConnell.

THE JUICE ...

-- SPOTTED LAST NIGHT AT TRUMP INTERNATIONAL HOTEL: Treasury Secretary Steven Mnuchin with Tom Barrack, Vincent DeVito, Brandon Clark, Andrew Giuliani, Corey Lewandowski, Nick Owens, Lynne Patton, Jason Osborne, Jerry Pierce and Tim Rupli.

-- FIRST IN PLAYBOOK -- MoveOn will formally call for impeachment proceedings this morning in anticipation of the Comey hearing.

-- SEN. AL FRANKEN's book, "Al Franken, Giant of the Senate," is No. 1 on the upcoming June 18 NYT non-fiction best-sellers list, while William McRaven's "Make Your Bed," is also number one on the on the "Advice, How-to and Miscellaneous" list. http://politi.co/2qYttNa

-- "McConnell groups backing Luther Strange to run $2.4M in ads starting next week," by AL.com's Howard Koplowitz in Birmingham, Alabama: "Two groups connected to Senate Majority Leader Mitch McConnell have bought a combined $2.4 million in ads buys blanketing Alabama television and radio stations with ads supporting Sen. Luther Strange." http://bit.ly/2r8rTHR

-- THE NRCC reported another $545,541 in spending against Jon Ossoff in Georgia's 6th congressional district.

Playbook Reads

CARTOON DU JOUR by Matt Wuerker.

DRAIN THE SWAMP! -- "Trump White House lacks waivers for longtime lobbyists: Critics are questioning whether White House officials with broad portfolios can truly steer clear of conflicts of interest," by Theo Meyer: "At least a half-dozen former lobbyists are working in President Donald Trump's White House even though they haven't received waivers from the administration's ethics rules, raising questions about how much the rules do to prevent conflicts of interest. ...

"The Trump administration has granted exemptions from the rules for a handful of staffers, as President Barack Obama's administration did. But at least six former lobbyists now working in the White House haven't received such waivers, meaning they must recuse themselves internally from any issue where they have conflicts, according to the White House. ... Five of the lobbyists POLITICO identified who haven't received waivers work in Pence's office." http://politi.co/2sicWYj

NEW TIME COVER -- "The Swamp Hotel: How Trump's D.C. outpost became a dealmaker's paradise for diplomats, lobbyists and insiders," by Alex Altman: "[The hotel] is the new town square in Donald Trump's Washington. Tourists perch on the blue velvet sofas in the lobby, snapping cell-phone pictures as power players stream across the dark marble floors and cream carpets: international businessmen, Republican operatives, wealthy donors, foreign diplomats, former Trump campaign aides, the occasional Administration official. That's partly because a President who once promised to 'drain the swamp' of influence peddling now owns the city's newest bog." http://ti.me/2s72K5i ... ***See the cover*** http://bit.ly/2s5AkbA

****** **A message from Samsung:** Samsung's footprint in the U.S. has been growing for nearly 40 years, and we announced more than $10 Billion in US Growth since 2016. This year, we're proud to have added HARMAN International and its 3,500 U.S. employees to the Samsung workforce in America, and just as enthusiastic about our common vision, the similarities in our culture of innovation, and the added value we can

create for customers. Learn more about our partnership at Samsung.com/VisionForTomorrow for more. ******

HISTORY LESSON -- "The Greatest Hearings in American History: James Comey's testimony joins the pantheon of dramatic congressional moments," by Joshua Zeitz in POLITICO Magazine: "This isn't the first - and it won't be the last - time that congressional testimony captured the nation's imagination. From the Army-McCarthy hearings of 1954 to the Iran Contra hearings in 1987, House and Senate committees have held ordinary citizens in rapt attention. ... Comey's testimony is in this sense an absolutely American phenomenon." http://politi.co/2rY5nFI

NICK SCHMIDLE in The New Yorker, "James Comey's Intellectual History": "Comey has told associates that he never tried to lure Trump into improprieties. 'It wasn't like Jim was going to the Mob boss, all wired up, trying to secretly extract a confession,' one associate told me. Yet, in Comey's view, Trump's behavior toward him repeatedly crossed the line, making him 'an obstructor.' Based on Comey's prepared remarks, his Senate testimony will lay the basis for this legal claim, without explicitly making the charge. His testimony is likely to be supremely assured. A senior intelligence official said of Comey, 'He likes the stage. He takes politicians' questions apart. He loves the fact that he's smarter than them.'" http://bit.ly/2sGe9pz

RICH LOWRY, "Comey's fizzle": "The document has considerable entertainment value in its dead-pan account of a profound mismatch, a Washington buddy movie gone bad. It's a tale of a bureaucratically agile and self-serving careerist matched against an institutionally ignorant and self-serving outsider. One is careful, memorializing every conversation and calculating his every more; the other is blundering around in the dark - and eventually blows the whole thing up." http://politi.co/2rNXfFB

BEYOND THE BELTWAY -- "GOP candidate [Ashley Moody] for Florida Attorney general once sued Donald Trump in federal fraud case," by Florida Playbooker Marc Caputo: http://politi.co/2rOO1Jn

THE INNOVATION ISSUE: In a month long Special Report, POLITICO's **The Agenda** takes a deep look at the surprising new politics of innovation, and ideas for how to drive it in a new era. Check out a piece by Nancy Scola on how AOL founder Steve Case became the first call for lawmakers who want to bring innovation to the heartland (http://politi.co/2rOKFFW); a critical look by Arthur Allen at Challenge.gov, the federal government's prize competition designed to spur innovation (http://politi.co/2sWpDom); and Kevin Kosar writes on the surprisingly innovative history of the U.S. Post Office (http://politi.co/2r4Xyij), which was long on the forefront of technology before turning into a lesson in what "not" to do. ***The full issue*** http://politi.co/2s70tqQ

MEDIAWATCH -- Greg "Gianforte to give $50,000 to press freedom group after assaulting reporter," by Hadas Gold: "'I write to express my sincere apology for my conduct on the evening of May 24. My physical response to your legitimate question was unprofessional, unacceptable, and unlawful,' Gianforte (R-Mont.) wrote in a letter

[to Ben Jacobs]. 'As both a candidate for office and a public official, I should be held to a high standard in my interactions with the press and the public. My treatment of you did not meet that standard.'" http://politi.co/2r4iKVs ... ***The letter*** http://politi.co/2shUdMh

Playbookers

SPOTTED -- Rep. Joe Courtney (D-Conn.) at the U.S. Navy Memorial last night, celebrating the launch of a new book by Admiral James Stavridis (USN, ret.), "Sea Power: The History and Geopolitics of the World's Oceans"

REMEMBERING VIC GOLD - WaPo's Matt Schudel: "Vic Gold, a high-powered and sometimes high-strung Republican political strategist who served as the press secretary for Vice President Spiro T. Agnew and who wrote books with a president and the wife of a vice president, died June 5 at a hospital in Alexandria, Va. He was 88. ... Short, intense and often irritable, he was once dubbed 'the Mount Vesuvius of press secretaries' for his outbursts, but he had a redeeming sense of humor and an appreciation of the theatricality of politics." http://wapo.st/2rY5HUM

OUT AND ABOUT - The Competitive Enterprise Institute last night hosted their annual dinner, this time an Alice in Wonderland themed event titled "Through the Looking Glass" at the Marriott Marquis. Speakers included Secretary of Transportation Elaine Chao and the Wall Street Journal's Kimberly Strassel. **SPOTTED:** Grover Norquist, Suhail Khan and Jana Plat, Tom Schatz, Fred Smith, Myron Ebell, Dwayne Carson, Francesca Chambers and Michael Moroney, and Byron Tau.

-- KENT KNUTSON, vice president of government relations for The Home Depot and board member of the Home Depot Foundation, celebrated his 50th birthday at Hotel Monaco's Dirty Habit Wednesday night with friends and family, the Washington retail community and Members of Congress. **SPOTTED:** Sens. Amy Klobuchar (D-Minn.), Roy Blunt (R-Mo.) and Jim Risch (R-Idaho), House Majority Leader Kevin McCarthy (R-Calif.) and Reps. Sean Duffy (R-Wis.), Barbara Comstock (R-Va.), Debbie Dingell (D-Mich.), Jackie Speier (D-Calif.), Richard Hudson (R-N.C.), Adrian Smith (R-Neb.) and Bill Flores (R-Texas).

--CNN's DANA BASH last night kicked off "Badass Women of Washington" at Fig & Olive with a panel with five of the seven women profiled in the series: Sen. Dianne Feinstein (D-Calif.), RNC Chairwoman Ronna Romney McDaniel, Army Surgeon General Nadja West, Sen. Catherine Cortez Masto (D-Nev.), and Rep. Jaime Herrera Beutler (R-Wash.). All five panelists discussed what their views about the series and answered the question, "can a woman have it all?" http://cnn.it/2sFNZmV ... ***Pics*** http://bit.ly/2rPpNhR ... http://bit.ly/2r50ScX ... http://bit.ly/2qZj4AM

SPOTTED: Virginia Moseley, Heather Podesta, Kellyanne Conway, Gloria Borger, Ana Navarro, Hilary Rosen, Bill Press, Nia Malika Henderson, Michael LaRosa, Lauren

Pratapas, Kate Bennett, Nikki Schwab, Alexandra De Luca, Matt Dornic, Zeke Miller, Christina Ruffini, Francesca Chambers, Lauren Culbertson, Ashley Killough, Meredith Balenske, Dannia Hakki, Christine Delargy, Artur Orkisz, Marissa Mitrovich, Meredith Artley, Rachel Smolkin, Hadas Gold, Mitchell Rivard, Johanna Persing, Ryan Mahoney, Richard Hudock, Tara Palmeri, Michelle Jaconi.

-- After 8 years with Sen. Tom Udall (D-Colo.), friends and colleagues yesterday toasted Kevin Cummins' move to the Professional Services Council at Romeo & Juliet Cafe on Capitol Hill. **SPOTTED:** Frannie Wellings, Joe Trahern, Kara Van Stralen, Scarlet Doyle, David Grossman, Michele Ash, Tom Manatos, Melika Carroll, Sunmin Kim, Lee Friedman, Dana Gray, Harry Anastopulos, Cort Bush and Joey Wender.

NEW HAMPSHIRE CELEBRATION in D.C. -- POOL REPORT from Haley Dorgan: "Last night, the Senate got a taste of New Hampshire. Sen. Jeanne Shaheen (D-N.H.) welcomed her colleagues to eat and drink New Hampshire's finest products and get a taste of the Granite State's cultural and tourism opportunities. Sens. Maggie Hassan (D-N.H.), Chris Coons (D-Del.), Sheldon Whitehouse (D-R.I.), and Ed Markey (D-Mass.) and Reps. Annie Kuster (D-N.H.) and Carol Shea-Porter (D-N.H.) were greeted by Kodak the Bear and Max the Moose at the Kennedy Caucus Room. Some of the most popular items? Smuttynose beer, Cider Bellies Doughnuts, Creamy New England Fish Chowdah from the New Hampshire Food Bank, and Granite State Tea Cakes made by culinary students from the New Hampshire Job Corps." Other attendees included Ryan Williams, Byron Tao, Cate Martel, William Shaheen, and Jeff Rose.

SPOTTED yesterday evening at the U.S.-Colombia Business Partnership farewell cocktail party held on the ConocoPhillips rooftop for Ambassador of Colombia to the U.S. Juan Carlos Pinzon: Bill Burlew, Reps. Devin Nunes (R-Calif.), Francis Rooney (R-Fla.), Henry Cuellar (D-Texas), and Matt Gaetz (R-Fla.), Andrew Lundquist, Brian Donahue, Wes Battle and Josh Corless.

ENGAGED -- Brian Parnitzke, director of turnout and targeting at the RNC, proposed this past weekend to **Kate Karnes,** chief of staff in the office of digital strategy at the White House and a former Romney 2012 staffer and RNC alum. The two met in 2013 when they were working on separate campaigns for lieutenant governor of Virginia. Brian popped the question on Folly Beach outside of Charleston, South Carolina, where he first told Kate he loved her. ***Pic*** http://politi.co/2siczgf

TRANSITIONS - OBAMA ALUMNI -- Todd Breasseale, former Army Lt. Col. and spokesman at the DoD who became a DHS assistant secretary for public affairs during Secretary Jeh Johnson's last two years in office, is now helping manage Facebook news feed communications. He reports to McCain '08 alum Tucker Bounds. ... **Christian Marrone** has been promoted to SVP and chief of staff for IT firm CSRA. He joined CSRA in January 2016 after serving as chief of staff at DHS.

... **Mattie Duppler** is joining the National Taxpayers Union as a senior fellow of fiscal policy. He previously served as the coalitions director to the House Republican

Conference and is an alum of Americans for Tax Reform. ... Greenberg Quinlan Rosner has hired **Lindsey Reynolds** as its new COO. She joins GQR this month after 10 years with the DNC, where she served as both COO and director of the office of the secretary.

... Shana Glenzer has started as chief marketing officer at Crowdskout, a data management startup based in D.C. She previously was the CMO of MakeOffices, an Arlington-based co-working space. http://bit.ly/2rEfzm7... End Citizens United has hired **Matt Burgess** as EVP. He previously was the senior political strategist at Planned Parenthood during the 2016 cycle. ... **Clinton Blair** is joining the Organization for International Investment as VP of public policy and government affairs. He previously was at Jaguar Land Rover North America.

SUNDAY SO FAR - "Fox News Sunday": Panel: Karl Rove, Donna Edwards, Newt Gingrich, Charles Lane

FORMER REP. GABBY GIFFORDS (D-ARIZ.), whose birthday it is today, is headed to Galveston, Texas, where she will help the Navy commission the U.S.S. Gabrielle Giffords. It's the first Navy warship to be named after a living woman since Martha Washington. She learned that the ship would be named in her honor the same day she resigned from Congress in 2012. Hillary Clinton, Joe and Jill Biden, House Minority Leader Nancy Pelosi (D-Calif.), Olivia Munn, Jon Bon Jovi, Katie Couric, Sully Sullenberger and Thad Allen are all expected to attend. https://usat.ly/2r4lguY

BIRTHWEEK (was yesterday): Wendy Sherman, senior counselor at Albright Stonebridge Group

BIRTHDAY OF THE DAY: Russ Schriefer, partner at Strategic Partners & Media
How he's celebrating: "I'm in London with my wife Nina Easton who is chairing the Fortune Most Powerful Women International Summit next week. Our daughter Ellie and I are just tagging along." Read his Playbook Plus Q&A: http://politi.co/2rPcrSJ

BIRTHDAYS: Jonathan Collegio is 41 ... former Rep. Gabby Giffords (D-Ariz.) is 47 (h/ts Hilary Rosen and Katie Peters) ... Paul Winfree, deputy director of the White House Domestic Policy Council and the pride of Williamsburg, Va. ... Jim Cicconi (h/t Hilary) ... Barbara Bush is 92 ... Eric Kuhn, CMO of Layer3 TV and a former DC resident who worked for CNN, is 3-0, celebrating at Lincoln Center in NYC (h/ts Maha Hakki and Susanna Quinn) ... Cory Fritz, a Boehner alum now deputy staff director for comms. at House Foreign Affairs, is 32 ... Rep. Ken Calvert (R-Calif.) is 64 ... Politico's Laura Hayes and Sarah Hashemi ... Patrick Garrigan, Politico alum now events guru for The Atlantic ... "Meet The Press" associate producer Justin Peligri (h/t Olivia Petersen) ... Tim Grieve, VP for news at McClatchy (h/t John Harris) ... Roger Hickey, co-director of Campaign for America's Future ... Kelsey Harkness of the Daily Signal ... Mary Palmer is 31 ... J.J. Simmons V ... Ashley Baia of 270 Strategies ... Karen Robinson (h/t Jon Haber) ... USDA's Allie Ryan ... Matt Whitlock ... Davis White ... The Federalist's Bre Payton ... J.D. Dalfonson, comms director for Rep. Darin LaHood ... John Sandy, COS for Sen. Jim Risch ... Bale Dalton, pride of Orlando and HSC85 U.S. Navy, is 30-

something "and more handsome than ever" (h/t Christian Hertenstein) ... Uber flack Matt Wing ...

... Dasha Zhukova , friend of Ivanka and Jared, art collector and editor, married to Russian oligarch Roman Abramovich, is 36 (h/t Jewish Insider) ... Emily Pomeranz, the special events and major gifts maestro at NARAL (h/t James Owens) ... Hannah Yoest, assistant literary editor at Weekly Standard ... Erin Gorman, cookie baking aficionado currently at the Environmental Defense Fund, formerly "Mother Duckling" of the O'Malley campaign, and a campaign/DGA vet several times over, is 3-0. She will be feted by friends and family all weekend long in Baltimore (h/ts Matt Corridoni and Daniel Ensign) ... Chris Good ... Cathie Ericson ... Denton's Alex McGee, the pride of Atlanta (h/t Ed Cash) ... Lale Mamaux, CoS to Rep. Alcee Hastings ... Jordana Cepelewicz ... Kris Coratti, VP of comms and events at WaPo ... Avery Brooks, senior associate at Global Infrastructure Partners ... Ben Case is 25 ... Obama WH alum Keith Maley, also an ardent Red Sox fan and birdwatcher ... Brian Hardwick ... Michael Shmagin (h/ts Teresa Vilmain) ... Ann Belser ... Nancy Baile, public affairs and comms. manager at Coca-Cola ... Rosie Lineham ... Jane Hampton Cook ... Tom Davidson is 46 ... Barry Lando ... Lila Young White ... actor-comedian Jerry Stiller is 9-0 ... Nancy Sinatra is 77 ... "Dilbert" creator Scott Adams is 6-0 ... Julianna Margulies, a loyal Playbooker, is 5-0 ... Kanye West is 4-0 ... Maria Menounos is 39 ... tennis player Kim Clijsters is 34 (h/ts AP)

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Daily Environment Report

October 09, 2017 - Number 194

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Leading the News

Air Pollution
Luminant Coal Plant to Close Despite EPA Easing Haze Rule
A Luminant coal-fired power plant in Texas will retire even though the EPA eased emissions rules for it and seven other coal plants in the state. Luminant, a subsidiary of Vistra Energy, will retire its Monticello plant in January 2018, the company said Oct. 6. The announcement came a week after the Environmental Protection Agency issued its final rules to address haze pollution in Texas. The rules allow the plants to participate in a new intrastate pollution trading program rather than ...

EPA
EPA Chief's Travel Gets Additional Scrutiny From Watchdog
EPA's watchdog is taking a broader look at Administrator Scott Pruitt's travel, looking at all of his trips through September and not just his frequent flights home.

News

Air Pollution
Canada Aligns Small Engine Emissions Rules with U.S.
Canada wants to make it easier for lawnmower and other small engine manufacturers to sell their products in the U.S. so it's giving the industry an extra year to meet new air pollution requirements.

Air Pollution
Trump Seen Replacing Obama Power Plant Overhaul With a Tuneup
President Barack Obama's signature plan to reduce carbon dioxide emissions from electrical generation took years to develop and touched every aspect of power production and use,

from smokestacks to home insulation.

Endangered Species

Trump Quietly Stalls Safeguards for Dozens of Endangered Species

The Trump administration has quietly withdrawn dozens of pending actions to protect endangered species ranging from the green sea turtle to plants in the Florida Everglades, something conservationists say may violate federal law requiring the government to act.

Energy

FERC's Powelson Walks Back Comments About Perry's Pricing Rule

Robert Powelson, the newest member of the agency that oversees U.S. power markets, Oct. 6 walked back a day-old threat to quit before supporting U.S. Energy Secretary Rick Perry's proposal to shore up nuclear plants.

Environmental Reviews

Faster, Fewer Environmental Reviews Coming Under New Czech Law

Developers in the Czech Republic can expect faster reviews of how their projects could affect the environment under changes to the country's environmental assessment law that take effect Nov. 1, a senior environment ministry official said.

Forests

Brazil Cracks Down on Amazon Logging Ring

Brazil's Federal Police launched a crackdown on a logging ring that cut and falsified the sale of Amazon hardwoods and caused an estimated 896 million reais ($283 million) in environmental damage.

Oil Spills

Companies' Burning of Spilled Oil, Composting Sewage Now OK in Brazil

Companies will be allowed to do controlled burns of significant oil slicks far offshore if other methods of cleaning them up have failed under one of two resolutions by Brazil's National Environmental Council (CONAMA) now in effect.

Pipeline Safety

Dakota Access Review Delayed as Court Weighs Pipeline Challenge

A court-mandated government review of the controversial Dakota Access pipeline will take months longer than expected, potentially pushing a decision on whether the conduit can continue to operate into 2018.

Renewable Energy

Solar's Courting Puerto Rico, and the Ravaged Island Is All Ears

The U.S. solar industry is about to airlift rooftop panels and batteries to Puerto Rico, where more than 90 percent of homes and businesses remain without electricity after Hurricane Maria destroyed the grid. The first plane full of supplies is set to leave this week.

Trade Policy

TPP-11 Will Seek Consensus in Japan on Approving Trade Pact

Efforts to implement the contents of the Trans-Pacific Partnership following the U.S. withdrawal earlier this year are heating up with the remaining members hoping to sign a new deal by early next year, Chile's top official told Bloomberg BNA.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Wed 7/5/2017 9:35:48 PM
Subject: Today on Climate Beat

July 5, 2017

Today on Climate Beat . . .

. . . we went to court, reporting that California and New Mexico are launching a lawsuit over the Bureau of Land Management's move to "postpone" several requirements in its rule limiting emissions of the potent greenhouse gas methane from oil and gas equipment on federal land.

In personnel news, the Trump administration appears to be getting closer to nominating Kathleen Hartnett White, a prominent climate skeptic and supporter of domestic energy production, to lead the White House Council on Environmental Quality.

And on the regulation front, the Department of Energy has issued a request for information on its test procedure rule for energy efficiency standards for air compressors, a move that signals it is likely to rewrite the Obama-era regulation.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 9/14/2017 8:06:43 PM
Subject: Sep. 14 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

House Clears EPA Funding Bill Full of Poison Pills for Senate

Posted September 14, 2017, 01:40 P.M. ET

By Dean Scott

A funding bill passed today by the House offers a more modest cut to environmental programs than sought by the Trump administration, but is so laden with poison pill amendments that it will be little more than a starting point for negotiations with Senate Democrats.

The House-passed bill (H.R. 3354) would provide roughly $7.5 billion for the EPA in fiscal year 2018, about $1.9 billion above the Trump's administration's request, but still $528 million less than current-year funding. The EPA-Interior bill was combined earlier this month with eight appropriations measures, and that package is what the House passed today, by a vote of 211-198.

That EPA funding level may only be a starting point for Senate Democrats, who have significant leverage in negotiations this fall on what is likely to be a broad funding measure to keep the federal government running after a three-month spending resolution expires in December.

The Senate has no plans to take up the House version of the EPA-Interior spending bill, but House members who attached their amendments to add funding to the bill or change environmental policy now have some leverage of their own in future funding negotiations.

One such amendment, from Rep. Andy Harris (R-Md.), would ban any offshore wind projects within 24 nautical miles (27.6 miles) of the Maryland shoreline. Harris sought the ban at the behest of Ocean City, a popular Maryland beach vacation spot. The language would sideline offshore wind projects by U.S. Wind Inc. and Skipjack Offshore Energy LLC, which were both greenlit by the Maryland Public Service Commission in May.

Other amendments in the bill include two from Rep. Markwayne Mullin (R-Okla.). to block a 2016 EPA regulation on methane emissions from the oil and gas sector and to bar the Obama-era policy of accounting for the impacts of carbon emissions when developing regulations.

The GOP-led House largely rejected efforts to further trim the EPA's budget, adding funding for some programs. One big winner was the EPA's Clean Water State Revolving Fund: an amendment by Rep. John Katko (R-N.Y.) was approved to restore $250 million to the fund, which provides low-cost financing for water infrastructure projects.

Monster Storms Change Coastlines, Not Minds on Climate Change

Posted September 14, 2017, 8:49 A.M. ET

By Jennifer A. Dlouhy

Back-to-back hurricanes fueled by warm Atlantic waters may have altered the coasts of Texas and Florida, but there's no indication they are shifting the politics of climate change.

"We cannot ignore that carbon emissions are causing our ocean temperatures to get warmer, which is fueling more powerful hurricanes," said Sen. Kirsten Gillibrand (D-N.Y.) at a lightly attended hearing on carbon-capture technology.

Yet that is exactly what many are doing on an issue that increasingly breaks down along partisan lines. Republicans in charge of the House and Senate haven't scheduled hearings to examine the phenomenon. President Donald Trump has ignored shouted questions on the topic and administration officials have brushed the whole issue aside as a distraction.

Scott Pruitt, the head of the Environmental Protection Agency, told CNN it is "very, very insensitive" to storm victims to "have any kind of focus on the cause and effect of the storm versus helping people."

Research shows monster storms may only harden people's position, underscoring already entrenched beliefs about the role humans play in warming the planet.

"The climate movement can't depend on the weather to make its political case," said Robert Brulle, a sociologist at Drexel University who studies environmental activism. "We have a window of opportunity to draw attention to the issue—and then three weeks from now we'll be talking about something else."

Environmental disasters, including an oil spill off the California coast, toxic pollution emanating from New York's Love Canal and Ohio's Cuyahoga River bursting into flames, helped catalyze the modern-day ecological movement, shifting public views. But unlike climate change, the causes were clearer; there was no need for scientists to interpret data or model scenarios.

It's much harder to attack the science of an oil spill, Brulle said. "You can't have a tactic of denying the science when you can see it right there with your very eyes."

Some environmental activists say Hurricanes Harvey and Irma should be a wake-up call, vividly illustrating the potential consequences of extreme weather events made worse by climate change. Scientists haven't linked either hurricane directly to climate change—and they may never be able to—though they stress global warming is leading to more intense, more frequent storms.

Decades into the debate over climate change, people's views on the subject are tied up with their political ideology. And it takes more than 185-mile-per-hour winds to change their beliefs.

People in areas that have experienced extreme weather are only marginally more likely to support climate adaption policies such as elevation requirements and restrictions on coastal development, according to research published in the September issue of "Global Environmental Change." Instead, political party identification is a much bigger factor in how people viewed the issue, according to the study that examined public opinion data coupled with geographic information about extreme weather events.

And any changes in thinking after extreme weather are likely to be temporary.

"There was no discernible difference after a month between people who experienced more extreme weather and those who did not," Llewelyn Hughes, a professor at Australian National University, and David Konisky, a professor at Indiana University, said in a Washington Post essay describing their research. "Even though events like Hurricane Irma are tragic, it may very well be that people tend to forget about them quite quickly and get on with the rest of their lives."

Researchers also have found that living through a disaster changes the way people think—effectively making them more skeptical of leaders and less open-minded. A 2011 study of Honduran villages hit by Hurricane Mitch in 1998 found that severe damage reduces people's willingness to work together.

There are also parallels to the gun control debate, which didn't dramatically shift after shootings of schoolchildren in Connecticut and a congressman in Virginia.

In both cases, "there is a very powerful special interest influence group" that has effectively squelched debate, Sen. Sheldon Whitehouse (D-R.I.) said in an interview.

President Barack Obama made fighting climate change a signature policy of his administration. Trump and Republicans in Congress have sought to roll back those efforts.

Some environmental advocates may be wary of being seen as exploiting a natural disaster for long-term policy changes when homeowners are still ripping sodden carpet from their floors and utilities are still working to restore electricity. Whitehouse says there is plenty of time to talk about the issue as lawmakers debate hurricane-spending relief packages and storm-ravaged cities rebuild.

"We should be talking about this issue on a regular basis; I don't think there is a key moment in which we have to say it or we lose the opportunity," Whitehouse said. "Now is a good time to talk about it; later is a good time to talk about it; there will be plenty of opportunities to talk about it."

Congressional Debates

Climate change concerns could spill into congressional debates over how to rebuild cities battered by the storms.

"It's impossible to not discuss the incredible amount of money which the federal government is going to spend to clean up after supercharged hurricanes and to not then discuss what can we put in place now for ten cents on the dollar that will avoid the most catastrophic results," Sen. Ed Markey (D-Mass.)said in an interview.

Extreme weather events could provide an opening to GOP lawmakers—particularly those in affected states—to justify or explain a shift in how they approach the issue, said Joseph Majkut, director of climate science at the Niskanen Center, a libertarian think tank.

Instead of 180-degree pivots on the link between carbon dioxide and climate change, that may come in the form of supporting a resilient infrastructure or backing changes in the national flood insurance program to better incorporate what is known about rising sea levels and storm risks.

"I don't expect any one storm is going to change the debate on climate, which is now sort of sophisticated and entrenched," Majkut said. "I do think it can make a difference at the margins, so one thing to watch for will be individual members, individual districts and how much of a role it might play in 2018."

—With assistance from Christopher Flavelle.

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Federal Energy Regulatory Chairman Changes Tune on Coal

Posted September 14, 2017, 01:45 P.M. ET

By Rebecca Kern

Federal Energy Regulatory Commission Chairman Neil Chatterjee seemed to back away from previous pro-coal comments today in his first public testimony since taking office in August.

Chatterjee, during an August podcast interview, made comments that were in line with the Trump administration's efforts to help prop up coal plants. However, Chatterjee's responses during a Sept. 14 House Energy and Commerce Committee hearing reflected a change in tone to align with views expressed by other FERC nominees that the commission doesn't favor any fuel sources.

"The commission is fuel-neutral, and we will look to ensure that as our grid undergoes this transformation, that we ensure that we evaluate the attributes of fuel sources to see what values they provide," Chatterjee said during a response to a question from Rep. Kevin Cramer (R-N.D.) about what FERC could do make sure coal plants were compensated enough to keep them running.

"We will see if there's a demonstrated need for reliability, whether or not those things can be compensated," he added.

Chatterjee, a former energy staffer for Senate Majority Leader Mitch McConnell (R-Ky.), expressed a different view on coal during an Aug. 14 appearance on a FERC podcast.

"I believe baseload power should be recognized as an essential part of the fuel mix. I believe that generation, including our existing coal and nuclear fleet, need to be properly compensated to recognize the value they provide to the system," Chatterjee said on the podcast.

In his Sept. 14 testimony, Chatterjee echoed comments made by Richard Glick, nominated to be a Democratic commissioner. Chatterjee said that while there are no current reliability threats to the grid with the early retirement of baseload resources, such as coal and nuclear, FERC needs to closely monitor whether retirements could lead to reliability vulnerabilities later.

Glick and Kevin McIntyre, nominated to the Republican chairman of FERC if confirmed by the Senate, both stressed in their confirmation hearing that FERC was fuel-neutral. They are awaiting a Senate committee vote, which was postponed from Sept. 14 to Sept. 19.

Petition, Not Court, is Path to Expand L.A. Ozone Region: Judges

Posted September 14, 2017, 02:08 P.M. ET

By Abby Smith

Los Angeles-area air quality regulators who want to change the way they comply with federal ozone pollution standards may need to convince the California Air Resources Board to petition the EPA on their behalf, federal appeals court judges said Sept. 14.

California's South Coast Air Quality Air Management District sued the Environmental Protection Agency, seeking the right to count reductions of emissions from sources outside the region to help it comply with ozone air quality standards.

However, during oral arguments in the case, judges on the U.S. Court of Appeals for the District of Columbia Circuit seemed to agree with the EPA that the Clean Air Act may not allow the local agency to force this action in court.

Heather Gange, the Justice Department attorney representing the EPA, told the court that the burden is on the local air regulator to ask the state to redraw the the non-attainment area—and the local body should not try to force the action in court.

"The county has options other than torturing the language" of the Clean Air Act, Gange argued.

The Los Angeles air district is challenging a rule implementing 2008 standards that gave states and local air pollution regulators guidance on implementing federal ozone standards.

California Passes Chemical Disclosure Bill With Industry Support

Posted September 14, 2017, 10:17 A.M. ET

By Carolyn Whetzel

SC Johnson, Procter & Gamble, Unilever, and other manufacturers of air fresheners, detergents, and other household items would have to disclose potentially harmful ingredients in their products under a bill passed by California lawmakers.

The Cleaning Product Right to Know Act of 2017 (S.B. 258), if signed by Gov. Jerry Brown (D), would require companies to identify on labels and online information the chemical ingredients found in their products, including in fragrances.

The bill would "create an industry-wide ingredient communication program for manufacturers," Wisconsin-based SC Johnson said in a written statement issued after the state Assembly approved the measure Sept. 12.

"Because of this legislation, consumers will have the opportunity to make more informed choices for their families," Fisk Johnson, the company's chairman and chief executive officer, said.

Broad Support

More than 100 environmental, public health, and worker groups, the Consumer Specialty Products Association, and leading cleaning product makers like SC Johnson, Procter & Gamble, Unilever, RB· Reckitt Benckiser, and Seventh Generation, support the bill.

Industry buy-in, however, came after six months of negotiations that led to amendments to protect proprietary information and make implementation easier, bill author State Sen. Ricardo Lara (D) said.

Consumers and workers want to know what's in the cleaning products they use, Lara said in seeking Senate approval Sept. 13. Some chemicals in the products have been linked to cancer, birth defects, asthma and other adverse health effects, he said.

Passed in the Senate on a final 28-12 vote Sept. 13, the bill would give manufacturers until Jan. 1, 2020, to post ingredients and other product information on their websites. New labels listing intentionally added chemicals would be required a year later. Brown has until Oct. 15 to sign or veto the bill. He hasn't taken a position on the measure.

No federal regulations require the disclosure of most ingredients in cleaning products, although some companies, like SC Johnson, voluntarily provide the information.

Household, Institutional Products

The bill would apply to household and institutional products, and automotive care products, but not industrial products or cosmetics.

Ingredients identified by California, the federal EPA, European Union, or other authoritative bodies as causing cancer or other health and environmental harm would have to be identified on labels and online, according to the measure.

"The cleaning product industry recognized this consumer demand and worked with our coalition to craft a solution in Sen. Lara's bill," Avinash Kar, a senior attorney with the Natural Resources Defense Council, said in a Sept. 13 written statement. "This bill will put California, once again, at the forefront of public health protections that will benefit all Americans."

New York is finalizing industry guidance requiring cleaning product ingredient disclosure, Kar said.

New York City Targets Buildings for Greenhouse Gas Cuts

Posted September 14, 2017, 12:35 P.M. ET

By John Herzfeld

Buildings in New York City face sharp reductions in greenhouse gas emissions under a plan from Mayor Bill de Blasio (D) to target the city's top source of heat trapping emissions.

The proposed legislation, announced today, would require owners of all buildings in the city larger than 25,000 square feet to make improvements to boilers, heat distribution systems, hot water heaters, roofs, and windows. Deeper changes would be required during replacement or refinancing cycles over the next 12 to 17 years.

De Blasio said that the plan would make New York the first city to mandate cuts in emissions from

fossil fuels burned for heat and hot water in buildings, which constitute the top source of greenhouse gases in the city, or 42 percent of the total. He cast it as part of a broader response by cities to inaction on climate issues at the federal level.

The new plan expands on previously announced city goals to cut carbon emissions by 80 percent from 2005 levels by 2050, as well as a long string of city code changes, programs, and voluntary agreements on building energy efficiency. In June, de Blasio issued an executive order backing climate change targets in the wake of President Donald Trump's withdrawal from the Paris climate change agreement.

PPG: Look to China for Chemical Solutions to Pollution Problems

Posted September 14, 2017, 9:33 A.M. ET

By Pat Rizzuto

China's 2015 tax on paints and coatings containing volatile organic compounds immediately opened market opportunities for PPG, Chief Technology Officer David Bem recently told Bloomberg BNA.

In February 2015, the Chinese Ministry of Finance imposed a 4 percent tax on paints and coatings containing 420 grams per liter or more of volatile organic compounds (VOCs). "That immediately changed people's behaviors and the coatings we sold," Bem said.

The tax, designed to reduce airborne concentrations of chemicals that contribute to smog, illustrates how company innovations respond to the power China is wielding to reduce air and water pollution, Bem said.

China's growing commitment to cleaning up its air and water—combined with the country's educational investments, standard-of-living improvements, and infrastructure development—mean it's designing chemical innovations that can help solve problems in other countries as well, said Bem and Chuck Kahle, who was PPG's chief technology officer until he retired in 2016. Kahle discussed chemistry's impact on the global economy during the American Chemical Society's annual meeting in August.

Working with its Chinese partners, PPG has nine research laboratories in China, Bem said. From its facilities there, PPG has both witnessed and responded to China's growing commitment to cutting air and water pollution.

Originally founded in Pennsylvania in 1883 as Pittsburgh Plate Glass, PPG today is a paints, coatings, and specialty materials manufacturer, employing about 47,000 people and operating 156 manufacturing facilities worldwide. It serves aerospace, architectural, automotive, marine, rail car, and consumer product manufacturers.

Functional Coatings, Energy

According to the U.S. Environmental Protection Agency, sufficient levels of exposure to formaldehyde can cause irritation of the skin, eyes, nose, and throat—and cancer at high levels of exposure.

As part of its global mandate, PPG set out to find a solution. Next month it will launch a "next-generation" paint to improve air quality by reducing the formaldehyde emitted from composite wood products, according to company officials. The paint—called Sigma Air Pure—uses an acrylic binder

made with plant-based compounds to reduce up to 70 percent of the formaldehyde present in indoor air, according to the Sigma Coatings website. PPG will debut the paint in the Netherlands and Belgium in October before introducing it to other European markets in early 2018.

Partnering with China seemed like an organic opportunity for PPG. Chinese chemists have been trailblazers in developing functional finishes such as architectural paints and coatings that neutralize free formaldehyde molecules when they contact the painted wall, according to Bem.

China's determination to find environmental solutions, the government's ability to transform markets through public policies, and the sheer size of the Chinese market mean it will be a hotbed of innovation and commercial opportunity, Bem and Kahle said.

"If you can satisfy China's market, you're manufacturing at scale for any market," Bem said.

China is primed to take the lead developing new chemicals for solar energy panels along with chemicals that cut energy use, Kahle said.

A combination of pigments and primers that PPG developed for airplanes illustrates that type of functionality, according to information the company sent Bloomberg BNA. The coating system cuts aircraft exterior temperatures up to 25 degrees Fahrenheit, reducing interior cabin temperatures 5 to 7 degrees, and air conditioning-related energy use, PPG says.

Global Regulations

PPG's experiences in China are just part of its global dealings in which chemical and environmental regulatory changes offer both opportunities and challenges, Bem said. It's challenging for companies to keep track of the pace of chemical regulations around the world, he said.

"Changes to chemical registration regulations have been proposed or implemented in the EU and many other countries, including China, Canada, the United States, and Korea," PPG said in its 2016 10-K filing with the U.S. Securities and Exchange Commission. "Because implementation of many of these programs has not been finalized, the financial impact cannot be estimated at this time. We anticipate that the number of chemical registration regulations will continue to increase globally, and we have implemented programs to track and comply with these regulations."

Chemical regulations in different parts of the world reflect different social and economic philosophies, Bem said. There are regulators that will require some duplicative tests due to their specific requirements, he added. Leveraging chemical toxicity and other data so that information generated for one regulatory body can support regulations in different parts of the world is a good idea, but "you can't also leverage all of it," he said.

TSCA, Fuel Standards

Some regulatory changes—such as the 2016 overhaul of the U.S. Toxic Substances Control Act—will be a boon for chemical makers as a nationwide approach to chemical management is more workable that a patchwork of state rules, he said. "Very rarely is a product designed just for a particular state."

Regulations also create market opportunities, according to Bem. For example, the Corporate Average Fuel Economy, or CAFE, standards require car manufacturers to make lighter components for automobiles. That, in turn, has spurred paint and coating innovations, he said.

Chemical Safety Tests

The amended TSCA requirement that the U.S. EPA develop and implement a plan to promote the regulatory use of in vitro, computer-based, and other new approaches to predicting how chemicals affect people and the environment will promote scientific understanding and regulatory use of new testing technologies, Bem said.

Regulatory bodies are playing catch-up with emerging scientific understandings about ways chemicals could move through, affect, and be transformed by living organisms, he said. Yet markets are responding to new science, Bem said.

To illustrate his point, Bem discussed industries' response to concerns that some scientists have raised about bisphenol A (BPA), a chemical used to soften plastic products and coat metal cans to prevent food spoilage.

Market Drives Change

The question of whether BPA poses reproductive and developmental risks divides the scientific community. The U.S. EPA has described BPA as weakly estrogenic, meaning it can mimic female hormones. Many scientific advisers to regulators have said the chemical's current use levels are safe, yet some of those agencies also have regulated the chemical.

Companies began to switch to alternatives years before regulations were in place, Bem said. The U.S. Food and Drug Administration, for example, declared in 2012 that bisphenol A could no longer be used to make plastic baby bottles or children's "sippy cups" because it agreed with industry petitioners' claims that it was no already no longer used in those applications.

Increasingly, even if the toxicology isn't clear, the market—not regulations—is the driver, Bem said. PPG's toxicologists are working with their supply chain partners to predict chemical toxicity and environmental effects using safety tests that aren't mandated by current regulations, he said.

These teams tend to work with classes of chemicals that are well known "where there's plenty of information, so we don't have to take leaps of faith," he said.

Sustainability Goals

About 80 percent of chemical makers have adopted sustainability codes, meaning they are accountable to their shareholders for meeting specific goals, Kahle said. For PPG, that has meant developing reflective paints and coatings to cut energy use, Bem said.

PPG wants to use more biobased chemicals in its products, but the supply chain that could provide them isn't consistent enough to satisfy global demand, he said.

The growth in customers' sustainability and other value-based requirements also drive PPG's innovations, Bem said.

For example, one European customer focused on ergonomics for painting contractors, he said. The contractors carried large paint containers, similar to a five-gallon pail rather than the traditional one-gallon can familiar to homeowners. The customer and PPG designed a light-weight paint that was easier to carry and reduced fuel delivery costs, Bem said.

In another case, PPG worked with an automaker that wanted paints and coatings with a high recycled content that also could perform well on car parts made with recycled materials, he said. The customer's focus spurred PPG to work in an area that it might not have undertaken on its own due to the cost and complexity involved.

Corporate and customer sustainability expectations mean environmental performance is an important measure of success, he added.

Robots, Driverless Cars

Even somewhat farther afield, PPG works with sensors used in automated manufacturing system robots and self-driving vehicles, he said.

To prevent corrosion and for aesthetic reasons, industrial robots and autonomous vehicles need to be painted or coated, Bem said. Any coverings, however, can't interfere with a sensor's ability to "see," he said. PPG has worked with its aerospace customers on coatings that protect the sensors while improving their "vision" and function under a range of temperatures, humidity, and weather conditions, Bem said.

The chemical innovations that new technologies necessitate, coupled with new Chinese environmental policies, mean the pace of innovation emerging from China will continue to accelerate, Kahle said.

Germany's Energy Transition Creates Costly Problems With Grid

Posted September 14, 2017, 6:15 A.M. ET

By Jabeen Bhatti

Bolstering Germany's renewable output and expanding its electricity grid will be among Chancellor Angela Merkel's priorities if she prevails in upcoming federal elections.

As Germany forges ahead with its green energy transition, grid operators are being forced to dramatically increase operating costs to stabilize a centralized grid that has become unsuited for fragmented renewable production.

"In the next legislative period, we will need a great deal of effort to overhaul our transmission networks," Merkel said at her Christian Democrats' Energy Policy Dialogue event in April.

A "speedier" legislative process will be a priority as will establishing a "community of responsibility" with those of Germany's federal states that have lower transmission costs than others, she added.

Germans head to the polls Sept. 24 to decide whether Merkel, who has led Germany since 2005, will remain in power.

Even if so, to make Merkel's vision a reality, "there's a lot of investments that they have to make and this contributes to increased grid fees," Matthias Lang, a partner at the Bird & Bird law firm in Düsseldorf, told Bloomberg BNA. "But even if tomorrow we have a beautiful idea for the grid, it will still need to be built. And we'll be paying for it for the next 40 or 50 years."

The energy transition, in full swing for more than a decade, has drawn attention across Europe and from other countries also looking to rely more on renewable energy.

Germany already has some of Europe's highest energy costs, so analysts wonder whether more increases will curtail public support: Some 95 percent of Germans support continued investment and expansion of renewables, according to a representative survey by German research agency Kantar Emnid.

Transmission Snafu

Germany decided to cut ties with nuclear power in an ambitious energy transition known as the Energiewende. The move completely upended its energy production and transmission procedures. Since beginning the phaseout of nuclear energy in 2010, renewable energy output has doubled to 33 percent of total production in 2016, while fossil fuel and nuclear energy production significantly decreased, according to the Federal Ministry of Energy and the Economy. As of March, wind made up almost 12 percent of all electricity generation, while solar was almost 6 percent. Despite having succeeded in rapidly overhauling energy production, Germany's electricity grid, originally optimized for a centralized approach to energy consumption and transmission of non-renewables, is still struggling to efficiently accommodate the flood of electricity from renewables, analysts said. Strategically placed power plants used to funnel energy in a harmonized system based on need, price of production, high-consumption areas, and energy availability. As such, grid infrastructure developed along centralized transmission routes. The Energiewende's quick rollout changed that practice. As opposed to strategically erecting power plants in line with transmission networks, renewable energy centers began popping up wherever wind or solar was available. That created a distributed operation using mixed energy sources that has put increased strain on the existing grid, analysts said. "The factor is really commercial where you get the cheapest place to put your wind farms" and solar, said Lang. "It has nothing to do with where the power is consumed. So you have increased the amount of transportation that you need, because there's a total disconnect between where generation and consumption takes place."

New Infrastructure 'Urgent'

The German power grid is sectioned into transmission quadrants overseen by four operators: TenneT, Amprion Inc., 50Hertz Transmission GmbH, and EnBW Transportnetze AG. Hundreds of local and regional energy producers pay these operators to transmit electricity to consumers across Germany. Costs on producers then are passed on to the consumers themselves. Analysts and grid operators said the transmission costs largely stem from efforts to stabilize electricity flow on the grid, known as re-dispatch costs, during periods of particularly high renewable output. This involves turning on or shutting off traditional power plants either to stanch or ramp up output in line with need. As renewables have become more popular, increased output has clogged transmission on a grid that was optimized for fossil fuels. This January and February, instances of re-dispatch on the grid increased by some 63 percent in comparison to the previous year, a spokeswoman from Germany's Federal Association of Energy and Water Management told Bloomberg BNA.

Meanwhile, in 2015, re-dispatch efforts cost operators some 412 million euros ($490 million), three times the cost from the previous year, according to the latest Monitoring Report from Germany's Federal Network Agency. The agency has warned that costs could jump to 1 billion euros ($1.2 billion) by 2020 as renewable output increases. As a result, TenneT, Germany's largest grid operator, whose transmission zone spans the entire middle passage of the country from north to south, was forced to raise operating fees in its zone by 80 percent in 2017, a company spokeswoman told Bloomberg BNA. That translates to a 27 euro ($32) increase a year in energy costs for a three-person household. Grid prices on average accounted for some 25.7 percent of energy costs for German households as of February, according to statistics from the the federal

energy and water management association. “New infrastructure is becoming more and more urgent. Curtailment costs of renewables are increasing and we can’t build the infrastructure so that the networks are faster,” Andreas Jahn, a senior associate with the Regulatory Assistance Project, an energy think tank in Berlin, told Bloomberg BNA.

Infrastructure Needs

Grid operators must now rapidly build infrastructure from the ground up in areas lacking proper access, such as along Germany’s coast with the North Sea, a major center of wind production. “They have an obligation to connect a particular wind farm to the grid,” said Lang. “But if the grid behind the wind farm was never built to take on that type of power, they have to reinforce the grid. And this drives up grid costs.”

This is particularly the case in rural areas in East Germany, where a lack of grid infrastructure has left consumers there footing the bill for updates to newly constructed renewable systems, in addition to transmission costs and stabilization measures. “The costs simply stay with this limited number of customers,” said Jahn. “We need a common agreement on the cost: Urban customers should have to pay a part of the costs in rural areas as well.” While updated transmission routes are supposed to be finished by 2022, when the last of Germany’s nuclear plants are to go offline, the Federal Network Agency confirmed to Bloomberg BNA that new, high-traffic grid connections likely won’t be finished until 2025.

Disputed Solutions

Numerous actions have been suggested to stymie rising costs—from efforts to rapidly increase grid expansion to legislation to equalize costs among consumers across the board, regardless of geographic location. A bill addressing the latter was completed in the Parliament in July and will clear the way for a harmonization of long-distance transmission costs across all regions by 2023. “There’s differing positions from the states simply because many profit enormously from the current system: They have lower grid costs while others’ bills are higher,” Tobias Austrup, an adviser on energy policy with Greenpeace Germany, told Bloomberg BNA. “But it really comes down to a question of fairness,” he added. Another proposal has been to decouple Germany’s transmission network from Austria and Luxembourg to combat electricity bottlenecks at the border that contribute to skyrocketing redispatch costs. But analysts dispute whether decoupling would be financially and politically beneficial. While creating a domestic internal bidding zone for electricity could indeed drive down prices in the short term, it doesn’t match the political objectives of the European Union and could increase congestion at national borders. And that could serve to exacerbate re-dispatch costs. “Electrons don’t know national borders. They know copper,” the Regulatory Assistance Project’s Jahn said. “In the end, it will be more expensive if we have 27 energy transitions instead of a joint project.”

‘Antiquated Power Stations’

Greenpeace’s Austrup views the grid in its current form—with its mix of traditional and renewable power plants—as the root of the problem. With an all-or-nothing approach replacing all traditional power stations with renewables immediately, instead of gradually, Germany could significantly reduce grid fees and energy costs, he said. “It’s a myth that the problem is that there’s too much renewable energy that can’t be transported,” Austrup told Bloomberg BNA. “The problem is these antiquated power stations that no longer belong in this world.” Still, building up renewables to the point of energy independence is a waiting game, said attorney Lang. Technology and legislation have to reach the point where such a feat would be possible. “If we finish the buildup of renewables, then at some stage, the grid will have caught up,” said Lang. “But I’m hesitant to say when exactly this is going to be, because we don’t know what technology we will be able to use going forward.”

That means that high energy costs for consumers in Germany—already higher than most of its European counterparts—won't show any sign of stopping, he added. "It's costing money and costs are going to increase. It will get more expensive," he said. "If we want a higher percentage of renewables, then we have to upgrade the grid to do so. And that will cost what it costs."

Fastenal Canada Fined $218K for Import, Sale of Ozone Depleters

Posted September 14, 2017, 8:26 A.M. ET

By Peter Menyasz

Major industrial supply firm Fastenal Canada Ltd. will pay C$265,000 ($217,000) in fines for importing and selling in Canada aerosol products containing ozone-depleting substances.

The Ontario Court of Justice levied the fine Sept. 7 after the company pleaded guilty to two counts of violating the ozone-depleting substances regulations under the Canadian Environmental Protection Act, Environment and Climate Change Canada said Sept. 13.

Enforcement officers found that Fastenal imported and sold aerosol products containing hydrochlorofluorocarbons (HCFCs), a regulated ozone-depleting substance, between November 2012 and January 2015, the department said in a statement.

The company, based in Winona, Minn., didn't respond to Bloomberg BNA's request for comment.

The fine will go to the Environmental Damages Fund, which is used to support projects that benefit the environment, and the company's name will be added to Canada's Environmental Offenders Registry, the government said.

HCFCs are primarily used in foam blowing agents, refrigeration and air conditioning coolants, solvents, aerosols, and fire extinguishers.

Fastenal has 2,503 retail outlets and 401 on-site locations in the U.S., Canada, Mexico, and Europe, with net sales totaling $4.0 billion in 2016.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 6/26/2017 2:44:16 PM
Subject: Supreme Court turns down appeal over EPA emissions rules

By Alex Guillén

06/26/2017 10:41 AM EDT

The Supreme Court today declined to take up a power company's appeal that argued EPA regulations wrongly made emissions released during industrial accidents illegal.

In a follow-up to a lawsuit before the D.C. Circuit Court of Appeals that saw most of a suite of Obama-era EPA boiler emissions rules upheld, American Municipal Power, an Ohio-based wholesale power supplier, argued that EPA's rules left emitters "at the mercy of EPA enforcement and citizen suits" following accidents that lead to emissions that exceed regulatory limits.

The Trump administration last month argued that it is reasonable to interpret the Clean Air Act so that EPA is not required to account for equipment malfunctions when setting emissions limits. And, the administration added, the varying types and durations of possible malfunctions makes it impossible to account for them ahead of time.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/06/supreme-court-turns-down-appeal-over-epa-emissions-rules-089680

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Yes, very	Somewhat	Neutral	Not really	Not at all

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 11/10/2017 1:17:17 AM
Subject: Nov. 13 -- Daily Environment Report



Daily Environment Report

November 13, 2017 - Number 217

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Leading the News

EPA
Senate Sends EPA an Air Chief in Largely Party Line Vote
The Senate is sending the EPA an air chief—adding to the agency's team its second confirmed political appointee.

Energy
U.S. Energy Regulator Lays Out Plan to Keep At-Risk Coal Online
FirstEnergy Corp.'s efforts to save its ailing coal plants are gaining traction with the top U.S. energy regulator.

Motor Vehicles
EPA Parks Portions of Greenhouse Gas Rule for Trucks
The EPA is one step closer to meeting an industry request to repeal portions of greenhouse gas limits for trucks.

Pesticides
Monsanto, DowDuPont Left Hanging as EU Deadlocks on Glyphosate
Monsanto, DowDuPont, and other companies that use glyphosate in their pesticide formulations were left frustrated Nov. 9 as the European Union once again failed to make a decision on reauthorizing the chemical.

Pesticides
No Link Between Roundup and Cancer, Study Finds
A long-term survey of tens of thousands of U.S. farmers found no significant link between cancer and exposure to glyphosate, best known as the main ingredient in Monsanto Co.'s Roundup herbicide.

News

Air Pollution
Judges Skeptical of EPA's Need For More Time on Kiln Emissions
The EPA's need for two extra years to review its toxic pollution standards for brick kilns met with skepticism from federal judges.

Air Pollution
Los Angeles Emissions Trading Plan Changes Snuffed Out by Court
Southern California air quality officials will have to revisit changes to a regional pollution credit trading program approved in 2015, a state court said.

Asbestos
Ford Cleared of Asbestos Claims From 1970s Brake Repair
Ford Motor Co. won dismissal of lung cancer claims by the widow of a man allegedly exposed to asbestos while working on car brakes.

Chemicals
Taiwan Weighs Broadening Oversight of Industrial Chemicals
Taiwan will revise its federal law to broaden controls on chemicals if a measure approved by the Cabinet Nov. 9 is enacted.

Climate Change
Deutsche Bank's Tool Maps Climate-Change Investment Risks
Deutsche Bank AG's asset-management unit is using a detailed map to determine where natural disasters spawned by climate change may pose the greatest risks to its investment portfolios.

Coal Mining
One of the World's Biggest Miners Is About to Go Coal Free
Just five years ago it would have been almost unthinkable that one of the world's biggest mining companies would not dig any coal. It's now likely to become a reality.

Energy
China's Appetite for U.S. Energy Falls Short of Binding Deals
China showed its appetite for big ticket investments in U.S. energy production and exports during President Donald Trump's visit, but left the event with almost no binding deals.

Energy
West Virginia Gets China Energy Deal That Dwarfs State's GDP
West Virginia was the biggest recipient of the $250 billion of investments signed during President Donald Trump's visit to China.

Environmental Claims
Top Canada Court to Hear Appeal on Abandoned Oil Well Decision
The Supreme Court of Canada has agreed to hear an appeal of a lower court decision that allows bankrupt oil and gas companies to hand off the cost of cleanup to government authorities in order to maximize money for creditors.

International Climate
EU Reaches Deal to Overhaul World's Largest Carbon Market

European Union negotiators agreed to overhaul the region's cap-and-trade program, approving a plan to bolster carbon prices and adjust the emissions market to more ambitious climate goals in the next decade.

Motor Vehicles

Senate Tax Bill Bucks House, Keeps Electric Vehicle Credit

The Senate's broad rewrite of the nation's tax code rejects a move by House Republicans to eliminate a $7,500 tax credit for electric-vehicle purchases, two members of the tax-writing committee said.

Oil & Gas

Legislation to Allow Drilling in Arctic Refuge Unveiled in Senate

Legislation to allow oil exploration in Alaska's Arctic National Wildlife Refuge is scheduled for action on Nov. 15 by the Senate Energy and Natural Resources Committee.

Oil & Gas

Williams Cleared to Resume Work on $3 Billion Gas Pipeline

Williams Partners LP was cleared by a federal court to resume construction on a $3 billion pipeline that will help shuttle shale gas across the eastern U.S.

Renewable Energy

As Rooftop-Solar Growth Ebbs, Installers Chase Profitability

There's long been a Catch-22 about residential solar: Despite staggering market demand, it's been hard to make money doing it. Until now.

Renewable Energy

Wind Energy Feels the Force of World Markets

The prevailing wind has dramatically changed for the world's biggest maker of the swooshing blades that dot landscapes from Argentina to Mongolia.

Vehicle Fuels

U.S. Sets Duties on Argentine Biodiesel as Final Decision Looms

The U.S. set final import duties on biodiesel from Indonesia and Argentina of as much as 72.28 percent, after concluding that government subsidies are giving an unfair advantage to producers in those countries.

Water Pollution

D.C. Claims Right to Prevent Sewer Backups from Mislabeled Wipes

Washington, D.C., has the right to try preventing sewer backups caused by disposable wipes mislabeled as flushable, the District said in a court filing defending its labeling rules and disputing claims by manufacturer Kimberly-Clark Corp.

Publication Holiday

Bloomberg BNA will not publish on Friday, Nov. 10 because of the Veterans Day holiday. Regular publication will resume on Nov. 13

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 11/20/2017 1:26:37 PM
Subject: Nov. 20 -- EHS State Regulatory Alert



EHS State Regulatory Alert

November 20, 2017 - Number 222

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Colorado

WATER
San Juan and Dolores River Basins
Colorado WATER

Final rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-34 to revise the water quality classifications, standards, and designations for multiple segments in the San Juan and Dolores river basins. The rule revises water body segmentation and aquatic life, recreation, water supply, and agricultural use classifications. The rule also revises molybdenum, cadmium, nickel, and lead standards; updates antidegradation designations; and revises temporary modifications. In addition, the rule addresses temperature standards, adds nutrient standards for chlorophyll and total phosphorus, and adds a direct use water supply subclassification. The rule is effective Dec. 31, 2017. Contact: Blake Beyea; DPHE; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (09/10/2017)

Regulatory Update

Indiana

OIL AND GAS INDUSTRY
Oil and Gas Wells
Indiana OIL AND GAS INDUSTRY

Notice of the Natural Resources Commission announces the recall of a March 29, 2017, proposed rule that would have adopted regulations under 312 IAC 29-1-1 through -34-6 and repealed regulations under 312 IAC 16 regarding oil and gas wells. The rule would have specified permit and operation requirements for oil and gas wells, including Class II wells, coal-bed methane wells, geologic and structure test wells, and noncommercial wells. The rule also would have set

forth criteria for drilling in karst-prone areas, for horizontal well drilling and well spacing, and for identifying commercially mineable coal resources. In addition, the rule would have specified requirements for notification, reporting, waste management, remediation, well abandonment, and management of naturally occurring radioactive materials. Contact: Herschel McDivitt; DNR, Division of Oil and Gas; 317-232-4058; hmcdivitt@dnr.in.gov

—Indiana Register (11/15/2017)

Regulatory Update

WATER
Minimum Surface Water Quality Standards
Indiana WATER

Notice of the Department of Environmental Management, Water Pollution Control Division, announces the second comment period for March 5, 2014, proposed amendments to regulations under 327 IAC 2-1-6 and -1.5-8 to revise the aquatic life and human health ambient water quality criteria for metals to reflect updates to the Clean Water Act. The rule would update both acute and chronic metals criteria for waters inside and outside of the Great Lakes System. Comments are due Jan. 2, 2018. Contact: MaryAnn Stevens; DEM, Office of Legal Counsel; 317-232-8635; mstevens@idem.in.gov

—Indiana Register (11/15/2017)

Regulatory Update

WATER
Water Pollution Control/Federal Standards
Indiana WATER

Proposed rule of the Department of Environmental Management, Water Pollution Control Division, would amend regulations under 327 IAC 1-1-1 through 19-2-7 (nonconsecutive) and repeal regulations under 327 IAC 1-1-4 through 12.1-2-3 (nonconsecutive) to update the incorporation by reference of federal standards to July 1, 2016. The rule also would remove obsolete language and update formatting. A hearing is scheduled for Jan. 10, 2018, in Indianapolis. A comment due date is not specified. Contact: Keelyn Walsh; DEM, Office of Legal Counsel; 317-232-8229

—Indiana Register (11/15/2017)

Regulatory Update

Maine

GENERAL ENVIRONMENT AND SAFETY
Land Use Districts and Standards
Maine GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Department of Agriculture, Conservation and Forestry, Land Use Planning Commission, would amend regulations under MAC Chapter 10 regarding land use districts and standards to allow development of grid-scale solar energy generation facilities with a permit in the commercial industrial development subdistrict (D-CI). The rule would establish criteria to identify locations for redistricting to D-CI for such purposes. A D-CI subdistrict would automatically revert to the prior subdistrict designation if a facility is not developed within a reasonable period of time, or upon decommissioning of a facility once built. Comments are due Dec. 15, 2017. Contact: Ben Godsoe; DACF, Land Use Planning Commission; 207-287-2619; Benjamin.Godsoe@Maine.gov

—Maine Regulations (11/15/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Compliance Assistance Loan Program
Maine OIL AND GAS INDUSTRY

Final rule of the Finance Authority adopts regulations under MAC Chapter 326 to establish the Compliance Assistance Loan Program. The rule establishes eligibility requirements for borrowers and projects seeking financing for certain oil storage tank and related projects and specifies the terms and conditions of loans. The program is similar to the Oil Storage Facility or Tank Replacement Program for which funding is no longer available. The rule is effective Nov. 8, 2017. Contact: Christopher Roney; Finance Authority; 207-623-3263; croney@famemaine.com

—Maine Regulations (11/15/2017)

Regulatory Update

Mississippi

RADIATION
Control of Radiation/Federal Standards
Mississippi RADIATION

Proposed rule of the State Department of Health would amend regulations under Title 15, Part 21, Subpart 78, Chapter 1, Subchapters 1 through 14 (nonconsecutive), and adopt regulations under Title 15, Part 21, Subpart 78, Chapter 1, Subchapters 16 through 22, regarding radiation control. The rule would update the adoption by reference of federal standards under 10 CFR, including requirements for byproduct material, to comply with Nuclear Regulatory Commission requirements. A hearing is scheduled for Dec. 11, 2017, in Jackson. Comments are due Dec. 4, 2017. Contact: Mitchell Adcock; MSDH; 601-576-7847; madcock@msdh.ms.gov

—Mississippi Regulations (11/14/2017)

Regulatory Update

New York

WATER
Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses
New York WATER

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water in September 2017. The notice addresses 15 projects by rule for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—New York State Register (11/15/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water
New York WATER

Notice of the Susquehanna River Basin Commission announces one project rescinded for the consumptive use of water during September 2017. The project is located in Bradford County, Pa. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—New York State Register (11/15/2017)

Regulatory Update

Texas

HAZARDOUS MATERIALS TRANSPORTATION
Commercial Vehicle Regulations and Enforcement Procedures
Texas HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Department of Public Safety would amend regulations under 37 TAC 4.1 regarding the transportation of hazardous materials. The rule would incorporate by reference federal hazardous materials standards under 49 CFR 107 through 180 (nonconsecutive), as of Jan. 1, 2018. A hearing is scheduled for Nov. 28, 2017, in Austin. Comments are due Dec. 17, 2017. Contact: Chris Nordloh; DPS, Highway Patrol Division; 512-424-2775

—Texas Register (11/17/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Commercial Vehicle Regulations and Enforcement Procedures

Texas HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Department of Public Safety would amend regulations under 37 TAC 4.13 regarding authority to enforce commercial vehicle training and certificate requirements. The rule would clarify when municipal police officers from a city with a population between 18,000 to 18,500 or 3,000 to 10,000 may stop, enter, or detain on a highway or port of entry within the municipality a motor vehicle. A hearing is scheduled for Nov. 28, 2017, in Austin. Comments are due Dec. 17, 2017. Contact: Chris Nordloh; DPS, Highway Patrol Division; 512-424-2775

—Texas Register (11/17/2017)

Regulatory Update

RADIATION
Radioactive Substance/Schedule of Fees for Subchapter H Licenses
Texas RADIATION

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 336.103 to remove the 5 percent gross receipts fees on all compact and federal waste disposal for compact waste disposal facility license holders. A hearing is scheduled for Dec. 12, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Hans Weger; TCEQ, Radioactive Materials Unit; 512-239-6465

—Texas Register (11/17/2017)

Regulatory Update

WATER
Consolidated Permits/Basin Permitting
Texas WATER

Proposed rule of the Texas Commission on Environmental Quality would repeal regulations under 30 TAC 305.71 that require basin permitting for wastewater discharges. The rule would allow Texas Pollutant Discharge Elimination System permits to be issued for five-year terms. A concurrent proposed rule would remove provisions on coordinating submittal of summary reports by river authorities with the basin permitting requirements under 30 TAC 220.4 and .6. A hearing is scheduled for Dec. 12, 2017, in Austin. Comments are due Dec. 18, 2017. Contact: Jill Csekitz: TCEQ, Water Quality Planning Division: 512-239-3136

—Texas Register (11/17/2017)

Regulatory Update

WATER
Regional Assessments of Water Quality
Texas WATER

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 220.4 and .6 regarding responsibilities of river authorities and designated local governments for regional water quality assessment. The rule would remove the requirements for data collection efforts to be coordinated with the now obsolete five-year basin permitting cycle.

The rule also would direct river authorities to submit summary reports once every third state fiscal biennium, in accordance with the schedule in the state clean rivers program guidance. A concurrent proposed rule would repeal regulations under 30 TAC 305.71 regarding basin permitting. A hearing is scheduled for Dec. 12, 2017, in Austin. Comments are due Dec. 18, 2017. Contact: Jill Csekitz; TCEQ, Water Quality Planning Division; 512-239-3136

—Texas Register (11/17/2017)

Regulatory Update

Utah

AIR
Air Quality/Degreasing Operations
Utah AIR

Final rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-335-1, -2, -3, and -9 and repeals regulations under R307-335-7 and -8 regarding volatile organic compound emission from degreasing operations. The rule removes provisions concerning industrial solvent cleaning, which are proposed to be moved under R307-304 as part of a separate rulemaking. The rule also revises the chapter name, updates recordkeeping requirements, and deletes provisions concerning add-on emission control systems operations. The rule is effective Oct. 29, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (11/15/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Occupational Safety Health/Federal Standards
Utah OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Labor Commission, Division of Occupational Safety and Health, would amend regulations under R614-1-4 to update the incorporation by reference federal occupational safety and health standards for general industry and construction under 29 CFR 1910 and 1926 as of July 1, 2017, with specified exceptions. Comments are due Dec. 15, 2017. Contact: Cameron Ruppe; Labor Commission, Division of Occupational Safety and Health; 801-530-6898; cruppe@utah.gov

—Utah State Bulletin (11/15/2017)

Regulatory Update

WATER
Wastewater Works Operators/Examination
Utah WATER

Proposed rule of the Department of Environmental Quality, Division of Water Quality, would amend regulations under R317-10-10 regarding examinations for certification of wastewater works operators. The rule would remove the option for participants to request an exam review within 10 days after failing the exam and instead recommend that the certification council review question comment forms completed during the testing session and submit them to the test provider. Comments are due Dec. 15, 2017. Contact: Judy Etherington; DEQ, Division of Water Quality; 801-536-4344; jetherington@utah.gov

—Utah State Bulletin (11/15/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Maisano, Frank[frank.maisano@bracewell.com]
From: Maisano, Frank
Sent: Mon 9/18/2017 5:42:38 PM
Subject: Sep 18 PRG Energy Update: UN Climate Week, EPA Noms, ITC Solar Injury Vote

Friends,

Our friend Sean Spicer was the hit of the 69th Emmy awards last night working with host Stephen Colbert to offer a great, light political moment, fresh with a moving podium in an event dripping with political intrigue. The big winners were SNL, Hulu and Julia Louis-Dreyfus, whose win for best actress in a comedy for her "Veep," performance tied Cloris Leachman's record for eight prime-time acting Emmys. See all the winners here.

Also, proud dad moment: this weekend we traveled to Wellesley to watch Hannah's first NEWMAC field hockey game and she didn't disappoint, getting a "Gordie Howe Hat Trick," by scoring the game winning goal, setting up her team's first goal and then getting a yellow card late in the second half.

This week, the UN launches its meetings so climate change events are all around. First, let's address the weekend dust up over the Paris agreement. In case you missed it, the *WSJ reported* that the Administration was considering backing off its pledge to pull out of the Paris Agreement. The Administration pushed back aggressively on that issue. My take: I just don't think there is anything different than we've heard before. For now, it looks and sounds to me like they are still on the same page as back when he made announcement. They only seem to be wiggling on is their strategy to approach discussions at the upcoming UN meeting. Substance seems the same. Happy to discuss in more detail.

Climate Week events started with Gary Cohn this morning hosting a meeting on energy and climate change in New York before the United Nations General Assembly convenes and continues with Columbia Law School hosting an event tonight at 7:00 p.m. on offshore wind in NYC featuring our friends Amy Harder of Axios, Statoil's Megan Kesier and Michael Gerrard of the Columbia Law School. The Concordia Summit also is happening in NYC with speakers like Scott Pruitt (interviewed by Dana Perino), Laura Bush, a bunch of POLITICO moderators and many others. Finally, Yale holds a Climate Conference today and tomorrow hosted by John Kerry featuring Ernie Moniz, Heather Zichal, James Baker, Sens. Graham and McCain, Govs. Brown and Inslee, Hank Paulson, GE's Jeff Immelt and **WAIT FOR IT**… Leo DiCaprio, tomorrow to close the event!!! See the full Climate Week line up here.

So with another hurricane lingering in the Caribbean, it is important to report that as of 4:00 p.m. yesterday, more than 90% of customer outages have been restored. Still, about 850,000 customers are without power in Florida and Georgia as a result of Hurricane Irma. At Irma's peak on September 11, there were more than 7.8 million outages. In Georgia alone, power has been restored to 99% of customers, or 990,000 customers, impacted by Hurricane Irma. For those who are still without power, an army of more than 60,000 continues to work around the clock in support of one mission—to turn the lights back on as safely and as quickly as possible. This includes workers from affected companies, as well as mutual assistance crews, contractors, and other support personnel. See this mutual assistance in action in a social media recap.

Tomorrow, the Senate Energy Committee will vote on White House nominees for two open slots FERC, as well as picks for senior roles at the Interior and Energy Departments. Then Wednesday, the Senate Environment Committee will hear from nominees for several senior positions at the Environmental Protection Agency, including Bill Wehrum to head the agency's the air office. EPA GC Matt Leopold, EPA chemical office head (and TSCA implementer) Mike Dourson, EPA Water office head Dave Ross and NRC's Jan Baran also on the agenda.

Finally, on Friday the US International Trade Commission will vote on whether to move the Suniva 201 solar case forward by determining whether the petitioners were injured. The company is seeking import duties of 40 cents per watt for solar cells that currently sell for 25-33 cents per watt, and a floor price of 78 cents per watt for panels. The U.S. solar industry – as well as outside interests like utilities, contractors, co-ops, retailers, manufacturers and conservative groups have rallied to oppose the bid for protection, arguing it would undercut a thriving sector and harm employment in other areas, particularly installation. Lots of action on the issue including the *Wall Street Journal* Editorial Board hammering the case, conservative groups sending a letter to ITC opposing the case and a new paper from Heritage trade experts on the case.

Today is National Cheeseburger Day!!! Let's celebrate…Call with questions. Best,

Frank Maisano

(202) 828-5864

c. (202) 997-5932

FRANKLY SPOKEN

"Bill is well-respected and well-liked by the career staff at EPA – and by anyone who has ever worked with him. During his almost 6 years at EPA, he worked closely with career staff on a wide range of issues and was known for rolling up his sleeves and getting involved in the details of the Agency's regulations and permitting programs. From his work as an environmental engineer, his time at the Agency, and his many years of counseling clients, he has a comprehensive understanding of EPA's regulatory programs and the many technical issues involved in implementing the Clean Air Act."

Former EPA Air Administrator and Bracewell partner Jeff Holmstead in a letter to Senate Environment Committee Chair John Barrasso and Ranking Member Tom Carper supporting Bill Wehrum to be EPA Air Administrator.

"The reductions in solar costs — I did not foresee them, I also did not foresee the reductions in the cost of natural gas. I did not foresee that we would have the price of oil around $50 a barrel or wherever it is today. I admit that I didn't see the cost of solar and wind decreasing as fast as it has."

Daniel Simmons, Department of Energy staffer who helped draft the DOE Grid Reliability Report in an interview with PV Magazine.

IN THE NEWS

***Wall Street Journal* Ed Board Hits Trade Case** – You might have missed it given the WSJ's other story this weekend, but the editorial board called the Suniva case a "Solar Power Death Wish". The *Journal* says the marketplace is driving the potential harm for the petitioners, noting the "U.S. solar industry has discovered that its comparative advantage lies not in making panels, a basic product, but in adding value to imported cells and modules." They add the potential tariffs would be another "destructive exercise that benefits a handful of Suniva and SolarWorld investors at the expense of everyone else—including the rest of the solar industry. This is protectionism at its worst."

Heritage Paper Details Group's Concern About Solar Tariff – The Heritage Foundation released a paper that challenges the need for the solar trade petition filed by Suniva. They say acquiescing to Suniva and SolarWorld Americas' petition for more tariffs would do deep damage to the rest of the U.S. solar industry.

Conservative Groups Weigh in on Solar Tariff – Several conservative groups sent a letter last week urging members of the US International Trade Commission to reject the relief requested by Suniva and SolarWorld. The groups wrote that the tariffs and minimum price floors requested would double the cost of solar products in the United States, lead to retaliation by our trading partners and face a challenge at the World Trade Organization (WTO). Letter signatories include R Street, the American Legislative Exchange Council, ALEC Action, Citizens for Responsible Energy Solutions Forum, the National Taxpayers Union and the Taxpayers Protection Alliance.

Energy Innovation Discussion Spurs Progress – Clearpath's Rich Powell and former Oak Ridge National Lab Director Thom Mason wrote in a new op-ed in the *Chattanooga Times Free Press* how clean energy innovation has been an essential part of Tennessee's fabric for more than eight decades, including contributing to some of our nation's most significant breakthroughs. But they also issue a word of caution ahead of the busy budget season on Capitol Hill: We must have sustained federal energy innovation investment or risk losing much of the promise being built in the Volunteer State and elsewhere.

Nuclear Plants Withstand Hurricanes – Nuclear plants were among the most resilient of energy infrastructure in the path of Hurricanes Irma and Harvey. Two reactors near Houston operated at full capacity despite wind gusts of 130 mph, which along with flooding, shut down refineries and disrupted wind and solar generation. And while several Florida reactors were preemptively shut down ahead of Irma, they suffered no damage and were powered back up this week. Here is some of the coverage in Florida and additional coverage on Texas.

ALEC: State Nuclear Emerging Trends – Speaking of nuclear, our friend Sarah Hunt at the American Legislative Exchange Council (ALEC) released a new paper on the emerging trends in state nuclear power policy. Research reveals several developments have combined encouraging states to take a fresh look at nuclear energy policy. The survey of the state policy landscape suggests that moving forward, state nuclear policy discussions will focus on policy interventions to preserve existing nuclear power plants instead of policies that promote new construction.

Given the relevance of energy subsidies, mandates and federally regulated wholesale power markets to nuclear power, these policy conversations will hopefully encourage states and the federal government to take a fresh look at unraveling the "Gordian knot" of existing market distorting policies.

SAFE Brings in New Policy Expert – SAFE has brought in a new Senior VP of Policy and he's a heavy hitter. Jonathan Chanis is an expert on oil markets and energy geopolitics and is available for comment on these topics, as well as the upcoming OPEC monitoring committee meeting on Wednesday. Chanis is responsible for planning and directing the research, analysis, and writing of SAFE's policy team. Before joining SAFE, Jonathan taught graduate students at Columbia University about energy security and scenario planning, and he consulted on petroleum and natural gas security, and supply and value chain management. For the 20 years prior to this, Jonathan traded and invested in energy and emerging market equities, and commodities and currencies as a Senior Trader at Caxton Associates, a Vice President at Goldman Sachs's commodities division (J. Aron & Co.), and a Managing Director at Tribeca Global Management (a division of Citigroup). Chanis has been a member of the Council on Foreign Relations since 1988, and an Associate Member of the Columbia University Seminar on the Middle East since 1997.

CAP Report Outlines State Offshore Wind Best Practices – The Center for American Progress has a new report today that examine state policies that helped launch offshore wind projects in Rhode Island, Massachusetts and New York. Among the items they recommend states consider for the policy toolkits: Strong renewable energy requirements, legislation guaranteeing demand for offshore wind power, comprehensive ocean planning, competitive and reasonable long-term power purchase agreements and infrastructure investments in areas like ports.

ON THE SCHEDULE THIS WEEK

TX Renewable Summit Set – The Texas Renewable Energy Summit will be held today and tomorrow in Austin at Omni Southpark. The summit will offer the latest insights into the market and hear from key players about the key trends impacting renewable energy project development, finance and investment in Texas. The falling price of solar panels is driving a surge in interest by public utilities and corporate customers in contracting for solar power, while a huge queue of wind projects is forming. As much as 16 GW of new wind and solar projects could come to fruition in Texas. However, development and financing challenges must be surmounted to assure project success and bankability. Large quantities of solar may drive the dispatch curve and market prices in unpredictable directions.

POLITICO Reporters to Moderate Key Panels at Key Event – The Concordia Annual Summit will be held today and tomorrow prior to the UN meetings launch in New York City. The event is the pre-eminent nonpartisan forum taking place alongside the UN General Assembly, and convenes more than 2,000 influencers and decision-makers through action-oriented programming that aims to build partnerships for social impact. The Summit will feature over 250 speakers, including EPA Administrator Scott Pruitt (interviewed by our friend Dana Perino), Commerce Secretary Wilbur Ross, former British Prime Minister Tony Blair, IMF Managing Director Christine Lagarde, former first lady Laura Bush, former State Department climate negotiator Paula Dobriansky, and United Technologies CEO Greg Hayes, of. As the official media partner of this year's summit, our friends at POLITICO – Anna Palmer, Nick Juliano, Matt Kaminski, Helena Bottemiller Evich and Ben White – will moderate discussions on major issues affecting the U.S. and global community.

Kerry Hosts Yale Climate Conference – Former Secretary of State John Kerry will host a climate conference today and tomorrow at Yale. Speakers will include former Energy Secretary Ernest Moniz, State Dept climate negotiator Jonathan Pershing, Obama Energy Czar Heather Zichal, former Bush Secretary of State James Baker, Sens. Graham and McCain, Govs. Jerry Brown and Jay Inslee, former Bush Treasury Secretary Hank Paulson, GE's Jeff Immelt and Leo DiCaprio, who will close the event tomorrow.

CSIS to Host Trade Discussion With Lighthizer – CSIS will host US Trade Rep. Robert Lighthizer this morning at 10:30 a.m. to discuss US trade policy priorities.

Columbia to Host Offshore Wind Discussion – The Columbia Law School will host an event tonight at 7:00 p.m. in NYC as part of its Climate Week events on offshore wind in New York. The Keynote presenter is Michael Gerrard of the Columbia Law School. Then our friend Amy Harder of Axios will moderate a panel which includes Statoil's Megan Kesier and others.

FERC Nominees to Get Energy Vote – Following last week's delay, the Senate Energy Committee meets tomorrow to vote on Kevin McIntyre to be chairman of the Federal Energy Regulatory Commission and Richard Glick to be a member of the commission. The committee will then lead into a hearing that will look at the vegetation requirements this week for electricity infrastructure on federal land. Witnesses include USDA's Glenn Casamassa, BLM's John Ruhs, Mark Hayden of the Missoula Electric Cooperative, Scott Miller of The Wilderness Society and Arizona Public Service Forestry Manager Andrew Rable.

IEA World Energy Report to be Detailed – The CSIS Energy & National Security Program will host Laszlo Varro, Chief Economist at the International Energy Agency (IEA), tomorrow to discuss the IEA's World Energy Investment 2017. Energy investment in 2016 totaled 1.7 trillion dollars, around 2.2 percent of the global economy. The report covers critical details about energy investment across various energy sectors, sources, and regions. It also includes a special focus on a wide array of topics, including how digitization is impacting investment and employment, global investment in innovation, and the impact of emerging business models. The report assesses the importance of energy policy driving investment into energy efficiency and into facilities that ensure adequate levels of energy security.

WCEE Event to Feature Marriott Leader – The Women's Council on Energy and the Environment's Women in Leadership (WIL) Committee will hold a reception tomorrow at 6:00 p.m. At the Brattle Group featuring Dominica Groom, Senior Director, Global Sustainability and Supplier Diversity at Marriott International, the world's largest global lodging company. Dominica provides global leadership through strategic direction, planning and execution for these important operational platforms. In 2016, she was recognized as one of the top "Leading Women", under the age of 40, in the state of Maryland for her tremendous professional accomplishments, community involvement and commitment to inspiring change. Additionally, she was also recognized as a "Top Influential Leader in Diversity" by the National Association for Minority Companies for her unwavering commitment to diversity & inclusion. Domenica will share her insights on her path to leadership, and some of the "lessons learned" for women in the sustainability and supplier diversity sector.

Senate Environment to Consider Wehrum, Other Noms – The Senate Environment Committee hold a hearing on nominations Wednesday at 10:00 a.m. Nominees under consideration Michael Dourson to be assistant EPA administrator for the chemical office; Matthew Leopold to be General Counsel; David Ross to be assistant EPA administrator for water; William Wehrum to be assistant EPA administrator for air; and Jeffery Baran to be a member of the Nuclear Regulatory Commission.

Forum to Look at Shale, Energy Security – On Wednesday at 4:00 p.m., the Institute of World Politics will host a lecture on the topic of "Energy Security: New Market Realities" with Sara Vakhshouri of SVB Energy International. The rise of North America's shale oil and gas production has changed the market dynamics, energy trade flow, and the elements of energy security. In this talk, Vakhshouri will cover the changes in market fundamentals, energy trade flows, energy prices and policies, and their broader impact upon global and regional energy security. We will also touch upon the current political risks treating the oil and gas supply from countries such as Qatar, Iran and Saudi Arabia.

Napolitano to Discuss NAFTA, US-Mexico Relations – On Thursday at 10:00 a.m. , University of California President Janet Napolitano and Dean of the School of Social Sciences and Government at Tecnológico de Monterrey Alejandro Poiré will speak at a forum that will address the current state and prospective future of U.S.-Mexico trade relations in light of the current policy and political climate. Other speakers will include Sen. Mark Warner, California Senate President Kevin de León, Mexican Ambassador Gerónimo Gutiérrez and former Custom/Border Patrol Commissioner David Aguilar.

WAPA to Feature Ford Product at September Event – The Washington Automotive Press Assn and the staff of Ford's Washington, D.C. offices will hold a networking event that highlights Ford's best-selling vehicle on Thursday at 5:30 p.m.at Ford's offices are located at 801 Pennsylvania Avenue in Suite 400.

ITC Solar Trade Petition Injury Determination – FRIDAY

Statoil to Focus on Climate Roadmap – On Friday at 10:00 a.m., the CSIS Energy and National Security Program will host Bjørn Otto Sverdrup, Senior Vice President for Sustainability at Statoil, to present Statoil's Climate Roadmap. The roadmap explains how Statoil will develop its business in support of the ambitions of the Paris Climate Agreement. Statoil believes the needed energy transition to a low-carbon society represents business opportunities, and Sverdrup will discuss how the company is reducing emissions, growing in renewables, and developing the portfolio and strategy to ensure a competitive advantage in a low-carbon world.

IN THE FUTURE

NATIONAL CLEAN ENERGY WEEK – September 25-29th. Hosted by Citizens for Responsible Energy Solutions, the American Council on Renewable Energy, Advanced Energy Economy, the American Wind Energy Association (AWEA), the Business Council for Sustainable Energy, the Biomass Power Association, Clean Energy Business Network, the Nuclear Energy Institute, the National Hydropower Association, and the Solar Energy Industries Association (SEIA). Sects. Perry and Zinke will launch event on Tuesday, September 26th at the Reserve Officers Association on Capitol Hill in a discussion moderated by former New Hampshire Sen. Kelly Ayotte.

Wharton DC Hosts Innovation Summit – The Wharton DC Innovation Summit will be held on

Monday September 25th at the Marriott Bethesda North Conference Center. The Wharton DC Summit has a rich history of getting at key questions for venture capitalists, a seasoned entrepreneurs, an aspiring entrepreneurs or the intellectually-intrigued by innovation. Interesting panels on transportation, (AVs), drones and many other topics.

AEE Holds Michigan Energy Future Conference – The Advance Energy Economy will hold its 4th Annual Michigan Energy Future Conference on September 25th College for Creative Studies in downtown Detroit. The global market for mobility solutions is growing rapidly, building on innovation, information technology, and new transportation business models. Focusing on this convergence, the event, sponsored by our friends at DTE Energy, will dive deep into the intersection of energy, telecommunications, and transportation. While other conferences have explored these issues independently, the Michigan Energy Future Conference will be the first comprehensive look at the synergies between sectors, exploring opportunities for the U.S. to benefit as the pace of convergence between these sectors accelerates.

Cato Forum to Look at Flood Insurance Program – The Cato Institute holds a forum next Monday at Noon in 122 Cannon looking at the National Flood Insurance Program, Zoning Regulations, and Hurricanes. The event will look at lessons for lawmakers working to reauthorize the expiring National Flood Insurance Program (NFIB). A panel of experts will answer questions on hurricanes, floods, and their aftermath, as well as offer suggestions for what Congress should, and should not, do regarding future disaster mitigation efforts.

WCEE Event to Look at MD Offshore Wind – The Women's Council on Energy and the Environment (WCEE) will hold a lunch forum next Tuesday at Dentons looking at the latest insights into the Maryland PSC's work on offshore wind and energy efficiency, the political challenges faced and the businesses opportunities created. Marissa Gillett, Senior Advisor to the Public Service Commission's Chairman, will be the speaker.

ELI to Look at Ocean Energy – Next Tuesday at Noon, the Environmental Law Institute will hold a forum on ocean energy technologies (wave, tidal, and current hydrokinetic energy) under development. Wave and tidal energy developers claim that federal subsidies and tax cuts are insufficient to promote research and development, and some of the most successful ocean energy companies have moved overseas. A panel of experts will look at key questions to improve development of the hydrokinetic technology sector in the U.S. Among the panelists, Annie Jones, FERC Energy Projects advisor.

Gas Tech CEO to Address Roundtable – The Natural Gas Roundtable will host that David Carroll, president of the International Gas Union at its next luncheon on Tuesday, September 26th. Carroll is the President and CEO of the Gas Technology Institute. He oversees the company's operations and directs its programs for developing technologies, products, and services for customers in the natural gas and related industries. Carroll assumed the additional role of President of IGU for a three-year term in 2015.

Forum to Look at Future of Nuclear – The Global America Business Institute (GABI) is hosting a special workshop on Tuesday September 26th looking at the future of nuclear power globally, focusing on technological, security, and geopolitical considerations. Achieving progress towards decarbonizing and reducing the environmental impact of energy generation is arguably impossible without a significant expansion of nuclear power internationally. However, improving and strengthening the global nuclear governance system and maintaining high international standards in nuclear safety, security, and nonproliferation are essential for nuclear power to become a more integral part of the world's energy portfolio. Speakers will include Partnership for Global Security President Kenneth Luongo and NEI's Everett Redmond.

Coal Event to Hear from Alpha CEO – The 40th annual Coal Marketing Days forum will be held on September 26-27 at the Omni William Penn Hotel in Pittsburgh. The event hosts a variety of coal suppliers and buyers, coal transport companies, and industry-wide analysts who exchange in-depth knowledge on the current state of the global and domestic coal-producing markets and focuses on the current trends and challenges shaping the business. Alpha Natural Resources CEO David Stetson is the keynote.

Ideas Conference Set – *The Atlantic* and the Aspen Institute holds its 9th annual Washington Ideas conference on September 26-28. "Washington Ideas" convenes the nation's leaders in politics, business, health, science, technology, arts, culture and journalism for three days of can't miss conversation and connections. In the heart of the nation's capital, we will tackle the most consequential issues facing the country and the world.

Wilson to Hold Energy Forum – The Mexico and Canada Institutes will host the Wilson Center's 2017 North America Energy Forum on Wednesday September 27th. The Forum is now in its fourth year and will focus on the major challenges and opportunities facing energy producers and consumers in the region, with a strong focus on innovation in the energy sector. Chamber Energy President Karen Harbert and NOIA head Randy Luthi will be among the speakers.

EMA Sets Annual Forum – The Environmental Markets Association holds its 21st Annual

Meeting on September 27-29 at the Renaissance Nashville Hotel. The event focuses on trading, legislation and regulation of environmental markets. The agenda includes panel sessions covering Carbon / RGGI, what's next after the Clean Power Plan, update on current developments and trends in other existing environmental markets such as the SO2 and Nox programs and a general REC Market Overview that provides an update on supply and demand as well as estimates on potential growth as the market faces pricing pressure.

PA Shale Conference Set – SHALE INSIGHT 2017 will be held on September 27th and 28th at the Pittsburgh Convention Center. The event holds the most important discussions on shale development, featuring some of the most prominent industry and government leaders. Influential industry executives and innovative thought leaders will work through two days of technical and public affairs insight sessions, major keynote addresses, and a dynamic exhibit hall featuring all the major shale players.

Smart Mobility Forum Set – The C3 Group hosts the 3rd annual Smart Mobility Forum on Capitol Hill on September 27th at 2:30 p.m. in the Capitol Visitors Center. The Forum will include presentations by experts on the deployment of autonomous vehicle technology and its impact on automotive, transportation, society and policy followed by an interactive Q&A. Featured Speakers include C3 Group President and smart mobility expert Doug Newcomb, Autotrader Senior Analyst Michelle Krebs and Dushyant Wadivkar of Bosch Automated Vehicles.

CSIS, Fortune Smart Women Conference to Feature Ernst – On Friday September 29th at 9:00 a.m., the Smart Women, Smart Power Initiative holds a conversation with Senator Joni Ernst (R-IA). The topics will include North Korea, Syria, Afghanistan, and other global hotspots with Senator Ernst, a member of the Senate Armed Services Committee. She is the first female combat veteran elected to the U.S. Senate. The event is – as always – moderated by Nina Easton of Fortune.

Geothermal Conference Set for Utah – The Geothermal Energy Association (GEA) is holding GEOEXPO+ on October 1-4th at the Salt Palace in Salt Lake City, UT. The meeting will be held in conjunction with the GRC Annual Meeting.

CCS Forum to Look at Norway Success Story – The Global CCS Institute will hold a forum on Tuesday, October 3rd at 9:00 p.m. in National Press Club's Zenger Room on the Innovation and low-carbon policies that are driving the development of clean energy technologies around the world. The discussion will explore how Norway has fostered the development of its carbon capture infrastructure, as well as the emerging business case for carbon capture in the U.S. and

globally. Featured speakers Gassnova CEO Trude Sundset, Rich Powell of ClearPath Foundation, Thina Saltvedt of Nordea Bank Norge and Statoil VP of New Energy Solutions Steinar Eikaas, who operates the world's most successful carbon capture project in the North Sea

SEJ Set for Pittsburgh – Speaking of Pittsburgh, SEJ's 27th annual conference is set for October 4-8 in Steel City.

Vets in Energy Forum Set – Veterans In Energy will hold a forum on October 5th through 7th at NRECA in Arlington. VIE provide transition, retention and professional development support to the growing population of military veterans who have chosen energy careers. Speakers will include Chris Hale of GI Jobs and Gen. John Allen, former Dep Commander of US Central Command.

CSIS to Look at Electricfication – The CSIS Energy & National Security Program will host a discussion on Thursday October 5th at 9:30 a.m. looking at the future of electrification with Arshad Mansoor, Senior Vice President of Research and Development at the Electric Power Research Institute (EPRI). Mansoor will provide an overview of the recent EPRI report, *The Integrated Energy Network: Connecting Customers with Reliable, Affordable and Cleaner Energy*, which calls for a more interconnected and integrated energy system through greater electrification. Frank O'Sullivan, Director of Research and Analysis at the MIT Energy Initiative, and Ken Colburn, Principal and U.S. Program Director at the Regulatory Assistance Project, will follow with views on the opportunities and benefits, as well as obstacles and potential drawbacks of a path to a more electrified economy. This event is part of CSIS's ongoing work on Electricity in Transition, which surveys the current landscape of the U.S. and global electricity sector.

ACORE Finance Forum Set – The American Council on Renewable Energy will hold forum on the state of the renewable energy public policy, financial markets and corporate renewables strategy when they hold ACORE Finance West on October 12th at the Bently Reserve in San Francisco. This annual conference convenes senior investors, industry executives, and other top transactional professionals to address market trends in the context of renewable investment opportunities in the Western U.S.

Bloomberg Hosts Sustainability Forum – Bloomberg holds its 3rd annual Sustainable Business Summit on October 12-13th in its New York offices to discuss how companies are yielding positive returns for investors, creating sustainably valuable products and processes, and developing innovative sustainable business models. Uniquely positioned at the intersection of sustainable business and sustainable investing, the summit will explore the challenges and even

greater opportunities emerging across industries.

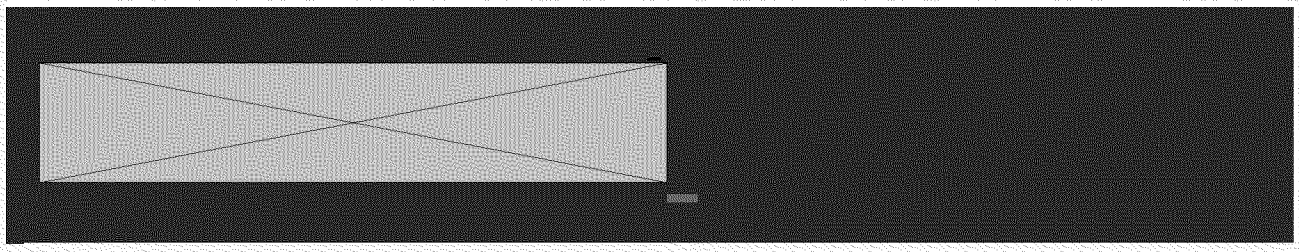
WAPA to Host Road Rally – The Washington Automotive Press Association holds its 2017 WAPA Rally on October 12th. This year's event will be a drive event on the roads just beyond the Chesapeake Bay Bridge on the scenic Eastern Shore of Maryland. The event provides the opportunity to drive or ride in the latest and greatest cars, trucks and SUVs provided by WAPA's automotive partners.

Renewable Tour Set for October Shenandoah Fall – JMU's Center for Wind Energy joins the nonprofit American Solar Energy Society (ASES) and hundreds of solar-savvy installers and grassroots organizations throughout America to showcase thousands of solar-powered homes, schools and businesses in Virginia and across North America -- for the 22nd Annual National Solar Tour, the world's largest grassroots solar event. The ASES National Solar Tour shows families and businesses real-life examples of how their neighbors are harnessing free energy from the sun to generate electricity, warm and cool their homes, heat water and slash monthly utility bills.

Green Bonds Conference Set for NYC – Environmental Finance will host Green Bonds 2017 at 10 on the Park in New York City on October 23rd. According to the Green Bonds Database, the American green bonds market has continued its rapid growth with over 17$ billion issued in the last twelve months.

At the conference this year we will look at the drivers behind this boom and how to ensure sustainable growth as the market matures.

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Mon 9/25/2017 4:01:36 PM
Subject: Federal Insider: Whistleblowers at U.S. funded research institutions fear retaliation



Whistleblowers at U.S. funded research institutions fear retaliation

By Joe Davidson

The Department of Health and Human Services (HHS) building in Washington. A report by the HHS inspector general's office says "fear of reprisals may prevent potential complainants from reporting suspected" violations of "protections for human subjects" in research projects. (Alex Brandon/Associated Press)

Institutions that conduct human research generally have a reputation for strict fact-finding, going where the research leads while maintaining firm rules to protect the people who are studied.

If those rules are violated, the consequences can be serious. It's worse when workers and others are afraid to report violations.

When a study does not follow procedures, patient safety is jeopardized, public confidence in the research institution and the government agency funding the work suffers, sometimes for decades, with the mistrust passing through generations.

Consider the impact of the Public Health Service's scandalous "Tuskegee Study of Untreated Syphilis in the Negro Male." Patients were denied needed treatment in the name of science. Launched in 1932, it lasted 40 years and is an example of perverted research with lingering negative consequences.

Now comes an investigative report about deterrents in reporting problems with human research. The Department of Health and Human Services (HHS)

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Office of Inspector General found evidence of a fear of retaliation among whistleblowers in research institutions.

The human studies are funded by the federal government, but generally done by non-federal institutions, such as universities and hospitals.

The Department's Office for Human Research Protections (OHRP) does not provide adequate information on whistleblower protections for research employees and others, according to the report. That's a problem because "fear of reprisals may prevent potential complainants from reporting suspected" violations of "protections for human subjects" in research projects, the report said.

Whistleblowers have been transferred or put in fear of losing benefits.

"Information from whistleblowers is important because it can be insider information," said Joyce Greenleaf, a regional inspector general. "It can bring to light problems with critical research that puts volunteering human subjects at risk. So, to sustain the public's confidence in this research, we need people to be willing to bring these concerns to light."

Pressed for instances, the inspector general's office offered four cases that were not included in the report:

- A nurse who assisted with neurosurgeries at a medical center told investigators a surgeon delayed operations on patients for weeks to obtain equipment needed for a research study, but not needed to treat patients. "Nurse believes this is not in the best interest of the patients. Other nurses have voiced concerns but were reassigned."
- An ophthalmology resident in a large hospital said children and adults were enrolled in research that does not have appropriate approvals. Research involves chemotherapy to treat retinoblastoma, a cancer that begins in the retina, the black part of the eyeball. "There have been adverse events. Many research participants do not speak English, informed consent is inadequate and consent forms are not provided in the participant's native language." The whistleblower was "not comfortable complaining and does not want retaliation."
- A student athlete on a university scholarship "alleges that students do not have a choice but to participate in athletic testing research. The coach is in the room during the informed consent process, and the student alleges

Don Wright, the acting HHS assistant secretary for health, agreed with the recommendations and detailed the inspector general's office additional information on whistleblower protections will be posted on the agency's website.

"We agree that this situation is unacceptable and should be corrected," Wright said. "And we need to know that individuals working in these research institutions will be able to report misconduct without fear of retaliation."

The report had something to say about the adequacy of current whistleblower protections ..." the report said. "Elevating this issue would prompt HHS to consider whether additional whistleblower protections are appropriate. Furthermore, it could help HHS determine whether it should seek a legislative change that enables OHRP and other HHS entities that are not responsible for contract or grant oversight management to receive protected disclosures."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Tue 7/18/2017 10:28:32 PM
Subject: BREAKING NEWS: McConnell says Senate will vote to take up Obamacare repeal next week

Senate Majority Leader Mitch McConnell announced Tuesday that the Senate will hold a vote to proceed to a measure to repeal Obamacare early next week.

The vote is expected to fail, as three Senate Republicans - Lisa Murkowski of Alaska, Susan Collins of Maine and Shelley Moore Capito of West Virginia - have already said they won't vote to advance the bill. McConnell can only lose two GOP senators on the vote.

Read more: http://politi.co/2tb7VOl

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Sat 12/2/2017 6:57:09 AM
Subject: BREAKING NEWS: Senate passes sweeping tax overhaul

The Senate passed a sweeping tax overhaul that would cut taxes for corporations and most individuals.

The legislation passed after Republican leaders made concessions to several holdouts. The Senate and House will have to meld their separate bills before sending legislation to President Donald Trump.

Read more here: http://politi.co/2i9mpdO

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Thur 7/27/2017 7:34:46 PM
Subject: BREAKING NEWS: House members directed to delay recess departure for Obamacare repeal

House Majority Leader Kevin McCarthy (R-Calif.) has instructed lawmakers to keep their schedules light, in case the Senate passes Obamacare repeal legislation and the House comes under pressure to act.

"While last votes are currently scheduled to take place tomorrow, Members are advised that - pending Senate action on health care - the House schedule is subject to change," McCarthy's announcement to members reads. "All Members should remain flexible in their travel plans over the next few days. Further information regarding potential additional items will be relayed as soon as possible."

Read more: http://www.politico.com/story/2017/07/27/house-members-directed-to-delay-recess-departure-for-obamacare-repeal-241045

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/31/2017 12:28:20 PM
Subject: Aug. 31 -- EHS State Regulatory Alert

EHS State Regulatory Alert

August 31, 2017 - Number 168

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Colorado

OIL AND GAS INDUSTRY
Gas Utilities and Pipeline Operators
Colorado OIL AND GAS INDUSTRY

Proposed rule of the Public Utilities Commission amends regulations under 4 CCR 723-4, Rules 4000 through 4976, concerning gas utilities and pipeline operators. The rule updates provisions concerning the gas purchase plan, gas purchase report, and gas cost adjustment to reflect current utility corporate ownership and changes in organizational structure. The rule also updates references to federal requirements and the procedures for testing revenue meters upon a customer's request. A hearing is scheduled for Oct. 16, 2017, in Denver. Comments are due Sept. 26, 2017. Contact: Becky Quintana; PUC; 303-894-2881; rebecca.quintana@state.co.us

—Colorado Register (08/28/2017)

Regulatory Update

Connecticut

HAZARDOUS WASTE MANAGEMENT
Solvent-Contaminated Wipes
Connecticut HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Energy and Environmental Protection amends regulations under RCSA 22a-449(c)-101(a) and adopts regulations under RCSA 22a-449(c)-101(d) regarding the regulation of disposable and reusable wipes contaminated with solvents. The rule exempts under certain conditions both types of contaminated wipes from regulation as hazardous waste. The rule is effective Aug. 25, 2017. Contact: Robert Isner; DEEP, Waste Engineering and Enforcement Division; 860-424-3023; Robert.Isner@ct.gov

—Connecticut Law Journal (08/28/2017)

Regulatory Update

Florida

WATER
Middle St. Johns River Basin TMDLs
Florida WATER

Notice of the Department of Environmental Protection announces a workshop on proposed amendments to regulations under FAC 62-304.505 to revise nutrient total maximum daily loads (TMDLs) for impaired waters in the Middle St. Johns River Basin. The workshop will address nutrient TMDLs for Bear Gully Lake, Lake Alma, and Lake Searcy. The workshop is scheduled for Sept. 29, 2017, in Casselberry. Comments are due Oct. 5, 2017. Contact: Shamyah Gibson; DEP; 850-245-8449

—Florida Administrative Weekly (08/29/2017)

Regulatory Update

WATER
Middle St. Johns River Basin TMDLs
Florida WATER

Notice of the Department of Environmental Protection announces a workshop on proposed amendments to regulations under FAC 62-304.505 to revise nutrient total maximum daily loads (TMDLs) for impaired waters in the Middle St. Johns River Basin. The workshop will address nutrient TMDLs for Lake Adair. The workshop is scheduled for Sept. 28, 2017, in Orlando. Comments are due Oct. 5, 2017. Contact: Shamyah Gibson; DEP; 850-245-8449

—Florida Administrative Weekly (08/29/2017)

Regulatory Update

Minnesota

OCCUPATIONAL SAFETY AND HEALTH
Boiler Safety/Attendance at High-Pressure Plants
Minnesota OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Industry amends regulations under MNR 5225.1180 regarding monitoring of high-pressure boiler plants. The rule clarifies attendance requirements at high-pressure and unoccupied high-pressure boiler plants and revises attendance horsepower levels to align with the licensing statute. The rule also adds clarifying language, provides for an

additional unoccupied plant option, and specifies reporting requirements. The rule is effective Sept. 5, 2017. Contact: Colleen Clayton; DLI; 651-284-5867; colleen.clayton@state.mn.us

—Minnesota State Register (08/28/2017)

Regulatory Update

Mississippi

WATER
Municipal and Domestic Wastewater Facility Operators
Mississippi WATER

Final rule of the Department of Environmental Quality amends regulations under Title 11, Part 6, Chapter 3, regarding certification of municipal and domestic wastewater facility operators. The rule requires that professional references be obtained from certified operators at the same classification or higher than the classification being requested and requires that one year of experience be under the supervision of a certified operator. The rule also requires a certified operator's principal residence to be no more than 50 miles from any system they operate and to attend an approved wastewater operator short course for the appropriate classification within 12 months prior to testing for the classification. In addition, the rule addresses state reciprocity. In addition, the rule prohibits individuals from sitting for a Class III or Class IV examination without proof of having taken and passed a Class II examination. The rule is effective Sept. 28, 2017. Contact: Ted Lampton; DEQ; 601-961-5573; tlampton@mdeq.ms.us

—Mississippi Regulations (08/29/2017)

Regulatory Update

Missouri

OIL AND GAS INDUSTRY
Liquefied Petroleum Gases/Installation Requirements
Missouri OIL AND GAS INDUSTRY

Final rule of the Department of Agriculture amends regulations under 2 MCSR 90-10.013 regarding liquefied petroleum gases. The rule revises installation requirements to incorporate by reference Jan. 1, 2016, Missouri Propane Safety Commission (MPSC) form MPSC-0910 and update the incorporation by reference of form MPSC-0955. The rule is effective Oct. 30, 2017. Contact: Department of Agriculture, Propane Safety Commission; 573-893-1073; admin@mopropanesc.org

—Missouri Register (09/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Liquefied Petroleum Gases/Registration-Training

Missouri OIL AND GAS INDUSTRY

Final rule of the Department of Agriculture amends regulations under 2 MCSR 90-10.012 regarding liquefied petroleum gases. The rule revises provisions concerning registration-training to incorporate by reference the 2016 Missouri Propane Safety Commission (MPSC) forms MPSC-1219, MPSC-0910, and MPSC-1136 applicable to out-of-state residents who wish to engage or continue to do business in the state. The rule is effective Oct. 30, 2017. Contact: Department of Agriculture, Propane Safety Commission; 573-893-1073; admin@mopropanesc.org

—Missouri Register (09/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Liquefied Petroleum Gases/Storage

Missouri OIL AND GAS INDUSTRY

Final rule of the Department of Agriculture amends regulations under 2 MCSR 90-10.014 regarding storage of liquefied petroleum gases. The rule incorporates by reference the Jan. 1, 2016, Missouri Propane Safety Commission (MPSC) form MPSC-0910 and updates the incorporation by reference of form MPSC-0417. The rule is effective Oct. 30, 2017. Contact: Department of Agriculture, Propane Safety Commission; 573-893-1073; admin@mopropanesc.org

—Missouri Register (09/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Reporting of Odorized Liquefied Petroleum Gas Release, Fire and Explosion

Missouri OIL AND GAS INDUSTRY

Final rule of the Department of Agriculture amends regulations under 2 MCSR 90-10.120 regarding the reporting of odorized liquefied petroleum gas release, fire, or explosion. The rule incorporates by reference the Jan. 1, 2016, Missouri Propane Safety Commission (MPSC) form MPSC-5524 applicable to persons who made a telephone report. The rule is effective Oct. 30, 2017. Contact: Department of Agriculture, Propane Safety Commission; 573-893-1073; admin@mopropanesc.org

—Missouri Register (09/01/2017)

Regulatory Update

New Mexico

OIL AND GAS INDUSTRY

Oil and Gas Development and Production
New Mexico OIL AND GAS INDUSTRY

Final rule of the Energy, Minerals, and Natural Resources Department, Oil Conservation Commission, adopts regulations under 19.15.39.11 NMAC regarding oil and gas development and production. The rule requires two strings of surface protection casing in any well drilled through the artesian and shallow aquifer in the Roswell artesian basin. The rule also requires surface protection to be set below the artesian aquifer and cemented to the surface in any well drilled into or through that aquifer, subject to approved exceptions. The rule is effective Aug. 29, 2017. Contact: Florene Davidson; Oil Conservation Commission; 505-476-3458

—New Mexico Register (08/29/2017)

Regulatory Update

South Dakota

AIR
Air Pollution Control Program
South Dakota AIR

Final rule of the Department of Environment and Natural Resources, Board of Minerals and Environment, amends regulations under ARSD 74:36:01:01 through :21:09 (nonconsecutive) concerning the air pollution control program. The rule clarifies requirements for air quality monitoring and incorporates by reference federal standards as of July 1, 2016. The rule is effective Sept. 13, 2017. Contact: Marlys Heidt; DENR, Air Quality Program; 605-773-3151

—South Dakota Register (08/28/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste
South Dakota HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environment and Natural Resources, Board of Minerals and Environment, amends regulations under ARSD 74:28:21:01 through :33:01 (nonconsecutive) regarding hazardous waste to incorporate by reference amendments to federal hazardous waste standards as of July 1, 2016. The amendments establish management standards for solvent-contaminated wipes and procedures for identifying and managing hazardous secondary materials for recycling. The amendments also establish a framework for use of electronic manifests and revise requirements for imports and exports of hazardous wastes. The rule is effective Sept. 12, 2017. Contact: DENR, Waste Management Program; 605-773-3153

—South Dakota Register (08/28/2017)

Regulatory Update

Virginia

AIR
SIP Revision/2012 PM-2.5 NAAQS
Virginia AIR

Notice of the Department of Environmental Quality, Air Pollution Control Board, announces a proposed revision to the state implementation plan regarding the 2012 national ambient air quality standard (NAAQS) for very fine particulate matter (PM-2.5). The revisions revoke the 1997 PM-2.5 ambient air quality standard, specify that different pollutants are not summed to determine applicability of a major stationary source or major modification, update the definitions of "regulated NSR pollutant" and "significant" to specify precursors of PM-2.5, and revises general conformity applicability provisions to specify PM-2.5 precursors in the list of emissions applicability rates. The revisions will be submitted to the EPA for approval. Comments and hearing requests are due Oct. 4, 2017. Contact: Karen Sabasteanski; DEQ; 804-698-4426; karen.sabasteanski@deq.virginia.gov

—Virginia Register (09/04/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks
Virginia HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-580-10 through -580-370 (nonconsecutive) and -590-10 through -590-260 (nonconsecutive); adopts regulations under 9 VAC 25-580-82, -580-85, -580-380, -580-390, and 590-15; and repeals regulations under 9 VAC 25-580-370, Appendices I and II, to revise underground storage tank (UST) technical standards, correction action requirements, and petroleum UST financial responsibility requirements to conform to July 15, 2015, federal standards. The rule addresses secondary containment requirements for new and replaced tanks and piping; compatibility requirements; notification requirements; periodic operation, inspection, and maintenance requirements; deferred UST systems; new release prevention and detection technologies; and codes of practice. The rule also specifies that USTs that were previously deferred from regulation, airport hydrant fuel distribution systems, field constructed tanks, and USTs that are temporarily closed, now must comply with financial responsibility requirements. The rule is effective Jan. 1, 2018. Contact: Russell Ellison; DEQ; 804-698-4268; russell.ellison@deq.virginia.gov

—Virginia Register (09/04/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Mining Certification/Mineral Miners
Virginia OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Mines, Minerals, and Energy amends regulations under 4 VAC 25-20-15, -20-50, -20-70, -20-180, -20-340 through -20-400, and -35-110 and adopts regulations

under 4 VAC 25-20-185 regarding mining certification. The rule distinguishes surface mine foremen and underground mine foremen from inspectors and deletes obsolete language. The rule also allows individuals carrying valid coal surface mine inspector certification to receive a certification to inspect mineral mines. The rule, which is proposed for fast-track processing, is proposed to be effective Oct. 19, 2017. Comments are due Oct. 4, 2017. Contact: Michael Skiffington; DMME; 804-692-3212; mike.skiffington@dmme.virginia.gov

—Virginia Register (09/04/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Virginia Occupational Safety and Health Program
Virginia OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Industry, Safety and Health Codes Board, amends regulations under 16 VAC 25-60-10, -20, -30, -260, -270, and -280 regarding administrative regulations for the Occupational Safety and Health Program. The rule establishes procedures for the application of penalties to state and local government employers for willful, repeat, and failure-to-abate violations as well as serious violations that cause a fatal accident or are classified as "high gravity." A hearing will be scheduled. Comments are due Nov. 3, 2017. Contact: John Crisanti; DLI; 804-786-4300; john.crisanti@doli.virginia.gov

—Virginia Register (09/04/2017)

Regulatory Update

TOXIC SUBSTANCES
Asbestos Licensing Regulations
Virginia TOXIC SUBSTANCES

Proposed rule of the Department of Professional and Occupational Regulation, Board for Asbestos, Lead, and Home Inspectors, amends regulations under 18 VAC 15-20-10 through -459.4 (nonconsecutive) and adopts regulations under 18 VAC 15-20-33.1, -33.2, and -456.1 regarding asbestos licensing. The rule revises the definition of "person" to clarify requirements for entities required to obtain a license for asbestos-related work, revises licensure requirements for asbestos analytical laboratories with multiple locations, updates the asbestos firm entry requirements for consistency with similar standards applicable to firms, and revises the information required for licensure of applicants. The rule also specifies the transferability and validity of certain firm licenses and expands the responsibilities of asbestos project monitors to include changes to air sample reporting requirements. In addition, the rule adds provisions concerning specific entry requirements for asbestos contractors and asbestos analytical laboratories and conduct during onsite analysis. A hearing is scheduled for Sept. 27, 2017, in Richmond. Comments are due Nov. 3, 2017. Contact: Trisha Henshaw; DPOR, Board for Asbestos, Lead, and Home Inspectors; 804-367-8595; alhi@dpor.virginia.gov

—Virginia Register (09/04/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 8/2/2017 5:08:59 PM
Subject: Playbook Power Briefing, presented by Morgan Stanley: TRUMP signs Russia sanctions bill, with complaints -- COMEY to release a book next spring -- DIANE BLACK to run for Tenn. governor

View online version | Add politicoplaybook@politico.com to your address book.

Today's Playbook Power Briefing presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Wednesday afternoon. BREAKING -- NBC 4'S SCOTT MACFARLANE (@MacFarlaneNews): "CAPITOL HILL ARREST: US Capitol Police report arresting person at Cannon Building after finding loaded handgun in suitcase at checkpoint"

SANCTIONS SIGNED -- "Trump signs bipartisan Russia sanctions bill," by Matt Nussbaum: "President Donald Trump on Wednesday signed a bipartisan bill placing new sanctions on Russia, but in a statement he claimed multiple aspects of the legislation violate the Constitution. In one of two statements released almost simultaneously Wednesday morning by the White House, Trump said he supports the law's efforts to crack down on the actions of Iran, North Korea and Russia. But the White House has complained about Congress' efforts to restrict Trump's ability to lift sanctions on Moscow.

"'In its haste to pass this legislation, the Congress included a number of clearly unconstitutional provisions,' Trump said in one statement. 'My Administration particularly expects the Congress to refrain from using this flawed bill to hinder our important work with European allies to resolve the conflict in Ukraine, and from using it to hinder our efforts to address any unintended consequences it may have for American businesses, our friends, or our allies.' The president's second statement included a stepped-up defense of his own administration's foreign policy and input on the legislation. Trump said that 'despite its problems,' he had signed the bill 'for the sake of national unity.' The statement characterized the governments of Iran and North Korea as 'rogue regimes,' a label he did not apply to the Russian government." http://politi.co/2u06Nxk

-- THE LAST TWO LINES OF TRUMP'S SECOND STATEMENT: "I built a truly great company worth many billions of dollars. That is a big part of the reason I was elected. As President, I can make far better deals with foreign countries than Congress." ***The signing statement*** http://bit.ly/2voPSrQ ... ***The second statement*** http://bit.ly/2voZDXl

-- BUT, the U.S. government is comprised of three co-equal branches of government. So Congress has a say.

SENATE CLOSE TO GETTING OUT OF TOWN -- @seungminkim: "The smell of #jetfumes getting stronger in the Senate"

PRESIDENT TRUMP appeared with Sens. Tom Cotton (R-Ark.) and David Perdue (R-Ga.) to announce his support for the RAISE Act, which curbs legal immigration. **TRUMP** , per TPM's Cameron Joseph, today's pooler: "As a candidate I campaigned on creating a merit-based immigration system that protects U.S. workers and taxpayers and that is why we are here today. Merit-based. The RAISE Act, R-A-I-S-E, the RAISE Act, will reduce poverty, increase wages and save taxpayers billions and billions of dollars. It will do this by changing the way the United States issues green cards to nationals from other countries." ***The AP's Ken Thomas and Jill Colvin on the proposal*** http://bit.ly/2vpehO5

-- THIS BILL is exceedingly unlikely to pass the Senate. Our colleague Seung Min Kim understands immigration politics and the Senate better than anyone, and she tweeted: "Very very rough guess but I would think Cotton-Perdue bill gets around 30ish GOP votes on floor, no Dems"

****** **A message from Morgan Stanley** : Millennial investors are bringing increased attention to sustainable, responsible and impact investing-and it may be creating opportunities for investors of all ages. Read more about new sustainable investing portfolios with lower account minimums from Morgan Stanley. ******

CABINET SHUFFLE? -- "Trump Is Considering Perry for Homeland Security Chief," by Bloomberg's Jennifer A. Dlouhy and Jen Jacobs: "The Trump administration is considering Energy Secretary Rick Perry as one possible replacement for John Kelly at the Department of Homeland Security, according to three people familiar with the deliberations. Kelly became White House chief of staff on Monday, and President Donald Trump has not made a decision about who should succeed him as Homeland Security secretary. White House officials are considering others for the position in addition to Perry, the people said. They asked not to be identified discussing a personnel matter." https://bloom.bg/2u06ov6

-- FLASHBACK, JULY 21, 2015: @realDonaldTrump: "Rick Perry did an absolutely horrible job of securing the border. He should be ashamed of himself. Gov. Abbott has since been terrific."

THIS IS SOMETHING ...

-- AP'S DAVID CRARY: " Boy Scouts: Top leaders didn't call Trump to praise speech": The Boy Scouts denied Wednesday that the head of the youth organization called President Donald Trump to praise his recent, politically aggressive speech to its national jamboree. Trump told The Wall Street Journal in an interview published Wednesday, 'I got a call from the head of the Boy Scouts saying it was the greatest speech that was ever made to them, and they were very thankful.' Politico published the transcript of the interview.

"'We are unaware of any such call,' the Boy Scouts responded in a statement. It specified that neither of the organization's two top leaders -- President Randall Stephenson and Chief Scout Executive Mike Surbaugh -- had placed such a call. The White House had no immediate response to the Boy Scouts' denial." http://bit.ly/2ukhBWo

-- CBS NEWS: "Mexican president denies calling Trump to praise border work" : "Mexican President Enrique Pena Nieto is calling into question President Trump's most recent claims that the leader called him to praise his administration's work on the U.S.-Mexico border. As Mr. Trump welcomed his new Chief of Staff John Kelly to the Cabinet table on Monday, Mr. Trump took time to applaud the work Kelly had done during his time leading the Department of Homeland Security.

"'At Homeland, what he has done has been nothing short of miraculous,' Mr. Trump said of Kelly. He went on, saying, 'As you know, the border was a tremendous problem and they're close to 80 percent stoppage. And even the president of Mexico called me -- they said their southern border, very few people are coming because they know they're not going to get through our border, which is the ultimate compliment.'

"But Nieto denies that ever happened. In a statement released by the Mexican Foreign Ministry, Nieto 'has not recently spoken to President Donald Trump over the telephone.'" http://cbsn.ws/2viC02M

BOOK ALERT -- "James Comey has book deal, publication set for next spring," by the AP's Hillel Italie: "Flatiron Books told The Associated Press on Wednesday that Comey will write about everything from allegations of ties between Russia and Donald Trump's presidential campaign to the bureau's investigation into Hillary Clinton's use of a private email server. According to Flatiron, Comey will draw upon his career in government as he writes about 'good, ethical leadership' and how it influences 'sound decisions.' The book is currently untitled and scheduled for publication next spring." http://bit.ly/2tZTm0D

-- ANOTHER BITE: "Comey was represented by Matt Latimer and Keith Urbahn of Javelin. . Financial terms were not disclosed, but several publishers bid for the book and three officials with knowledge of the negotiations said the auction topped $2 million. The officials asked not to be identified because [they] were not authorized to discuss the book."

THE TRUMP EFFECT -- BEN SCHRECKINGER'S latest in POLITICO Mag: **"Dog the Bounty Hunter Hits the Campaign Trail":** "I first encounter Dog the Bounty Hunter on a Sunday morning between services in a back room at the Christ Community Church in Cumming, a town of some 5,000 people about an hour's drive from Atlanta. His wife and fellow reality TV star is sitting in the corner with a sleeveless dress, and Dog-his real name is Duane Chapman-is pacing the room, a white shirt unbuttoned to the solar plexus, exposing his leathery chest. The couple sports matching, slightly-longer-than-

shoulder-length bleach- blond hair. They're here to support Michael Williams, a tall, broad-shouldered and clean-cut state senator who has launched a long-shot campaign to become Georgia's next governor. ...

"Now, he has enlisted the celebrity bounty hunter to campaign as his surrogate for the first half of the last week of July, criss-crossing the endless sprawl of the Atlanta suburbs. In between taking smoke breaks and naps, Dog is delivering sermons, filming ads, making fundraising calls and delivering a memorable stump speech in a hotel ballroom - all under the tutelage of his wife, Beth, the president of the National Bail Bondsman Association." http://politi.co/2ujwU1D

FOGGY BOTTOM WATCH -- "Tillerson spurns $80 million to counter ISIS, Russian propaganda," by Nahal Toosi: "Secretary of State Rex Tillerson is resisting the pleas of State Department officials to spend nearly $80 million allocated by Congress for fighting terrorist propaganda and Russian disinformation. It is highly unusual for a Cabinet secretary to turn down money for his department. But more than five months into his tenure, Tillerson has not issued a simple request for the money earmarked for the State Department's Global Engagement Center, $60 million of which is now parked at the Pentagon. Another $19.8 million sits untouched at the State Department as Tillerson's aides reject calls from career diplomats and members of Congress to put the money to work against America's adversaries. ...

"Current and former U.S. officials call it the latest example of a severe slowdown in department decision-making; of Tillerson's reliance on a coterie of political aides who distrust State's career staffers; and a casualty of President Donald Trump's intention to slash State's budget, which has Tillerson looking for ways to reshape the department and spend less money, not more. Sources cited another sensitive factor at play: Russia. One Tillerson aide, R.C. Hammond, suggested the money is unwelcome because any extra funding for programs to counter Russian media influence would anger Moscow, according to a former senior State Department official." http://politi.co/2u43PME

GAVEL SCRAMBLE -- "Budget chairwoman enters Tennessee governor's race," by The Hill's Niv Elis and Scott Wong: "Rep. Diane Black (R-Tenn.) officially threw her hat into the Tennessee governor's race on Wednesday, setting off a scramble to fill her position as chairman of the House Budget Committee. Under a GOP conference rule known as 'The Paul Ryan rule' that is named for the House Speaker, Black would have to step down from the chairmanship to run. Black could seek a waiver from the 2014 rule, but there is little enthusiasm for it among her Republican colleagues. ...

"Ohio Rep. Bill Johnson is already seeking Black's position. ... Other obvious choices from the committee may not put themselves in the running. Committee Vice Chair Rep. Todd Rokita (R-Ind.) is rumored to be eyeing a Senate run. Moving down the seniority list, Rep. Tom Cole (R-Okla.) and Rep. Mario Diaz-Balart (R-Fla.) have expressed reluctance to give up their powerful positions as appropriations subcommittee chairs, or 'cardinals,' for a shot at the budget gavel." http://bit.ly/2u46pC4

TOP ED -- MICAH ZENKO in Foreign Policy -- **"Donald Trump Is Pushing America's Special Forces Past the Breaking Point":** "There is no reason to doubt that Trump will turn more and more to JSOC, just as his predecessors did, in pursuit of counterterrorism objectives. But this overreliance on lethal force is not just exhausting America's special operators; it is wholly insufficient to comprehensively confront the underlying causes of militancy and terrorism - a mantra Pentagon officials repeat when they all but beg Congress to adequately fund the State Department. But because JSOC is both "awesome" and piles up body counts, it will always remain the leading actor in the global war on terror. The natural question is whether any such war could be managed at some socially acceptable level or, indeed, will ever end." http://atfp.co/2u3WZ9F

TOP TWEETERS -- "This Is Probably The Only Story You Didn't Hear About First From Bradd Jaffy And Kyle Griffin," by BuzzFeed News' Steven Perlberg and Charlie Warzel: "Be it a press conference on Capitol Hill, cabinet meeting pool spray from the White House, Trump golf outing, or fiery segment on Morning Joe - you'll see it first from Jaffy or Griffin. When a reporter in the NBC News operation has an exclusive, [Bradd] Jaffy or [Kyle] Griffin are often first to post the relevant details. Between the two, they somehow manage to tweet virtually every piece of news and opinion of the day - from a fact check of that morning's controversial Trump tweet, to a late-night Washington Post or New York Times bombshell report - and always with plenty of screenshots.

"As news cycles grow faster and more overwhelming, Jaffy and Griffin have become feeds of record for obsessive political journalists and casual tweeters alike. Their relentless output, which, in a different environment, might have felt exhausting, is now a mooring force for a growing number who feel bombarded by breaking news and fear they might miss the next bombshell. The two are hardly the only journalists to tweet breaking news, to be sure. But in a presidency that plays out primarily over Twitter and cable news, Jaffy and Griffin were already in perfect position at Trump's media nexus with all the resources of the internet and a multi-national broadcast organization." http://bzfd.it/2vpbHHL

TRANSITIONS -- Lawrence Kluttz, communications director for Rep. David Price (D-N.C.) has been hired as the speechwriter for new Duke University president Vincent Price (no relation). He starts on August 10.

BONUS BIRTHDAY OF THE DAY: Stacia Deshishku, ABC News D.C. deputy bureau chief. How she's celebrating: "My family tradition, going back to the 70s in Houston, has been eating at Benihana. We celebrate all family birthdays watching culinary knife tossing and stuffing ourselves with fried rice. This year my sons Bennett and Grant will join me for more of the same!" Read her Playbook Plus Q&A: http://politi.co/2u44LAq

****** **A message from Morgan Stanley** : According to Morgan Stanley research, 86% of Millennials-broadly defined as those born between the early 1980s and 2000-say they are interested in sustainable investing. They are also twice as likely to invest in a stock or a fund if sustainability is part of the value-creation thesis. With Millennials on track to become the largest demographic in America-by 2020, one in three U.S. adults will be a

Millennial-the growing interest in sustainable, responsible and impact investing cannot be ignored. However, most sustainable investing opportunities cater to individuals with significant wealth, while the next generation is still in its early earning years. The growing demand for impact investing solutions is driving change, and opportunities created with reduced account minimums for this audience are benefiting investors of all ages. Read more from Morgan Stanley. ******

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From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Fri 6/16/2017 10:42:37 AM
Subject: POLITICO Playbook, presented by POET: N.Y. DAILY NEWS: Trump's new NY HUD director planned Eric Trump's wedding, has no housing experience -- DEMS drub GOP at baseball game -- A RECORD 24,959 tickets sold -- PENCE hires McGuireWoods' Cullen -- B'DAY: Bres

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Today's POLITICO Playbook presented by POET
06/16/2017 06:39 AM EDT

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Friday morning. THE NEW YORK DAILY NEWS: "President Trump chooses inexperienced woman who planned his son Eric's wedding to run N.Y. federal housing programs," by Greg Smith: "She's arranged tournaments at Trump golf courses, served as the liaison to the Trump family during his presidential campaign, and even arranged Eric Trump's wedding. Now President Trump has appointed longtime loyalist Lynne Patton -- who has zero housing experience and claims a law degree the school says she never earned -- to run the office that oversees federal housing programs in New York.

"Patton was appointed Wednesday to head up the U.S. Department of Housing and Urban Development's Region II, which includes New York and New Jersey, where she'll oversee distribution of billions of taxpayer dollars. Patton's tight relationship with the Trump clan dates back to 2009, when she began serving as the family's 'event planner.' ... She also claims on her LinkedIn page to have obtained a juris doctorate degree in 2000 from Quinnipiac University School of Law in Connecticut. Next to the J.D. notation is written (N/A) without explanation. On Thursday school registrar Jim Benson said Patton attended for two semesters but did not graduate. She also listed Yale University but HUD officials couldn't explain why that was there. Patton, who begins her Region II job July 5, did not return calls seeking comment.

"As head of the biggest HUD regional office in the U.S., Patton will oversee distribution of billions in cash to public housing authorities -- including NYCHA -- as well as tens of thousands of rental vouchers and block grants that fund housing inspections and senior citizen programs." http://nydn.us/2sikxU8

-- **N.Y. DAILY NEWS COVER:** "She planned Eric Trump's nups & falsely touts law degree. Now Prez has decided new housing boss in N.Y. is ... THE WEDDING SCAMMER" http://nydn.us/2turnp6

-- LYNNE'S LinkedIn page says she has the following specialties: "Public Engagement, Community Outreach & Revitalization, Strategic Networking, High-Net Worth Fundraising, Client Ambassador, Celebrity Talent Acquisition, Event Planning, Promotions, Social Media Strategy, Philanthropic Auctions & Tournaments, Public & Media Relations." http://bit.ly/2ryfdiE

THE U.S. is sending 4,000 more troops to Afghanistan, per the AP. http://apne.ws/2s88SsE Donald Trump ran for president saying he'd end foreign entanglements. **PRESIDENT TRUMP** is going to Miami today to announce changes to the U.S. policy toward Cuba.

FLASH -- AP at 5:09 a.m.: "**Russia claims it has killed IS leader al-Baghdadi,"** by Bassem Mroue in Beirut and Vladimir Isachenkov in Moscow: "The Russian Defense Ministry said Abu Bakr al-Baghdadi was killed in a Russian strike in late May along with other senior group commanders. There had been previous reports of al-Baghdadi being killed but they did not turn out to be true. The IS leader last released an audio on Nov. 3, urging his followers to keep up the fight for Mosul as they defend the city against a major offensive that began weeks earlier. The spokesman for the U.S.-led anti-IS coalition said in a statement Friday he could not confirm the Russian claim." http://apne.ws/2rCXIJ5

THE CONGRESSIONAL BASEBALL SCORE -- 11-2, DEMOCRATS WIN.

RACHAEL BADE and **KYLE CHENEY** bring us the scene from the Congressional Baseball Game at Nationals Park: "Rodney Davis stood in the shadow of the Nationals Park scoreboard and wiped away a tear. Just a day earlier, the Republican congressman from Illinois - and catcher for the Republican congressional baseball team -- watched his colleague Steve Scalise, the House majority whip, get shot on a practice baseball field in Virginia, while other lawmakers and aides scrambled for cover. ...

"'This is what our country needs after such a tragic act,' said Davis, his arm still scabbed and scraped from diving away from the gunman's bullets on Wednesday....Florida Democrat Charlie Crist was spotted walking around in a suit, a young staffer trailing him carrying his suit jacket." http://politi.co/2ttQWGH

-- COLD WATER ALERT. This is a kumbaya moment -- and we'd emphasize moment. It is, of course, impossible to predict the future. Remember: a gunman shot then-Arizona Rep. Gabby Giffords in the head. Nothing changed. We're skeptical much will change this time. Speaker Paul Ryan told Jake Tapper on CNN that "we can have different ideas without being vitriolic." Yes, they can. But there is no evidence to show they will. We hope we're wrong.

TAPPER had a joint interview with Ryan and Nancy Pelosi, and Anderson Cooper had Mitch McConnell and Chuck Schumer. A good night for CNN.

-- COOPER got this gem of an interaction. Classic line from McConnell when asked about Trump calling the investigation a witch hunt: **COOPER:** "President Trump made a statement last night with Congressman Scalise. It was getting bipartisan praise for his tone. Today tweeting about -- calling this a witch hunt against him, just talking about the people leading it being disturbed, I think was his term, or conflicted. Is that appropriate? **MCCONNELL:** "I typically don't comment on the president's tweeting habits." **COOPER:** "Do you think it is a witch hunt?" **MCCONNELL:** "I don't have any observations about that. We had here an example of a horrendous event that we all condemn, and we're here together tonight to make the point to the American people that there's a whole lot of cooperation in the Congress, even though it may not be covered, on a daily basis."

THE WHITE HOUSE SHOWED UP! -- "At congressional baseball game, newfound unity has its limits," by Yahoo's Hunter Walker: "As she talked to Yahoo News, [Kellyanne] Conway spotted top White House adviser Gary Cohn, who was in a dark suit. She called Cohn over. 'Look how Gary Cohn dresses for a baseball game. He dresses like Gary Cohn! Gary come here!' Conway beckoned. 'He came out of the womb looking like that,' quipped Mulvaney as Cohn strolled over. 'This is New York chic,' said Cohn, a former Goldman Sachs banker. As Cohn posed for photos with Conway, Mulvaney reached over and put an LSU hat on his head. Cohn couldn't see the cap. 'Does it make me a hillbilly?' Cohn asked. 'We couldn't make you a hillbilly if we tried,' Mulvaney said." https://yhoo.it/2ttWtNu

NYT NATIONAL BASEBALL WRITER TYLER KEPNER on the game. Good nugget: "A record 24,959 tickets were sold for the charity exhibition -- a higher attendance than Thursday's major league games in Chicago, Cleveland, Detroit, Minnesota and Oakland." http://nyti.ms/2rmUQAK

CLICKERS -- "Prayers and pitches: Scenes from the congressional baseball game" -- ***33 pix*** http://politi.co/2rCV4Tz ... **27 PHOTOS** by the Washington Post http://wapo.st/2rCXhhC

SPOTTED at the Anheuser-Busch and Buffalo Wild Wings game watch party in the PNC Diamond Club: Sean and Rebecca Spicer, Sarah Huckabee Sanders, Labor Secretary Alexander Acosta, Sen. John Boozman (R-Ark.), Reps. Bill Shuster (R-Pa.), Lacy Clay (D-Mo.), Ted Yoho (R-Fla.), Dave Joyce (R-Ohio), Darrell Issa (R-Calif.), Ann Wagner (R-Mo.), Barbara Comstock (R-Va.), Debbie Wasserman Schultz (D-Fla.), John Delaney (R-Md.), Virginia Foxx (R-N.C.) and Eliot Engel (D-N.Y.), Carl Hulse, Cate Martel, Naomi Jagoda, Allison Brennan, Roland Foster, Kate Pointer.

-- Photo of Tyson's lobbyist Matt Mika's friends and colleagues http://bit.ly/2t9fXI4

THE LATEST ON SCALISE -- RACHAEL BADE: "House Majority Whip Steve Scalise, the Louisiana Republican shot during a congressional baseball practice Wednesday, is

doing better but remains in critical condition and will be hospitalized for an extended period of time, according to a statement from his doctors. MedStar Washington Hospital Center said in a statement Thursday evening that Scalise underwent another surgery 'related to his internal injuries and a broken bone in his leg.' 'He remains in critical condition, but has improved in the last 24 hours,' the statement said. 'The Congressman will require additional operations, and will be in the hospital for some time. At the request of the family, we will continue to provide periodic updates.'" ***Bade on the emotional times on the Hill*** http://politi.co/2swDk15

-- KEY LINE HERE: Scalise will be hospitalized for an "extended period of time." This will be a long recovery.

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THE NEXT FRONTIER -- "Rattled by shooting, lawmakers want more personal protection," by Seung Min Kim and Rachael Bade: "Lawmakers are debating a range of heightened security measures following Wednesday's shooting that critically injured House Majority Whip Steve Scalise, with a growing number of Republicans even seeking to carry their own guns into the Capitol for personal safety. Rattled by the mass shooting by a gunman with an apparent political agenda, lawmakers are struggling with how to balance ensuring security for members of Congress while keeping themselves accessible to voters.

"The gamut of options includes new rules ramping up the law enforcement presence at big group events with lawmakers, equipping Capitol Police with more advanced weapons, and allowing individual members to spend taxpayer or campaign dollars on personal security measures. And several GOP lawmakers want the green light to bring their personal firearms onto Capitol grounds, a move that immediately alarmed Democrats who favor tougher gun restrictions." http://politi.co/2ry7KQy

-- MANY LAWMAKERS have mused about each getting their own Capitol Police officer. But that would be a hugely pricey government expense.

ON THE ALLEGED GUNMAN -- "Scalise Gunman Dodged 2006 Charge That Would Bar Gun Purchases," by Bloomberg's Ari Natter: "James Hodgkinson, 66, was arrested after a 2006 incident in which he was accused of beating his foster daughter, according to court records. The case crumbled after the victim decided not to testify ... Under federal law, someone found guilty of domestic battery of a family member can be barred from legally owning a firearm." https://bloom.bg/2ttKeR1

WAPO'S ASHLEY PARKER , the pride of Montgomery County, scooped that Vice President Mike Pence has hired Richard Cullen, the chairman of McGuireWoods, to represent him. http://wapo.st/2s7VoNE **MATT NUSSBAUM** reminds us that

McGuireWoods also once employed Jim Comey! And the firm also currently represents former Rep. Aaron Schock, who is facing 24 counts of criminal charges related to alleged crimes during his time in office.

SCOOP -- "Trump transition officials ordered to save Russia documents," by Josh Dawsey: "Aides and volunteers on Donald Trump's presidential transition were instructed Thursday to save any records related to 'several pending investigations into potential attempts by Russia interests to influence the 2016 election,' according to a memo provided to POLITICO. In the memo from a transition lawyer, campaign officials were told to preserve all documents related to the Russian Federation, Ukraine and a number of campaign advisers and officials, including former campaign manager Paul Manafort, advisers Carter Page, Rick Gates and Roger Stone, and former national security adviser Gen. Michael Flynn." http://politi.co/2sFQA36

-- GOLDEN BOY ALERT: "Special counsel is investigating Jared Kushner's business dealings," by WaPo's Sari Horowitz, Matt Zapotosky and Adam Entous: "FBI agents and federal prosecutors have also been examining the financial dealings of other Trump associates, including former national security adviser Michael Flynn, former campaign chairman Paul Manafort and Carter Page, who was listed as a foreign-policy adviser for the campaign." http://wapo.st/2shPVCa

THE PUSHBACK -- "Rosenstein prods media for 'anonymous allegations' on Russia probe," by Darren Samuelsohn: "A top Trump Justice Department official issued an unusual, vague statement Thursday night, casting doubt on a series of recent media reports detailing Special Counsel Robert Mueller's growing probe into the Trump campaign for potential collusion with Russia in the 2016 campaign. Deputy Attorney General Rod Rosenstein appeared to be taking issue with recent Washington Post and New York Times stories that President Donald Trump himself is now the subject of an obstruction of justice probe, as well as a separate new report from the Post that Mueller is looking into White House senior adviser and Trump son-in-law Jared Kushner's finances. ...

"'Americans should exercise caution before accepting as true any stories attributed to anonymous 'officials,' particularly when they do not identify the country - let alone the branch or agency of government - with which the alleged sources supposedly are affiliated,' Rosenstein said. 'Americans should be skeptical about anonymous allegations. The Department of Justice has a long-established policy to neither confirm nor deny such allegations.'

"Rosenstein's statement caught many in Washington off guard, in part because it was so generic and didn't actually specify which news reports it was addressing. It's also notable because of who issued it: With Attorney General Jeff Sessions recused from all things related to the Russia probe, Rosenstein as the No. 2 DOJ official has the reins over the Mueller probe. He'll get Mueller's budget and he also has the power to block major investigative steps -- with the caveat he must report to Congress if that happens." http://politi.co/2ttUBEo

--@jbarro: "The Washington Post has updated the Kushner story to reflect the officials cited are indeed U.S. officials."

JOSH DAWSEY, "White House aides fret over Trump's Russia probe obsession": "The greatest threat to Trump and his presidency, say administration officials and outside advisers, comes from his own conduct and obsessive behavior after he took office. While congressional and FBI investigations may prove Trump or his team broke laws before he took office, his advisers say they're more worried that the things he's done since the inauguration may have left him exposed to obstruction of justice or other charges. Trump, for months, has bristled almost daily about the ongoing probes. He has sometimes, without prompting, injected. 'I'm not under investigation' into conversations with associates and allies. He has watched hours of TV coverage every day -- sometimes even storing morning news shows on his TiVo to watch in the evening -- and complained nonstop." http://politi.co/2sFWm4N

THE COUNSEL -- "Mueller, Known for Being Above the Fray, Is Now in the Thick of It," by NYT's Scott Shane and Charlie Savage: "Veterans of past Washington battles on the borders of law and politics said that the president's pushback was to be expected, but that its ferocity and timing were unusual. Just one month into the job, Mr. Mueller has not yet finished hiring staff members or installing a computer network -- deliberately segregated from the main Justice Department -- in the Patrick Henry Building in downtown Washington.

"'It's early in the game to begin to impugn the prosecutors,' said Philip Allen Lacovara, a Watergate prosecutor and a Republican. 'It's a pre-emptive nuclear strike. If you're afraid of what the prosecutors are going to find out, you try to debunk anything they might come up with in advance by attacking them.'" http://nyti.ms/2shLOX2

JUST POSTED -- POLITICO MAGAZINE'S TIM ALBERTA: "Man on a Wire: Mike Pence's Tightrope Act... He might be the most consequential vice president ever. He could well be the next commander in chief. And the one person in America he can't have thinking about that is his boss." http://politi.co/2tunArX

SHOCKING! -- "Senate likely to miss its Obamacare repeal deadline," by Jen Haberkorn: "Senate Republicans are getting dangerously close to missing their deadline to hold a Senate health care vote by month's end, potentially derailing fulfillment of their seven-year-old campaign promise to repeal Obamacare. The Senate left Washington on Thursday with a seemingly insurmountable health care to-do list: When they return on Monday, Republicans will have just two weeks before the Fourth of July recess to overcome the remaining big divides on policy - including what year to roll back Medicaid expansion and how deeply to cut the program that covers health care for low-income people. They also must settle on how to bring down health insurance premiums and when to cut the taxes that paid for Obamacare -- not to mention the vexing issue of whether to defund Planned Parenthood." http://politi.co/2rDiWGu

ALEX ISENSTADT, "GOP sirens blaze over Georgia special election": "The GOP is bracing for the prospect of a loss in Tuesday's Georgia's special election that could have far-reaching implications for President Donald Trump and his party's fortunes in 2018. As grim confidential polling data circulates among GOP strategists, interviews with nearly two dozen Republican operatives and officials reveal that they are preparing for the possibility of an unnerving defeat that could spur lawmakers to distance themselves from Trump and his already-troubled legislative agenda, and potentially encourage a wave of retirements. ...

"While Republicans privately lampoon Ossoff's campaign skills -- deriding him as an inexperienced, talking-point driven candidate -- they acknowledge his cash advantage has made him a lethal opponent. 'We're going to find out if a monkey banging cymbals together spending $25 million can get elected,' the NRCC's executive director John Rogers told a group of Capitol Hill chiefs of staff this week, said one person present for the meeting. His meaning was clear to those in attendance: Ossoff might seem like a mechanical candidate, but he had to be taken seriously." http://politi.co/2rxCDoc

SORRY MEGYN! Alex Jones says he will release a tape of his entire day with Megyn Kelly tonight. http://bit.ly/2swg9mM Her interview is slated to run Sunday.

-- PAGE SIX: "Megyn Kelly interview completely overhauled after backlash" http://pge.sx/2ry1R5Q

Playbook Reads

PHOTO DU JOUR: Capitol Hill special agent David Bailey, who was wounded in Wednesday's shooting, throws out the first pitch of the congressional baseball game at Nationals Park on Thursday. | Win McNamee/Getty Images

FASCINATING LOOK BEHIND THE SCENES -- "At Last, Jeff Bezos Offers a Hint of His Philanthropic Plans," by NYT's Robert Frank: Jeff Bezos, the founder and chief executive of Amazon, is well on his way to becoming the richest person in the world, with a net worth of more than $80 billion. What's less certain is what he plans to do with his fortune, and how he could reinvent philanthropy.

"On Thursday, after questions from The New York Times about the level of his giving, Mr. Bezos posted on Twitter a 'request for ideas' for philanthropy. 'I'm thinking about a philanthropy strategy that is the opposite of how I mostly spend my time -- working on the long term,' he wrote. 'For philanthropy, I find I'm drawn to the other end of the spectrum: the right now.'" http://nyti.ms/2rncunL

TRUMP INC. -- "With shift on Cuba, Trump could undercut his company's hotel-

industry rivals," by WaPo's Drew Harwell and Jonathan O'Connell: "[A]s the owner of a real estate company with a big stake in hotels and resorts, Trump brings an added element to an issue that is unique to his presidency - the ability, through his official actions, to undermine a growth area for his industry rivals who have raced in recent years to establish a foothold in a lucrative new market. Starwood Hotels and Resorts, which merged with Marriott International to form the world's largest hotel chain, last year debuted the first Cuban hotel managed by a U.S. company in nearly 60 years, taking advantage of President Barack Obama's 2014 move to normalize relations with Cuba and lighten regulations enforcing the U.S. embargo on the island." http://wapo.st/2sFYZUg

K-STREET FILES -- "Sudan Ramps Up Washington Lobbying as Sanctions Deadline Looms," by Bloomberg's Jen Jacobs and Nick Wadhams: "Sudan is on the cusp of ending its long status as a pariah in Washington, and the African nation is bolstering its stable of lobbyists to ensure that it happens soon. The government of President Umar al-Bashir -- which is listed by the U.S. as a state sponsor of terrorism -- has hired Washington law firm Squire Patton Boggs LLP at a cost of $40,000 a month to lobby on its behalf as part of its accelerating campaign to ensure that President Donald Trump permanently lifts sanctions against the country ahead of a deadline next month, according to a filing with the Justice Department." https://bloom.bg/2t8WlhP

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BREAKING LATE LAST NIGHT -- "Trump won't alter status of current Dreamers," by Josh Gerstein: "President Donald Trump's administration has issued its most explicit promise to date that so-called Dreamers can keep their permission to work legally in the U.S. 'No work permits will be terminated prior to their current expiration dates,' the Department of Homeland Security said in guidance posted on its website Thursday night. Homeland Security Secretary John Kelly has said recently that the administration is not seeking to deport those who received quasi-legal status under a policy President Barack Obama adopted in 2012. However, the new statement from DHS seems to be a forward-looking promise not to take action against those in the program known as Deferred Action for Childhood Arrivals or DACA, an initiative for undocumented immigrants who entered the country as children." http://politi.co/2shGwLc

LISTEN IN -- The Pollsters -- Kristen Soltis Anderson and Margie Omero -- had Anna on their podcast to talk all things Playbook. The bipartisan duo is **@thepollsters** on Twitter and Facebook. ***Listen and subscribe*** http://apple.co/2jJaEKU

HOW A STREET IN BROOKLYN IS CHANGING THE ENERGY GRID: The shared economy is flourishing, with companies like Airbnb and Lyft capitalizing on the growing popularity of shared services. Can their success be replicated in the energy industry? In the latest installment of **POLITICO Magazine's "What Works"** series, we look at Brooklyn-based LO3 that devised a micro grid system that uses a phone app and smart meters to enable neighbors with solar panels to strike deals amongst themselves on the amount of electricity they buy from each other and at what price. We also look at the revitalization of Tampa, Florida - a broken down deep water port revitalized after 40 years of public and private investment. ***Read more* on Tampa's revitalization** http://politi.co/2tsAvuq ... **about Brooklyn's energy grid** http://politi.co/2rwOymb ... ***Photo gallery*** http://politi.co/2szxlsj

Playbookers

SUNDAY SO FAR - "Fox News Sunday": Sen. Amy Klobuchar (D-Minn.) ... Rep. Rodney Davis (R-Ill.) ... Jay Sekulow ... Robert Scheer. Panel: Brit Hume, Julie Pace, Lisa Boothe, Juan Williams

-- CBS' "Face the Nation": Sen. Marco Rubio (R-Fla.) ... Sen. Bernie Sanders (I-VT). Political panel: Ramesh Ponnuru, Phil Rucker, Nancy Cordes, and Jamelle Bouie

-- NBC's "Meet the Press": panel: David Brooks, Danielle Pletka, Amy Walters and Eugene Robinson

-- CNN's "State of the Union": Sen. Marco Rubio (R-Fla.) ... Jay Sekulow ... Sen. Bernie Sanders (I-VT)

-- CNN's "Inside Politics": Karoun Demirjian, Abby Phillip, Jeff Zeleny, Phil Mattingly

SPOTTED: Georgetown coach and NBA legend Patrick Ewing stopping by Wolf Blitzer's table at Cafe Milano last night to pay his respects ... Carly Fiorina at the American/JetBlue terminal at DCA yesterday.

OUT AND ABOUT --- POOL REPORT: "President Donald J. Trump and First Lady Melania Trump attended the official investiture ceremony for Justice Neil Gorsuch Thursday afternoon at the Supreme Court. After the other eight justices took their seats on the dais, Deputy Attorney General Rod Rosenstein presented the Justice's commission, which was read by the court's clerk. Chief Justice Roberts then administered the judicial oath to Justice Gorsuch. The courtroom was filled with friends and family of the Justice, as well as his devoted clerks Mike Davis, Jameel Jaffer, Janie Nitze, Matt Owen, and David Feder."

-- SPOTTED: retired Justice John Paul Stevens, Maureen Scalia, Senate Majority

Leader Mitch McConnell, Sens. Orrin Hatch (R-Utah), Lindsey Graham (R-S.C.), Ted Cruz (R-Texas), Cory Gardner (R-Colo.), Mike Crapo (R-Idaho), Jeff Flake (R-Ariz.) and Michael Bennet (D-Colo.), (who voted against Justice Gorsuch's confirmation), Rep. Darrell Issa (R-Calif.), Don McGahn (whose birthday is today) and wife Shannon, Mark Paoletta, Marc Short, Makan Delrahim, James Burnham, Mike McGinley, Chris Grieco, Lucas Walker, Leonard Leo, Jonathan Bunch, Rob Collins, Ann Donaldson, Ed Whelan, Michael Keneally, Liz Horning, Gustav Eyler, Ryan Newman, Brett Talley, Patrick Bumatay, Wan Kim, Eric Tung, Tobi and Evan Young, Colorado Attorney General Cynthia Coffman, Kenneth Starr, Liz Johnson, Mary Elizabeth Taylor, Michael Bopp, Rachel Brand, Greg Katsas, Ted Lehman, Theresa Wardon, Nicole Gustafson, Greg Garre, Megan Lacey.

-- Last night, the Picnic Theatre Company staged its second sold-out performance of Noel Coward's "Hay Fever" at Dumbarton House gardens, directed by Steve Rochlin and featuring Christina Sevilla, Emily Lenzner, Nova Daly, Charles Kovatch, Fran Holuba, Daniela Kelley, Antonio Olivo, Kevin Rooney and Bob Gerber. ***Pics*** http://bit.ly/2sifLpL ... http://bit.ly/2s8bZ3O **SPOTTED:** Peter Cherukuri, Jay Newton-Small, Anu Rangappa, Matea Gold, Jon Lenzner, Debbie Berger, Courtney Carlson, Amb. Abdulwahab Al-Hajjri, Amb. Tatiana Gfoeller, Sanna Kangasharju, David Van Ongevalle, Andreas Ledergerber and Andy Oros.

-- Collective SuperPAC, a national PAC dedicated to building black political power, kicked off the first ever Black Campaign School with a special reception last night at the Blackburn Center at Howard University. The event was co-sponsored by Priorities USA, EMILY's List, Planned Parenthood Action Fund, and ActBlue. **SPOTTED:** Quentin and Stefanie Brown James, Stacey Abrams, Shavonda Sumter, Tishaura Jones, Guy Cecil, Donna Brazile, Symone Sanders, Jamal Simmons, Leah Daughtry, Dan McNally and Tim Lim.

-- Longtime friends and colleagues of Carolyn Brehm gathered at Jones Day last night to celebrate her retirement and welcome Selina Jackson into her position as VP of global government affairs for Proctor & Gamble. **SPOTTED:** Amb. Richard Boucher, Jay Timmons, Joel Johnson, Poppy McDonald, William Lane, Sean Mulvaney, Mike Prentiss, Richard Goodstein, Ira Shapiro, Sean Broderick, DJ Peterson.

TRANSITIONS - KIKI BURGER has started at PR firm Sunshine Sachs, where she's helping manage political and non-profit clients out of their LA office. She is an alum of Rock the Vote and Susan G. Komen. ... **Linda Chavez,** the president of the Becoming American Institute and a syndicated columnist, has joined the Niskanen Center as a senior fellow.

WELCOME TO THE WORLD -- POLITICO night editor **Craig Howie** (who helps edit Playbook on the weekend), and wife, **Niki**, a landscape designer at Through the Garden, early this morning welcomed Leif Diño Howie, born 2:52 a.m. in Winchester, Va., to 7lb 14oz. "Everyone happy and healthy hooray!" ***Pic*** http://bit.ly/2si1VUo

-- Joanne Denyeau, planning producer at MSNBC's "The Last Word with Lawrence O'Donnell," and **Mike Kramer,** SVP at Westchester Chubb company, recently welcomed Ruth Anne Kramer. "We lovingly call her Ruthie. Ruthie has a big brother, Joey Kramer. He turns 2 in August." ***Pic*** http://bit.ly/2rCZKZx

BIRTHDAY OF THE DAY: Phil Singer, CEO and founder of Marathon Strategies. How he's celebrating: "Israel. Kim and I are taking the kids on their first big overseas trip." How he thinks the Trump presidency is going: "Amazing if you work at the Kremlin." Read his Playbook Plus Q&A: http://politi.co/2sGn8db

BIRTHDAYS: Don McGahn is 49 ... Politico's John Bresnahan and Zach Stanton ... Brandi Hoffine, associate VP for comms and strategy at UC ... NPR's Steve Inskeep, the pride of Carmel, Indiana ... Marcus Brauchli, co-founder and managing partner of North Base Media and a WSJ and WaPo alum ... Phil Cox, founding partner at 50-State and former RGA exec. director, is 43 ... former Rep. Robert Hurt (R-Va.) is 48 ... Adam Talbot, director at West Wing Writers ... Rep. Jason Smith (R-Mo.) is 37 ... Jim Dau is 41 ... Indira Lakshmanan, journalism ethics chair at Poynter and columnist for the Boston Globe, celebrating with her husband at Fiola Mare (h/t Nihal Krishan) ... Caity Rogowski (h/t Jon Haber) ... Jenna Galper (h/ts Alexandra De Luca and Helen Brosnan) ... PBS NewsHour politics producer Rachel Wellford (h/ts Nick Massella and Simone Pathe) ... Reid Wilson, national correspondent at The Hill ... Liz Bourgeois, executive comms manager at Facebook ... Jessica Boulanger, SVP of comms. at Business Roundtable ... former Amb. Daniel C. Kurtzer is 68 ... Israeli investigative journalist Ronen Bergman is 45 (h/ts Jewish Insider) ... Brett Bethune, intern for Sen. Claire McCaskill (R-Mo), is 2-1 (h/t mom Anne) ...

... Aaron McLear, director of public affairs for the West at Uber, is 4-0, celebrating at The Battery in SF (h/t Niki Christoff) ... Matt Vari, a digital strategist at Mothership Strategies, email aficionado and Diet Coke enthusiast, is 25 (h/t Jonas Murphy) ... Angie Kelley, VP for immigration policy at CAP ... Reid Wilson, former Clinton EPA ... Sarah Schoeffel ... Matthew Bartlett ... WTOP alum Bob Madigan ... John Leo ... Snap's Kara Rivers ... Nicole Luna ... Mark Tapscott ... Francisco "Frank" Sanchez, chairman of CNS Global Advisors ... Jill McNaughton ... Pat Roth of Phoenix ... Pedro Moreno ... Katie Nelson Thomson ... NPR's Jessica Taylor ... Joel R. Maliniak ... Jeffrey Block ... Don Harris ... Peter O'Toole, alum of Burson-Marsteller, GE and Pfizer ... David J. Jones ... Jon Kevin Lauck ... Traci Nobles ... John Shaw ... David Eades ... Jill McNaughton ... Steve Welchert, star of the 1977-1981 University of Iowa Football team ... Caryl Terrell ... Troy Perry (h/ts Teresa Vilmain) ... author Joyce Carol Oates is 79 ... golfer Phil Mickelson is 47 (h/ts AP)

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support a strong Renewable Fuel Standard, and open new markets for U.S. exports and trade. We are securing a cleaner future for all of us. We are POET and we're driving innovation, from the ground up. Learn more here. ******

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What you need to know to start your day.

Hurricanes on House's Agenda • EPA Avoiding Lab Rats • New York's Carbon-Tax Talk

By Chuck McCutcheon

The EPA's new point person for Puerto Rico will be among the officials talking to Congress today about what lessons can be gleaned from the response to this season's hurricanes.

Pete Lopez, who recently became administrator for the agency region that includes Puerto Rico, is among the witnesses set to testify at a House committee dealing with infrastructure.

Another panelist at the committee's hearing will be Texas Republican Rep. Michael McCaul, who heads the House's homeland security panel. McCaul's committee was supposed to hold its own hurricane-related hearing this week, but abruptly canceled it amid disputes with Democrats over an appearance by the mayor of San Juan, who has sharply criticized the Trump administration's disaster response. David Schultz is covering.

Military personnel distribute water for residents in Barranquitas, Puerto Rico.
Ricardo Arduengo/AFP/Getty Images

The House Energy and Commerce's energy panel is holding a separate hearing on how to shore up energy infrastructure against hurricanes. That panel will hear from the U.S. Army Corps of Engineers and Energy Department in addition to representatives from Puerto Rico and the Virgin Islands. Rebecca Kern is following.

Congress required EPA last year to move away from chemical safety tests using rats, mice, and other lab subjects. Today the EPA will float its ideas at an all-day workshop on reducing the ways those animals end up in tests while ensuring the tests still provide useful information.

The agency's eventual goal is to move towards tests that can potentially help predict whether a chemical could harm people. Newer kinds of tests can use human cells, and computer models can base their calculations on data about how chemicals move through and out of the body. That data could make the results

more directly applicable to people—but many uncertainties remain. Pat Rizzuto is tracking.

Backers of a carbon tax in New York state have tried—and failed—for years to get a measure into law. But they see some new signs for hope. Gerald Silverman explains in a story being published later this morning.

Other Stories We're Covering

- The House's long-awaited tax bill was supposed to be released yesterday, but lawmakers now promise it will come out today. Alan Kovski is tracking the energy provisions.
- Energy Secretary Rick Perry and Maria Cantwell, the top Democrat on the Senate's energy committee, will discuss their respective energy priorities at a breakfast today. Rebecca Kern is following.
- Cantwell will then join her colleagues on the energy panel to question an array of Interior Department, Alaska, and other officials about the Republican proposal to drill for oil in a portion of Alaska's Arctic National Wildlife Refuge. Alan Kovski is watching.
- Mainstream climate scientists and skeptics don't see eye-to-eye on much, but appear to agree: The EPA should not be the home for a climate "red team, blue team" science debate that Administrator Scott Pruitt has been touting. Abby Smith is monitoring.

Quote of the Day

"We are trying to see if these herbs are relevant for Vietnam."
—Shenbagam Manthiram, Tata Power Co. Ltd.'s chief representative in Vietnam, discussing how grasses and other plants could serve as a cooling environment for solar panels.

Today's Events

- **10 a.m. • Climate** • World Resources Institute unveils free climate-data platform in webinar.
- **10 a.m. • Water** • House Natural Resources' water panel examines three water-related bills.
- **All Day • Ocean Health** • NASA and World Resources Institute hold conference on how satellite data can be used for ocean health and fisheries applications.
- **All Day • Women and Energy** • Environmental Law Institute offers symposium on women in the energy and infrastructure fields.

Around the Web

- To call attention to water pollution, a Canadian angler put up a photo on

Facebook of a fish he caught with plastic wrapped around its middle.

- Coal producer Armstrong Energy, which operates five Kentucky mines, files for bankruptcy protection.
- Both Democratic and Republican House committee leaders want answers on FEMA's role involving the recently canceled electricity contract between Whitefish Energy and Puerto Rico's electric power authority.
- The EPA has reached agreement with a New Jersey company over unregistered and misbranded pesticides.

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Subject: Today on Climate Beat

June 12, 2017

Today on Climate Beat . . .

. . . we went to Italy, where EPA Administrator Scott Pruitt "made clear" to other G7 environment ministers that the United States does not agree with them on climate change policy, according to our news roundup.

Back at home, environmentalists fear recent comments from New Hampshire Gov. Chris Sununu (R) suggest he may be reconsidering the state's participation in the Regional Greenhouse Gas Initiative, though the governor indicated he currently has no plans to pull out of the cap-and-trade program.

And in court, the Justice Department is asking the U.S. Court of Appeals for the 9th Circuit to block a youth-pursued lawsuit alleging the federal government is violating the Constitution by failing to protect them from climate change, after a lower court allowed the case to go to trial.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 6/20/2017 5:08:30 PM
Subject: Playbook Power Briefing, presented by Starbucks: SIX HOURS until polls close in Georgia -- Senate health care bill could come THURSDAY -- SPICER to hold an ON-CAMERA briefing at 1:30 p.m. -- Senate GOP plans for a JULY vote for the debt ceiling

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Today's Playbook Power Briefing presented by Starbucks

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Tuesday afternoon. A REMINDER: Polls close tonight in Georgia at 7 p.m. and the earliest preliminary results are expected around 7:30 p.m. Our colleague Elena Schneider has seven things to watch in tonight's election, including how high turnout will go and how it will affect the national stage http://politi.co/2sP0gce ... ***Geographic places to watch in Georgia's Sixth, from Scott Bland and our interactive news team*** http://politi.co/2tp9oRV

PRESIDENT TRUMP weighed in this morning on Otto Warmbier's death during a pool spray with Ukrainian President Petro Poroshenko. "It's a disgrace what happened to Otto. It's a total disgrace what happened to Otto. It should never, ever be allowed to happen. And frankly, if he were brought home sooner, I think the results would have been a lot different." Trump ignored shouted questions on any potential tapes on conversations with James Comey or an investigation, per pooler Emily Ngo of Newsday.

IT'S COMING! -- "Sen. Corker expects GOP Obamacare repeal bill will be made public Thursday," by Louis Nelson: "Sen. Bob Corker has not yet seen the healthcare legislation currently being crafted by his Republican colleagues, the Tennessee lawmaker said Tuesday, but he expects to get his hands on it Thursday and looks forward 'to diving into that substance' of the bill. ... Corker told MSNBC's 'Morning Joe' that he expects the legislation to be made public on Thursday and for a vote to take place roughly a week later. The process, which has not included hearings before the relevant Senate committees, is not what Corker would have preferred, he said. But he still intends to judge the legislation based on its merits." http://politi.co/2sOEDZk

-- @pdmcleod: "Just in! Orrin Hatch tells me that Mitch McConnell told him the health bill is coming Thursday. This matches what Sen. Corker said today." ...
@SeungMinKim: "Like we told you yesterday, @SenateDems officially shut down Senate committee business by invoking two hour rule. No hearings rest of day ... One hearing this blocks is a Judiciary hearing on criminal/congressional probes, featuring former Sen Carl Levin (now back in Michigan)"

THEN -- @JohnCornyn on Jan. 7, 2010: "The people have a right to know what is happening behind closed doors with secret HC negotiations" ...

NOW -- @PhilMattingly, today: ".@JohnCornyn: 'There's nothing happening in secret here. In the fullness of time, we'll all see the product we've been working on.'"

MARK YOUR CALENDARS -- "Senate GOP plans July debt ceiling vote," by Burgess Everett: "Senate Republicans are planning for a July vote to raise the debt ceiling, according to senators and aides. Though the Treasury Department has said that Congress can likely wait until September to avoid default, Senate Majority Leader Mitch McConnell and his lieutenants are increasingly disposed to clearing the Senate's plate as much as possible before heading home for August recess. That would also likely mean decoupling the debt ceiling from a potential government shutdown fight in September.

"It's not clear what exactly such a bill would look like, but members of both parties are interested in a broad spending deal that would avoid the blunt budget cuts of sequestration. A clean debt ceiling increase may be a problem for a GOP majority filled with fiscal conservatives. 'I'd like to see that done earlier,' said Senate Majority Whip John Cornyn of Texas when asked about lifting the debt ceiling in September. ... Republican Senate staffers were provided new schedule guidance on Monday laying out that the preferred debt deadline is before the August break." http://politi.co/2tphwBB

****** **A message from Starbucks:** In 2014, Starbucks created the College Achievement Plan to give our partners (employees) the opportunity to earn a college degree from Arizona State University, tuition free. In three years, 710 Starbucks partners have graduated, thousands more are enrolled, and our goal is to help 25,000 partners graduate by 2025: http://sbux.co/2sboQ3G ******

STRANGE BEDFELLOWS -- "ExxonMobil Lends Its Support to a Carbon Tax Proposal," by NYT's John Schwartz: "ExxonMobil, other oil companies and a number of other corporate giants [announced] on Tuesday that they are supporting a plan to tax carbon emissions that was put forth this year by a group of Republican elder statesmen. The group, the Climate Leadership Council, unveiled a 'conservative climate solution' in February that would fight global warming by taxing greenhouse gas emissions and returning the money to taxpayers as a 'climate dividend.' ... Exxon Mobil, BP, Royal Dutch Shell and Total S.A. ... publicly back[ed] the plan on Tuesday. ... The plan's Republican authors include James A. Baker III and George P. Shultz, both former secretaries of state, and Henry M. Paulson Jr., a former secretary of the Treasury." http://nyti.ms/2sxgdR8

-- @GroverNorquist: "A Carbon Tax is a Value Added Tax (VAT) on training wheels. A Carbon Tax will morph into a VAT over time--and USA will become France."

BACK ON CAMERA -- After initially saying there would be no briefing today, the White House announced that **SEAN SPICER** will be behind the podium for an on-camera

press briefing at 1:30 p.m.

-- When THE ATLANTIC'S ROSIE GRAY asked Steve Bannon why briefing are now regularly held off-camera, Bannon responded that "Sean got fatter" in a text and did not answer her followups. Rosie's story was published before today's press briefing was announced. http://theatln.tc/2tocoh4

WHAT TECH TOLD TRUMP -- "Tim Cook told Trump tech employees are 'nervous' about immigration," by CNBC's Eamon Javers: "Behind the scenes at the White House tech CEO meeting, Apple CEO Tim Cook told President Donald Trump that technology employees are 'nervous' about the administration's approach to immigration, according to a source familiar with the exchange. The source said the president told the CEOs on Monday that the Senate's health-care bill needs 'more heart.' That would be a second known instance of the president criticizing the GOP bill in private meetings.

"To that, the source said, Cook replied that the immigration approach by the administration also 'needs more heart.' Cook cited the Deferred Action for Childhood Arrivals program, which is under review by the Trump administration. He also said people in tech and their co-workers were nervous about their status, and added that it 'would be great' if the president could 'send them a signal.' According to the source, Trump replied that he wants to see comprehensive immigration reform and urged the CEOs to call their senators and congressmen to push for it." http://cnb.cx/2tp3mRh

DEVELOPING OVERSEAS -- "U.S. shoots down another pro-regime drone in Syria," by CNN's Ryan Browne and Barbara Starr: "A U.S. F-15E fighter jet shot down a pro-Syrian regime drone near At Tanf, Syria, on Monday, two U.S. officials told CNN, the third downing of a pro-regime aircraft this month. The drone was downed just outside the 55 kilometer de-confliction zone, according to the officials. It was an Iranian-made Shahed 129 and was thought to be armed and in firing range of US troops." http://cnn.it/2sONaeM

-- "Russian fighter flies within feet of US recon plane over Baltic Sea," by Stars and Stripes' John Vandiver: "A Russian fighter flew within 'several feet' of a U.S. reconnaissance plane operating Monday over the Baltic Sea, a close military encounter that comes just one day after the U.S. Navy shot down a Syrian warplane. 'Due to the high rate of closure speed and poor control of the (Russian) aircraft during the intercept, this interaction was determined to be unsafe,' said Capt. Joseph Alonso, a U.S. European Command spokesman.

"Russian intercepts of U.S. aircraft around the Baltic Sea have become almost routine in light of increased tensions between Moscow and NATO, which also frequently scrambles fighters to monitor Russian aircraft. In most cases such incidents are deemed business as usual, with planes keeping a safe distance from one another. ... EUCOM said an Air Force RC-135 was flying in international airspace when a Russian Sukhoi Su-27 Flanker flew within 'several feet' of the American jet." http://bit.ly/2tp7CjG

ATTN. JARED -- "Ground broken for first new West Bank settlement in 25 years," by Times of Israel's Sue Surkes and Jacob Magid: "The new settlement, to be known as Amichai, is to accommodate residents of the illegal Amona outpost, which was evacuated in February in line with court orders because it was built on private Palestinian land. 'Today, ground works began, as I promised, for the establishment of the new community for the residents of Amona,' the prime minister tweeted. 'After decades, I have the privilege to be the prime minister who is building a new community in Judea and Samaria.'" http://bit.ly/2tpbkcU

-- THERE IS AN INTERESTING political dynamic at play. President Donald Trump's administration wants to strike a peace deal in Israel and the Palestinian territories, which will inevitably include freezing some settlement constructions. Benjamin Netanyahu has to contend with a right wing, which -- generally speaking -- does not want to stop building in the West Bank.

OBAMA ALUMNI -- FORMER AG ERIC HOLDER to Yahoo News: He said his goal is "to lead the legal resistance to Donald Trump's agenda - and perhaps even run against the president in 2020." https://yhoo.it/2rMihHS

VALLEYWATCH -- "Leaked recording: Inside Apple's global war on leakers," by The Outline's William Turton: "A recording of an internal briefing at Apple earlier this month obtained by The Outline sheds new light on how far the most valuable company in the world will go to prevent leaks about new products. The briefing, titled 'Stopping Leakers - Keeping Confidential at Apple,' was led by Director of Global Security David Rice, Director of Worldwide Investigations Lee Freedman, and Jenny Hubbert, who works on the Global Security communications and training team.

"According to the hour-long presentation, Apple's Global Security team employs an undisclosed number of investigators around the world to prevent information from reaching competitors, counterfeiters, and the press, as well as hunt down the source when leaks do occur. Some of these investigators have previously worked at U.S. intelligence agencies like the National Security Agency, law enforcement agencies like the FBI and the U.S. Secret Service, and in the U.S. military. The briefing, which offers a revealing window into the company's obsession with secrecy, was the first of many Apple is planning to host for employees. In it, Rice and Freedman speak candidly about Apple's efforts to prevent leaks, discuss how previous leakers got caught, and take questions from the approximately 100 attendees." http://bit.ly/2sPbrBx

AFTERNOON READ -- BEN SCHRECKINGER in POLITICO Magazine, **"Jill Stein Isn't Sorry":** "Democrats are still fuming about the role the Green Party nominee may have played in electing Donald Trump-who as president has celebrated the coal industry, promised to pull the United States out of the world's most important climate agreement and refused to even say whether he believes global warming is real. All of that should be anathema to a party whose founding principles include a commitment to 'ecological wisdom.'

"So does Stein, with the benefit of hindsight, have any regrets? 'I don't think so,' she tells me by phone from her home in Lexington, Massachusetts. Decrying 'fake news,' citing the 'sabotage of Bernie Sanders' and talking up the 'tremendous' campaign she could have run with more money, Stein is projecting a Trump-worthy level of defiance. 'I consider it a great honor that the party and our prior campaign for president is suddenly being attacked outside of an election season,' she says." http://politi.co/2sPcAJp

MEDIAWATCH -- Joe DelReal is joining the New York Times as a national correspondent based in Los Angeles later this year. He is currently at WaPo and is a POLITICO alum. ... **Hanna Trudo** is joining National Journal's Hotline as a staff writer. She is currently a senior producer at POLITICO.

-- Bloomberg announces that their European headquarters in the City of London is close to completion and will open in the fall. 4,000 employees will work in the building once completed. https://bloom.bg/2tp8uVu

TRANSITIONS -- Former Rep. **Kendrick Meek** (D-Fla.) has joined King & Spalding as a senior adviser in their government advocacy and public policy group. ... Former VA Secretary **Bob McDonald** has joined the Partnership for Public Service's board of directors ... **Robert Roche** joined the board of directors for the Center for a New American Security. He is the founder and president of Roche Enterprises.

WELCOME TO THE WORLD -- Beth Lester Sidhu, COO of the Stagwell Group and a Politico alum, and **Naveen Sidhu,** VP of development and planning for WTS International, post on Facebook: "And baby makes 4. Eden Kaur Arora Sidhu, born 6-17-17. Big sister Caia is delighted. Everyone else is tired but happy." ***Pic*** http://politi.co/2tpbRMb

-- Kyle Miller, external affairs representative at Dominion Energy and a Senate EPW and Inhofe alum, and **Melanie Miller,** teacher at Sts. Joseph and John School in Strongsville, Ohio, welcomed Everett Dallas Miller on Saturday. ***Pic*** http://bit.ly/2swHFyt

****** **A message from Starbucks:** Student loan debt is almost two times the size of credit card debt - totaling $1.31 trillion. At Starbucks, we created the College Achievement Plan to give baristas the opportunity to earn a tuition-free college degree from Arizona State University. In just three years, 710 Starbucks partners (employees) have graduated, thousands more are enrolled, and our goal is to help 25,000 partners graduate by 2025. Learn more: http://sbux.co/2sboQ3G ******

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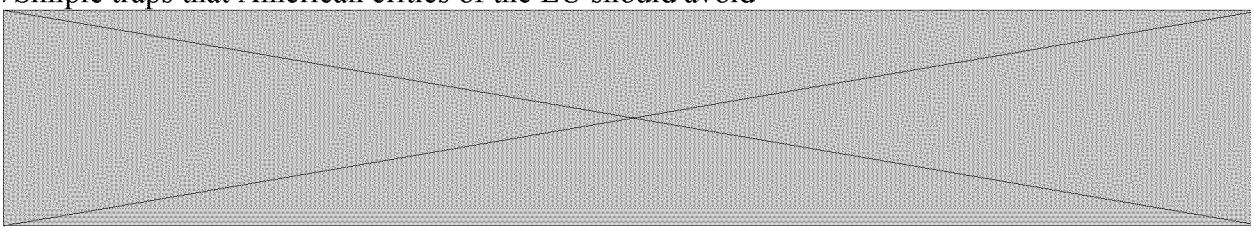
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. Simple traps that American critics of the EU should avoid



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Reuters

Simple traps that American critics of the EU should avoid

Dalibor Rohac et al. | The American Interest

Conservatives are right to be skeptical of "globalism," an intellectual approach that seeks to replace local traditions with a cosmopolitan, universalist outlook. Yet jeopardizing European institutions in favor of returning to some mythical golden age of European nation-states is the wrong solution. At its ideological roots, European integration was a project of conservative restoration, not progressive revolution.

Reuters

London terror attacks followed by same old stale arguments

Jonah Goldberg | National Review Online

The saddest part about the recent terrorist attacks in the United Kingdom — aside from the actual horror for the victims and their families — was that there was so little new to say about it. Of course, that didn't stop anyone: The usual suspects backed into familiar rhetorical corners. It's difficult to see the path forward. Even these attacks will be forgotten, absorbed into the gray maw of "the way things are."

Shutterstock

It's easy to become 'The Man,' after all

Frederick M. Hess | Education Next

A decade ago, most of those who thought of themselves as "reformers" worried that education was awash in paperwork, jargon, and bureaucracy. They argued that streamlining hidebound rules and routines was key to empowering families, communities, and educators. No longer. Race to the Top's sprawling applications were treated as a point of pride, rather than evidence of consultants run amok.

Reuters

The United Kingdom's futile election

Desmond Lachman | AEIdeas

Today, Brits will go to the polls for the third time in two years following Prime Minister Theresa May's decision to call a snap parliamentary election. Tomorrow, by which time the ballots will have been counted, we'll know whether this election served any useful purpose or was simply a cynical exercise in futility — one that risks further undermining the electorate's

confidence in Britain's political class.

More from AEI

As James Comey testifies, forget the Watergate comparisons. Think Iran-Contra.
John Yoo | The New York Times

Fact-checking Paris, The Washington Post drives into a ditch

Benjamin Zycher | AEI

Watch: David Makovsky on the Six-Day War and the future of the Middle East peace process

Danielle Pletka | AEI Viewpoint video

What the proposed 20 percent cut in farm subsidies means for your grocery bill (Hint: Nothing)

Vincent H. Smith | MarketWatch

Paid family leave should be gender neutral, budget neutral, and targeted

Aparna Mathur and Isabel Sawhill | AEIdeas

Watch: Beginning in the 1990s, 'deaths of despair' began to take off — especially for poor whites

Sally Satel and Nicholas Eberstadt | AEI event video

Venn diagram of the day: The law of demand apparently applies only to sugary drinks, not unskilled labor

Mark J. Perry | AEIdeas

The 'Great Kansas Tax Cut Experiment' is over. Liberals are rejoicing.

James Pethokoukis | AEIdeas

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Energy and Climate Report

October 06, 2017 - Number 194

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News

Air Pollution

Canada Aligns Small Engine Emissions Rules with U.S.

Canada wants to make it easier for lawnmower and other small engine manufacturers to sell their products in the U.S. so it's giving the industry an extra year to meet new air pollution requirements.

Air Pollution

Luminant Coal Plant to Close Despite EPA Easing Haze Rule

A Luminant coal-fired power plant in Texas will retire even though the EPA eased emissions rules for it and seven other coal plants in the state. Luminant, a subsidiary of Vistra Energy, will retire its Monticello plant in January 2018, the company said Oct. 6. The announcement came a week after the Environmental Protection Agency issued its final rules to address haze pollution in Texas. The rules allow the plants to participate in a new intrastate pollution trading program rather than ...

Air Pollution

Trump Seen Replacing Obama Power Plant Overhaul With a Tuneup

President Barack Obama's signature plan to reduce carbon dioxide emissions from electrical generation took years to develop and touched every aspect of power production and use, from smokestacks to home insulation.

EPA

EPA Chief's Travel Gets Additional Scrutiny From Watchdog

EPA's watchdog is taking a broader look at Administrator Scott Pruitt's travel, looking at all of his trips through September and not just his frequent flights home.

Energy

FERC's Powelson Walks Back Comments About Perry's Pricing Rule

Robert Powelson, the newest member of the agency that oversees U.S. power markets, Oct. 6 walked back a day-old threat to quit before supporting U.S. Energy Secretary Rick Perry's proposal to shore up nuclear plants.

Oil Spills

Companies' Burning of Spilled Oil, Composting Sewage Now OK in Brazil

Companies will be allowed to do controlled burns of significant oil slicks far offshore if other methods of cleaning them up have failed under one of two resolutions by Brazil's National Environmental Council (CONAMA) now in effect.

Pipeline Safety

Dakota Access Review Delayed as Court Weighs Pipeline Challenge

A court-mandated government review of the controversial Dakota Access pipeline will take months longer than expected, potentially pushing a decision on whether the conduit can continue to operate into 2018.

Renewable Energy

Solar's Courting Puerto Rico, and the Ravaged Island Is All Ears

The U.S. solar industry is about to airlift rooftop panels and batteries to Puerto Rico, where more than 90 percent of homes and businesses remain without electricity after Hurricane Maria destroyed the grid. The first plane full of supplies is set to leave this week.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Thur 9/14/2017 5:37:38 PM
Subject: Playbook Power Briefing, presented by CTIA: TRUMP says 'we have to have a wall' and GOP leaders are 'very on board' -- REPUBLICANS positioning DACA conversations as a starting point -- EDWARD FELSENTHAL named new editor of TIME

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Today's Playbook Power Briefing presented by CTIA

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Thursday afternoon from Capitol Hill, where the House just wrapped up a marathon voting session where the chatter was all about immigration and how the president practices politics.

HAPPENING THIS AFTERNOON - Join POLITICO Pro and **TREASURY SECRETARY STEVEN MNUCHIN** today at 4 p.m. at the Omni Shoreham Hotel for a conversation about Tax Reform and The Trump Administration. Admission is free and open to the public. ***Details*** http://politi.co/2xBqLUH ... ***Highlights from the Pro Policy Summit so far*** http://politi.co/2y0NqpF

SOMETHING TO ASK MNUCHIN ABOUT -- "Big Six remain divided over basic elements of tax reform," by Brian Faler: "The 'Big Six' are deeply divided over how to rewrite the tax code, including how to finance long-promised cuts in individual and corporate rates. Though House Republicans are promising to release a plan the week of Sept. 25, the top congressional and administration negotiators remain at loggerheads over a number of items, including plans to reduce a deduction for state and local taxes, as well as one for corporate interest expenses.

'Right now, the Senate and the House are pretty far apart,' said one Republican aide. 'There's serious frustration.'

"Senate Finance Chairman Orrin Hatch (R-Utah), himself a member of the Big Six, fired a warning shot Thursday, saying his panel will not be a 'rubber stamp' for whatever is proposed.

One major issue is whether to adopt a plan that would allow companies to immediately deduct the cost of their investments, sources say." http://politi.co/2x2lm61

HERE'S THE LATEST ON THE DACA DEAL...

-- DON'T EXPECT A QUICK PROCESS. Republicans are positioning **PRESIDENT**

DONALD TRUMP'S negotiation with Nancy Pelosi and Chuck Schumer as a starting point. **SPEAKER PAUL RYAN** said there was "no agreement" and that "the president understands he's going to have to work with the congressional majorities to get any kind of legislative solution." **SENATE MAJORITY LEADER MITCH MCCONNELL** issued a statement saying "we look forward to receiving the Trump administration's legislative proposal as we continue to work on these issues."

-- THE REALITY: Republicans will not be on the sidelines for this negotiation. This won't come to the floor this month, and might not come to the floor in the early part of next month. Republicans -- who have the majority in both chambers -- are in control of what legislation makes it to the floor.

-- DEMOCRATS on Capitol Hill are feeling as optimistic as we've seen this year. One senior Democratic lawmaker came off the floor, predicting that DACA was just the first of many things Trump and Democrats are going to be able to work together on.

PRESIDENT DONALD TRUMP said "we have to have a wall. If the wall is going to be obstructed, when we need the funds at a little bit later date -- we'll be determining how much we need -- then we're not doing anything," when he landed at Fort Myers, Florida to survey the damage from Hurricane Irma. He said Republicans were on board and that "we'll only do it if we get extreme security ... Ultimately we have to have the wall. If we don't have the wall, we're doing nothing. ... If I don't get the wall, then we will become the obstructionists." *Video, where Trump also talks about taxes* http://bit.ly/2xAM0WL

-- He also encouraged Florida Gov. Rick Scott to run for Senate. http://politi.co/2xBnYLt

WHAT'S IN A WORD -- @kaitlancollins: "A White House spokesman says the Trump administration 'will not discuss amnesty.' 'What they will discuss is a responsible path forward.' ... That 'responsible path,' @LWalters45 says, could include 'legal citizenship over a period of time.' ... When asked for her definition of amnesty, she said: 'I'm not going to sit here and litigate what the definition of amnesty is.'"

FROM THE RANK AND FILE -- "Trump diehards divided over DACA deal," by Kyle Cheney and Ted Hesson: "President Donald Trump's apparent deal with Democrats to shield some undocumented immigrants from deportation -- without demanding funding for a border wall -- is dividing some of his most ardent conservative backers. ... But many conservatives on Capitol Hill made clear this week that there is, in fact, a window for the president to win buy-in from the right for a deal that would protect some undocumented immigrants -- those who arrived in the country as minors -- in exchange for stepped-up immigration enforcement measures. ...

"'I think [a deal] is entirely possible if we try to get the political rhetoric out of it and actually look for real solutions,' Rep. Mark Meadows (R-N.C.), chairman of the House Freedom Caucus, told reporters Wednesday. 'We're going to have to deal with it. So we

might as well put forth a conservative effort to deal with the immigration issue broadly.'" http://politi.co/2y8U7Xz

****** **A message from CTIA and America's wireless industry:** The global race to deploy 5G wireless is on-and America needs to win. Government action on spectrum and infrastructure policy will allow U.S. wireless companies to invest $275 billion, create more than 3 million jobs, and add $500 billion to the economy, according to Accenture. Learn more at CTIA.org. ******

BREAKING -- CBS'S MOSHEH OINOUNOU (@mosheh): "Former CIA Deputy Director @MichaelJMorell resigns as Senior Fellow at Harvard Kennedy school over their hiring of Chelsea Manning" http://bit.ly/2wbYkwp

REMEMBER THE IRAN DEAL FIGHT? -- "U.S. Expected to Keep Iran Nuclear Deal in Place for Now," by WSJ's Felicia Schwartz and Laurence Norman: "President Donald Trump on Thursday is expected to extend sanctions relief to Iran, U.S. officials said, retaining for now the U.S. commitment to the landmark 2015 nuclear agreement, whose fate nonetheless remains uncertain. As part of the international deal, the U.S. agreed to waive a wide range of sanctions on Iran and must renew the waiver every 120 days. Thursday is the deadline for renewing that waiver. While Mr. Trump is expected to renew the waiver and extend U.S. sanctions relief, he also is nearing another deadline in October to certify to Congress that Iran is in compliance with the terms of the nuclear deal." http://on.wsj.com/2xBEbA5

WAR REPORT -- "U.S. Military: American ISIS Fighter Reportedly 'Surrenders'," by The Daily Beast's Betsy Woodruff and Spencer Ackerman: "Multiple spokespersons for the U.S. military have told The Daily Beast that they are aware of reports that an American fighting in Syria for the so-called Islamic State has been taken into custody. A source familiar with the situation told The Daily Beast that the American was captured by Kurdish forces. Both of the spokespeople indicated that the fighter 'surrendered.' In either case, the detention of an American fighting for ISIS on an active battlefield would set up a major decision for Donald Trump about the future of wartime captures.

"According to The Daily Beast's source, the U.S. citizen was initially taken into custody by the Syrian Democratic Forces, the mostly Kurdish local proxy that the American military is using to fight ISIS on the ground in Syria. That source said the Kurds then turned the captive over to American forces. It is not clear where the American is currently being held. Neither the U.S. military command overseeing the war against ISIS nor the Justice Department, which plays a substantial role in deciding what to do with U.S. citizen detainees, are disputing this reporting." http://thebea.st/2xBJKOS

FORMER REP. DAVID DREIER (R-CALIF.) has won Mexico's highest honor to foreign nationals, the Aztec Eagle, for his support and work on the U.S.-Mexican relationship.

BEYOND THE BELTWAY - "New York's buildings emit most of its greenhouse gases. The mayor has a plan to change that," by WaPo's Brady Dennis and Kayla

Epstein: "New York City Mayor Bill de Blasio (D) [announced] plans Thursday to force thousands of aging buildings there to become more energy efficient, a first-of-its-kind initiative intended to make the Big Apple a national leader in reducing greenhouse-gas emissions. The initiative would mandate that owners of existing buildings larger than 25,000 square feet invest in more efficient heating and cooling systems, insulation and hot-water heaters in the years ahead. If approved by the City Council, the requirements would apply to about 14,500 private and municipal buildings, which the mayor's office says collectively account for nearly a quarter of New York City's emissions. Most buildings would need to comply with new efficiency targets by 2030, or their owners would face penalties." http://wapo.st/2y7y1od

TRACKING TRUMP'S DONATIONS -- "Houston Humane Society gets letter, donation from Donald Trump," by the Houston Chronicle's Fernando Alfonso III: "The president and Melania Trump sent a letter and $25,000 to the Houston Humane Society to help with ongoing rescue and housing efforts following Hurricane Harvey. 'Animals are truly non-partisan members of society, can use help from both sides of the aisle,' said Sherry Ferguson, executive director for the Houston Humane Society, according to a Facebook post Thursday morning. 'Our shelter is so grateful for the first family's decision to make animals a top priority as Houstonians work to rebuild our city from the devastation left behind by Harvey.'" http://bit.ly/2xACQcP

MORE ON THE SONIC ATTACK ON DIPLOMATS -- "Attacked in bed, safe a few feet away: Cuba mystry deepens," by the AP's Josh Lederman, Michael Weissenstein and Matt Lee: "The blaring, grinding noise jolted the American diplomat from his bed in a Havana hotel. He moved just a few feet, and there was silence. He climbed back into bed. Inexplicably, the agonizing sound hit him again. It was as if he'd walked through some invisible wall cutting straight through his room.

"Soon came the hearing loss, and the speech problems, symptoms both similar and altogether different from others among at least 21 U.S. victims in an astonishing international mystery still unfolding in Cuba. The top U.S. diplomat has called them 'health attacks.' New details learned by The Associated Press indicate at least some of the incidents were confined to specific rooms or even parts of rooms with laser-like specificity, baffling U.S. officials who say the facts and the physics don't add up. ... Suspicion initially focused on a sonic weapon, and on the Cubans. Yet the diagnosis of mild brain injury, considered unlikely to result from sound, has confounded the FBI, the State Department and U.S. intelligence agencies involved in the investigation." http://bit.ly/2xAFaAr

JOHN JUDIS in **THE NEW REPUBLIC -- "Redoing the Electoral Math:** I argued that demographics favored the Democrats. I was wrong": "On one level, there's no arguing with the math. If you take the percentage of Americans that the U.S. census defines as 'minorities' and project their past voting habits into the next decade and beyond, you'll come up with a very sunny version of the Democrats' prospects. There are only two problems with this line of thinking, but they're pretty big ones. For starters, the census prediction of a 'majority-minority' America -- slated to arrive in 2044 -- is deeply flawed.

And so is the notion that ethnic minorities will always and forever continue to back Democrats in Obama-like numbers." http://bit.ly/2xBpr4h

MEDIAWATCH -- EDWARD FELSENTHAL will be the new editor in chief of TIME, the magazine announced today. He was previously the digital director of Time Inc.'s News and Lifestyle groups and the digital editor at TIME. ***Release*** http://ti.me/2xBr2a3

-- CHRIS WALLACE resigned with Fox News until "well past the 2020 election," he said in a news release distributed by Fox News.

--"The David Carr Generation: More than a dozen mentees of the late journalist remember the lessons he imparted," by Mikaela Lefrak in The Atlantic: "Carr had an unusual gift for recognizing young talent, and an equally unusual willingness to pull that talent up the ladder with him. He hired us for internships and jobs, edited our stories, sent out emails on our behalf, invited us to meetings we were really too junior to be a part of, and introduced us to his most successful and famous friends. But most important of all was this: He told us again and again that we had something special. We were smart, he told us. We were worthy. And we believed him, because he was the best guy we knew." ***Featuring Amy Chozick, Ta-Nehisi Coates, Jake Tapper, Brian Stelter, and many more*** http://theatln.tc/2xBe3W8

-- GLAMOUR'S editor in chief Cindi Leive is quitting, the fourth major magazine editor in a week to do so. ***NYT's Katherine Rosman with an interview*** http://nyti.ms/2xBXRE8

BUSINESS BURST -- JPMORGAN CHASE & CO. announced a $40 million investment over three years in Chicago's South and West Sides. They will partner with employers and training institutions to train residents, invest in neighborhood projects, help grow small businesses and help create financially healthy families, according to a press release. *More details* http://bit.ly/2y8muoR

TRANSITIONS -- Carol Danko has been hired by the Overseas Private Investment Corporation to be their managing director of communications, a job she starts Monday. She most recently was VP of public affairs at SIFMA and is a Michael Grimm and Peter King alum. ... **Chris Chafin** has been hired as senior publicity manager for BBC Global News Limited, where he'll oversee media relations in the Americas for the BBC World Service, BBC World News, and BBC.com. He was previously senior communications manager at the Financial Times. ... **Jake Wilkins** has joined Secretary Perdue's communications office at the Department of Agriculture. Wilkins worked in the RNC's press shop and is an alum of multiple Senate offices (h/t Kevin Cirilli)

WELCOME TO THE WORLD - James Kotecki, principal at the Kotecki Group and a Politico alum, and **Emily Kotecki,** manager of interpretation at the North Carolina Museum of Art, recently welcomed Maya Ruth Kotecki. ***Pic with her big brother Max*** - James' caption: "This is the kind of picture that really makes fatherhood worth it." http://politi.co/2wrDkNb

BONUS BIRTHDAY: Errol Cockfield, SVP of MSNBC media relations. (h/t Tyree Rush)

****** **A message from CTIA and America's wireless industry:** Tomorrow's 5G networks will create 3 million jobs, add $500 billion to the economy, and fuel innovation and entrepreneurialism across every sector. If policymakers move quickly to release more spectrum and modernize infrastructure rules, the wireless industry stands ready to invest $275 billion to build these next-gen networks, according to Accenture. This will drive breakthrough advancements in remote health care, connected vehicles, energy, education and beyond-making our lives better and safer. But the race to deploy 5G wireless networks is underway-and we're at a critical moment. The EU, China, Japan, South Korea and others are doing everything they can to win. If policymakers act now, the U.S. can continue our global leadership in wireless. Learn how at CTIA.org. ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sat 9/30/2017 2:11:47 PM
Subject: POLITICO Playbook, presented by Morgan Stanley: TRUMP 'berated' PRICE for TWO hours before he resigned -- SHULKIN went to Wimbledon, took river cruise on 'work' trip -- US in 'direct' contact with NKorea -- NSA warned WH staffers not to use personal email

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Today's POLITICO Playbook presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

BREAKING -- "U.S. in Direct Communication With North Korea, Says Tillerson," by NYT's David Sanger in Beijing: "The Trump administration acknowledged on Saturday for the first time that it is in direct communication with the government of North Korea over its missile and nuclear tests. 'We are probing, so stay tuned,' Secretary of State Rex W. Tillerson said, when pressed about how he might begin a conversation with Kim Jong-un, the North Korean leader, that could avert what many government officials fear is a significant chance of open conflict between the two countries.

"'We ask, 'Would you like to talk?' We have lines of communications to Pyongyang - we're not in a dark situation, a blackout. We have a couple, three channels open to Pyongyang,' he added, speaking at the residence of the U.S. ambassador to Beijing after a meeting with China's top leadership. He would not say if the North Koreans had responded, beyond the exchange of threats that, in the past week, have included declarations that the country might conduct an atmospheric nuclear test and that it had the right to shoot down American warplanes in international waters." http://nyti.ms/2wqs1Wn

Good Saturday morning. ONE OF THE PRESIDENT'S MEN -- TOM PRICE IS OUT -- DAN DIAMOND, RACHANA PRADHAN and **ADRIEL BETTELHEIM:** "Price becomes the first Trump administration Cabinet secretary to step down. The White House said Trump asked Deputy Assistant Health Secretary Don Wright to serve as acting secretary of the agency, which has an annual budget of $1.15 trillion and includes the Medicare and Medicaid programs, as well as the FDA, NIH and CDC.

"As late as Thursday, Price said he believed he had the president's support. But the tumult surrounding his travel became another distraction for an administration already

reeling from the defeat of repeated Senate efforts to repeal Obamacare and facing criticism for its hurricane relief efforts in Puerto Rico. In his resignation letter, Price expressed regret that 'recent events' distracted from efforts to overhaul the health care system, reduce regulatory burdens and improve global health. 'In order for you to move forward without further disruption, I am officially tendering my resignation as the Secretary of Health and Human Services effective 11:59 PM on Friday,' Price wrote." http://politi.co/2x4L4Fs ... ***His resignation letter*** http://bit.ly/2x3R460

-- @alexburnsNYT: "So reporting by @politico has led to the HHS secretary resigning and the Labor secretary-designate withdrawing from confirmation process" ... **@hillhulse:** "More than $50 million was spent on a special House election in Georgia to replace a lawmaker who didn't last a year in the Trump Cabinet."

-- CANCELED: Members of Congress and their spouses were invited to a reception Oct. 4 with Price. That has now been canceled, according to sources. ***The invite*** http://bit.ly/2xFWdAK

PETER BAKER, GLENN THRUSH and **MAGGIE HABERMAN** on A1 of the **Saturday NYT:** "Mr. Trump berated Mr. Price in the Oval Office on Friday afternoon for about two hours before heading out to meet with reporters, according to people informed about the meeting. All cabinet travel requests now must be cleared by the White House, they said." http://nyti.ms/2wq8aqD

--"Being called a 'good man' by Trump is sometimes an omen," by AP's Jill Colvin: http://bit.ly/2yA4EKN

BEHIND THE SCENES -- "Trump's breaking point with Price," by Andrew Restuccia, Josh Dawsey, and Dan Diamond: "Tom Price's downfall was his penchant for pricey jets. But his demise was months in the making, as the president continued to lose trust in the Health and Human Services secretary who rarely attended Oval Office strategy meetings, had little sway or influence on Capitol Hill, and was associated in the president's mind with one of the administration's biggest defeats - the failure to repeal Obamacare.

"Of particular notoriety: A picture of Price in March drinking at Bullfeathers, a famed Capitol Hill bar, as his colleagues tried to wrangle votes for the president's signature initiative. Price's lack of goodwill with Trump and other senior administration officials ultimately doomed his chances of survival, even though many administration officials believed the furor would blow over when news first broke that Price spent hundreds of thousands of taxpayer dollars on private jets." http://politi.co/2yyF5d7 ... ***Price at Bullfeathers*** http://bit.ly/2fZ3CBn

-- "'Another Fantastic Week': Tom Price's Celebratory Travelogues," by NYT's Katie Rogers and Eric Lipton: "As he traversed the world on taxpayer-funded flights, Tom Price made it a habit to write home, repeatedly sending celebratory letters back to staff members at the Department of Health and Human Services detailing his time on

the road, and complimenting agency employees who 'ensure the good stewardship of taxpayer dollars.' In May, Mr. Price celebrated his 15th week on the job by detailing his trip to Geneva, snapping a photo of the lush grounds of the United Nations compound, and a mountain range in the distance, as he attended the World Health Assembly. Weeks later, opening with the words 'another fantastic week,' Mr. Price described a June trip to Nashville, Tenn., where he owns a condominium, leaving out the fact that he had flown on a chartered plane and, according to Politico, stopped to have lunch with his son.

"The 'Week in Review' travelogues from Mr. Price, who resigned under fire on Friday, were sent to the department's approximately 80,000 employees. At times they included links to a Flickr account, where agency staff members posted more than 1,800 photographs of Mr. Price's globe-trotting and other agency work, including a recent dinner in Liberia. The dispatches outraged many members of the department staff, given that the travel took place at a time when the agency is facing hundreds of billions of dollars in proposed budget cuts, as well as certain budget-related restrictions on work-related travel for employees." http://nyti.ms/2xKjrmX

MORE QUESTIONABLE SPENDING -- "VA chief took in Wimbledon, river cruise on European work trip; wife's expenses covered by taxpayers," by WaPo's Jack Gillum, Alex Horton, Drew Harwell and Lisa Rein: "Nearly three days into a trip to Europe this past July, Veterans Affairs Secretary David Shulkin had attended a Wimbledon championship tennis match, toured Westminster Abbey and taken a cruise on the Thames. The 10-day trip was not entirely a vacation. Shulkin was in Europe for meetings with Danish and British officials about veterans' health issues, so taxpayers picked up part of the tab.

"Yet he and his wife spent about half their time sightseeing, including shopping and touring historic sites ... The federal government paid for the flights for Shulkin and his wife, Merle Bari, and provided a per-diem reimbursement for their meals and other expenses ... An agency spokesman did not respond to questions about why Bari qualified for the reimbursements and taxpayer-funded airfare, other than to say she was traveling on 'approved invitational orders' and had 'temporary duty' travel expenses." http://wapo.st/2fzY67

ALL IN THE FAMILY -- "Trump kids' ski vacation incurs over $300,000 in security costs," by CBS News' Laura Strickler, Analisa Novak and Julianna Goldman: "The annual Aspen ski vacation taken in March by President Trump's children, Ivanka and Eric Trump, and their families, including son-in-law Jared Kushner, left taxpayers on the hook for security costs of at least $330,000 ... Housing costs were $195,700 at hotels across town. The Secret Service also spent $26,000 on rental vehicles. Equipment costs were close to $22,000 -- to accompany the family on the slopes, the Secret Service had to buy lift tickets and rent skis and boots. They also rented bikes and bought other unidentified items at outfitting supplier REI and Backcountry.com." http://cbsn.ws/2wqgGpw

KELLY TAKES ACTION -- "White House to Cabinet: No private air travel without Kelly's approval," by Matt Nussbaum: "The White House cracked down on Cabinet officials' use of private planes Friday, telling them chief of staff John Kelly must approve almost all travel on 'government-owned, rented, leased, or chartered aircraft,' after Health and Human Services Secretary Tom Price resigned over his own taxpayer-funded flights. Mick Mulvaney, the director of the Office of Management and Budget, sent out the memo soon after Price's resignation was made public.

"'**In light of recent events, the President has asked me** to remind the heads of all executive departments and agencies of Administration policies on travel,' Mulvaney wrote. He reminded the department and agency heads that, by regulation, 'Government-owned, rented, leased, or chartered aircraft should not be used for travel by Government employees except with specific justification.'

"'**However, beyond the law and formal policy,** departments and agencies should recognize that was are public servants,' Mulvaney wrote. 'Every penny we spend comes from the taxpayer. We thus owe it to the taxpayer to work as hard managing that money wisely as the taxpayer must do to earn it in the first place.' Mulvaney added: 'Put another way, just because something is legal doesn't make it right.'" http://politi.co/2kbgfh2

THE LATEST ON PUERTO RICO -- "Trump's upbeat Puerto Rico rhetoric clashes with reality on the ground," by Matt Nussbaum and Marc Caputo: "President Donald Trump says his administration is deftly responding to the devastating hurricane that leveled Puerto Rico, but the jarring gap between his rhetoric and the dramatic reports about dire conditions there is raising fresh questions about the effectiveness of recovery efforts on the island.

"As his administration grapples with the third hurricane to hit the United States in a matter of weeks, and as the relief operation in Puerto Rico kicks into gear, Trump has repeatedly said he's getting positive reviews. Puerto Rico Governor Ricardo Rosselló just stated: 'The Administration and the President, every time we've spoken, they've delivered,' Trump tweeted Friday.

"But nine days after Hurricane Maria knocked out the island's power, communications system and some roadways, Americans there are still struggling to get supplies and phone service. 'There's always a danger whenever you start responding in a way that says, 'Hey we've done a great job,' and there are still people in need,' said Thomas Atkin, a former Coast Guard admiral and principal deputy assistant secretary of defense under President Barack Obama. 'It's kind of like a football coach at halftime saying, 'Hey, we're winning.' You still have half a game to play.'" http://politi.co/2xN4C4A

-- "Puerto Rico's Exodus Begins with a Trickle Into Orlando," by Francisco Alvarado in Orlando for Politico Magazine: http://politi.co/2yPkL8q

****** **A message from Morgan Stanley**: Disruption in Retail: Automation and

digitalization are helping athletic footwear brands chase growth via fast fashion. Read more from Morgan Stanley. ******

PRESIDENT TRUMP LASHES OUT AT SAN JUAN MAYOR -- @realDonaldTrump at 7:19 a.m.: "The Mayor of San Juan, who was very complimentary only a few days ago, has now been told by the Democrats that you must be nasty to Trump." ... **at 7:26 a.m.:** "...Such poor leadership ability by the Mayor of San Juan, and others in Puerto Rico, who are not able to get their workers to help. They...." ... **at 7:29 a.m.:** "..want everything to be done for them when it should be a community effort. 10,000 Federal workers now on Island doing a fantastic job."

... at **7:48 a.m.:** "Fake News CNN and NBC are going out of their way to disparage our great First Responders as a way to 'get Trump.' Not fair to FR or effort!" ... **at 7:55 a.m.:** "I will be going to Puerto Rico on Tuesday with Melania. Will hopefully be able to stop at the U.S. Virgin Islands (people working hard)." ... **at 8:07 a.m.:** "The Fake News Networks are working overtime in Puerto Rico doing their best to take the spirit away from our soldiers and first R's. Shame!"

TICK-TOCK -- "Lost weekend: How Trump's time at his golf club hurt the response to Maria," by WaPo's Abby Phillip, Ed O'Keefe, Nick Miroff and Damian Paletta: "At first, the Trump administration seemed to be doing all the right things to respond to the disaster in Puerto Rico. As Hurricane Maria made landfall on Wednesday, Sept. 20, there was a frenzy of activity publicly and privately. The next day, President Trump called local officials on the island, issued an emergency declaration and pledged that all federal resources would be directed to help.

"But then for four days after that -- as storm-ravaged Puerto Rico struggled for food and water amid the darkness of power outages -- Trump and his top aides effectively went dark themselves.

"Trump jetted to New Jersey that Thursday night to spend a long weekend at his private golf club there, save for a quick trip to Alabama for a political rally. Neither Trump nor any of his senior White House aides said a word publicly about the unfolding crisis. Trump did hold a meeting at his golf club that Friday with half a dozen Cabinet officials -- including acting Homeland Security secretary Elaine Duke, who oversees disaster response -- but the gathering was to discuss his new travel ban, not the hurricane. Duke and Trump spoke briefly about Puerto Rico but did not talk again until Tuesday." http://wapo.st/2xInikh

THE AFTERMATH -- "Rocked by the quake, Mexico's economy could get a boost from the rebuilding," by L.A. Times' Laura Tillman: http://lat.ms/2x4H8UY

WEST WING INTRIGUE -- "Kelly struggling to make sense of Jared and Ivanka's West Wing roles: Trump has also questioned whether having his family members in the West Wing is creating too much noise," by Annie Karni and Josh Dawsey: "As Secretary of Homeland Security, Gen. John Kelly spent months touting a hard line on

immigration, arguing privately and publicly with Congress that if there were objections to the laws, it was up to legislators to change them - not to blame enforcers on the front lines. But after a particularly contentious meeting with Democrats on the Hill regarding DACA this past summer, he was informed by Senate leaders that he appeared to have not been 'read in' to some conversations going on in the White House, according to three sources with direct knowledge of the matter.

"The president's son-in-law, Jared Kushner, Kelly learned, had been quietly back-channeling with Sens. Lindsey Graham (R-S.C.) and Dick Durbin (D-Ill.). Kushner, Democratic Hill aides confirmed, had discussed with the two senators a potential deal to protect Dreamers from deportation. Kelly, according to three sources familiar with the exchange, was livid, not at the content of the discussions - he has said he personally supports DACA - but that they were going on without his knowledge. He called senior White House officials and demanded a meeting with Trump to deliver something of an ultimatum: If Kushner was going to freelance on DHS issues, the president would have to choose between his son-in-law and the four-star general serving in his Cabinet.

"A White House official disputed this account, noting that Kelly was not upset - he simply wanted to be briefed on what the administration's strategy was. ... In a statement to POLITICO, Kelly said, 'Jared is a valued member of the White House staff.' ... It's not just Kelly who is uncertain of how to make the arrangement work. In recent months, according to multiple administration officials, the president has also been casually surveying people close to him about whether having his family members in the government is creating too much noise.

"'Baby, you're getting killed, this is a bad deal,' Trump has told Ivanka Trump, in front of other staffers, after soaking in the criticisms of the role his daughter is playing. ... Privately, Trump has asked some senior staffers their thoughts on how Kushner and Ivanka Trump can withstand the personal attacks, according to White House officials." http://politi.co/2xRH8vS

-- "Officials Expressed Concerns White House Counsel Would Quit Over Donald Trump-Jared Kushner Meetings," by WSJ's Peter Nicholas, Mike Bender and Rebecca Ballhaus: "White House Counsel Don McGahn this summer was so frustrated about the lack of protocols surrounding meetings between President Donald Trump and Jared Kushner, his son-in-law whose activities are under scrutiny in the Russia probe, that West Wing officials expressed concerns the top lawyer would quit, according to people familiar with the conversations.

"Mr. McGahn expressed concern that meetings between Mr. Kushner and Mr. Trump could be construed by investigators as an effort to coordinate their stories ... Two senior White House officials-then-Chief of Staff Reince Priebus and former chief strategist Steve Bannon -urged Mr. McGahn not to resign ... One person characterized Mr. McGahn's frustration as, 'Fine, you're not taking my advice? Why stay?'" http://on.wsj.com/2xEWuUN

JOSH MEYER: "NSA warned White House against using personal email": "The National Security Agency warned senior White House officials in classified briefings that improper use of personal cellphones and email could make them vulnerable to espionage by Russia, China, Iran and other adversaries, according to officials familiar with the briefings. The briefings came soon after President Donald Trump was sworn into office on Jan. 20, and before some top aides, including senior advisor Jared Kushner, used their personal email and phones to conduct official White House business, as disclosed by POLITICO this week.

"The NSA briefers explained that cyberspies could be using sophisticated malware to turn the personal cellphones of White House aides into clandestine listening devices, to take photos and video without the user's knowledge and to transfer vast amounts of data via Wi-Fi networks and Bluetooth, according to one former senior U.S. intelligence official familiar with the briefings." http://politi.co/2x1B9W9

TRUMP is at Bedminster N.J. He is scheduled to speak this afternoon with FEMA director Brock Long, Puerto Rico Gov. Ricardo Rosselló; Puerto Rico Resident Commissioner Jenniffer González-Colón; Luis Fortuño, the former governor of Puerto Rico who is now a federal lobbyist; and U.S. Virgin Islands Gov. Kenneth Mapp by telephone.

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker -- ***14 keepers*** http://politi.co/2x3ifOn

Playbook Reads

PHOTO DU JOUR: Former Vice President Joe Biden, former second lady Jill Biden, former President Barack Obama and Prince Harry of Wales watch on during day 7 of the Invictus Games 2017 on Sep. 29 in Toronto, Canada. | Chris Jackson/Getty Images for the Invictus Games Foundation

FED WATCH -- "Trump interviews four for Fed chair job, to decide in two-three weeks," by Reuters' Steve Holland: "U.S. President Donald Trump is ramping up his search for a new chief for the U.S. central bank, meeting with former Federal Reserve Governor Kevin Warsh and three others and promising a decision next month. 'I've had four meetings for Fed chairman and I'll be making a decision over the next two or three weeks,' Trump told reporters on the White House South Lawn.

"Trump has previously suggested he may reappoint Fed Chair Janet Yellen to the post. Jerome Powell, one of the current governors on the Fed's board, also met with Trump earlier this week about the Fed job, the Wall Street Journal reported on Friday. Trump on Friday did not provide details on his meetings." http://reut.rs/2fzjPwi

TOP-ED - JOHN KERRY in WaPo, **"The Iran deal is working. Here's how we know":**

"[I]t seems irrational to leave an agreement that's working today out of a fixation on potential growth of Iran's nuclear program more than a decade from now, when such growth could happen tomorrow if we unravel the agreement. We'd be back where we were before, only way worse, with the United States isolated, not Iran. We maintain leverage by sticking with the agreement, and European foreign ministers tell me that they would join us in confronting other Iranian misdeeds.

"What leverage do we gain by walking away when we know Iran is complying? We lose our close alignment with our allies. We empower Russia and China. We hand Iranian hard-liners a victory and send a message to any country considering a negotiation with us that, when politics intervene, the United States doesn't keep its word. Moreover, sticking with the deal means we don't jump back in the barrel headed toward military conflict with Iran, and we can focus on North Korea's white-hot nuclear threat today." http://wapo.st/2xF1atJ

VALLEY TALK -- "Silicon Valley all in on tax reform," by Steven Overly: "Silicon Valley is racing to support and shape President Donald Trump's multitrillion-dollar tax proposal, despite months of distancing itself from his policies on everything from immigration to climate change. The Republican proposal to slash corporate tax rates and ease taxation of companies' overseas earnings has vast implications for the tech industry, which counts the wealthiest companies on earth among its ranks. The companies have responded by marshaling an army of lobbyists, some with connections to a Trump administration that many of their customers and liberal employees loathe." http://politi.co/2ydPY7W

****** **A message from Morgan Stanley**: Consumers want new and now, a trend pushing athletic-wear brands to rethink how fast they can design and manufacture footwear. The rise of "fast fashion" is pushing brands to continuously roll out new models. The shift poses both a challenge and an opportunity. Read more from Morgan Stanley. ******

MEDIAWATCH - "ABC Poaches Tara Palmeri, a Politico Rising Star: The white-hot West Wing beat is minting new journalism name-brands," by Vanity Fair's Joe Pompeo: "Tara Palmeri, part of the new gaggle of White House reporters who have been churning out juicy scoops about the As-the-World-Turns Trump West Wing, is leaving Politico for ABC News ... At ABC, Palmeri, a vivid, high-energy presence with a New York tabloid background and an aggressive reporting style ... will be an on-air White House correspondent, giving the network a third presence alongside chief White House correspondent Jonathan Karl and senior White House correspondent Cecilia Vega. Palmeri signed a multi-year deal and will also write for abcnews.com." http://bit.ly/2xQ3PAu

GREAT WEEKEND READS, curated by Daniel Lippman:

--"What Ever Happened to the Russian Revolution?" by Ian Frazier in Smithsonian: "Russia is a glorious country and an ongoing disaster. Just when you decide it is the

one, it turns around and discloses the other. For a hundred years before 1917 it experienced wild disorders and political violence interspersed with periods of unquiet calm, meanwhile producing some of the world's greatest literature and booming in population and helping to feed Europe. Then it leapt into a revolution unlike any the world had ever seen." http://bit.ly/2yzd98Y

--"Diary of a Concussion," by Elizabeth Lopatto in The Verge: "I still felt like myself, but it was kind of like my personality was a set of piano keys and someone had sliced off all the notes you'd ordinarily play with your left hand. I could go on playing with both hands, but only the top half of the keyboard was available. While I was in the ER, it occurred to me: what if I am stuck like this forever? There is no treatment for concussion except for time, but people seem not to believe that." http://bit.ly/2woOwLn

--"Gloria Allred's Crusade," by Jia Tolentino in The New Yorker: "The attorney takes on Bill Cosby, rape law, and Donald Trump." http://bit.ly/2fxhUZf

--"Is Health Care a Right?" by The New Yorker's Atul Gawande: "It's a question that divides Americans, including those from my home town [of Athens, Ohio]. But it's possible to find common ground." http://bit.ly/2yzlPMx

--"The Lessons of Leonardo: How to Be a Creative Genius," by Walter Isaacson on the cover of WSJ's Review section: "History's most creative genius, Leonardo da Vinci, was not superhuman, writes Walter Isaacson-and following his methods can bring great intellectual rewards to anyone." http://on.wsj.com/2wqfe6x

--"Facing poverty, academics turn to sex work and sleeping in cars," by The Guardian's Alastair Gee in San Francisco: "Adjunct professors in America face low pay and long hours without the security of full-time faculty. Some, on the brink of homelessness, take desperate measures." http://bit.ly/2fErAVl

--"A Discourse on Love, by Deepthinker Whatshisname," by Alexander Aciman in Tablet Magazine - per ALDaily.com's description: "Alain de Botton wants to teach you how love really works. So he wrote a novel full of insights too trite to be even superficial." http://bit.ly/2x2Uvd9

--"How One Syrian Fought to the Death for a Free Internet," by Alice Su in Wired - per Longreads.com's description: "When Bassel Khartabil tried to create an open internet culture in Syria, the government executed him. Thousands of other Syrians have disappeared." http://bit.ly/2yLAgOB

--"Blaming the People," by Jan-Werner Müller in The Nation: "Ever since Philip Converse's pioneering studies in the 1950s, American political scientists have amassed a wealth of evidence confirming just how little voters know-and just how incoherent or plain illogical their political choices can be. This empirical work has run in tandem with that of political theorists less worried about voters' ignorance than about their intolerance." http://bit.ly/2ka9U5t

--"The College Try," by Ashley Powers in California Sunday: "Liz Waite and Kersheral Jessup couldn't afford a higher education, let alone rent. But they worked and scrounged and slept on couches to put themselves through school. Will their degrees be worth it?" http://bit.ly/2fVQJaX (h/t Longreads.com)

--"Spoiling for a fight," by Jim Sharpe in Aeon Magazine - per The Browser's description: "On the historical decline of violence in England - which boils down to a story of men behaving slightly better. The homicide rate in medieval Oxford was 120 per 100,000 of the population - compared with around one per 100,000 in modern England. By 1600 the murder rate had halved. Over time, men were getting into fewer fights with death the unintended consequence." http://bit.ly/2xLTepB

-- "The Jones Act, the obscure 1920 shipping regulation strangling Puerto Rico, explained," by Vox's Matthew Yglesias: "Protectionism and exploitation at its worst." http://bit.ly/2fYq1yB

Playbookers

SPOTTED: Madeline Albright having breakfast with Sen. Roy Blunt (R-Mo.) on Friday morning at the Four Seasons

TRANSITIONS -- ANDY COTTEN is joining digital firm Audience Partners after 12 years at Yahoo, most recently as the tech company's political sales lead. ... **John Meza** has joined the Raben Group as director. He most recently served as communications Director for Rep. Beto O'Rourke (D-Texas). ... **Lindsey Kolb** starts on Monday as digital director at FP1 Strategies. She previously was at Crowdskout, a data and political software startup in D.C.

BIRTHWEEK (was yesterday): Kaplan & Company founder Robbie Kaplan (hat tip: Alex Levy) ... BP's Liz Sidoti ... CBS News' Tory Coughlan ... Stephen Parker ... **(was Thursday):** Aviva Rosenthal

BIRTHDAYS: Craig Minassian is 47 ... Trey Anastasio of Phish is 53 ... Natalie Rossetti ... Hildy Kuryk, founder of Artemis Strategies ... 538's Perry Bacon, Jr. ... Greg Mecher, chief of staff for Rep. Joe Kennedy (D-Mass.) ... Ari Shapiro, host of NPR's "All Things Considered" ... Nate Tibbits, SVP of global gov't affairs and public affairs at Qualcomm and loyal Tarheel (h/t Ben Chang) ... Carolina Herburt-Hewell (h/t Jon Haber) ... Conor Maguire (h/t Sara Sendek) ... Politico's Sally Goldenberg, Brendan MacArthur, Caroline Cirillo and Arthi Yerramilli ... Politico Europe's David Herszenhorn ... Stefanie Higgins Mohler ... Jake Yunker ... Felix Schein, president of LA issue advocacy and comms firm RALLY, is 41 ... Mike Henry, chief of staff to Sen. Tim Kaine (D-Va.) ... Ben Voelkel, comms director for Sen. Ron Johnson (R-Wisc.), is 31. He is "Mukwonago, Wisconsin's favorite son and a top operative who never forgot his roots" (h/t Brian Reisinger) ... AP

legal affairs writer Curt Anderson is 56 ... former Sen. Blanche Lincoln (D-Ark.) is 57 ... former Israeli Prime Minister Ehud Olmert is 72 ... Iowa Republican operative Grant Young ...

... Steve Russolillo, WSJ markets reporter in Asia ... Sue Andres ... Anastasia Goodstein, SVP at the Ad Council ... Maggie Rousseau, press secretary for Rep. Suzanne Bonamici (D-Ore.) ... Charlotte Dillon of VC firm New Enterprise Associates ... Cynthia McCabe, comms director for Pepco Holdings ... Sam Lozier, SVP of client services at Revolution Messaging ... Nathan Thornburgh, co-founder at Roads and Kingdoms ... Max Alletzhauser ... Aaron Pickrell ... JJ Mitchell ... Christian Woelk Zaal ... Courtney Sanders Felts of the U.S. Chamber ... Gerardo Interiano, head of external affairs for the Southwest region at Google ... Maria Cereghino ... Brandon Farbstein ... Mark Drapeau ... WGBH's Phillip Martin ... Paul Guercio ... Page Rolley Hanna ... Alan Eason ... Adam Hudson ... Joshua Hoyos, assignment editor at ABC News ... Kitty Eisele ... Mike Milligan ... Aaron Pickrell ... Mary Triick (h/ts Teresa Vilmain)

THE SHOWS, by @MattMackowiak, filing from Austin:

--CBS's "Face the Nation": Speaker Paul Ryan (R-Wis.) ... Sen. Marco Rubio (R-Fla.) ... Senate Minority Leader Chuck Schumer (D-N.Y.) ... Bob Schieffer. Panel: Ben Domenech, Ezra Klein and Amy Walter

--NBC's "Meet the Press": Treasury Secretary Steven Mnuchin ... Sen. Bob Corker (R-Tenn.) ... Ta-Nehisi Coates. Panel: David Brooks, Danielle Pletka, Charlie Sykes

--ABC's "This Week": Treasury Secretary Steven Mnuchin ... Sen. Bernie Sanders (I-Vt.) ... Sen. Tim Scott (R-S.C.). Panel: Alex Castellanos, Stephanie Cutter, E.J. Dionne, Megan Murphy and Jason Riley

--"Fox News Sunday": OMB Director Mick Mulvaney ... FEMA Administrator Brock Long. Panel: Josh Holmes, Donna Edwards, Michael Needham and Charles Lane

--CNN's "State of the Union": OMB Mick Mulvaney ... Sen. Bernie Sanders (I-Vt.) ... Ohio Gov. John Kasich. Panel: Bakari Sellers, Amanda Carpenter, Michael Caputo and Rep. Stephanie Murphy (D-Fla.)

--Fox News' "Sunday Morning Futures": Rep. Louie Gohmert (R-Texas) ... White House National Economic Council director Gary Cohn ... Rep. Jeb Hensarling (R-Texas). Panel: Ian Bremmer and Ed Rollins

--Fox News' "MediaBuzz": Susan Ferrechio ... Katie Pavlich ... Juan Williams ... Antonio Mora ... Steve Hayes ... Marisa Guthrie ... James Rosen

--CNN's "Inside Politics" with John King: Panel: Julie Pace, Perry Bacon, Jennifer Jacobs and Karoun Demirjian

--CNN's "Reliable Sources": Panel on Puerto Rico and the media: Leyla Santiago, Edwin Melendez and Tara Palmeri ... panel on Trump vs. the NFL: Wesley Lowery, Jason Gay, Seth Mandel and Bathany Mandel ... Julia Angwin and Dylan Byers ... Steve Warren

--Univision's "Al Punto": Univision News anchor Ilia Calderón ... Rep. Carlos Carbelo (R-Fla) ... Rep. Henry Cuellar (D-Texas) ... Mexico president Enrique Peña Nieto's spokesman Eduardo Sanchez ... "United We Dream" executive director and co-founder Cristina Jimenez and DREAMer advocates Erika Andiola and Gaby Pacheco ... immigration attorney Ezequiel Hernandez ... DACA immigration attorney Luis Cortes Romero

--C-SPAN: "The Communicators": Kathy Grillo, Margaret Harding ... **"Newsmakers":** Sen. Mike Lee (R-Utah), questioned by Niels Lesniewski and Brent Kendall ... **"Q&A":** Scott Greenberger

--PBS' "To the Contrary": former Secretary of State Madeleine Albright, former Under Secretary of State Ellen Tauscher, former Under Secretary of State Paula Dobriansky and former Amb. Jandayi Frazer

--Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2omgw1D): CNBC senior contributor Larry Kudlow.

****** **A message from Morgan Stanley** : It has become commonplace for consumers to see new footwear styles online and shop for them instantly-followed by speedy delivery. For the world's largest athletic brands, the shift toward "new and now" poses both a challenge and an opportunity. Revamping the lengthy design and manufacture process for footwear can be arduous, while streamlining the process to incorporate new technology for creating prototypes and 3D printing can speed production of key materials. These and other innovations could boost revenues, improve margins, reduce operational risk, and finally, win more market share in an already booming category. Since 2007, global sales of athletic wear have increased 61%, and faster supply chains can help sustain that growth for years to come. As brands shift investments toward digital design and automated manufacturing, digitization could have a significant impact on supply chains. Read more from Morgan Stanley. ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Mon 6/26/2017 2:43:28 PM
Subject: BREAKING NEWS: Supreme Court to take up Trump's travel ban, let parts of it take effect

The Supreme Court agreed Monday to hear arguments on President Donald Trump's travel ban executive order - and will allow parts of the directive to take effect in the meantime.

The action is a tempered legal victory for the president, who suffered a string of defeats in lower courts that crippled his effort to halt issuance of most visas to citizens of six majority Muslim countries and to stop admission of refugees from across the globe.

The high court's action means parts of the order Trump re-issued in March will likely go into effect until the court decides on the legality of the measure, although the court limited the order's impact on foreigners with clear ties to individuals, businesses or organizations in the United States.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 11/20/2017 1:26:05 PM
Subject: Nov. 20 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

November 20, 2017 - Number 222

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Arkansas SIP/Infrastructure Requirements
AIR

Proposed rule of the EPA would approve revisions to the Arkansas SIP regarding infrastructure requirements for the 2006 and 2012 fine particulate matter (PM-2.5), 2008 lead, 2008 ozone, 2010 nitrogen dioxide, and 2010 sulfur dioxide (SO2) NAAQS. Portions of revisions concerning significant contribution to nonattainment or interference with maintenance and interference with visibility protection measures in other states of the 2008 ozone, 2010 SO2, and the 2012 PM-2.5 NAAQS will be addressed in a separate rulemaking. Comments are due Dec. 20, 2017. Contact: Nevine Salem; EPA Region 6; 214-665-7222; salem.nevine@epa.gov. Citations: 40 CFR 52

82 FR 55065 (11/20/2017)

Regulatory Update

AIR
Delaware SIP/Ozone NAAQS Interstate Transport
AIR

Notice of the EPA announces the withdrawal of a Sept. 27, 2017, direct final rule (82 FR 44932) that would have approved a portion of a revision to the Delaware SIP concerning the good neighbor interstate transport requirements for the 2008 ozone NAAQS. The revision addresses the demonstration that sources or emissions activity within the state will not contribute significantly to nonattainment or interference with maintenance of the standards in other states. The withdrawal is in response to adverse comments, which will be addressed in a final rule. The withdrawal is effective Nov. 20, 2017. Contact: Ellen Schmitt; EPA Region 3; 215-814-5787; schmitt.ellen@epa.gov. Citations: 40 CFR 52.420

82 FR 55052 (11/20/2017)

Regulatory Update

AIR

Iowa SIP/PM-2.5 NAAQS Infrastructure Requirements

AIR

Notice of the EPA announces the withdrawal of a Sept. 29, 2017, direct final rule (82 FR 45479) that would have approved portions of revisions to the Iowa SIP regarding infrastructure requirements for the 2012 annual fine particulate matter (PM-2.5) NAAQS. The rule would have approved revisions relating to prevention of significant deterioration (prong 3). The agency did not propose to take action on revisions concerning significant contribution (prong 1), interference with maintenance (prong 2), and visibility protection (prong 4). The withdrawal is in response to an adverse comment. The agency will proceed with a final rule based on the related proposed rule (82 FR 45550; 09/29/2017). The withdrawal is effective Nov. 20, 2017. Contact: Heather Hamilton; EPA Region 7, Air Planning and Development Branch; 913-551-7039; hamilton.heather@epa.gov. Citations: 40 CFR 52.820

82 FR 55053 (11/20/2017)

Regulatory Update

AIR

Virginia SIP/Removal of CAIR Trading Programs

AIR

Notice of the EPA announces the withdrawal of a Sept. 28, 2017, direct final rule (82 FR 45187) that would have approved a revision to the Virginia SIP to remove the annual nitrogen oxide (NOx), seasonal NOx, and sulfur dioxide trading programs under the Clean Air Interstate Rule (CAIR). The CAIR was discontinued in December 2014 upon implementation of the Cross-State Air Pollution Rule. The withdrawal is in response to an adverse comment. The agency will proceed with a final rule based on the related proposed rule (82 FR 45241; 09/28/2017). The withdrawal is effective Nov. 20, 2017. Contact: Sara Calcinore; EPA Region 3; 215-814-2043; calcinore.sara@epa.gov. Citations: 40 CFR 52.2420

82 FR 55052 (11/20/2017)

Regulatory Update

FOOD SAFETY

Food Safety Behaviors, Consumer Education Focus Groups

FOOD SAFETY

Notice announces the intention of the Food Safety and Inspection Service to seek OMB approval for a new information collection request concerning food safety behaviors and consumer education. The collection addresses the use of consumer focus groups to enhance messaging to improve consumers' food safety behaviors and help prevent foodborne illness. The 2018 focus groups will include a set of eight Spanish- and English-speaking groups that include parents with children under age 18 and a set of eight English-speaking groups of adults who have intentionally prepared meat or poultry dishes at home to be served undercooked or raw. Comments are due Jan. 19, 2018. Contact: Gina Kouba; FSIS, Office of Policy and Program Development; 202-720-5627

82 FR 55079 (11/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Biologics Patent Infringement Complaint
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces that an applicant for a proposed biosimilar product has notified the agency that a patent infringement action has been filed in connection with the applicant's biologics license application. Contact: Daniel Orr; FDA, Center for Drug Evaluation and Research; 240-402-0979; daniel.orr@fda.hhs.gov

82 FR 55105 (11/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Maine/Seabright Dam Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application by the town of Camden, Maine, for the Seabright Dam Project on the Megunticook River in Camden. The applicant requests to surrender the project exemption as the generation of power at the project is no longer economical. The applicant requests to remove the three transformers that connect the project to the Central Maine Power Co. grid and to continue to maintain and operate the dam for recreational use of the reservoir. Comments, protests, and motions to intervene are due Dec. 13, 2017. Contact: Marybeth Gay; FERC; 202-502-6125; Marybeth.gay@ferc.gov

82 FR 55097 (11/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Michigan/Ludington Pumped Storage Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a fish entrainment settlement agreement by Consumers Energy Co., of Jackson, Mich., and DTE Electric Co. of Detroit, regarding the Ludington Pumped Storage Project on the east shore of Lake Michigan in Mason and Ottawa counties in Michigan. The agreement would resolve among the affected parties issues associated with issuance of a new license for the project regarding fish entrainment. The affected parties request the approval and incorporation of relevant portions of the settlement agreement into any new license that may be issued for the project. The affected parties also request a 50-year license term. Comments are due Dec. 4, 2017, and reply comments are due Dec. 14, 2017. Contact: Aaron Liberty; FERC; 202-502-6862; aaron.liberty@ferc.gov

82 FR 55102 (11/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
OTC Denture Repair Kits/Premarket Notification Requirements
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the receipt of a petition requesting an exemption from premarket notification requirements for over-the-counter (OTC) denture repair kits. These class II medical devices consist of a material, such as a resin monomer system of powder and liquid glues, that is intended to be applied permanently to mend cracks or breaks. The petition was submitted by Paul Hyman of Hyman, Phelps & McNamara PC, of Washington, D.C. Comments are due Jan. 19, 2018. Contact: Rebecca Nipper; FDA, Center for Devices and Radiological Health, FDA; 301-796-6527. Citations: 21 CFR 807

82 FR 55105 (11/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Washington State/North Fork Nooksack Line Lowering Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of the environmental assessment for the North Fork Nooksack Line Lowering Project in Whatcom County, Wash. The project, proposed by Northwest Pipeline LLC, of Salt Lake City, consists of the removal and replacement of pipeline and removal of previously abandoned-in-place pipeline to reduce exposure due to river channel migration. The EA concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment. Comments are due Dec. 13, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlinesupport@ferc.gov

82 FR 55103 (11/20/2017)

Regulatory Update

MINING
Permits for Special Categories of Mining
MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request regarding requirements for applicants for coal mine permits to provide descriptions, maps, plans, and data of the proposed activity. The information would be used to determine if the applicants meet certain performance standards. Comments are due Jan. 19, 2018. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov. Citations: 30 CFR 785

82 FR 55113 (11/20/2017)

Regulatory Update

MINING
Surface Coal Mining Permits/Reclamation and Operation Plans

MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request regarding minimum requirements for reclamation and operation plans in surface coal mining permit applications. Comments are due Jan. 19, 2018. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov. Citations: 30 CFR 780

82 FR 55114 (11/20/2017)

Regulatory Update

MINING
Surface Coal Mining/Coal Exploration
MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request regarding requirements for coal exploration. The collection is used by the agency and state regulatory authorities to track coal exploration activities, evaluate the need for exploration permits, and ensure compliance with environmental protection and reclamation requirements. Comments are due Jan. 19, 2018. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov. Citations: 30 CFR 772, 815

82 FR 55114 (11/20/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 9/12/2017 2:42:39 PM
Subject: FERC, Interior, DOE noms set to clear committee

By POLITICO Staff

09/12/2017 10:40 AM EDT

The Senate Energy and Natural Resources Committee will vote Thursday on several nominees to FERC and the departments of Energy and Interior, committee leaders announced today.

The committee will vote on the following nominees: Richard Glick and Kevin McIntyre to be members of FERC; Joseph Balash to be assistant Interior secretary for land and minerals management; David Jonas to be general counsel of DOE; and Ryan Nelson to be solicitor at Interior.

The nominees are likely to be approved by the committee. It remains to be seen how quickly they will get a vote in the full Senate.

WHAT'S NEXT: The markup is scheduled to begin at 9:30 a.m. Thursday in 366 Dirksen and will be webcast.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/ferc-interior-doe-noms-set-to-clear-committee-092755

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Mon 9/25/2017 3:43:10 PM
Subject: BREAKING NEWS: Anthony Weiner sentenced to 21 months in prison for latest sexting scandal

Former New York Rep. Anthony Weiner was sentenced to 21 months in federal court in Manhattan on Monday after pleading guilty earlier this year to transmitting obscene material to a minor.

The sentencing, delivered by U.S. District Court Judge Denise Cote, marks the lowest point thus far in Weiner's fall from grace - from being a leading voice in the Democratic Party with a shot at becoming mayor of New York, to a registered sex offender.

Read more here.

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From: Bloomberg BNA
Sent: Mon 7/10/2017 7:17:45 PM
Subject: July 10 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Former Energy Commissioner Honorable Joins Reed Smith Law Firm

Posted July 10, 2017, 12:00 P.M. ET

By Rebecca Kern

Colette Honorable, who left the Federal Energy Regulatory Commission last month, has joined the global law firm Reed Smith to help start up a FERC-focused regulatory team, the firm announced today.

Honorable served as a Democratic FERC commissioner appointed by President Barack Obama from January 2015 until her term expired on June 30. FERC is now down to one lone commissioner—Acting Chairman Cheryl LaFleur— after being without a voting quorum of three commissioners since February. Two Republican FERC nominees Neil Chatterjee and Robert Powelson were favorably reported out of the Senate committee in June and currently await a Senate floor vote.

Honorable will be co-leading Reed Smith's FERC regulatory team with Regina Speed-Bost, a legal adviser to former FERC commissioner William Massey. Speed-Bost most recently was chair of Schiff Hardin's Energy Group in Washington. The firm also hired Debra Ann Palmer, a colleague of Speed-Bost and a former partner Schiff Hardin, who also has FERC and state regulatory experience.

While Reed Smith has employed FERC attorneys in the past, this will be the firm's first FERC-focused regulatory offering, Honorable told Bloomberg BNA in an interview. Reed Smith represents natural gas, renewable, oil and power companies as well utilities with 140 attorneys in its energy practices. The firm has 1,700 attorneys in its 27 global offices.

Wall Street Sours on $9 Billion Mechanism for Green Projects

Posted July 10, 2017, 10:05 A.M. ET

By Brian Eckhouse

Wall Street investors have gone cold on one of the main mechanisms banks invented to fund the green-energy revolution.

The business structure, known as the yieldco, feeds dividends from operating solar and wind farms to investors. Yieldcos first emerged in 2013, when the largest U.S. independent power producer, NRG Energy Inc., launched NRG Yield Inc. The parent formed the yieldco to hold operating wind and solar farms that it had built or acquired. Revenue from those assets funded dividends.

Yieldcos raised $7.9 billion in public equity in 2014 and 2015 but only $1 billion since then, according to Bloomberg New Energy Finance.

The shift is further fallout from the collapse of yieldco promoter SunEdison Inc. and has changed the way clean-energy developers finance themselves. In years past, they started yieldcos to buy projects once they were operating, recycling the capital into new installations. Now, they're turning to a large and deepening pool of buyers—insurance companies and pension funds—to provide funding and sometimes take control of income-producing assets.

"The idea of a you-have-to-have-a-virtuous circle—that idea that you're hooked at the hip between the public markets and growth—is dead," Mike Garland, chief executive officer of the San Francisco-based yieldco Pattern Energy Group Inc., said in an interview. "The market is saying, `Come to us last, not first.' When we started, it was 'Come to us first."'

Pattern Energy and NRG Yield are projected to pay 12-month dividend yields of 6.4 percent and 6.5 percent respectively, according to data compiled by Bloomberg. That's about three times higher than the average 2.1 percent yield of 500 companies on the Standard & Poor's index.

The yieldco structure became a major growth engine for renewables, spawning at least eight yieldcos in North America and similar entities in the U.K. and continental Europe. Investors liked the story: support the growth of clean-energy while also reaping dividends that flow from electricity sales guaranteed by long-term contracts. And because the yieldcos promised to buy more and more projects, the dividends would only grow.

Fading Appeal

But headwinds—most prominently the run-up to SunEdison's bankruptcy in April 2016—stopped at least three other would-be yieldcos from forming and have forced others to eschew public markets for private fundraising. SunEdison had relied on its two yieldcos to finance its dizzying multi-continent buying-binge, thrusting them into turmoil and introducing doubt that the companies would be able to grow fast enough to pay rising dividends. The company's struggles contributed to a broad renewables slump that made it more difficult to raise funds from the public equity markets.

As the business case for yieldcos has lost favor, a new group of buyer has emerged: pension funds and insurance companies hungry for wind and solar farms' steady revenues. And the green bond market has boomed. Issues of bonds linked to environmental projects is set to surpass $100 billion this year more than 10 times the scale of the market in 2012, according to BNEF.

"The yieldco market got very heated," Barry Gold, the New York-based head of Orix Infrastructure & Renewable Energy, said in an interview. "But we all know how things work in the financial markets: if a door closes, someone opens a window somewhere."

Several yieldco owners see the writing on the wall. SunEdison, Abengoa SA and First Solar Inc. are trying to distance themselves from the units they created. Mark Widmar, First Solar's chief executive officer, described the company's 8Point3 Energy Partners LP yieldco as "a dormant vehicle basically."

Pattern, meanwhile, is continuing as an owner of clean-energy projects—the original intent of yieldcos—but is now pushing into development. It recently bought a stake in an affiliated private company that feeds it projects, and it recruited Canada-based Public Sector Pension Investment Board to buy almost 10 percent of its stock.

"We're short renewables in the U.S.—and we want more," Patrick Samson, a Montreal-based managing director at PSP Investments, said in an interview. "My pensions need long-term cash flows."

Institutional investors are indeed emerging as a heavy of renewables mergers and acquisistions:

• Alberta Investment Management Corp. in February agreed to buy one of the largest U.S. private solar companies, sPower, alongside AES Corp.

• John Hancock Life Insurance Co. in March said it will buy a 49-percent stake in a clean-energy portfolio owned by Exelon Corp.

• Activist investor Paul Singermay pressured NRG to sell its yieldco, potentially to capture institutional interest in wind and solar farms.

"Why not just sell to a pension fund?" said Jigar Shah, chief executive officer of clean-energy investor Generate Capital Inc. and a former SunEdison CEO. "There are literally hundreds of them that want these assets."

Wind and solar farms typically have utility contracts that ensure consistent revenue streams, which neatly dovetail with the long-dated liabilities that insurers and pension fund managers accrue. For endowments, solar and wind investments help satisfy their heightened sustainable targets.

"The concept of pooling operational renewable-energy assets and selling to private investors will outlive the yieldco," said Daniel Shurey, a New York-based analyst at BNEF, said by email. "The term 'yieldco' is going extinct."

—With assistance from Will Wade.

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Shell Plans to Spend $1 Billion a Year on Clean Energy by 2020

Posted July 10, 2017, 9:30 A.M. ET

By Rakteem Katakey

Royal Dutch Shell Plc plans to spend as much as $1 billion a year on its New Energies division as the transition toward renewable power and electric cars accelerates.

"In some parts of the world we are beginning to see battery electric cars starting to gain consumer acceptance" while wind and solar costs are falling fast, Shell CEO Ben Van Beurden said in a speech in Istanbul July 10. "All of this is good news for the world and must accelerate," while still offering opportunities for producers of fossil fuels.

Shell sees opportunities in hydrogen fuel-cells, liquefied natural gas and next-generation biofuels for air travel, shipping and heavy freight—areas of transport for which batteries aren't adequate. The

intermittent nature of wind and solar energy means power plants fired by natural gas will have a long-term role, Van Beurden said.

Van Beurden was addressing the World Petroleum Congress—a gathering of ministers and CEOs from some of the largest oil producers—at a time when the accelerating shift to clean energy is raising questions about their long-term business models. While Russian Energy Minister Alexander Novak and Saudi Arabian Oil Co. boss Amin Nasser said oil and gas will be dominant for decades to come, Van Beurden highlighted the potential for some of the fastest-growing nations to leapfrog straight to a cleaner energy mix.

"When you consider the areas of the world where energy demand is still to expand, like Asia and sub-Saharan Africa, there is a huge opportunity," Van Beurden said. "These are areas that are not, on the whole, locked into a coal-driven system. There is the potential for them to shift more directly onto a less energy-intensive pathway to development."

There is often too much focus on energy-transition policies in Europe and North America instead of the fast-growing developing world, Van Beurden said. "What happens in England is important, but what happens in Ethiopia is at least as important. From Denmark to the DRC, from the U.S. to Uganda, to India, to China, there is a lot of work to do."

These countries will still require fossil fuels to develop industries such as steel, cement and chemicals because they need a heat intensity that cannot come from electricity alone, he said.

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France's Utility May Have to Shut 17 Nuclear Reactors

Posted July 10, 2017, 9:27 A.M. ET

By Francois de Beaupuy

Electricite de France SA, the state-controlled operator of 58 nuclear reactors, may have to shut as many as 17 to fulfill government plans to reduce the share of atomic power in France's electricity output to 50 percent by 2025, Ecology Minister Nicolas Hulot said.

The exact number of shutdowns required isn't clear because "we haven't developed everything in our climate plan," Hulot said July 10 on RTL radio. Given the 50 percent target, "everyone can understand that we'll close a number of reactors to achieve that goal, and not just one."

Shutting 17 reactors by 2025 would be a huge challenge for France and EDF, as nuclear power accounted for 72 percent of the country's electricity output in 2016. While the government has pledged to boost renewables, it's not yet evident how they would make up for the shutdown of almost a third of EDF's reactors. France also would face calls from the company to compensate it for potential loss of revenue and the cost of dismantling earlier than planned.

In January, EDF reached a compromise with the government in which the utility would receive 490 million euros ($559 million) and possible subsequent payments if the two reactors of the Fessenheim nuclear plant are taken offline.

—With assistance from Marie Mawad.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 7/26/2017 2:17:38 PM
Subject: EPA formally proposes WOTUS withdrawal

By Annie Snider

07/26/2017 10:13 AM EDT

EPA and the Army Corps of Engineers will formally propose the withdrawal of the Obama administration's controversial water rule Thursday.

The proposed rule to withdraw the Waters of the U.S. rule, also called the Clean Water Rule, was unveiled in late June, but had yet to be noticed in the Federal Register, the formal step that triggers the beginning of the public comment period. The Trump administration has given the public 30 days to weigh in on the proposed rule, although critics of the effort to repeal the rule have called for more time.

The proposed rule would change little on the ground today since the Obama administration's rule only briefly went into effect before the 6th Circuit Court of Appeals put it on hold nationwide. The repeal is seen as a safety net in case the Supreme Court determines that the 6th Circuit didn't have authority over the case and the hold is dissolved.

The rule would remove the Obama-era rule from the books and cement the regulatory status quo while the Trump administration works on its own rule to define which streams and wetlands are subject to federal protection under the Clean Water Act — an effort it has said it plans to have ready to unveil in December.

WHAT'S NEXT: EPA and the Army Corps will accept public comment on the proposed rule for 30 days. Those public comments will lay the groundwork for expected legal challenges from environmental groups and states that were supportive of the Obama administration's rule.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/07/epa-formally-proposes-wotus-withdrawal-091083

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Sat 12/2/2017 6:54:56 AM
Subject: POLITICO Pro Breaking News: Senate passes sweeping Republican tax overhaul

The legislation, which would slash taxes for corporations and most individuals, passed after Republican leaders made concessions to several holdouts. The Senate and House will have to meld their separate bills before sending legislation to President Donald Trump.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/31/2017 12:27:09 PM
Subject: Aug. 31 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

August 31, 2017 - Number 168

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Georgia SIP/Materials Incoporated by Reference
AIR

Final rule of the EPA updates materials incorporated by reference into the Georgia SIP. The rule affects SIP materials that are available for public inspection. The rule is effective Aug. 31, 2017. Contact: Sean Lakeman; EPA Region 4, Air Planning and Implementation Branch; 404-562-9043; lakeman.sean@epa.gov. Citations: 40 CFR 52.570

82 FR 41337 (08/31/2017)

Regulatory Update

AIR
Greenhouse Gas Reporting Program
AIR

Notice of the EPA announces a correction to a Dec. 9, 2016, final rule (81 FR 89188) that revised requirements of the Greenhouse Gas Reporting Program. The correction removes a reference to liquid petroleum products in Table C-1 to 40 CFR 98, Subpart C, regarding default CO2 emission factors and high heat values for various types of fuel. Citations: 40 CFR 98, Subpart C

82 FR 41343 (08/31/2017)

Regulatory Update

AIR
Illinois SIP/Coal-Fired Electric Generating Units
AIR

Proposed rule of the EPA would approve portions of revisions to the Illinois SIP regarding the

control of emissions from certain coal-fired electric generating units (EGUs). The revisions require the Will County 3 and Joliet 6, 7, and 8 EGUs to permanently cease combusting coal and allow other subject EGUs to cease combusting coal as an alternative means of compliance with mercury emission standards. The revisions also exempt the Will County 4 EGU from sulfur dioxide (SO2) control technology requirements, require all subject EGUs to comply with a group annual nitrogen oxide emission rate, and direct only those subject EGUs that combust coal to comply with a group annual SO2 emission rate. Comments are due Oct. 2, 2017. Contact: Charles Hatten; EPA Region 5, Air Programs Branch; 312-886-6031; hatten.charles@epa.gov. Citations: 40 CFR 52

82 FR 41376 (08/31/2017)

Regulatory Update

AIR
Indiana/PM-2.5 NAAQS Infrastructure Requirements
AIR

Proposed rule of the EPA would approves portions of revisions to the Indiana SIP regarding the infrastructure requirements for the 2012 annual fine particulate matter (PM-2.5) NAAQS. The rule would take no action on revisions regarding the interstate transport provisions and visibility protection requirements (prongs 1, 2, and 4), which will be addressed in a separate action. Comments are due Oct. 2, 2017. Contact: Eric Svingen; EPA Region 5, Air Programs Branch; 312-353-4489, svingen.eric@epa.gov. Citations: 40 CFR 52

82 FR 41379 (08/31/2017)

Regulatory Update

AIR
Kentucky SIP/Louisville Metro Air Pollution Control District
AIR

Final rule of the EPA approves revisions to the Kentucky SIP concerning the Louisville Metro Air Pollution Control District's air quality regulations. The revisions add acronyms and abbreviations for consistency with EPA definitions, update open records procedures to reflect current technology options for delivering submissions, and update public hearing procedures to conform to the Strategic Toxic Air Reduction program. The revisions also update restrictions on open burning and solvent cleaning and modify board member obligations and procedures for board hearings. In addition, the revisions modify the volatile organic compounds emissions reduction strategy and combine two performance standards for solvent metal cleaning equipment. The rule is effective Oct. 2, 2017. Contact: Sean Lakeman; EPA Region 4, Air Planning and Implementation Branch; 404-562-9043; lakeman.sean@epa.gov. Citations: 40 CFR 52.920

82 FR 41335 (08/31/2017)

Regulatory Update

AIR
Nevada SIP/Washoe Oxygenated Fuels Program
AIR

Proposed rule of the EPA would approve a revision to the Nevada SIP. The revision concerns the suspension of Washoe County District Board of Health requirements for carbon monoxide emissions from passenger vehicles. Comments are due Oct. 2, 2017. Contact: Jeffrey Buss; EPA Region 9; 415-947-4152; buss.jeffrey@epa.gov. Citations: 40 CFR 52

82 FR 41386 (08/31/2017)

Regulatory Update

AIR
New Jersey SIP/Materials Incorporated by Reference
AIR

Notice of the EPA announces a correction to a July 3, 2017, final rule (82 FR 30758) to revise the format of materials incorporated by reference into the New Jersey SIP. The revisions reorganize the "identification of plan" section so that information on EPA-approved regulations, source specific requirements, and nonregulatory provisions are listed in tables. The correction, which replaces an incorrect docket number, is effective Aug. 31, 2017. Contact: Kirk Wieber; EPA Region 2, Air Programs Branch; 212-637-3381. Citations: 40 CFR 52.1570, 52.1587, 52.1605

82 FR 41342 (08/31/2017)

Regulatory Update

FOOD SAFETY
Hazard Analysis and Risk-Based Preventive Controls for Human Food
FOOD SAFETY

Notice of the FDA announces the availability of an additional draft chapter of the guidance for industry regarding compliance with the requirements for hazard analysis and risk-based preventive controls for human food (81 FR 57816; 08/24/2016). The additional chapter addresses the use of heat treatments as a process control. Comments are due Feb. 27, 2018. Contact: Jenny Scott; FDA, Center for Food Safety and Applied Nutrition; 240-402-2166. Citations: 21 CFR 117

82 FR 41364 (08/31/2017)

Regulatory Update

FOOD SAFETY
Meat and Poultry Products Inspection
FOOD SAFETY

Notice announces the intention of the Food Safety and Inspection Service to seek OMB approval for a continuing information collection request regarding the application for inspection, accreditation of laboratories, and exemptions for meat and poultry product establishments and import facilities. The collection addresses recordkeeping requirements that ensure such establishments provide safe, unadulterated products and that nonfederal laboratories act in accordance with FSIS requirements. The collection also addresses recordkeeping requirements to ensure that meat and poultry products that are exempted from agency inspection are not commingled with inspected products and that firms qualifying for a retail store exemption that

have violated the provisions of the exemption are no longer in violation. Comments are due Oct. 30, 2017. Contact: Gina Kouba; FSIS, Office of Policy and Program Development; 202-720-5627. Citations: 9 CFR 303.1, 304.1, 350.5, 351.4, 352.3, 362.3, 381.10, 381.17, 381.175, 439.20, 590.580

82 FR 41391 (08/31/2017)

Regulatory Update

FOOD SAFETY
Public Health Information System
FOOD SAFETY

Notice announces the intention of the Food Safety and Inspection Service to seek OMB approval for a revised information collection request concerning the Public Health Information System. The collection addresses the submission of six forms and two certificates by firms regarding the application for inspection and the export and import of meat, poultry, and egg products. The revision removes FSIS Form 9080-4 regarding product lists because the agency no longer uses the form. Comments are due Oct. 30, 2017. Contact: Gina Kouba; FSIS, Office of Policy and Program Development; 202-720-5627. Citations: 9 CFR 304.1 through 592.96 (nonconsecutive)

82 FR 41393 (08/31/2017)

Regulatory Update

FOOD SAFETY
Salmonella Initiative Program
FOOD SAFETY

Notice announces of the intention of the Food Safety and Inspection Service to seek OMB approval for a revised information collection request regarding the Salmonella Initiative Program. The program provides incentives to meat and poultry slaughter establishments to control salmonella in their operations by granting waivers of certain regulatory requirements under the condition that establishments test for salmonella or other indicator organisms and share the sample results with the FSIS. The revision reflects a reduction to the annual burden estimate due to implementation of the new poultry inspection system. Comments are due Oct. 30, 2017. Contact: Gina Kouba; FSIS, Office of Policy and Program Development; 202-720-5627

82 FR 41392 (08/31/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Alaska/Federal Hydropower Land Use Fees
GENERAL ENVIRONMENT AND SAFETY

Proposed rule of FERC would update the per-acre land value component of the methodology used to calculate the annual charges assessed to hydropower licensees for use and occupancy of federal lands in Alaska. The rule would establish a statewide average per-acre land value for all hydropower projects except those located in the Aleutian Islands. Comments are due Oct. 30, 2017. Contact: Tara DiJohn; FERC; 202-502-8671; tara.dijohn@ferc.gov. Citations: 18 CFR 11.2

82 FR 41359 (08/31/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Medical Dictionary for Regulator Activities and Data Standards Catalog
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces support for version 9 of the Medical Dictionary for Regulator Activities (MedDRA) and an update to the Data Standards Catalog for study data provided in new drug applications (NDAs), abbreviated NDAs, biologics license applications, and investigational NDAs. Version 8 of MedDRA, which is used for the coding of adverse events in studies in electronic common technical document format, will no longer be supported after March 15, 2019. Comments may be submitted at any time. Contact: Ron Fitzmartin; FDA, Center for Drug Evaluation and Research; 301-796-5333; cderdatastandards@fda.hhs.gov

82 FR 41416 (08/31/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Real-World Evidence for Medical Device Decision-Making
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a final guidance for industry and agency staff concerning the use of real-world evidence to support regulatory decision-making for medical devices. The guidance describes the characteristics and sources of real-world data used to determine whether it may be sufficiently relevant and reliable to generate real-world evidence for use in regulatory decision-making for medical devices. The guidance also describes some examples of actual uses of real-world data that have already led to FDA decisions. Contact: Benjamin Eloff; FDA, Center for Devices and Radiological Health; 301-796-8528

82 FR 41418 (08/31/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Ultrasonic Diathermy Devices Industry Guidance
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a draft guidance regarding ultrasonic diathermy devices. The guidance clarifies FDA policy related to compliance with applicable performance standards and conformance to International Electrotechnical Commission consensus standards for ultrasonic diathermy devices. The guidance also provides recommendations for information to provide in 510(k) premarket notification submissions for such devices. Comments are due Oct. 30, 2017. Contact: Jismi Johnson; FDA, Center for Devices and Radiological Health; 301-796-6424

82 FR 41417 (08/31/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP

New York/Wolff-Alport Superfund Site

HAZARDOUS WASTE CLEANUP

Notice of the EPA announces a proposed settlement agreement under CERCLA with the city of New York regarding the Wolff-Alport Superfund Site in Queens County. The agreement requires the city to pay $659,037 in reimbursement of the EPA's past response costs at or in connection with the site. The settlement also includes a covenant not to sue. Comments are due Oct. 2, 2017. Contact: Jean Regna; EPA Region 2, New York/Caribbean Superfund Branch; 212-637-3164; regna.jean@epa.gov

82 FR 41414 (08/31/2017)

Regulatory Update

OIL AND GAS INDUSTRY

OCS Geological and Geophysical Explorations

OIL AND GAS INDUSTRY

Notice announces the intention of the Bureau of Ocean Energy Management to seek OMB approval for a continuing information collection request regarding the application for a permit to conduct geological and geophysical explorations for mineral resources or scientific research on the Outer Continental Shelf (BOEM-0327). Comments are due Oct. 30, 2017. Contact: Anna Atkinson; BOEM; 703-787-1025; anna.atkinson@boem.gov. Citations: 30 CFR 551

82 FR 41424 (08/31/2017)

Regulatory Update

RADIATION

List of Approved Spent Fuel Storage Casks

RADIATION

Notice of the NRC announces corrections to a Jan. 6, 2016, direct final rule (81 FR 371) and a March 14, 2016, direct final rule (81 FR 13265) that revised the Holtec International HI-STORM 100 cask system listing in the list of approved spent fuel storage casks. The direct final rules included Amendment No. 9, Revision No. 1, and Amendment No. 10, respectively, to Certificate of Compliance (CoC) No. 1014. The corrections address editorial and nonsubstantive errors in Appendix A of the CoC. The corrections are effective Aug. 31, 2017. Contact: John-Chau Nguyen; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-0262; John-Chau.Nguyen@nrc.gov. Citations: 10 CFR 72.214

82 FR 41321 (08/31/2017)

Regulatory Update

TOXIC SUBSTANCES

Draft NTP Approach to Genomic Dose-Response Modeling Peer Review

TOXIC SUBSTANCES

Notice of the NIH, National Toxicology Program (NTP), announces an expert panel meeting for the peer review of a draft approach to genomic dose-response modeling. The proposed approach would use the BMDExpress software to perform gene and pathway-level genomic dose-response modeling as part of Tox21 Phase 3 and in vivo screening level studies. The draft document, preliminary agenda, and additional documents are available on the NTP website. Pre-meeting webinars are scheduled for Aug. 30 and Sept. 1, 13, and 25, 2017. The expert panel meeting is scheduled for Oct. 23-25, 2017, in Research Triangle Park, N.C., and via webcast. Comments are due Oct. 13, 2017. Contact: Anna Stamatogiannakis; ICF; 919-293-1652; anna.stamatogiannakis@icf.com

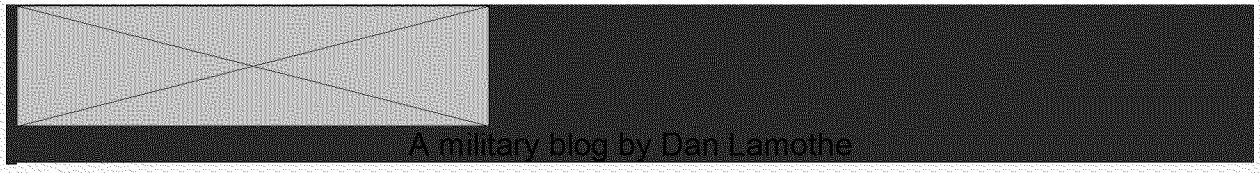
82 FR 41420 (08/31/2017)

Regulatory Update

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EHS Federal Regulatory Alert

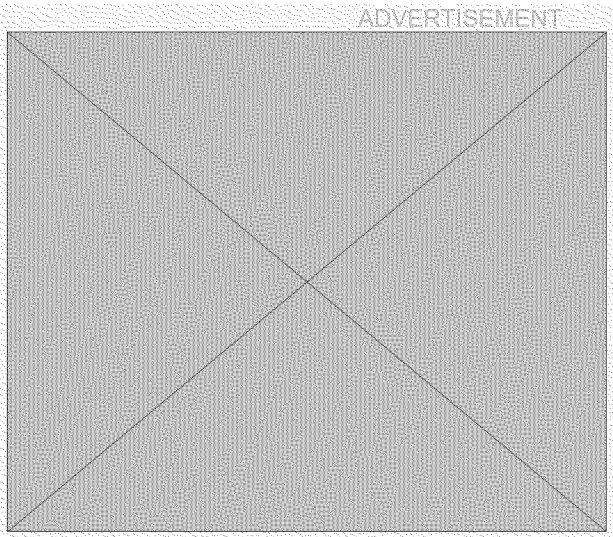
To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Wed 8/2/2017 4:00:34 PM
Subject: [SPAM] Checkpoint: Despite Trump announcement, Coast Guard will not 'break faith' with transgender troops



Air Force and Boeing near deal for presidential airplanes that were once destined for Russia

A Russian airline had ordered the two commercial jetliners but never took possession.
By Aaron Gregg • Read more »

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Despite Trump announcement, Coast Guard will not 'break faith' with transgender troops

"We have made an investment in you, and you have made an investment in the Coast Guard" the Coast Guard's top officer said.
By Thomas Gibbons-Neff • Read more »

A soldier survived 48 hours of terror in Vietnam. He just received the Medal of Honor.

James McCloughan is credited with risking his life to save 10 fellow soldiers during a 48-hour battle in 1969.

By Andrew deGrandpre • Read more »

John Kelly, Trump's new chief of staff, 'won't suffer idiots and fools'

Trump likes John Kelly. He trusts John Kelly. But what remains to be seen is whether Trump will listen to him.

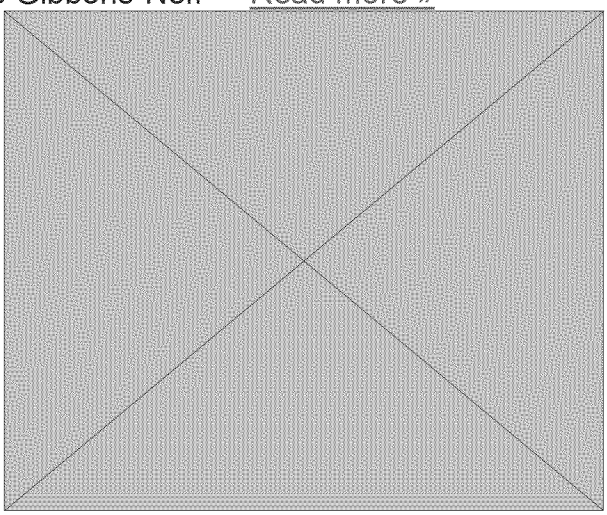
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Marine Corps grounds cargo plane fleet after fatal crash that killed 16

The aircraft are operated primarily by the Marine Corps reserves.

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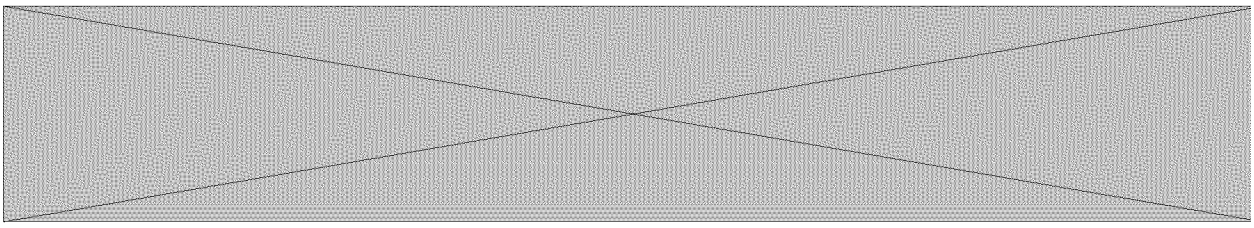
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Fri 6/16/2017 10:07:30 AM
Subject: AEI Today: The Democrats' leftward march

. The Democrats' leftward march



AEI's daily publication of independent research, insightful analysis, and scholarly debate

Reuters

The Democrats' leftward march

Ramesh Ponnuru | National Review

Both victory and defeat have been radicalizing experiences for the Democratic Party this century. Democrats moved left after losing to George W. Bush; they moved further left after winning with Barack Obama; and now they seem to be moving further left still with the ascent of Donald Trump. The cumulative effect of this movement was evident in the 2016 campaign of Hillary Clinton, who felt it necessary to disavow many of her husband's old stances — and some of her own.

Reuters

Getting to 'yes' on overhauling Medicaid

Joseph Antos, James C. Capretta, and Benedic N. Ippolito | Health Affairs

The American Health Care Act includes the most far-reaching changes in Medicaid

financing since the program's birth in 1965. While some advocate for these changes, there's considerable unease over the proposal to yank federal support for an expanded program entirely. These concerns are well-founded: The GOP must recognize there's no realistic alternative to Medicaid for the nation's poorest households.

Reuters

Republicans have an uphill climb in Virginia this November

Michael Barone | Washington Examiner

Virginians voted Tuesday in Democratic and Republican primaries for the state's 2017 governor's race, which will carry significance as one of the country's first major referenda on President Trump. Virginia voted 50 to 44 percent for Hillary Clinton over Trump in 2016. It voted almost exactly in line with the national percentages in 2008 and 2012, but this time it was somewhat more Democratic. That fact, plus early polling, suggest Democrat Ralph Northam is the favorite.

Reuters

Border adjustment phase-in means wider trade deficit for years

Stan Veuger | AEIdeas

The border adjustment, a combination of a tax on imports and a subsidy for exports, is a key source of revenue in the House Republican tax reform plan. House Ways and Means Chairman

Kevin Brady recommended yesterday that it be phased in gradually over a five-year period. Such a phase-in would change most economists' expectations of the policy's effects, with relative price shifts generating larger trade deficits early on and smaller ones starting in 2022 or 2023.

More from AEI

From the archives: What happens in the event of a major terrorist attack on Congress?
Norman J. Ornstein et al. | AEI-Brookings Joint Report

There is good and bad entrepreneurship, and America may be seeing more of the latter

James Pethokoukis | AEIdeas

Watch: What if you could legally sell your kidney?

Sally Satel | AEI video

'Offline' Amazon takes on New York and the bookselling world

Bronwyn Howell | TechPolicyDaily.com

Are tech giants such as Apple, Facebook, and Google an economic threat?

James Pethokoukis | AEIdeas

From the archives: Principled US policy — not unilateral concessions — can help Cuba overcome Castro's legacy

Roger F. Noriega | AEIdeas

Only the private sector can shake America from its long stagnation, but smart policy can help

James Pethokoukis | AEIdeas

To reform education, be ambitious
Nat Malkus and Ian Lindquist | AEIdeas

Podcast: Brad Wilcox, Ian Rowe, and Wendy Wang on how millennials can stay out of poverty
Spencer Moore | AEI Banter

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 6/8/2017 9:47:09 AM
Subject: Morning Energy: Zinke orders review of sage grouse management plans — Democrats boil over at oversight obstruction — Outgoing EEI official looks at power market challenges

By Anthony Adragna | 06/08/2017 05:45 AM EDT

With help from Darius Dixon, Alex Guillén and Annie Snider

EVERYBODY'S HEARD ABOUT THIS BIRD: Interior Secretary Ryan Zinke will release a secretarial order this morning opening a review of sage grouse conservation plans across 11 Western states, Pro's Esther Whieldon reports . Though it may look like a humble bird, it's a huge deal for oil and gas interests. Zinke said governors have complained that the management plans set under the Obama administration hinder their ability to develop resources or use the lands for other activities. The order calls for the government within 60 days to report back on its examination of the 98 existing land use management plans for parts that should be tweaked or rescinded.

But former Interior Secretary Sally Jewell defended the existing management plans on Wednesday, telling POLITICO they were "designed to be very flexible and to allow the states and the federal land management agencies to work together" on both energy development and conservation. The Western Energy Alliance said it wasn't worried reworking the plans could take years. "What risk is there?" Kathleen Sgamma, the group's president, said. "Development is at practically a standstill already in sage grouse habitat." But conservation interests worried the review could do significant damage to existing efforts to protect the sage grouse habitat. "The review appears to be a thinly-veiled and unnecessary attempt to open up important habitat to oil and gas drilling, jeopardizing the important balance and flexibility offered in the existing plans," said Jim Lyons, a senior fellow at the Center for American Progress and former Interior official.

COMEY'S NOT THE ONLY GAME IN TOWN: Zinke faces his former House colleagues this morning at 9:30 a.m. at the House Appropriations Subcommittee on Interior, Environment, and Related Agencies, where he'll have to defend the Trump administration's proposed $1.1 billion, or 10 percent, cut in his agency's budget. Watch the hearing, slated for Rayburn 2007, here. Ahead of his appearance, the Vet Voice Foundation sent a letter to the committee voicing deep opposition to the proposed cuts.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and every single senator has a four-year degree of some sort. For today: There is one former Cabinet secretary serving in the U.S. Senate. Who is it? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

THE INNOVATION ISSUE: How should Washington think about innovation? What's its role in the economy—and what does it take for government to foster new technologies that help the whole nation, not just a favored few? In a month long Special Report, **The Agenda** takes a deep look at the surprising new politics of innovation, and ideas for how to drive it in a new era. In this package, you'll read about how AOL founder Steve Case became the first call for

Congresspeople who want to bring innovation to the heartland; a critical look at Challenge.gov , the federal government's prize competition designed to spur innovation; and the surprisingly innovative history of the U.S. Post Office, which was long on the forefront of technology before turning into a lesson in what *not* to do. Read the entire package here.

DEMOCRATS BASH OVERSIGHT IMPEDIMENTS: Numerous Democratic senators used a hearing considering OMB nominees to bash the Trump administration's formal memo allowing federal agencies to ignore oversight requests from minority-party lawmakers. "I will punch above my weight on this," top Senate Homeland Security and Governmental Affairs Democrat Claire McCaskill said. "The notion that we're going to partisan corners on oversight is disgusting." Yet, Deputy OMB Director nominee Russell Vought declined multiple times to guarantee he would respond to Democratic requests, prompting Heidi Heitkamp to call his answer "absolutely outrageous" and "almost disqualifying." Senate Democrats later Wednesday released a compilation of more than 100 oversight requests the Trump administration has ignored.

Lack of responsiveness to oversight requests has been especially pronounced from EPA to Senate EPW. An unusually fired-up ranking member Tom Carper said if roles were reversed and a Democratic administration ignored GOP requests, "You'd shut the place down. We probably ought to do that as well." He later told ME he would seek a commitment from all EPA officials coming before EPW to respond to all oversight requests (as DHS Secretary John Kelly promised during Tuesday congressional testimony). "Until members of this committee receive adequate responses from [EPA Administrator Scott] Pruitt so that we can all exercise our oversight responsibilities, I feel I have no choice but to oppose the consideration of any additional EPA nominees," Carper said in a statement late Wednesday after meeting with Trump's pick for agency enforcement chief, Susan Bodine.

For her part, law professor and Trump's pick to serve as the country's regulatory gatekeeper Neomi Rao said she is "committed to working with this committee on their requests." Along with the hearing, eight former administrators of the Office of Information and Regulatory Affairs backed Rao's nomination in a letter, including Obama's most recent official, Howard Shelanski.

TAKE A GLANCE! Pro's Darius Dixon sits down with retiring David Owens, a top executive with the Edison Electric Institute, on what's next for the power business and what looming challenges lie on the horizon. "Our members are totally focused on a clean energy pathway, irrespective of the Paris agreement," he said. "Customers are driving it. Customers want it."

GREENS SLAM DOJ DECISION TO END 'THIRD-PARTY' PAYMENTS: Environmental groups are slamming Attorney General Jeff Sessions' Thursday decision to stop requiring violators of laws like the Clean Air Act to pay for projects unrelated to the violation, a practice known as "third party settlements." Restitution funds should go to victims or taxpayers, "not to bankroll third-party special interest groups or the political friends of whoever is in power," Sessions said. Green groups quickly lashed out, saying the move will only reduce spending on environmental clean-ups. "This radical reversal of a decades-old policy could deprive communities of direct assistance for improvements in air and water quality, and is nothing more than an effort by the Trump administration to let companies like Fiat-Chrysler and Mercedes off

the hook," said Pat Gallagher, director of the Sierra Club's Environmental Law Program. Environmental Integrity Project Executive Director Eric Schaeffer, meanwhile, said Session's letter is similar to a House bill backed by conservative groups. "It's disheartening to see the Justice Department reading from their playbook."

For example: One recent prominent example is the last year's record $14.7 billion settlement with Volkswagen over its diesel emissions cheating scandal included $2.7 billion for projects to reduce pollution in areas where the cars had been, as well as $2 billion for electric vehicle infrastructure. However, the payments are typically much smaller than that. Just last week the Cause of Action Institute, a free-market group, urged EPA to re-open an August settlement reached with Harley-Davidson over illegal after-market defeat devices because it included $3 million to the American Lung Association's Northeast chapter to pay for upgrading wood-burning appliances.

GETTING FASTER AT THIS: Just one day after announcing his selection, the White House formally sent Jeffrey Bossert Clark's nomination to run DOJ's Environment and Natural Resources Division to the Senate.

Moving on up! North Dakota District Court Judge Ralph Erickson went out on a limb last year when he issued the first stay of the Obama administration's controversial Waters of the U.S. rule, just hours before it was set to go into effect, even as several other district courts denied stay requests or ruled that they didn't have jurisdiction over the issue. Now, the Fargo-based George W. Bush appointee, known to colleagues as a "Chamber of Commerce Republican," is being nominated by Trump for the 8th Circuit Court of Appeals. Erickson's 13-state hold on the rule helped pave the path for opponents of WOTUS to ultimately win a nationwide injunction from the 6th Circuit Court of Appeals that's still in place today.

FEINSTEIN WARNS OF 'FAILING' NUCLEAR...EVERYTHING: Sen. Dianne Feinstein , the top Democrat on energy appropriations, issued a lengthy broadside against a range of nuclear issues during a budget hearing for the Nuclear Regulatory Commission Wednesday afternoon. She reiterated her longstanding concerns about the delayed and over-budget MOX project in South Carolina — which even Trump's fiscal 2018 budget calls for axing, a decision in line with the Obama administration—before she rattled off a list of the nuclear industry sore spots. Between the waste problem, the economic woes of power reactors in the electricity markets, and a Westinghouse bankruptcy that has undermined nuclear projects in the South, the California Democrat declared: "Is this going to be a failing industry?" There are dozens of sites where nuclear waste is stored with nowhere yet to go, Feinstein noted. "Maybe that's a symptom of what's happening to the industry ... What I see is a big downhill slope for the [nuclear] industry." She supports temporary waste storage facilities, however, Feinstein demurred when reporters later asked whether she would accept having fiscal 2018 funding for reviving the Yucca Mountain project.

Energy spending chairman Sen. Lamar Alexander said the bipartisan quartet of senators who have worked on comprehensive nuclear waste legislation — most, since 2011 — plan to reintroduce the bill again this year. Timing? TBD. The Tennessee Republican also said that he plans to chat with Energy Secretary Rick Perry later this month about what the Energy

Department can do with existing authorities to move ahead with a privately run nuclear waste storage site.

DAM THOSE SEA LIONS: California sea lions might look sweet and innocent to tourists at a San Francisco pier, but to endangered Columbia River salmon, they are conniving killers. In recent years, the mammals have been swimming up the Columbia River in record numbers to feast on endangered salmon, steelhead and other native fish species as they move up the fish ladder at Bonneville Dam. As dam customers and local communities invest heavily in efforts to save the fish species, lawmakers are pushing to allow wildlife managers to kill more of the seafood-loving sea lions, with a measure from Rep. Jamie Herrera-Butler getting a hearing before a House Natural Resources Committee panel this morning.

But some environmentalists and Native American tribes with fishing rights in the basin argue that the measure is trying to fix the wrong problem; the real problem, they say, is four dams upstream on the Snake River that advocates have long eyed for removal. "You can kill all the sea lions you want to - and we have already been killing the most problematic sea lions - but unless we summon the courage to act on the best scientific information and finally address the very significant impacts of the hydroelectric dams on our salmon, they will not come back," Gary Dorr, chairman of the Nez Perce Tribe General Council will testify.

MAPPING DRINKING WATER CONTAMINTS: The Environmental Working Group is out this morning with new research and an interactive map showing the 47 locations across the country where toxic chemicals known as PFCs or PFASs have been detected in drinking water. All told, the group estimates the contaminants — used in Teflon manufacturing and firefighting foam — are in 15 million Americans' drinking water at some level. EPA has told local water officials that levels of PFCs above 70 parts per billion are likely unsafe, but has issued no federal regulation for the contaminants.

INHOFE WARY OF SLOW EPA SELECTIONS: Former EPW Chairman Jim Inhofe told ME Wednesday the White House has been "too slow" in selecting people for various roles at EPA and elsewhere. "We need to get a lot of people [more staff]," the Oklahoma Republican said. "Not just Pruitt." He added he's been very pleased with the administration's efforts to sell the decision to leave the Paris agreement.

McCAIN THINKS PARIS PULLOUT BAD FOR U.S. LEADERSHIP: Count Sen. John McCain among the Republican lawmakers worried about the broader impacts pulling out of the Paris agreement may have on U.S. international efforts. Asked what leaving says about the country's leadership on tough international problems, McCain told reporters: "Not much." He also said the country's international leadership was stronger under former President Barack Obama than Trump.

And there's more concern in private: Sen. Brian Schatz told ME many of his GOP colleagues are privately "terrified" about the message leaving the climate deal sends to the rest of the world. "Everyone is really worried," he said. "This was not a purely climate-related decision. This is a geopolitical miscalculation that diminished our standing."

MAIL CALL! COALITION URGES ENERGY RESEARCH FUNDING: An array of business and energy groups sent a letter to top congressional Appropriators urging strong federal support for energy research and development programs. "Continued support for investments in energy research programs across DOE can accelerate innovation and secure America's competitive advantage at this critical moment for our energy and economic future," the letter, signed by entities including Exelon, Shell, the U.S. Chamber of Commerce, the Nuclear Energy Institute and the Consumer Energy Alliance, says.

SENATORS FIGHT ANOTHER PROPOSED CUT: A bipartisan group of more than 20 senators sent a letter to Perry voicing opposition to a Trump budget provision calling for the auction of transmission assets of Power Marketing Administrations. "There are improvements that can and should be made to the operations of some PMAs, but the dismantling of them is simply not sound governmental policy," the letter, led by Energy and Natural Resources ranking member Maria Cantwell, said. Side note: ME can't remember the last letter signed by both John Barrasso and Martin Heinrich.

FIGHT HEARTLAND'S CLIMATE MATERIALS IN SCHOOLS: Four Senate Democrats — Sheldon Whitehouse, Elizabeth Warren, Brian Schatz and Ed Markey — asked Education Secretary Betsy DeVos in a letter Wednesday whether her agency played any role in the distribution of materials disputing the scientific consensus on climate change to 300,000 public school science teachers across the country. "It is our sincere hope that neither White House staff nor Department of Education officials have turned to the Heartland Institute on the issues of climate change and climate science, or had any role in this mailing to educators," they wrote.

FORUM LOOKS AT BENEFITS OF MONUMENTS: On the 111th anniversary of the Antiquities Act today, top House Natural Resources Democrat Raul Grijalva, Nydia Velázquez and Tim Walz , convene a public forum examining the "recreational, preservation and economic benefits of national monument designations" under that statute. It comes just days before Zinke is expected to offer his perspective to Trump on how the administration should handle the hotly contested Bears Ears and Grand Staircase-Escalante national monuments.

ILLINOIS DEMOCRATS PUSH RAUNER ON PARIS: Eleven Illinois House Democrats, led by Mike Quigley, sent a letter to Republican Gov. Bruce Rauner urging him to formally commit the state to meeting existing emissions reduction goals outlined in the Paris Agreement. "Because it is good for the residents of Illinois and because it is the right thing to do, we feel that the State of Illinois should publicly commit to do its part to meet the existing Paris Agreement goals with or without formal U.S. participation in the Agreement, and to subsequently take actions to do so," they wrote.

CONGRATS: The Standing Rock Sioux, who fought for months against the Dakota Access pipeline, will today at 11:30 a.m. receive the Wallace Global Fund's inaugural Henry A. Wallace Award commending those that stand up to political power. David Archambault II, the tribe's chairman, will speak about how the "significant financial award coupled with investments in renewable energy" will allow them to decrease reliance on fossil fuels. More details here after 11:30 a.m.

QUICK HITS

— Jerry Brown in China with a climate message to the world: Don't follow America's lead. Los Angeles Times.

— North Korea: Trump withdrawal from Paris agreement 'height of egoism'. USA Today.

— Mayor Emanuel signs order committing Chicago to Paris Agreement, welcomes global leaders to Chicago. WLS.

— The Mayors of Pittsburgh and Paris: We Have Our Own Climate Deal. New York Times.

— U.S. Oil Exports Double, Reshaping Vast Global Markets. Wall Street Journal.

— Investors expect to meet with Exxon on climate-impact report. Reuters.

HAPPENING TODAY

9:30 a.m. — House Appropriations Committee's Interior, Environment, and Related Agencies Subcommittee holds a hearing on the Interior Department budget, 2007 Rayburn

10:00 a.m. — "Hearing to study cost reductions in emerging energy technologies with a specific focus on how recent trends may affect today's energy landscape," Senate Energy and Natural Resources Committee, 366 Dirksen

10:00 a.m. — "Legislative Hearing on H.R. 2083 and Discussion Draft of Reclamation Title Transfer Act," House Natural Resources Subcommittee on Water, Power and Oceans, 1324 Longworth

1:00 p.m. — "A Time to Reform: Oversight of the Activities of the Justice Department's Civil, Tax and Environment and Natural Resources Divisions and the U.S. Trustee Program," House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law, 2141 Rayburn

2:00 p.m. — "Oversight Hearing on Burdensome Litigation and Federal Bureaucratic Roadblocks to Manage our Nation's Overgrown, Fire-Prone National Forests," House Natural Resources Federal Lands Subcommittee, 1324 Longworth

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https://www.politicopro.com/tipsheets/morning-energy/2017/06/zinke-orders-review-of-sage-grouse-management-plans-023202

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Zinke orders review of sage grouse plans Back

By Esther Whieldon | 06/07/2017 07:17 PM EDT

Interior Secretary Ryan Zinke signed a secretarial order on Wednesday launching an internal review of the agency's sage grouse conservation plans across 11 Western states that aims to foster increased energy development.

The order, which will be released Thursday morning, directs the Bureau of Land Management, U.S. Fish and Wildlife Service and the U.S. Geological Survey to identify parts in BLM's 98 land use management plans that should be tweaked or rescinded because of their effect on development or due to differences with each state's own plans.

The review will focus on principal threats to the sage grouse habitat, such as invasive grasses and wildland fire, and will consider options like captive breeding and setting population targets — something the governors of Wyoming and Colorado warned may not be the right approach. Zinke directed the team to report back within 60 days.

Some governors have complained that the current management plans set under the Obama administration hinder their ability to develop oil and gas resources and create hurdles for timber harvesting and recreation, Zinke said in a press call.

But former Interior Secretary Sally Jewell told POLITICO on Wednesday the existing management plans were "designed to be very flexible and to allow the states and the federal land management agencies to work together" to support both sage grouse conservation and energy development.

However, she acknowledged the agency's 2015 decision not to list the sage grouse as endangered or threatened was not fully hashed out. "When you do something on this scope and scale, you haven't refined all the details yet," Jewell said. What matters is that "everybody understands that they need to protect critical habitat if that decision to not list the bird is going to stick."

The Western Energy Alliance, an oil and gas industry group, has challenged some of the existing plans in court and says the agency ignored the technological advances that reduce the impact of fossil fuel extraction on the sage grouse habitat, which spans all of the major producing basins in Wyoming, Utah, Montana and parts of Colorado.

Alliance President Kathleen Sgamma said Interior should defer more to states since they know where the sage grouse is most active, and she isn't worried that reworking the plans could take years.

"What risk is there?" Sgamma said. "Development is at practically a standstill already in sage grouse habitat."

Conservation groups contend Zinke's move will prioritize energy development over conservation.

"Zinke seems to believe that the highest and best use of America's public lands is for the development of dirty fossil fuels and so it's unsurprising that he's proposing to take a look at gutting protections for an imperiled species to benefit that industry," said Ted Zukoski, an Earthjustice staff attorney who has represented conservation groups in legal battles over sage grouse plans in Wyoming and Utah.

Collin O'Mara, president and CEO of the National Wildlife Federation, said Zinke's idea to set population targets for states could actually increase the likelihood the FWS will later list the bird, since the agency would have to revisit the decision if states fail to meet their targets.

"The very thing that some folks and industry are fearing, which is not being able to do anything, would almost definitely occur if they went on the path they're proposing," O'Mara said.

Nada Culver, senior counsel and director of The Wilderness Society's BLM Action Center, said the existing plans do not need to be scrapped but rather the agency can better clarify how fossil fuel and renewable energy projects can be developed in sage grouse habitat. "There's room in the plan to do that," she said.

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Trump seeks 10 percent cut to Interior budget Back

By Ben Lefebvre | 05/23/2017 11:38 AM EDT

President Donald Trump's fiscal 2018 budget requests $11.7 billion for the Interior Department, a $1.1 billion or 10 percent decrease from the 2017 annualized CR level.

BLM would receive $963 million for activities like managing energy development and grazing on federal lands, down 10 percent from this year. The only part of BLM's budget to increase would be for energy and minerals management.

BOEM would see its budget to offer offshore drilling and wind development leases remain flat at $171 million, and the Office of Surface Mining budget would fall 11 percent to $109 million.

The proposal follows up on Trump's promises to slash clean energy and climate change programs launched under the Obama administration and to unwind regulations hampering fossil fuel development such as Interior's coal leasing moratorium.

Congress is unlikely to go along with the deep cuts, however. Any final spending bill would have to secure 60 votes in the Senate to overcome a Democratic filibuster.

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Democrats outraged by Trump ban on info requests Back

By John Bresnahan | 06/02/2017 06:58 PM EDT

Hill Democrats are outraged by a new Trump administration policy to ignore information requests from members and senators unless they come from committee or subcommittee chairs.

They argue it's part of a broader pattern by the White House, designed to make the executive branch less responsive to Congress. And they say it effectively locks them out of information necessary for government oversight.

From refusing to release White House visitor logs to scrubbing agency websites of health and safety data and refusing to respond to simple media requests on government operations — or even admitting whether President Donald Trump is playing golf or not — the Trump administration has made it harder for Democrats and the press to find out what is going on inside the White House and federal agencies.

This effort is sometimes being aided by Republicans on Capitol Hill, or undertaken at their behest. For instance, House Financial Services Committee Chairman Jeb Hensarling (R-Texas) has asked federal agencies to refuse to comply with Freedom of Information Act requests designed to find out what data his panel is seeking from those agencies.

Such FOIA inquiries are routinely made by journalists, lobbyists and political operatives. News organizations have strenuously objected to Hensarling's demand.

But the latest initiative by the Trump administration — backed by a May 1, 2017, opinion drafted by the Office of Legal Counsel of the Justice Department — has crossed a once unthinkable line, Democrats argue.

Under this new policy, Democrats — as the minority party — would be limited in their ability to get information from the agencies unless the request was supported by a Republican chairmen. Since the GOP controls both the House and Senate, this would effectively give Republicans a veto over such information requests.

"Every member of Congress represents hundreds of thousands of American citizens who expect their representatives in the House and Senate to fulfill their duty under the Constitution to act as a check on the executive branch in order to promote the proper functioning of federal agencies and departments," said Rep. Elijah Cummings (D-Md.), ranking member on the Oversight and Government Reform Committee.

"We cannot do our jobs if the Trump administration adopts this unprecedented new policy of refusing to provide any information to Congress unless a request is backed by the implicit threat of a subpoena. This has never been the standard for responding to congressional inquiries — and

it should not take the threat of a subpoena to pry information free from this administration."

Cummings added: "This is the latest in a series of abuses by the Trump administration to operate in a shroud of secrecy, hiding their actions from federal ethics officials, the Government Accountability Office, the media, Congress, and the American people."

However, relying on the OLC opinion, White House officials say they do not have to respond to any requests from individual lawmakers, or those that do not come through a committee.

"'Oversight' is a constitutional power which Congress exercises through its established committees and their chairmen," said Lindsay Walters, a White House spokeswoman. "This legal advice provides much needed clarity to the executive branch so that the administration can ensure resources are effectively dedicated to accommodating authorized congressional oversight requests and responding to nonoversight requests, independent of the political party of the requester."

According to the OLC opinion, no minority lawmaker — including the ranking member of a full committee — may request information without the approval of committee or subcommittee chair.

"Individual members of Congress, including ranking minority members, do not have the authority to conduct oversight in the absence of a specific delegation by a full house, committee, or subcommittee," OLC asserted. "Accordingly, the Executive Branch's longstanding policy has been to engage in the established process for accommodating congressional requests for information only when those requests come from a committee, subcommittee, or chairman authorized to conduct oversight."

OLC added: "Members who are not committee or subcommittee chairmen sometimes seek information about executive branch programs or activities, whether for legislation, constituent service, or other legitimate purposes (such as Senators' role in providing advice and consent for presidential appointments) in the absence of delegated oversight authority. In those nonoversight contexts, the Executive Branch has historically exercised its discretion in determining whether and how to respond, following a general policy of providing only documents and information that are already public or would be available to the public through the Freedom of Information Act ... Whether it is appropriate to respond to requests ... from individual members will depend on the circumstances. In general, agencies have provided information only when doing so would not be overly burdensome and would not interfere with their ability to respond in a timely manner to duly authorized oversight requests."

The OLC memo was drafted by Curtis Gannon, the acting assistant attorney general.

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Kelly to Senate: We'll respond to all inquiries Back

By Seung Min Kim | 06/06/2017 07:21 PM EDT

At least one top Trump Cabinet official is bucking administration policy when it comes to oversight requests from Congress.

Homeland Security Secretary John Kelly told senators on Tuesday during congressional testimony that his department will respond to any inquiry from members of Congress, no matter who sends the request. A May 1 opinion from the Justice Department argues that only chairmen - all of which are Republicans, since the GOP controls Congress — have the power to conduct oversight of the Trump administration.

"We're leaning forward," Kelly told members of the Senate Homeland Security and Governmental Affairs Committee. "Regardless of who the letter comes from, and it doesn't have to just come from a ranking member or chairman, we'll respond to any congressional inquiry."

Kelly noted during his testimony that under his tenure, DHS has appeared more than 37 times before Congress, sent 57 witnesses and has been involved in 973 "Hill engagements." The Homeland chief also noted that Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa), known for his zealous oversight of the executive branch, "gave me nothing but high marks" on the matter.

"We're going to make that better," Kelly said. "I think in every case thus far, and certainly in the last 90 days, 60 days anyways, we're getting high marks. I will not freeze you out."

Democrats have expressed outrage about stonewalling from the Trump administration on their oversight requests — yet senators gave high marks to Kelly for his pledge to be responsive to Congress, no matter who sends the ask.

"Whether you're on that committee or whether you're a member of Congress, oversight is our big job," Sen. Jon Tester (D-Mont.) told Kelly. "I appreciate you not doing that and I hope that policy continues."

Added Missouri Sen. Claire McCaskill, the committee's top Democrat: "I do appreciate that you all have not frozen us out. Many of my colleagues are being frozen out across the government. You have not frozen us out, and I'm deeply grateful for that."

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POLITICO Pro Q&A: Edison Electric Institute executive David Owens Back

By Darius Dixon | 06/08/2017 05:00 AM EDT

Climate change and consumer demands for cleaner power will define the future of the electric grid nearly as much the rivalry between Thomas Edison and Nikola Tesla defined its origin, says David Owens, a top executive with the utility industry's leading trade association in Washington.

Owens is retiring this month after 36 years with the Edison Electric Institute, where he serves as executive vice president for business operations, and he was instrumental in developing a landmark 2013 report that sought to warn utilities about the looming challenges to their business model. Before he heads off to spend more time with his family and learn to play golf, Owens sat down with POLITICO to discuss where the power business goes from here.

This interview has been edited for length and clarity.

What's maybe the biggest challenge or change you've seen in your 30-plus years with EEI?

I think now is the most transformative period that I've ever seen in the industry. And it harkens back to the turn of the last century and the big debate between Tesla and Edison. It was about alternating current versus direct current ... and these were two geniuses who had different views of how the industry evolved.

The subplot of that debate of AC versus DC was centralization versus decentralization — building large plants to serve customers, building larger grids to serve customers — that was evolving at that time. We're in the same place today, but it's even more challenging because we're in a place today where we're saying that the grid has a whole different functionality with a whole new set of new technologies which customers want.

The grid is being redesigned to be a multi-directional grid, and to be a grid that customers can plug into and get a broad array of services. The regulatory climate requires some major reform so all aspects — your relationship with the customers is changing, the infrastructure is changing, and the regulatory process is changing — all at the same time. That's what makes it so exciting and makes it challenging. And then to even build on this, there's cybersecurity that really complicates it. ... So this is the most, in my view, exciting time. It's also the most challenging time for the industry.

A residential customer class is no longer homogeneous. Some residential customers want private solar, some can't afford it. Some residential customers want an electric vehicle. They're all very, very different. Every customer class has unique aspects where they're more individualized.

Your "Disruptive Challenges" report argued that the financial health of the industry was at stake if electricity providers didn't change how they did business. What new issues would you include?

I would have spent more time talking about integrating distributive resources into the grid. I underestimated the challenge there. It's one thing to connect, it's another thing to integrate, and that's a huge challenge. I under-commented on the changes that are necessary to make the grid more dynamic and more transactive. If I had to do any rewriting, I would build on those. [And

that] the states have a bigger role.

Beyond what the government may or may not do on carbon, customers are driving renewables on the grid?

My view is that your vision's got to be customer-focused. That's the only way. If you look at all the great giants — Tesla and Edison were customer-driven.

There's been eight years of an administration very friendly to wind and solar and that had all sorts of programs for renewables. Now the Trump administration is here. How much gets curtailed by not having a federal government offering that kind of support?

Our industry's been firmly committed now. We kind of have three areas that we've been committed to for the last several years. ... First, it's a commitment to clean energy. If you look today, you'll see that one-third of our supply is provided by zero-carbon-emitting technologies.

But lot of new renewables were fueled by tax credits.

It doesn't matter. We buy a lot of that. We're probably the dominant supplier of wind. We're a very significant producer of solar energy. And those are state mandates, and even with those state mandates, those are customer choices.

Forty percent of the Fortune 500 companies have sustainability goals. We work with our customers, they have those goals, we respond to those goals. A number of shareholders are looking at the power supply sources that their retirement funds are in, and they are looking at utilities and they're looking at the overall supply mix of companies.

What is the practical implication for utilities of the White House leaving the Paris climate agreement? The administration had already promised to roll back the Clean Power Plan, for example.

Our members are totally focused on a clean energy pathway, irrespective of the Paris agreement.

They're moving aggressively forward for cleaner energy technologies. I mean, let's just take an example I mentioned under the Clean Power Plan. President Obama had a goal of reducing carbon emissions from our sector 32 percent by 2030. I just demonstrated to you that we've reached 25 percent and it's not 2030, so we are on a clean energy pathway and we will continue to be on a clean energy pathway.

Because customers are driving it?

Customers are driving it. Customers want it.

But in a world where customers have rooftop solar panels, efficient lighting, smart meters and electric vehicles, they are also buying fewer kilowatt-hours. How are utilities adapting to these more advanced communities?

There's a lot of potential for "smart" communities. And you see them evolving.

All communities are looking at aging infrastructure, so you want to take an integrative approach if you're looking at infrastructure. You want to look at transportation, communications, energy and water — all of those sectors working together — and it will provide a whole array of jobs.

There are less kilowatt-hours you're selling, but you're providing a broader array of services now. You move increasingly towards providing a broad array of services to the customer — if you are able to help them build a micro-grid, that's another technology that didn't really exist 10 years ago. ... You'll have some customers that will want to make sure they have better resiliency so they're willing to have their own power supply, to have their own little grid tied into the main grid. We're building those for those customers.

We're all about electrification. The big change is you may have the customer using less energy, but the customer has more plug-in devices than they've ever had before.

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Feds reach settlement with Harley-Davidson over defeat devices Back

By Alex Guillén | 08/18/2016 12:32 PM EDT

Harley-Davidson riders may have to do a little less freewheel burning after the motorcycle maker agreed to stop selling defeat devices that had EPA spitting flames.

In a lawsuit and settlement announced today, the Justice Department and EPA allege that Harley-Davidson sold 340,000 "super tuners," after-market defeat devices that can be installed on motorcycles to boost their performance. But they also increase emissions of hydrocarbons and nitrogen oxides, which contribute to smog formation.

The company has agreed to buy back and destroy the devices, which it sold at dealerships across the U.S. since 2008. It also will pay a $12 million civil penalty and spend $3 million on air quality mitigation projects.

"Given Harley-Davidson's prominence in the industry, this is a very significant step toward our goal of stopping the sale of illegal aftermarket defeat devices that cause harmful pollution on our roads and in our communities," said John Cruden, DOJ's top environmental prosecutor.

The violations were discovered following a "routine" inspection, according to the agencies.

Any tuners Harley-Davidson looks to sell in the future will have to be approved by the California Air Resources Board.

DOJ and EPA also say Harley-Davidson sold more than 12,000 bikes from 2006 to 2008 that were not covered by a key EPA certification. The company agreed to have all future motorcycle models certified by EPA.

The deal is open to a 30-day public comment period and judicial approval.

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Trump picks lawyer involved in carbon rule challenge for DOJ enviro chief Back

By Alex Guillén | 06/06/2017 06:38 PM EDT

President Donald Trump plans to nominate longtime Washington lawyer Jeffrey Bossert Clark, who is involved in the lawsuits challenging EPA's Clean Power Plan, to run DOJ's Environment and Natural Resources Division, the White House announced today.

Clark has been a partner at Kirkland & Ellis since 1996, except between 2001 to 2005, when he was the deputy assistant attorney for ENRD.

Clark is involved in the litigation over EPA's Clean Power Plan, and likely will have to recuse himself from that lawsuit while running ENRD. He represented Consumers' Research, a self-described "independent educational organization," in filing a "friend of the court" brief along with the state of Nevada that urged the D.C. Circuit Court of Appeals to strike down the carbon rule.

He previously successfully argued on behalf of the Bush EPA before the D.C. Circuit in *Massachusetts v. EPA*, though that ruling was later overturned by the Supreme Court and ultimately established EPA's mandate to regulate greenhouse gases.

Clark has testified before Congress several times recently, including last year, when he supported legislation that would end Chevron deference, the doctrine in which courts are supposed to accept an agency's reasonable interpretation of ambiguous statutes.

Coincidentally, Jeffrey Wood, the Trump appointee currently acting as head of ENRD who has had to recuse himself from the Clean Power Plan lawsuit because he represented Republican lawmakers in a filing, will testify on Thursday at a House Judiciary oversight hearing.

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Sent: Wed 7/5/2017 9:06:54 PM
Subject: EPA releases text of proposed biofuel volume mandate

By Eric Wolff

07/05/2017 05:04 PM EDT

EPA has published its proposed biofuel volume mandate for 2018 under the Renewable Fuel Standard. You can read it here.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/07/epa-releases-text-of-proposed-biofuel-volume-mandate-090074

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
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Subject: Oct. 02 -- Daily Environment Report



Daily Environment Report

October 02, 2017 - Number 189

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Leading the News

Chemicals
States Want Access to Chemical Trade Secrets Before Spills
States could soon respond quicker to chemical accidents armed with information EPA has. But first, they'll have to prove they can protect chemical makers' trade secrets.

Emergency Response
PODCAST: Houston Faces Long-term Damage After Hurricane Harvey
In some ways, things are returning to normal in Houston after Hurricane Harvey. Schools have reopened, the power is back on, and the flood water has, for the most part, receded.

General Policy
Zinke Defends Private Travel Use as Part of Interior Job
Interior Secretary Ryan Zinke defended his travel expenses Sept. 29 as a part of the job, including travel by chartered planes when less expensive commercial flights are unavailable to meet his scheduled plans.

Pesticides
Mosquito Woes Threaten Puerto Rico as Floodwaters Recede
A tropical disease epidemic could be brewing in Puerto Rico as the island territory struggles to emerge from Hurricane Maria's floods and wreckage.

News

Air Pollution
EPA Silent as Ozone Decision Deadline Looms, States Say
States said the EPA remained mum just days before it was required to announce which

areas of the country exceed federal ozone pollution standards and must clean up their air.

Biofuels

Trump Told Iowa He'd Save Ethanol. His EPA Chief Has Other Ideas

As he sought votes during last year's Iowa caucuses, candidate Donald Trump courted farmers with praise for ethanol and promises that he would boost the home-grown fuel.

Biotechnology

Russia Fuels Seed-Making Shift in Challenge to Monsanto

Russia has transformed its agriculture sector since the Soviet era as imports of foreign capital, equipment, and technology helped farmers create one of the world's biggest crop producers. Now the country is targeting the next step in bolstering its agricultural muscle—high tech seeds.

Dumping

Suniva Seeks Lower Import Tariffs in U.S. Solar Case

Suniva Inc. is reducing the tariffs it's seeking on imported components as part of a U.S. trade case that's divided the industry.

Energy

Perry Moves to Aid Coal, Nuclear Generators with Pricing Rule

U.S. Energy Secretary Rick Perry is doubling down on coal and nuclear power.

Energy

Pricing Rule to Help Coal, Nuclear Faces Uncertain Future

Compensating nuclear and coal-fired power plants for their ability to operate reliably would lead to government price fixing and the Energy Department's proposal to do so is unlikely to be adopted, a state utility regulator told Bloomberg BNA.

Energy

Southern's Nuclear Plant Gets $3.7 Billion More in U.S. Aid

Southern Co.'s troubled nuclear reactor project in Georgia is in line to get additional government support after the Energy Department announced Sept. 29 it offered $3.7 billion in additional loan guarantees.

Illinois

Landowners Wrongly Barred from Joining Tank Leak Case

Owners of residential property tainted by a leaky underground gasoline storage tank should have been allowed to join cleanup litigation brought by the state, an Illinois Appellate Court ruled (People ex rel. Madigan v. Nagle Station, LLC, Ill. App. Ct., 1st Dist., No. 1-16-0534, 9/27/17).

Liable Parties

FMC Can't Shake Tribe's $1.5M Per Year Waste Storage Fees

FMC Corp. remains on the hook for a $1.5 million annual permit fee imposed by a tribal court to store hazardous waste on American Indian land, a federal district court ruled (FMC Corp. v. Shoshone-Bannock Tribes, 2017 BL 344479, D. Idaho, 14-CV-489, 9/28/17).

Motor Vehicles

Electric Scooter Taxes to Drop as Taiwan Boosts Green Vehicles

Electric scooter owners in Taiwan could see a tax break as the country aims to boost clean transportation and its domestic electric vehicle industry by extending licensing incentives through 2021.

Motor Vehicles

VW Still Choking on Diesel as Damages Surge to $30 Billion

More than two years after Volkswagen AG was thrown into chaos by the diesel-emissions scandal, the German auto giant is still choking.

Natural Gas

Pennsylvania Nuns to Appeal Transco Pipeline Decision

Nuns who sued on religious grounds to stop a pipeline from traversing their property in Pennsylvania say they will appeal a judge's decision to dismiss the case.

Oil & Gas

Senate Republicans Want to Allow Drilling in Alaska Refuge

Senate Republicans set the stage for using the budget to end the 37-year ban on oil and gas drilling in Alaska's pristine Arctic National Wildlife Refuge.

Pesticides

Environmentalists Force EPA Public-Records Redo on Pesticide

The EPA didn't appropriately handle a public records request from an environmental group seeking documents about a controversial pesticide's effects on rare species, a district court found.

Renewable Energy

Green Projects in EU May Be About to Lose Their Richest Investors

Renewable energy developers may lose some of their richest backers as wind and solar farms move toward competing on price instead of their green credentials, Sweden's largest utility said.

Renewable Energy

Poland to Expand Geothermal Heating, Government Says

Poland hopes to tap into its rich geothermal resources in the coming years, according to government officials.

Water Pollution

CalMat Co. Agrees to Clean Up L.A. Drinking Water Source

CalMat Co. will spend $1 million to clean up groundwater contaminated with a paint stripper chemical at a San Fernando Valley Superfund in Los Angeles County, according to a deal reached with the EPA.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Thur 11/9/2017 10:21:40 PM
Subject: Today on Climate Beat

November 9, 2017

Today on Climate Beat . . .

. . . we visited Virginia, which is moving ahead with a draft GHG trading rule that is earning the praise of the nine-states in the Regional Greenhouse Gas Initiative (RGGI) power sector cap-and-trade program, which say the Old Dominion's plan shares many common elements with the Northeast trading market.

Speaking of rules, producers of advanced and cellulosic biofuels are mounting a last-ditch push to persuade the Trump administration to mandate higher volumes of low-carbon cellulosic biofuels required under the renewable fuel standard than proposed.

And our daily news roundup looked at how the Trump administration's release of a major climate science report does not appear to have shifted its climate regulatory policies or the views of key political nominees.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Mon 11/20/2017 11:16:18 AM
Subject: POLITICO Playbook, presented by the Peter G. Peterson Foundation: HAPPY THANKSGIVING WEEK -- Hot in Palm Beach: Marine One lands at PBI -- MERKEL in trouble -- JMART IN LITTLE ROCK: CLINTON gathering drifts toward last year's loss -- B'DAY: Joe Biden

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Today's POLITICO Playbook presented by the Peter G. Peterson Foundation

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Monday morning and welcome to Thanksgiving week. The president is leaving D.C. for Palm Beach tomorrow. Congress is gone. Might we get a quiet week?

HOT QUESTION IN PALM BEACH -- PALM BEACH POST: "Trump in Palm Beach: President's helicopter arrives. Will he use it?" by Christine Stapleton and Mahima Singh: "A huge Air Force transport plane flew over Mar-a-Lago Sunday afternoon before landing at Palm Beach International Airport where it delivered the presidential helicopter.

"But the delivery of the helicopter does not mean that President Donald Trump will use it to fly back and forth to Mar-a-Lago, where a new helipad was built on the back lawn of the estate. The helicopter, along with his black armored vehicle, travels with the president in the U.S. and overseas. ...

"Locals are anxious to learn how the president will make the two-mile trip between the airport and Mar-a-Lago. The trip from the estate to Trump's golf club, which is near the airport, also is about two miles. Earlier this year, the president's motorcade brought traffic to a standstill for hours as an army of local, state and federal law enforcement closed roads near the route along Southern Boulevard." http://pbpo.st/2zTkuEr

FRONT PAGE, **ABOVE THE FOLD** of the **BOSTON GLOBE: "Why evangelicals are again backing a Republican despite allegations of sexual misconduct,"** by Astead Herndon: "None of the nearly 10 pastors reached by phone said the allegations of sexual misconduct changed their views about Moore. Several said the allegations made them more proud to vote for the former judge. ...

"'I don't know how much these women are getting paid, but I can only believe they're getting a healthy sum,' said pastor Earl Wise, a Moore supporter from Millbrook, Ala. Wise said he would support Moore even if the allegations were true and the candidate was proved to have sexually molested teenage girls and women. 'There ought to be a statute of limitations on this stuff,' Wise said. 'How these gals came up with this, I don't know. They must have had some sweet dreams somewhere down the line. 'Plus,' he added, 'there are some 14-year-olds, who, the way they look, could pass for 20.'" http://bit.ly/2zRCkI9

GOOD CATCH -- AP'S KEN THOMAS and **CATHERINE LUCEY: "Bush administration alums rising in Trump's orbit":** "The Bush influence has only grown stronger recently, as Trump nominated Alex Azar to lead the Health and Human Services Department, where he served under the Bush administration, and tapped Jerome 'Jay' Powell to be chairman of the Federal Reserve. Powell served in the Treasury Department under President George H.W. Bush. ...

"The Bush alums in the administration include Transportation Secretary Elaine Chao, who served as Bush's labor secretary, and Dina Powell, a deputy national security adviser who oversaw White House personnel and later served in Bush's State Department under Condoleezza Rice. Even the president's schedule and day-to-day operations are overseen by a former member of Bush's inner circle: Joe Hagin, who served as deputy White House chief of staff." http://bit.ly/2B3yeu6

WAPO'S DAVE WEIGEL in **HOLLIS, NEW HAMPSHIRE: "Democrats see backlash over Republicans' tax bill as a key to winning in the suburbs":** "'Do you think it's right to raise taxes on millions of hard-working Americans?' asked Sen. Maggie Hassan (D-N.H.) at a Friday night Democratic fundraiser. 'Do you want to risk a $25 billion yearly cut to Medicare to give the wealthiest few a tax cut?' The crowd of about 600 Democrats bellowed 'no,' still shocked by the party's recent political gains. Coming off Election Day wins from Seattle to Long Island, Democrats are starting to see the shape of a new majority, built on a potential suburban backlash to changes in the tax code." http://wapo.st/2B4C8mq

JONATHAN MARTIN in **LITTLE ROCK** on **A14** of the **NYT: "Celebrating a 25-Year-Old Clinton Win, but Still Stung by a More Recent Defeat":** "It was billed as a celebration of the 25th anniversary of the Clintons' ascension to the White House, held in some of the same haunts of the Arkansas capital where it all began.

"Yet the election that Bill and Hillary Clinton were most eager to revisit here was not Mr. Clinton's triumph of a quarter-century ago. It was the one that Mrs. Clinton lost last year -- one that the former first couple and many of their supporters have clearly not gotten over. For the first part of a 90-minute conversation with the Clintons on Saturday moderated by James Carville, Mr. and Mrs. Clinton made all manner of references, both direct and indirect, to the man who denied their bid to reclaim the White House, Donald J. Trump.

"However, it was not until Mr. Clinton invoked his wife's losing campaign -- "I'm proud of her for getting caught trying to put people first," he said -- that her admirers rose to their feet in what was an obvious emotional release. ... Explaining how she had tried to cope with what she called a 'very painful' loss, she said she had taken to mystery novels 'because the bad guy always got it in the end.'" http://nyti.ms/2zV06CR

TWEETER IN CHIEF -- "Donald Trump takes the bait, and LaVar Ball's Big Baller Brand wins again," by USA Today's Sam Amick: "LaVar Ball has done it again. ... Never mind the threat of North Korea, the GOP tax reform plan or the accusations of collusion with Russia, the leader of the free world took a moment on Sunday to focus on a man who is nothing short of a marketing genius.

"'Now that the three basketball players are out of China and saved from years in jail, LaVar Ball, the father of LiAngelo, is unaccepting of what I did for his son and that shoplifting is no big deal,' Trump tweeted to his 42-million-plus followers about the incident in which three UCLA basketball players were caught shoplifting and later allowed to return home. 'I should have left them in jail!' Then about six hours later, Trump tweeted again: 'Shoplifting is a very big deal in China, as it should be (5-10 years in jail), but not to father LaVar, Should have gotten his son out during my next trip to China instead. China told them why they were released. Very ungrateful!'" Take a bow, LaVar." https://usat.ly/2zQisVZ

PROBLEMS FOR MERKEL IN GERMANY -- POLITICO EU'S MATTHEW KARNITSCHNIG: "Germany was thrust into political disarray late Sunday as talks to form a new government collapsed, raising the prospect of a new election while clouding Angela Merkel's future as chancellor. Negotiations between Merkel's conservatives, the liberal Free Democrats (FDP) and Greens ended abruptly just before midnight after FDP leader Christian Lindner said he saw no hope the parties could break a stalemate that had dogged the discussions for days. ...

"The failure means Germany is unlikely to have a stable government for months, hobbling Berlin's ability to make pressing strategic decisions on everything from foreign policy to eurozone reform. With Europe facing a host of serious challenges, including disputes over the rule of law in Poland and Hungary and Brexit, the political instability in the EU's largest country could hardly have come at a worse moment." http://politi.co/2iwqM38

****** **A message from the Peter G. Peterson Foundation:** As Washington debates tax reform, there's talk of tax cuts that will give trillions of dollars back to American taxpayers. That sounds great. But if these tax cuts aren't paid for, future generations will be stuck with the bill. Congress, tax reform should grow the economy. Not the debt. www.pgpf.org/tax-reform ******

INSIDE 1600 PENNSYLVANIA AVE -- "'A long winter': White House aides divided over scope, risks of Russia probe," by WaPo's Ashley Parker and Carol D. Leonnig: "Six months into a special counsel's investigation of Russian interference in the 2016

presidential election, White House aides and others in President Trump's close orbit are increasingly divided in their assessments of the expanding probe and how worried administration officials and campaign aides should be about their potential legal peril, according to numerous people familiar with the debate. Some in the West Wing avoid the mere mention of Russia or the investigation whenever possible.

"Others take solace in the reassurances of White House lawyer Ty Cobb that special counsel Robert S. Mueller III will be wrapping up the probe soon and the president and those close to him will be exonerated. ... [S]ometimes, gallows humor creeps into the West Wing. 'When the staff gather in the morning at the White House now, they jokingly say: "Good morning. Are you wired?"' one person close to the administration said." http://wapo.st/2AWg6S5

-- "Special Counsel sends wide-ranging request for documents to Justice Department," by ABC News' Mike Levine: "Special Counsel Robert Mueller's team investigating whether President Donald Trump sought to obstruct a federal inquiry into connections between his presidential campaign and Russian operatives has now directed the Justice Department to turn over a broad array of documents, ABC News has learned. In particular, Mueller's investigators are keen to obtain emails related to the firing of FBI Director James Comey and the earlier decision of Attorney General Jeff Sessions to recuse himself from the entire matter, according to a source who has not seen the specific request but was told about it. Issued within the past month, the directive marks the special counsel's first records request to the Justice Department, and it means Mueller is now demanding documents from the department overseeing his investigation." http://abcn.ws/2hNASPR

JEN HABERKORN and **PAUL DEMKO: "Obamacare mandate repeal may not deliver predicted blow":** "Repealing Obamacare's individual mandate might not be the devastating blow to health insurance markets that supporters of the law fear. Because the tax penalty for not having insurance is far less costly than what many Americans would have to pay for coverage, many have chosen to take the fine. Eliminating it, therefore, might not radically change behavior -- or fulfill the dire predictions of spiking premiums and vast increases in uninsured people that economists, health providers and politicians once predicted." http://politi.co/2zV4eTn

NEW POLICY ALERT -- "Trump Administration Tightens Scrutiny of Skilled Worker Visa Applicants," by WSJ's Laura Meckler: "The Trump administration is adding hurdles and increasing scrutiny in the employment-visa application process, making it harder for businesses to hire foreign workers, and companies and immigration attorneys are bracing for more changes soon. ... The administration is more closely scrutinizing applications for the high-skilled visa program known as H-1B, sending back more than one in four applications between January and August via 'requests for further evidence,' according to data from U.S. Citizenship and Immigration Services, known as USCIS, which administers the program. A year earlier, fewer than one in five were sent back." http://on.wsj.com/2B3aXbH

-- "What EPA chief Scott Pruitt promised - and what he's done," by Alex Guillen and Emily Holden. http://politi.co/2jGrZZ4

LAST NIGHT ON "KASIE DC" -- @KasieDC: "So, what happens when you file a sexual harassment claim on Capitol Hill? Let's walk through it ..." http://bit.ly/2mJSwpB

TRUMP'S MONDAY -- THE PRESIDENT is holding a Cabinet meeting, lunching with VP Mike Pence and HUD Secretary Ben Carson. In the afternoon, Trump will meet with Secretary of State Rex Tillerson and U.N. Ambassador Nikki Haley.

THE JUICE ...

-- FORMER TREASURY SECRETARY JACK LEW is joining the private equity firm Lindsay Goldberg. He will still be a visiting professor at Columbia's School of International and Public Affairs.

FOR YOUR RADAR -- "Zimbabwe's Mugabe passes deadline to resign; now impeachment," by AP's Chris Torchia and Farai Mutsaka in Harare: "Longtime President Robert Mugabe ignored a midday deadline set by the ruling party to step down or face impeachment proceedings, while Zimbabweans stunned by his lack of resignation during a national address vowed more protests to make him leave. "Arrogant Mugabe disregards Zanu PF," one newspaper headline said. Opposition activists and the influential liberation war veterans association announced more demonstrations to pressure the 93-year-old Mugabe, the world's oldest head of state, to step down after 37 year in power. ... Zimbabweans were astonished that Mugabe, flanked by the military in his national address Sunday night, remained defiant." http://bit.ly/2z0zNYk

--"Behind Mugabe's Rapid Fall: A Firing, a Feud and a First Lady," by NYT's Norimitsu Onishi: http://nyti.ms/2zRPTH7

CHARLES MANSON IS DEAD -- AP's John Rogers: "In the summer of 1969, a scruffy ex-convict with a magnetic hold on young women sent some of his disciples into the night to carry out a series of gruesome killings in Los Angeles. In so doing, Charles Manson became the leering face of evil on front pages across America and rewrote the history of an era. Manson, the hippie cult leader who died of natural causes Sunday at age 83 after nearly half a century behind bars, orchestrated the slayings of pregnant actress Sharon Tate and six other people, butchered at two homes on successive August nights by intruders who scrawled 'Pigs' and 'Healter Skelter' (sic) in the victims' blood.

"The slaughter horrified the world. To many, the collateral damage included the era of peace, love and flower power. The Manson Family killings, along with the bloodshed later that year during a Rolling Stones concert at California's Altamont Speedway, seemed to expose the violent and drug-riddled underside of the counterculture and sent a shiver of fear through America." http://bit.ly/2zXGKLI

Playbook Reads

PHOTO DU JOUR: Former White House communications director Anthony Scaramucci talks during an interview with the Associated Press in Jerusalem on Nov. 20. Scaramucci told the AP that although he has not spoken to Donald Trump in over a month, he talks to the president's inner circle "regularly" and considers himself a media "surrogate" for the administration. | Ariel Schalit/AP Photo

SUSAN GLASSER: "How Trump Is Driving Democrats and Republicans Together" http://politi.co/2hPlZwy ... ***Transcript of her conversation with Sen. Ben Cardin*** http://politi.co/2B4ycSX

MARC CAPUTO and MATT DIXON - "Sex scandals wreak havoc on Florida politics: 'Florida is on fire. And it's not a controlled burn,' said one top Democrat": "The Florida Democratic Party chairman resigned Friday in shame. A Republican state senator faces possible expulsion for sexual harassment. The state Senate's top Democratic leader abruptly stepped down after admitting an extramarital affair with a lobbyist. Even amid the flood of sexual misconduct revelations that have rocked state capitals across the country, the nation's biggest swing state has lived up to its reputation for political drama and excess over the past month, with major implications for next year's contested U.S. Senate and gubernatorial elections - and the next presidential race. ...

"The biggest shock to the system unfolded Friday when the state's Democratic Party chair, Stephen Bittel, quit after POLITICO Florida reported numerous women and men complained he created an uncomfortable work environment for young women ... Bittel's resignation was a major blow to U.S. Sen. Bill Nelson - Florida's only statewide elected Democrat - who spent political capital on his friend and longtime donor to become chair of the state party in a bitterly contested race this year." http://politi.co/2AewiC7 ... ***Subscribe to Florida Playbook*** http://politi.co/2jHSZY1

IN ISRAEL -- JERUSALEM POST: "POLICE QUESTION NETANYAHU FOR THE SIXTH TIME IN CORRUPTION PROBE: Israeli Ambassador Ron Dermer questioned in Netanyahu probe ... Police arrive at Netanyahu's residence to question him in corruption probe," by Udi Shaham: "The questioning focused mainly on Case 1000, the 'gifts affair,' in which it is suspected that the prime minister received expensive gifts from various businessmen." http://bit.ly/2mKHfoX!

****** **A message from the Peter G. Peterson Foundation:** Washington is debating tax reform. There's talk of substantial tax cuts that will give trillions of dollars back to American taxpayers. That sounds great. But if these tax cuts aren't paid for, future generations will be stuck with the bill. Congress is right to pursue tax reform - the code

is outdated, complex and unfair. Tax reform done right should be permanent, because businesses and individuals need certainty to plan and invest. It should be based on realistic, independent projections and assumptions about the effect on our economy and our fiscal outlook. And it should enjoy bipartisan support, so that it's durable over time. Lawmakers should use the valuable opportunity presented by tax reform both to improve our fiscal outlook and strengthen the economy at the same time. Learn more about fiscally responsible tax reform at www.pgpf.org/tax-reform. ******

BEYOND THE BELTWAY -- "As Silicon Valley Gets 'Crazy,' Midwest Beckons Tech Investors," by NYT's Steve Lohr: "The rationale for investing in the Midwest combines cost and opportunity. A top-flight software engineer who is paid $100,000 a year in the Midwest might well command $200,000 or more in the Bay Area. The Midwest, the optimists say, also has ample tech talent, with excellent engineers coming out of major state and private universities in the region. But they also point to technology shifts. As technology transforms nontech industries like health care, agriculture, transportation, finance and manufacturing, the Midwest investors argue that being close to customers will be more important than being close to the wellspring of technology." http://nyti.ms/2B4PTSb

MEDIAWATCH -- DAVID GURA to MSNBC -- per Talking Biz News' Chris Roush: "Gura has joined MSNBC as an anchor and correspondent. Gura had been with Bloomberg TV since March 2015. He has been the anchor of 'Bloomberg Markets: The Trump Economy' on Bloomberg Television and also co-anchor of 'Bloomberg Surveillance' on Bloomberg Radio. ... Previously, he was a senior reporter for, and the principal back-up host of, 'Marketplace.'" http://bit.ly/2ziYyn5

Playbookers

SPOTTED: Sen. Orrin Hatch (R-Utah) walking into Dulles Sunday, carrying his own bags.

WEEKEND WEDDING -- NATALIE BUCHANAN, House Majority Leader Kevin McCarthy's member services director, married **SEAN JOYCE,** former chief of staff to Rep. Patrick McHenry (R-N.C.) Saturday night in Charleston, South Carolina. The ceremony was at St. Mary's Catholic Church and the reception was at Governor Thomas Bennett House. **SPOTTED:** House Majority Leader Kevin McCarthy (R-Calif.), Mike and Katie Shields, Rob Simms, Barrett Karr, James Min, Freddy Barnes, Tim Berry, Todd and Jessica Johnson, Brian O. and Natasha Walsh, Tim and Holly Pataki and Tori Emerson Barnes.

BIRTHDAY OF THE DAY: Judy Woodruff , anchor and managing editor of PBS "NewsHour". **How she got her start in journalism:** "After college, I worked in Atlanta as a TV newsroom secretary; that combined with a short stint as weekend 'weather girl' (like Cinderella, I cleaned film and answered phones during the week; did weather on

Sunday nights) led to my first reporting job: covering the Georgia state legislature and Atlanta politics for another station: an opening created after the only woman reporter left to have a baby." **Read her Playbook Plus Q&A:** http://politi.co/2zi9Ojf

BIRTHDAYS: former Vice President Joe Biden is 75 ... former U.N. Amb. John Bolton is 69 ... Charlie Cook ... Politico's Sushant Sagar, Dan Goldberg, Ian Kullgren, Jeff Amster and Margaret Rives ... Philip Ewing, national security editor at NPR ... Jay Lefkowitz ... Don Baker is 85 ... Ryan Struyk, a data reporter and mobile producer for CNN (h/t Mariam Khan) ... Carlton Owen, president and CEO of the U.S. Endowment for Forestry & Communities ... Cecelia Prewett, SVP at SKDKnickerbocker, former FTC and Hill staffer (h/t Jon Haber) ... Matt Miller ... Jayne Sandman, principal at BrandLinkDC ... Bloomberg TV's Julie Hyman ... Parita Shah, "a huge 90s hip hop fan" (h/ts Ben Chang and Adrienne Elrod) ... Shawn Hils, a DNC research alum ... Devorah Adler ... Aaron Harison, president of the Washington Free Beacon ... Rep. Jim McGovern (D-Mass.) is 58 ... Rep. Ruben Gallego (D-Ariz.) is 38 ... Boyd Bailey ... Robert Edmonson, House Democratic Leader Nancy Pelosi's chief of staff, is 33. He celebrated over the weekend with brunch at The Bird with friends (h/t Mitchell Rivard) ...

... Brian Reisinger, senior adviser to Scott Walker, alum of Ron Johnson and Lamar Alexander, and "always a Sauk County gentleman" is 33 (h/t William Allison) ... Cassie Gerhardstein of McConnell's leadership shop (h/t Steve Bradford) ... Emily Matthews, a digital strategist at Saguaro Strategies (h/t Andy Barr) ... HFA alum Courtney Corbisiero ... John Darnton ... Linda Bowman ... Vincent Coppola ... Elizabeth O'Connor ... Ciara Torres-Spelliscy ... Toni Nissi ... Jenevieve Newman Beavers ... Nikki Buffa, Obama Interior alum now counsel at Latham & Watkins ... Alex Navarro-McKay, a managing director at BerlinRosen ... Alexis Weiss ... Al Baldasaro ... Ciara Torres-Spelliscy ... Beth Foster (h/t Teresa Vilmain)

****** **A message from the Peter G. Peterson Foundation:** Washington is debating tax reform. There's talk of substantial tax cuts that will give trillions of dollars back to American taxpayers. That sounds great. But if these tax cuts aren't paid for, future generations will be stuck with the bill. Congress is right to pursue tax reform - the code is outdated, complex and unfair. Tax reform done right should be permanent, because businesses and individuals need certainty to plan and invest. It should be based on realistic, independent projections and assumptions about the effect on our economy and our fiscal outlook. And it should enjoy bipartisan support, so that it's durable over time. Lawmakers should use the valuable opportunity presented by tax reform both to improve our fiscal outlook and strengthen the economy at the same time. Learn more about fiscally responsible tax reform at www.pgpf.org/tax-reform. ******

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Subject: POLITICO's Morning Energy: Democrats hold fire on climate amid hurricane devastation — Pruitt, Ross to meet with Trump today — Upton pushes Enbridge for immediate repairs

By Anthony Adragna | 09/12/2017 10:00 AM EDT

ALL QUIET ON THE CLIMATE FRONT: Even as the double whammy of Hurricanes Harvey and Irma offers the U.S. an up-front glimpse of the types of devastation the world faces due to a warming climate, Democrats are largely holding their fire on Republicans, Pro's Emily Holden and Elana Schor report . Instead, they appear to be heeding the warnings of several of President Donald Trump's Cabinet officials that discussing climate change with large swaths of land still underwater would be insensitive. "The response to Hurricanes Harvey and Irma thus far has been more muted, likely in part because of a desire to keep the focus on immediate disaster relief," said Trevor Houser, former energy adviser to Hillary Clinton's presidential campaign.

Democrats say there will be opportunities to explore the linkage between extreme weather and manmade climate change moving forward. "We have a lot of time to make that point, and I think we also have a lot of legislative opportunities as we look at reauthorizing flood insurance and funding the disaster relief," Sen. Sheldon Whitehouse , one of staunchest climate hawks, said. Environmental advocates have hit Trump's inaction on climate change online, but have shied away from criticizing Democrats. "The truth is, I'd settle for politicians not talking about climate at all, and instead actually doing something," Bill McKibben, founder of 350.org, said.

Tone shift at the White House? Tom Bossert, Trump's homeland security adviser, told reporters Monday that the cause of both devastating hurricanes is "outside of my ability to analyze" but he acknowledged a need to bolster flood and coastal defenses threatened by rising seas and powerful storms. "We continue to take seriously the climate change, not the cause of it, but the things that we observe," he said. "What President Trump remains committed to is making sure that federal dollars aren't used to build things that will be in harm's way later or that won't be hardened against the future predictable floods that we see." While those words may offer hope to some, ME would note Trump has erased climate considerations from government processes, nixed flood standards for federal projects, withdrawn the U.S. from the Paris climate change agreement, pulled back a regulation to limit carbon dioxide from power plants and halted funding to help poor nations adapt to new weather extremes.

More money needed? Asked if the administration would put more money into agencies like FEMA and EPA, Bossert expressed openness to requesting additional funds - "We'll put money in as money is needed to address the need," he said - but added "right now we have plenty of resources to get through this."

Irma could've been even worse: Even as millions lost power during Hurricane Irma, the head of the state's largest utility said outages could've been even worse if Florida Power & Light Co. had not spent $3 billion to improve the energy grid, POLITICO Florida's Bruce Ritchie reports. "With this kind of storm what I can tell you is, we would be facing a much longer restoration" without the work, FPL President and CEO Eric Silagy said Monday.

Nelson wants Perry's help: The federal government should establish a fuel reserve in Florida to help prevent the fuel shortages that occurred during the response to Irma, Sen. Bill Nelson wrote in a Monday letter to Energy Secretary Rick Perry. "A Florida gasoline supply reserve would ensure that residents and first responders have access to an emergency supply of fuel, and help prevent the shortages that may have kept some from evacuating and may hinder recovery efforts going forward," Florida's senior senator wrote. DOE created the Northeast Gasoline Supply Reserve in 2014 following similar issues during Hurricane Sandy, he noted.

Checking in on Texas: EPA reported late Monday that 35 of the 2,238 drinking water systems affected by Harvey remain shut down, while 35 of the 1,219 wastewater treatment plants in affected countries also remain inoperable. The agency further said it had "directed potential responsible parties or has independently started collecting samples at the 43 Superfund sites to further confirm any impacts from the storm" and said additional assessments continue at two sites - San Jacinto Waste Pits and U.S. Oil Recovery. In addition, Reuters reported federal officials are cleaning up spills of oil and chemicals spilled from a dozen industrial facilities in the aftermath of Harvey.

Yikes: Water testing arranged by The New York Times from two Houston neighborhoods showed alarmingly high levels of bacteria and toxins. Tests from the Briarhills Parkway in the Houston Energy Corridor showed levels of E. coli at levels four times of what's considered safe, while Clayton Homes public housing development downtown showed concentrations of E. Coli more than 135 times healthy levels, as well as elevated levels of lead, arsenic and other heavy metals. The EPA said Monday that 40 of 1,219 waste treatment plants affected by Harvey were not working.

SIREN! Trump meets this morning at 10 a.m. in the Oval Office with EPA Administrator Scott Pruitt and Commerce Secretary Wilbur Ross. EPA and the White House did not respond to further requests about what they'll be chatting about.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and NRDC's Ana Unruh Cohen was the first (of many) to identify Sam Rayburn as the longest-serving House speaker. For today: Which state has had eight lawmakers go on to serve as speaker? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

EPA LAUNCHES PROBE INTO ARKEMA INCIDENT: Officials at EPA have requested information from Arkema to help them ascertain whether the chemical company properly followed Clean Air Act safety regulations before Hurricane Harvey. EPA asked in its letter, obtained by ME Monday, for a response from the company within 10 calendar days of receipt. Among the information sought is what the company did before the storm to prepare for potential flooding and loss of electricity, as well as the quantities of chemicals stored on site. Several chemical containers at the Crosby, Texas, facility caught fire after the hurricane deluged it with water.

MINE PRUITT VISITED FURLOUGHS WORKERS: Consol Energy's Bailey Mine

complex, which EPA Administrator Scott Pruitt visited back in April as one of the first stops on his "Back to Basics" campaign, furloughed more than 300 workers Monday after Pennsylvania's Department of Environmental Protection failed to approve a permit modification in time, the Observer-Reporter reports . A company spokesman said it was the first time in the site's history that state environmental regulators failed to approve a permit in a "timely manner" to maintain operations.

THEY'RE BACCCCCCK: House lawmakers return for a day and a half of work, with a slate of 6:30 p.m. votes expected to include the Interior and EPA section of eight-title, spending package H.R. 3354 (115) under consideration.

SPORTSMEN'S PACKAGE PUSH BEGINS AGAIN: The House Natural Resources Federal Lands subpanel today considers a broad sportsmen's package, H.R. 3668 (115). It contains a controversial provision that would make it easier to obtain gun silencers, bars EPA from ever regulating lead ammunition under the Toxic Substances Control Act, and reauthorizes the North American Wetlands Conservation Act for five years at $50 million per year. The subpanel cancelled the initial hearing on the bill following the June congressional baseball shooting, which the measure's sponsor, Jeff Duncan (R-S.C.), witnessed.

If you go: The session kicks off at 10 a.m. in Longworth 1334. Ranking member Raul Grijalva and Rep. Mike Thompson will discuss the gun silencer provision during a press availability following the hearing.

Other hearings shelved: After Hurricane Irma delayed the House's return, the Energy and Commerce Energy Subcommittee canceled what was to have been a blockbuster hearing on the grid's reliability. Witnesses would have included FERC Chairman Neil Chatterjee (in what would have been his first appearance since confirmation), as well as Gerry Cauley, president of the North American Electric Reliability Corporation, and a DOE official. In addition, the House Science Committee postponed a full committee hearing on the electric grid's resilience that had also been slated for 10 a.m.

SENATE ENERGY LOOKS AT LABS: Senators on the Energy and Natural Resources Energy Subcommittee take a look at the contributions of DOE's national laboratories at a hearing beginning at 3 p.m. Sens. Cory Gardner and Joe Manchin deliver opening remarks, followed by testimony from representatives of West Virginia University, Argonne National Laboratory, Duke Energy and National Renewable Energy Laboratory. More here.

MAIL CALL! UPTON PUSHES ENBRIDGE FOR REPAIRS: Rep. Fred Upton, chairman of the Energy and Commerce Energy Subcommittee, sent a letter Monday urging Enbridge to "conduct repairs immediately" on its Line 5 pipeline after revelations of gaps in the line's protective coating. "The more recent disclosure of a loss of protective coating and the likelihood that human error was a factor raises serious concerns about Enbridge's compliance with federal pipeline safety laws," Upton wrote. "Rest assured I will remain hyper-vigilant and expect prompt response to my request."

MORE VOICES WEIGH IN ON SOLAR TARIFF CASE: Six right-leaning policy groups

will urge the International Trade Commission not to back a bid from solar manufacturers Suniva and SolarWorld USA to impose tariffs on imported solar products in a letter today, Pro Trade's Megan Cassella reports . The groups fear an affirmative ITC decision would double the cost of solar products in the U.S. and leave the country vulnerable to retaliation and challenges at the WTO. "Similar to steel in 2002, solar tariffs today would amount to nothing more than a crony capitalist giveaway to failing companies," they wrote.

GREENS CHALLENGE NEVADA LEASE SALES: The Sierra Club and the Center for Biological Diversity filed a lawsuit Monday challenging BLM's June sale of oil and gas leases in northern Nevada. The lawsuit argues the government failed to consider the possible consequences of drilling in the area, ranging from contamination of desert water sources to increased greenhouse gas emissions. The June 13 sale brought in just $38,560 from three parcels covering approximately 5,760 acres out of more than 95,000 acres offered.

NO MASS EXODUS AMONG THE FEDS: Just more than two percent of federal employees have left their positions since Trump became president, more than during presidents George W. Bush and Barack Obama's opening months but less dramatic than the mass departures feared, BuzzFeed reports. Among the highest departure rates were the departments of Energy (2.7 percent) and Interior (2.5 percent).

REPORT: ROOM FOR IMPROVEMENT FOR SOLAR DIVERSITY: A report out Monday from the Solar Foundation finds women represent just 28 percent of employees in the 260,000 person strong solar industry and people of color are a tiny share of the workforce. African-Americans hold just 7 percent of solar jobs, while Hispanic or Latino employees are 17 percent of the workforce and Asians are 9 percent. The study concludes "women and people of color face significant hurdles to achieving equal pay and positions in the solar industry."

MOVERS, SHAKERS: Adam Kolton has been named executive director of the Alaska Wilderness League, effective Oct. 10. He'll join from the National Wildlife Federation where he's currently vice president of federal advocacy.

SPOTTED: Gina McCarthy, sporting a rolling backpack, at the Dirty Habit bar near the EPA. She was drinking red wine and laughing jovially on Monday evening, per our tipster.

QUICK HITS

- Floridians battered by Irma maintain climate change is no 'big deal'. The Guardian.

- Trump administration halts pollution controls at Utah coal plants. AP.

- Suppliers warn EPA against regulatory rollback. Automotive News.

- Three Top Names Emerge As Likely Head Of Western EPA Office. Western Wire.

- Gasoline prices at pump are heading lower even as Florida struggles with supplies. CNBC.

- State better off without Enbridge oil pipeline, Dayton agency says. Minnesota Public Radio.

THAT'S ALL FOR ME!

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

October 3, 2017

Latest News

Agency Economists Say 2-1 Order 'Doubles' Benefit-Cost Analysis Work

EPA and other government economists are facing significant challenges implementing President Donald Trump's order requiring agencies to repeal two rules for every new one, saying the order doubles the workload of regulatory impact analysis and raises other uncertainties, though some economists call such new directives part of the job.

EPA Says No Update On Ozone Designations As NRDC Threatens Lawsuit

EPA says it has “no further information” about when it will issue designations for which areas of the United States are either attaining or in nonattainment with the 2015 ozone standard after appearing to miss a Clean Air Act deadline of Oct. 1 for the findings, and environmentalists are threatening a suit to force issuance of the designations.

EPA Faces Potential Suit Over Deadline For Comments On Coal Ash Guide

An environmentalist attorney is threatening suit over EPA's sudden closure of the public comment docket for its guidance to states on crafting coal ash permit programs despite the agency verbally vowing to grant 30 more days for input, adding to the legal uncertainty over the implementation of EPA's coal ash disposal regime.

EPA Hedges On GAO Calls To Bolster Enforcement Of Lead & Copper Rule

EPA is generally agreeing with the Government Accountability Office (GAO) that better data on where lead service lines are located would improve the agency's oversight of the Safe Drinking Water Act Lead and Copper Rule (LCR), though the agency stops short of committing to GAO's call to require states to report the data and take other steps to help enforce the rule.

Pesticide Reviews Advance But EPA Attainment Of Court Schedule Uncertain

Trump administration officials are reviewing staff-level draft biological opinions of the first pesticides to undergo a new process for assessing risks to endangered species

but it is unclear whether they will complete their reviews and forward them to EPA in time to meet a year-end court deadline for issuing the final versions.

Judge's Order For New EPA FOIA Search May Boost Herbicide Finding Suit

A federal district court judge is ordering EPA to expand its Freedom of Information Act (FOIA) search in response to environmentalists' request for documents backing the agency's conclusion that a controversial herbicide will not harm listed species, with environmentalists hoping to use the documents in a separate suit challenging the finding.

Daily Feed

EPA formally launches industry 'smart sector' program

“Regulatory policies will be more effective when they are informed by actual conditions in regulated sectors,” one top industry official says of the effort.

Our most read: a new IRIS, EPA's state reviews, what will replace CPP

Also: critics wonder how Pruitt spending issues will impact EPA policy and court rejects indefinite stay of coal-ash rule.

EPA names water permits chief as acting OST director

Deborah Nagle, who has headed EPA's water permits division, became the acting director of the office that crafts risk-based water quality criteria and other standards.

Environmentalists fight EPA ozone 'backsliding' argument

Environmentalists are urging a federal appeals court to reject EPA's defense of measures the agency claims will prevent weakening of ozone air pollution controls.

Goffman to direct Harvard Law's environment program

The former high-ranking EPA official is slated to lead the high-profile program.

Ewire: EPA rejects call to extend coal ash guide comment deadline

At 11th-hour, EPA rescinds pledge to extend coal ash comment deadline, Plus, strict ozone standards take effect.

Environmentalists fault EPA's defense of boiler MACT

Environmentalists continue to attack EPA's rationale behind air toxics regulation of industrial boilers, following appellate court oral argument over the rule.

Read all the latest EPA news, analysis and documents →

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Today's Playbook Power Briefing presented by UC Davis

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Monday afternoon. Anna is live RIGHT NOW at the Concordia Summit in New York, moderating a panel with David Axelrod and Tim Phillips. *Tune in* http://politi.co/2xKFfSe

NEWS -- FIRST IN PLAYBOOK -- ALYSSA FARAH, a top adviser to the House Freedom Caucus, is leaving Capitol Hill to work as press secretary to **VP MIKE PENCE. FARAH** , who has worked for the HFC during the chairmanships of Reps. Jim Jordan (R-Ohio) and Mark Meadows (R-N.C.), helped grow the conservative group from a ragtag group of lawmakers to a force in the House of Representatives. She'll give Pence a critical bridge to the Hill, as the Trump administration girds for several high-profile legislative pushes. Christina Mandreucci is joining Pence's team as director of regional media. ... ***Matt Nussbaum and Jake's write up*** http://politi.co/2yksA5K

TRUMP'S U.N. DEBUT -- AP's DARLENE SUPERVILLE and **JONATHAN LEMIRE** at the U.N.: "President Donald Trump made his debut at the United Nations on Monday, using his first moments at the world body to urge the 193-nation organization to reduce bureaucracy and costs while more clearly defining its mission around the world.

"But while Trump chastised the United Nations -- an organization he sharply criticized as a candidate for president for its spiraling costs -- he said the United States would 'pledge to be partners in your work' in order to make the U.N. 'a more effective force' for peace across the globe." http://bit.ly/2wpGZQA

-- TRUMP opened his speech by talking about Trump World Tower, which is located across the street from the United Nations: "I actually saw great potential right across the street, to be honest with you. And it was only for the reason that the United Nations was here that that turned out to be such a successful project."

-- ANITA KUMAR of McClatchy, today's pooler, says Trump spoke as he exited the U.N.: "I think the main message is 'make the United Nations Great.' Not again, 'make the United Nations great.' Such tremendous potential, and I think we'll be able to do

this."

THE GRAHAM-CASSIDY BILL -- @randpaul: "Graham/Cassidy keeps Obamacare and tells the states to run it. No thanks. ... No [conservative] should vote for a rebranded trillion dollar spending program just because it adds some block grants. ... Keeping 90% of Obamacare is not ok and it's not what we ran on. Conservatives should say no."

-- THE MATH. If Rand is a no, two more no votes kills this bill. Sen. Susan Collins (R-Me.) is believed to be a no, according to our colleagues Burgess Everett and Josh Dawsey. The Congressional Budget Office has not yet scored the bill. **SENATE GOP INSIDERS** tell us that all eyes are on the Graham-Cassidy proposal, as the bipartisan effort -- driven by Sen. Lamar Alexander (R-Tenn.) and Sen. Patty Murray (D-Wash.) -- does not have as much support from the White House and House leaders.

-- @BenjySarlin: "McCain tells @GarrettHaake he wants bipartisan bill with wks of hearings. BUT may 'reluctantly' back Graham-Cassidy if AZ Gov approves" ***Remember: McCain said he voted against the health care bill last time because of the process.***

-- ALERT: Senate Homeland Security and Governmental Affairs hearing next Monday: "Block Grants: How States Can Reduce Health Care Costs" http://bit.ly/2xfVrJP

-- "Dems demand full CBO analysis of Obamacare repeal plan," by Heather Caygle http://politi.co/2xKeI7v

FOR GOOD MEASURE -- SENATE LEADERSHIP FUND, the super PAC backed by Senate Majority Leader Mitch McConnell, just disclosed $144,177 in mailings in support of Sen. Luther Strange in Alabama.

WHEN YOU PUT IT THIS WAY ... -- CNN'S MANU RAJU (@mkraju): "Ty Cobb this month: Rails on reporter in late-night, on-record emails; fooled by prankster; gossips loudly about Russia probe at restaurant".

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THE LATEST ON RUSSIA -- "Legal defense fund set up for Michael Flynn," by Louis Nelson: "The family of former White House national security adviser Michael Flynn has set up a legal defense fund for him, soliciting donations to ease the "tremendous financial burden" from the ongoing investigations into his actions and the 2016 presidential campaign. 'The enormous expense of attorneys' fees and other related expenses far exceed their ability to pay,' Flynn's brother and sister said in a statement emailed to reporters early Monday. 'To help ensure that he can defend himself, we have

set up a legal defense fund, and we are asking Mike's supporters, veterans, and all people of goodwill to contribute whatever amount they can to this fund.' The fund will not accept donations from foreign governments, nor will it accept money from the Trump campaign or the Trump Organization." http://politi.co/2xKT9np

44'S NEW GIG -- "Obama Goes From White House to Wall Street in Less Than One Year," by Bloomberg's Max Abelson: "Last month ... Barack Obama spoke in New York to clients of Northern Trust Corp. for about $400,000, a person familiar with his appearance said. Last week, he reminisced about the White House for Carlyle Group LP, one of the world's biggest private equity firms, according to two people who were there. Next week, he'll give a keynote speech at investment bank Cantor Fitzgerald LP's health-care conference.

"Obama is coming to Wall Street less than a year after leaving the White House, following a path that's well trod and well paid. While he can't run for president, he continues to be an influential voice in a party torn between celebrating and vilifying corporate power. His new work with banks might suggest which side of the debate he'll be on and disappoint anyone expecting him to avoid a trap that snared Clinton. Or, as some of his executive friends see it, he's just a private citizen giving a few paid speeches to other successful people while writing his next book. ...

"Since leaving office, Obama has delivered public and private speeches that are 'true to his values,' Kevin Lewis, a spokesman for the former president, said in an email. 'His paid speeches in part have allowed President Obama to contribute $2 million to Chicago programs offering job training and employment opportunities to low-income youth.'" https://bloom.bg/2xKMw4D

ON PARIS -- "Top White House aide seeks to clarify U.S. stance on Paris deal," by Andrew Restuccia and Kalina Oroschakoff: "During a breakfast meeting in New York City on the sidelines of the United Nations General Assembly, White House National Economic Council Director Gary Cohn sought to clarify the U.S. stance after a report that the Trump administration planned to remain in the pact sparked global confusion.

"Cohn told about a dozen international energy ministers that the U.S. was prepared to withdraw if it doesn't secure better terms, according to two people present at the meeting who asked for anonymity to discuss the private huddle. The sources added that Cohn offered few details on what precisely the U.S. wants, but stressed that the administration wants to continue engaging with other countries on energy and climate issues broadly." http://politi.co/2xLA1Wx

FOIA WATCH -- "Governments turn tables by suing public records requesters," by the AP's Ryan Foley: "Government bodies are increasingly turning the tables on citizens who seek public records that might be embarrassing or legally sensitive. Instead of granting or denying their requests, a growing number of school districts, municipalities and state agencies have filed lawsuits against people making the requests -- taxpayers, government watchdogs and journalists who must then pursue the records in court at

their own expense.

"The lawsuits generally ask judges to rule that the records being sought do not have to be divulged. They name the requesters as defendants but do not seek damage awards. Still, the recent trend has alarmed freedom-of-information advocates, who say it's becoming a new way for governments to hide information, delay disclosure and intimidate critics." http://bit.ly/2xKqpLw

HOW SPICER TOOK HOLLYWOOD -- CNN's Brian Stelter: "The Emmys surprise came together just a few days before Sunday's telecast. Colbert wondered aloud if Spicer might play along, and one of his 'Late Show' producers then pitched it, according to a source with firsthand knowledge of the skit. Spicer was already in Los Angeles for Kimmel's show last Wednesday. He briefly flew back east, to his home near Washington, then returned to Los Angeles for a secret dress rehearsal before the broadcast. The auditorium was almost entirely emptied before Spicer practiced his lines, the source said, so that his participation wouldn't leak ahead of time. ...

"Both sources who spoke with CNN on Monday morning marveled at the way Spicer was mobbed by Emmys attendees both at the awards show and at the parties afterward. 'He could barely eat at the Governor's Ball, he was so popular,' one of the sources said." http://cnnmon.ie/2xJsYNS

TODAY'S BEYOND THE BELTWAY -- Menendez trial moves slowly -- Illinois A.G. makes surprise announcement that she won't seek reelection
http://politi.co/2xLkPZr

TRUMP'S CABINET: JUST LIKE US -- "U.S. Education Secretary Betsy DeVos' 163-foot yacht docked in Milwaukee": "Boats this big always get attention in Milwaukee, and even more so when they belong to a member of President Donald Trump's cabinet. SeaQuest, a 163-foot, $40 million yacht, belongs to Dick and Betsy DeVos of Michigan. Betsy DeVos is the U.S. secretary of education. A Department of Education spokesperson said DeVos is not in Milwaukee and has no plans to be in the area, and that some other family must be using the boat.

"The department's website shows that last week she was scheduled to visit six Western and Midwestern states as part of her Rethink School tour. There was no activity around the boat, and no clear sign anyone was on board Sunday morning." http://bit.ly/2y9yA0j

BUSINESS BURST -- "Equifax Stock Sales Are the Focus of U.S. Criminal Probe," by Bloomberg's Tom Schoenberg and Anders Melin: "The U.S. Justice Department has opened a criminal investigation into whether top officials at Equifax Inc. violated insider trading laws when they sold stock before the company disclosed that it had been hacked, according to people familiar with the investigation. Prosecutors are looking at the stock sales by Equifax Chief Financial Officer John Gamble; President of U.S. Information Solutions Joseph Loughran; and President of Workforce Solutions Rodolfo

Ploder, said two people, who asked not to be named because the probe is confidential." https://bloom.bg/2woRfc5

MEDIAWATCH -- CNN'S OLIVER DARCY and **DYLAN BYERS SCOOP: "Meghan McCain in talks to join 'The View'"** http://cnnmon.ie/2w33DKs

-- PROVIDENCE JOURNAL -- "WJAR forced to run pro-Trump programs," by Jacqueline Tempera: http://bit.ly/2wpS3gz

-- NYT'S FRANK BRUNI is now a CNN contributor.

TRANSITIONS -- Keith Gilkes, a former aide to Wisconsin Gov. Scott Walker, officially launched his own public affairs firm Platform Communications. It is headquartered in Madison, Wisconsin. **Brian Reisinger** was named VP of the firm. He previously was founder and president of Hilltop Strategies and was comms director for the 2016 Ron Johnson campaign. ... **Anthony Gardner** has joined Sidley Austin as senior counsel. He was previously U.S. ambassador to the EU. ... **Adam Lowenstein** is moving to the U.K. to work for EY's Beacon Institute in London. He was previously speechwriter and strategic communications adviser for Sen. Chris Coons (D-Del.).

WELCOME TO THE WORLD -- Jeff Orzechowski, alum of former Rep. Candice Miller (R-Mich.)'s office and House Admin, and **Alicia Orzechowski** "welcomed their second child into the world while he's on leave for the Robert Bosch fellowship in Germany. Helena AnnMarie was born a healthy 3.4kg (7lbs, 8oz) at 12:44 a.m. Central European Time in Berlin on Sept. 13. Mom and baby are doing great. Big brother Hudson (2), on the other hand, hasn't decided what to make of all this."

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VW's Porsche Brand Probed as Diesel Fraud Scandal Spreads

Posted July 10, 2017, 11:14 A.M. ET

By Karin Matussek

Volkswagen AG's Porsche brand faces a formal probe by German prosecutors as the diesel-emissions scandal spreads to VW's iconic sports-car maker.

Prosecutors in Stuttgart said they were escalating an informal investigation started last year into allegations the Porsche brand may have defrauded consumers by selling autos with software that manipulated emissions.

While no individual suspects were named, investigators are looking into the role of employees at the Porsche brand in Germany and the U.S., Jan Holzner, spokesman for Stuttgart prosecutors, said in an emailed statement July 10.

VW admitted in September 2015 that about 11 million diesel cars worldwide were fitted with so-called defeat devices—embedded algorithms used to game emissions tests. The company is now facing three separate diesel-fraud probes in its home country. Braunschweig prosecutors are investigating 37 suspects at Volkswagen, while Munich counterparts are looking into an unidentified number of suspects at the Audi unit, one of whom was arrested a week ago. VW has also faced criminal probes abroad, including the U.S.

The Porsche brand's press office didn't immediately reply to an email seeking comment.

The brand is the sports car-making unit owned by VW. It's separate from Porsche Automobil Holding SE, a listed company whose main asset is a majority share in VW.

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Former Energy Commissioner Honorable Joins Reed Smith Law Firm

Posted July 10, 2017, 12:00 P.M. ET

By Rebecca Kern

Colette Honorable, who left the Federal Energy Regulatory Commission last month, has joined the global law firm Reed Smith to help start up a FERC-focused regulatory team, the firm announced today.

Honorable served as a Democratic FERC commissioner appointed by President Barack Obama from January 2015 until her term expired on June 30. FERC is now down to one lone commissioner—Acting Chairman Cheryl LaFleur— after being without a voting quorum of three commissioners since February. Two Republican FERC nominees Neil Chatterjee and Robert Powelson were favorably reported out of the Senate committee in June and currently await a Senate floor vote.

Honorable will be co-leading Reed Smith's FERC regulatory team with Regina Speed-Bost, a legal adviser to former FERC commissioner William Massey. Speed-Bost most recently was chair of Schiff Hardin's Energy Group in Washington. The firm also hired Debra Ann Palmer, a colleague of Speed-Bost and a former partner Schiff Hardin, who also has FERC and state regulatory experience.

While Reed Smith has employed FERC attorneys in the past, this will be the firm's first FERC-focused regulatory offering, Honorable told Bloomberg BNA in an interview. Reed Smith represents natural gas, renewable, oil and power companies as well utilities with 140 attorneys in its energy practices. The firm has 1,700 attorneys in its 27 global offices.

EU to Amend Rules for Import, Export of Hazardous Chemicals

Posted July 10, 2017, 11:13 A.M. ET

By Stephen Gardner

A European Commission initiative published July 7 would amend a European Union regulation that sets out rules for companies importing and exporting hazardous chemicals to include 11 new chemicals that the bloc recently restricted or banned.

The chemicals were added to Part 1 of Annex I in the Prior Informed Consent Regulation (PIC, Regulation (EU) 649/2012), meaning exporters will have to submit a notification for the 11 substances to the European Chemicals Agency. That agency will then forward the information to authorities in the importing country.

The draft amending regulation also would add nine of the 11 chemicals to the PIC Regulation's Annex I Part 2, so that importing countries are required to formally consent to their import.

The 11 substances—three chemicals used in pesticides, three chemicals used in biocides, and five industrial chemicals—were automatically put forward for listing in the amending regulation because of their restricted or banned statuses under EU law, including the bloc's REACH law (Regulation No. 1907/2006 on the registration, evaluation, and authorization of chemicals

In addition, four groups of substances would be added to Annex V of the PIC Regulation, which lists persistent organic pollutants that are subject to an EU export ban. The additions to Annex V would include hexabromocyclododecane, hexachlorobutadiene, polychlorinated naphthalenes and a group

of polybrominated diphenyl ethers, when contained in recycled materials.

These substances have all recently been listed under the United Nations Stockholm Convention on Persistent Organic Pollutants, which specifies highly hazardous chemicals that should be phased out from production and use.

The draft amending regulation said the substances should be listed in the PIC Regulation "in order to implement the Stockholm Convention."

The commission, the EU's executive arm, said any comments on the draft amending regulation could be submitted through Aug. 4.

Wall Street Sours on $9 Billion Mechanism for Green Projects

Posted July 10, 2017, 10:05 A.M. ET

By Brian Eckhouse

Wall Street investors have gone cold on one of the main mechanisms banks invented to fund the green-energy revolution.

The business structure, known as the yieldco, feeds dividends from operating solar and wind farms to investors. Yieldcos first emerged in 2013, when the largest U.S. independent power producer, NRG Energy Inc., launched NRG Yield Inc. The parent formed the yieldco to hold operating wind and solar farms that it had built or acquired. Revenue from those assets funded dividends.

Yieldcos raised $7.9 billion in public equity in 2014 and 2015 but only $1 billion since then, according to Bloomberg New Energy Finance.

The shift is further fallout from the collapse of yieldco promoter SunEdison Inc. and has changed the way clean-energy developers finance themselves. In years past, they started yieldcos to buy projects once they were operating, recycling the capital into new installations. Now, they're turning to a large and deepening pool of buyers—insurance companies and pension funds—to provide funding and sometimes take control of income-producing assets.

"The idea of a you-have-to-have-a-virtuous circle—that idea that you're hooked at the hip between the public markets and growth—is dead," Mike Garland, chief executive officer of the San Francisco-based yieldco Pattern Energy Group Inc., said in an interview. "The market is saying, `Come to us last, not first.' When we started, it was 'Come to us first."'

Pattern Energy and NRG Yield are projected to pay 12-month dividend yields of 6.4 percent and 6.5 percent respectively, according to data compiled by Bloomberg. That's about three times higher than the average 2.1 percent yield of 500 companies on the Standard & Poor's index.

The yieldco structure became a major growth engine for renewables, spawning at least eight yieldcos in North America and similar entities in the U.K. and continental Europe. Investors liked the story: support the growth of clean-energy while also reaping dividends that flow from electricity sales guaranteed by long-term contracts. And because the yieldcos promised to buy more and more projects, the dividends would only grow.

Fading Appeal

But headwinds—most prominently the run-up to SunEdison's bankruptcy in April 2016—stopped at least three other would-be yieldcos from forming and have forced others to eschew public markets for private fundraising. SunEdison had relied on its two yieldcos to finance its dizzying multi-continent buying-binge, thrusting them into turmoil and introducing doubt that the companies would be able to grow fast enough to pay rising dividends. The company's struggles contributed to a broad renewables slump that made it more difficult to raise funds from the public equity markets.

As the business case for yieldcos has lost favor, a new group of buyer has emerged: pension funds and insurance companies hungry for wind and solar farms' steady revenues. And the green bond market has boomed. Issues of bonds linked to environmental projects is set to surpass $100 billion this year more than 10 times the scale of the market in 2012, according to BNEF.

"The yieldco market got very heated," Barry Gold, the New York-based head of Orix Infrastructure & Renewable Energy, said in an interview. "But we all know how things work in the financial markets: if a door closes, someone opens a window somewhere."

Several yieldco owners see the writing on the wall. SunEdison, Abengoa SA and First Solar Inc. are trying to distance themselves from the units they created. Mark Widmar, First Solar's chief executive officer, described the company's 8Point3 Energy Partners LP yieldco as "a dormant vehicle basically."

Pattern, meanwhile, is continuing as an owner of clean-energy projects—the original intent of yieldcos—but is now pushing into development. It recently bought a stake in an affiliated private company that feeds it projects, and it recruited Canada-based Public Sector Pension Investment Board to buy almost 10 percent of its stock.

"We're short renewables in the U.S.—and we want more," Patrick Samson, a Montreal-based managing director at PSP Investments, said in an interview. "My pensions need long-term cash flows."

Institutional investors are indeed emerging as a heavy of renewables mergers and acquisistions:

• Alberta Investment Management Corp. in February agreed to buy one of the largest U.S. private solar companies, sPower, alongside AES Corp.

• John Hancock Life Insurance Co. in March said it will buy a 49-percent stake in a clean-energy portfolio owned by Exelon Corp.

• Activist investor Paul Singermay pressured NRG to sell its yieldco, potentially to capture institutional interest in wind and solar farms.

"Why not just sell to a pension fund?" said Jigar Shah, chief executive officer of clean-energy investor Generate Capital Inc. and a former SunEdison CEO. "There are literally hundreds of them that want these assets."

Wind and solar farms typically have utility contracts that ensure consistent revenue streams, which neatly dovetail with the long-dated liabilities that insurers and pension fund managers accrue. For endowments, solar and wind investments help satisfy their heightened sustainable targets.

"The concept of pooling operational renewable-energy assets and selling to private investors will outlive the yieldco," said Daniel Shurey, a New York-based analyst at BNEF, said by email. "The

term 'yieldco' is going extinct."

—With assistance from Will Wade.

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Shell Plans to Spend $1 Billion a Year on Clean Energy by 2020

Posted July 10, 2017, 9:30 A.M. ET

By Rakteem Katakey

Royal Dutch Shell Plc plans to spend as much as $1 billion a year on its New Energies division as the transition toward renewable power and electric cars accelerates.

"In some parts of the world we are beginning to see battery electric cars starting to gain consumer acceptance" while wind and solar costs are falling fast, Shell CEO Ben Van Beurden said in a speech in Istanbul July 10. "All of this is good news for the world and must accelerate," while still offering opportunities for producers of fossil fuels.

Shell sees opportunities in hydrogen fuel-cells, liquefied natural gas and next-generation biofuels for air travel, shipping and heavy freight—areas of transport for which batteries aren't adequate. The intermittent nature of wind and solar energy means power plants fired by natural gas will have a long-term role, Van Beurden said.

Van Beurden was addressing the World Petroleum Congress—a gathering of ministers and CEOs from some of the largest oil producers—at a time when the accelerating shift to clean energy is raising questions about their long-term business models. While Russian Energy Minister Alexander Novak and Saudi Arabian Oil Co. boss Amin Nasser said oil and gas will be dominant for decades to come, Van Beurden highlighted the potential for some of the fastest-growing nations to leapfrog straight to a cleaner energy mix.

"When you consider the areas of the world where energy demand is still to expand, like Asia and sub-Saharan Africa, there is a huge opportunity," Van Beurden said. "These are areas that are not, on the whole, locked into a coal-driven system. There is the potential for them to shift more directly onto a less energy-intensive pathway to development."

There is often too much focus on energy-transition policies in Europe and North America instead of the fast-growing developing world, Van Beurden said. "What happens in England is important, but what happens in Ethiopia is at least as important. From Denmark to the DRC, from the U.S. to Uganda, to India, to China, there is a lot of work to do."

These countries will still require fossil fuels to develop industries such as steel, cement and chemicals because they need a heat intensity that cannot come from electricity alone, he said.

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France's Utility May Have to Shut 17 Nuclear Reactors

Posted July 10, 2017, 9:27 A.M. ET

By Francois de Beaupuy

Electricite de France SA, the state-controlled operator of 58 nuclear reactors, may have to shut as many as 17 to fulfill government plans to reduce the share of atomic power in France's electricity output to 50 percent by 2025, Ecology Minister Nicolas Hulot said.

The exact number of shutdowns required isn't clear because "we haven't developed everything in our climate plan," Hulot said July 10 on RTL radio. Given the 50 percent target, "everyone can understand that we'll close a number of reactors to achieve that goal, and not just one."

Shutting 17 reactors by 2025 would be a huge challenge for France and EDF, as nuclear power accounted for 72 percent of the country's electricity output in 2016. While the government has pledged to boost renewables, it's not yet evident how they would make up for the shutdown of almost a third of EDF's reactors. France also would face calls from the company to compensate it for potential loss of revenue and the cost of dismantling earlier than planned.

In January, EDF reached a compromise with the government in which the utility would receive 490 million euros ($559 million) and possible subsequent payments if the two reactors of the Fessenheim nuclear plant are taken offline.

—With assistance from Marie Mawad.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Wed 7/26/2017 2:04:17 PM
Subject: POLITICO's Morning Energy, presented by Chevron: House tees up debate on Energy and Water title — N.Y. nuke subsidy survives first court test — Russian sanctions bill on way to becoming law

By Anthony Adragna | 07/26/2017 10:00 AM EDT

With help from Esther Whieldon and Annie Snider

LET THERE BE MINI-BUS! The House takes up its first spending package today, with nearly four dozen amendments to the Energy and Water title rounding out a list of the first 72 approved by the House Rules Committee. Here are some of the items that caught our eye:

- Democrats will try to strip a rider protecting the Trump administration's withdrawal of the Obama-era Waters of the U.S. rule from legal challenges.

- Another Democratic amendment seeks to restore $921 million to DOE's Energy Efficiency and Renewable Energy account, paid for with cuts to nuclear weapons programs.

- Republican Rep. Paul Gosar's amendment would block work on the social cost of carbon.

- Nevada Democrats are trying to block pro-Yucca Mountain language with an amendment that's sure to fail.

- Ohio Republican Steve Stivers wants to block any funding for Cape Wind, the offshore wind project in Massachusetts' Nantucket Sound that has been stalled for years.

- Florida Republican Ron DeSantis proposed an amendment effectively eliminating the position of director of Civil Works of the Army Corps of Engineers.

- Michigan Republicans Paul Mitchell and Bill Huizenga will get a vote on their amendment aimed at keeping the Corps from slow-walking a controversial study related to keeping Asian carp from reaching the Great Lakes.

- New Jersey Democrat Bonnie Watson Coleman proposed defunding any work in conjunction with President Donald Trump's January executive order aimed at speeding the environmental review of high-priority infrastructure projects, like the Keystone XL pipeline.

- And, of course, the perennial light bulb rider blocking enforcement of DOE efficiency standards returns from Rep. Michael Burgess.

Meanwhile, the League of Conservation Voters urged House lawmakers to reject the mini-spending package, H.R. 3219 (115). The bill "severely cuts federal investment in clean energy, abandoning the research and development that has led to economic growth, job creation, and numerous public health and environmental benefits," the group writes. It also blasts the inclusion of policy riders in the package.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and former Commerce official Randy Mye was first to identify 19th-century Colorado Sen. Henry Teller as the first to win reelection after switching parties. For today: Who won a general election to the House but lost a special election to fill out the remainder of a term on the *same day* back in 2012? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

CUOMO WINS ROUND ONE: A federal judge on Tuesday tossed out a challenge from non-nuclear generators in New York over Gov. Andrew Cuomo's multi-billion dollar nuclear subsidy, POLITICO New York's David Giambusso reports. Judge Valerie Caproni of U.S. District Court for the Southern District of New York said the "zero emission credits" going to four flagging nuclear reactors upstate did not interfere with wholesale energy markets. Instead, she ruled, the program advanced a state policy goal that was within New York's purview and stopped short of treading on FERC's terrain. "Although FERC has substantial authority over interstate wholesale energy sales, the regulation of retail rates for sales of electricity belongs to the States," Caproni wrote in her ruling. "A whole host of measures that States might employ to encourage clean energy development - such as tax incentives or direct subsidies - involve propping up the operation of a generator that might otherwise be unprofitable."

Plaintiffs vow to appeal: Non-nuclear generators argued the subsidy, estimated to cost state utility customers between $2.8 billion and $7.6 billion, interfered with FERC's jurisdiction, and they plan to appeal the ruling, David and Marie J. French report. "The New York Public Service Commission failed ratepayers last year when it instituted a $7.6 billion bailout for uneconomic nuclear plants with almost no public input," New Yorkers for Fair Energy Coalition, one of the plaintiffs in the case, said in a statement. "We will continue to oppose the bailout in the courts and other public forums."

Cuomo praised Caproni's ruling in his own statement: "At a time when the federal government has abdicated its leadership on climate change, New York will continue to do all that we can to ensure that current and future generations have a clean and safe environment in which to live and prosper," the governor said.

9th CIRCUIT PAUSES KIDS CLIMATE SUIT FOR NOW: Three judges on the 9th Circuit Court of Appeals on Tuesday hit the pause button on the kids' climate lawsuit asking for an order forcing the government to take immediate and dramatic action on greenhouse gas emissions. The Trump administration has made an emergency request for the 9th Circuit to stop the proceedings after a federal judge in Oregon said the lawsuit from a group of children and young adults could move to trial. The 9th Circuit's one-page order only says that the pause is temporary and another forthcoming order will address the Trump administration's request more fully. It was issued by Judges Alfred Goodwin, a Richard Nixon appointee, Alex Kozinski (Reagan) and Marsha Berzon (Clinton).

SANCTIONS SAIL THROUGH: House lawmakers voted overwhelmingly Tuesday 419-3 to approve new sanctions on Russia, Iran and North Korea, POLITICO's Elana Schor reports. Arguably the biggest outstanding question is whether Trump will force Congress to override a

veto. "The White House is reviewing the House legislation and awaits a final legislative package for the President's desk," Press Secretary Sarah Huckabee Sanders said Tuesday.

MORE NOMINATIONS SENT OVER: After being nominated last week, the White House sent over to the Senate the nominations of Joseph Balash to be an assistant secretary of Interior and Sam Clovis to be USDA's top scientist on Tuesday. But we're still waiting for the White House to send over the paperwork for Trump's last two nominees for the quorum-less FERC, Democratic Senate staffer Rich Glick and Republican lawyer Kevin McIntyre, whose nominations were announced June 28 and July 13.

** **A message from Chevron**: When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: http://bit.ly/2vFizh5 **

ANOTHER WEIRD DAY! Energy Secretary Rick Perry's odd Tuesday started when he published an op-ed on Obamacare repeal in an Ohio newspaper (nothing going on in the energy world, Mr. Secretary?), but it took an even more bizarre turn when DOE confirmed Russian pranksters successfully got a 20-minute conversation with him last week, Pro's Darius Dixon reports. The trickery occurred July 19 but got published Tuesday in a story in the Pravda Report, a Russian publication, that linked to the audio. Topics discussed on the call, which Perry thought was with a Ukrainian official on behalf of Prime Minister Volodymyr Groysman, included the 2015 Paris climate agreement, the Nord Stream 2 natural gas pipeline and possibility of a biofuel devised from home-brewed alcohol and manure.

Another day, another rally: Perry and Zinke, along with Trump aide Kellyanne Conway and VA Secretary David Shulkin, traveled with the president to Youngstown, Ohio on Tuesday night for a rally. Picture here.

CARBON TAX PUSHES GOES ON: Two of the Senate's biggest climate hawks - Democrats Sheldon Whitehouse and Brian Schatz - are taking another shot at their carbon tax legislation and will unveil their latest proposal today at the American Enterprise Institute at 3 p.m. Last Congress, the duo proposed legislation they said would curb carbon dioxide emissions by more than 40 percent by 2025 compared to 2005 levels and return revenue collected through the tax to the U.S. public. Details on today's event here.

SUPERFUND RECS ARE OUT: EPA Administrator Scott Pruitt's push to speed the cleanup of Superfund sites got a major boost Tuesday with the release of 42 recommendations from a task force, Pro's Alex Guillén reports. Pruitt also signed a memo with a number of immediate actions, including identifying as many sites as possible for deletion from the National Priorities List and prioritizing sites "where the risk of human exposure is not fully controlled."

WHAT'S IN THAT TAP WATER? Just because your drinking water utility gets a passing grade from federal regulators doesn't mean there aren't dangerous chemicals in your drinking water - that's the message the Environmental Working Group is underscoring with a massive update to its database compiling monitoring records from nearly 50,000 public water systems across the country. EWG found that between 2010-2015, utilities tested for about 500 different

contaminants and found 267 at varying levels in Americans' drinking water, including 93 linked to cancer, 78 associated with brain and nervous system damage and 63 suspected of causing harm to children or fetuses. More than half of the chemicals found are not federally regulated, meaning the federal government has not decided what constitutes an unsafe level of exposure.

BOARDROOM BATTLES ON CLIMATE AT RISK? Business groups, led by the U.S. Chamber, are pushing to make it harder for shareholder activists to push resolutions on issues like climate change onto companies for consideration, Pro Financial Services' Patrick Temple-West reports. The Chamber released seven recommendations Tuesday for SEC consideration that would limit investors' ability to pressure public companies on matters like climate change. Environmental and religious activists hailed a major victory earlier this year when Exxon Mobil investors in May approved a resolution calling for the company to publish annual assessments of the impact of climate change on its business. But the Chamber argued that "no small subset of activists should be able to commandeer longstanding SEC rules for their own parochial purposes."

ALL AROUND THE HILL -

IT'S A MEGA-MARKUP! The House Natural Resources Committee will today vote on 21 bills covering various topics. Among the most interesting: H.R. 825 (115), a bipartisan bill that calls for streamlined permitting for wind, solar, and geothermal energy generation on federal land, and H.R. 2199 (115), which calls for a searchable, online record of federal land ownership and management. A full list of bills being considered is available here.

WILDLIFE BILL SET FOR EPW VOTE: EPW senators consider legislation S. 1514 (115) today that would reauthorize a number of popular conservation programs, including the North American Wetlands Conservation Act and Chesapeake Bay Program, through 2023. While provisions in the package blocking Endangered Species Act protections for gray wolves in Wyoming and the Great Lakes region have drawn some Democratic criticism, it's expected to clear the panel at a business meeting.

PUBLIC LANDS BILLS BEFORE ENR: The Senate Energy and Natural Resources Committee's Subcommittee on Public Lands, Forests and Mining holds a hearing this morning on a slew of public lands bills, including a measure S. 941 (115) from Montana Democrat Jon Tester to make permanent a 20-year mining ban imposed by the Obama administration last year for roughly 30,000 acres of national forest outside Yellowstone National Park, and Barrasso's "Water Rights Protection Act" S. 1230 (115), barring the federal government from requiring that water rights be transferred before an entity can receive a lease, permit or other use agreement.

LAST CALL! Today's the last day for the public to comment to the Commerce Department on 11 National Marine Sanctuaries and Marine National Monuments designated since 2007. The review is separate - but related - to Interior's review of nearly two dozen national monuments designated under the Antiquities Act. Ahead of the deadline, 65 House Democrats sent a letter voicing strong support for the existing designations. Nearly 44,000 comments have already poured in, and you can contribute here . The Center for American Progress has questioned whether Interior will share comments mentioning the marine monument review with Commerce,

though an agency spokeswoman told ME they would.

MAIL CALL! MORE CALL FOR GARRETT WITHDRAWAL: Three senior House Democrats - Steny Hoyer, Gwen Moore and Denny Heck - sent a letter to Trump Tuesday calling on him to withdraw Scott Garrett's nomination to run the Export-Import Bank. They join various business groups imploring the administration to pull the plug on the former New Jersey congressman, one of the biggest critics of the bank. The White House has resisted those calls to date.

CONCERNS RAISED OVER EFFICIENCY PROGRAM: Rep. Ken Calvert, the top EPA and Interior appropriator, raised concerns about the Property Assessed Clean Energy program, which helps private customers implement energy efficiency upgrades on their properties, in a letter obtained by ME. The California Republican asked HUD Secretary Ben Carson and VA Secretary David Shulkin to look into whether the program is being used to "mislead and defraud" citizens into risky loans that might ultimately cause them to default.

TIME TO ACT ON HYDROPOWER: A collection of more than a dozen groups, including the Edison Electric Institute, National Hydropower Association and National Rural Electric Cooperative Association, sent a letter to senior House and Senate energy leaders urging them to push for the passage of bills modernizing the hydropower licensing process. "We believe the hydropower provisions in S. 1460 (115), the Energy and Natural Resources Act of 2017, and H.R. 3043 (115), the Hydropower Policy Modernization Act of 2017, can provide a framework for final legislation to implement this new direction in a way that protects environmental values, public participation, and all existing authorities of federal and state decision???makers in the licensing process," they wrote.

OIA RELEASES STATE OUTDOOR RECREATION SPENDING FIGURES: The Outdoor Industry Association is today releasing data on state-by-state outdoor recreation spending. California boasts $92 billion in annual outdoor recreation consumer spending but most other states bring in more modest amounts. New York sees about $41.8 billion in recreational spending, Colorado sees $28 billion, and Utah and Nevada bring in close to the same levels at $12.3 billion and $12.6 billion, respectively.

CLIMATE SOLUTIONS CAUCUS HITS 50: Reps. Steve Knight (R-Calif.) and Marcy Kaptur (D-Ohio) announced Tuesday they've joined the bipartisan Climate Solutions Caucus, bringing its total membership to 50. "Now 50 members strong, the Climate Solutions Caucus is evidence that there is a growing, diverse, and bipartisan coalition of members of Congress ready to put petty politics aside and find meaningful solutions to the challenges posed by sea level rise and climate change," Carlos Curbelo said in a statement.

QUICK HITS

- As Interior Secretary Swaggers Through Parks, His Staff Rolls Back Regulations. New York Times.

- Gov. Jerry Brown signs climate change legislation to extend California's cap-and-trade

program. Los Angeles Times.

- Al Gore Says He's More Optimistic About Paris Climate Deal. AP.

- Venezuela unions to launch indefinite strike. Argus Media.

- City To Kill Rats With Dry Ice, Make Them Infertile With Bait After EPA OK. DNA Info.

THAT'S ALL FOR ME!

** **A message from Chevron**: This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://bit.ly/2vFizh5 **

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/07/26/house-tees-up-debate-on-energy-and-water-title-221530

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 7/18/2017 9:53:13 PM
Subject: House approves ozone delay bill

By Alex Guillén

07/18/2017 05:49 PM EDT

The House has passed legislation that would delay implementation of the 2015 ozone standard and lengthen the review cycle for EPA to review key air quality standards by a vote of 229-199.

Rep. Pete Olson's Ozone Standards Implementation Act, H.R. 806 (115), would give states until 2026 to tell EPA which areas they believe meet the standard.

More broadly, the bill would also extend the National Ambient Air Quality Standards review cycle from five years to 10 years. Many Republicans and industry groups argue the five-year timeline means companies must contend with frequently updated standards for ozone and other pollutants, but environmentalists and Democrats note that EPA already routinely misses its review deadlines.

The bill would also direct EPA to study how atmospheric ozone forms and describe how foreign sources contribute to U.S. pollution levels.

It is similar to legislation that was voted out of the House last year on a largely party-line vote but did not move forward in the Senate.

EPA Administrator Scott Pruitt has ordered a review of the 2015 rule, which lowered the standard to 70 parts per billion amid major opposition from industry. He has also announced plans to delay by one year the next administrative step in implementing the rule, designating which areas do not meet the limits, which was supposed to happen this fall. That delay is being challenged in court by environmentalists.

WHAT'S NEXT: Senate Republicans have pushed their own version of this bill, but it is unlikely to get the 60 votes needed to overcome a Democratic filibuster in that chamber.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/07/house-approves-ozone-delay-bill-090705

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 7/27/2017 6:29:05 PM
Subject: Energy and Commerce sends bipartisan drinking water bill to the floor

By Annie Snider

07/27/2017 02:25 PM EDT

The House Energy and Commerce Committee added provisions relating to security and emerging contaminants to a bipartisan drinking water measure before sending it to the full House for consideration by voice vote.

The amendment to H.R. 3387 (115), the first major update to the Safe Drinking Water Act in two decades, tackles concerns about new or newly understood contaminants appearing in tap water by requiring utilities to monitor for such "emerging contaminants" so long as funding and laboratory capacity is available.

The amendment also requires water systems to develop emergency response plans addressing their vulnerability to natural disasters and terrorism, and it creates an EPA grant program to help utilities improve their resiliency.

And the committee added provisions requiring water systems to make their reports to consumers more understandable, and encouraging states and EPA to look at whether restructuring or consolidation could help water systems with long-running problems.

The overall measure tackles issues raised in the wake of the lead crisis in Flint, Mich., and represents one of the first bipartisan infrastructure measures to gain traction under the Trump administration.

WHAT'S NEXT: The bill has broad support and should be able to easily pass the House, although it remains to be seen when it would get a vote. Companion legislation has yet to be introduced in the Senate.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/07/energy-and-commerce-sends-bipartisan-drinking-water-bill-to-the-floor-091190

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 8/28/2017 5:59:23 PM
Subject: Aug. 28 -- Environment & Safety Resource Center Update



Environment & Safety Resource Center Update

August 28, 2017 - Number 35

Analysis : Air Pollution Control Guide | Waste Management Guide | Water Pollution Control Guide
ChemCite : ChemCite
Federal Statutes, Regulations and Agency Documents : Federal Register Final Rules | Federal Register Notices | Federal Register Proposed Rules | Military Documents
States—Environment : California | Georgia | Louisiana | Maine | Montana | Vermont

Analysis

Air Pollution Control Guide

Federal

Plywood and Composite Wood Products (Applicability). Updated to reflect a direct final rulemaking by the Environmental Protection Agency to clarify requirements allowing certain composite wood products and finished goods to be labeled as compliant with Title VI of the agency's Toxic Substances Control Act (TSCA), which establishes formaldehyde standards for composite wood products. TSCA regulates chemical substances and mixtures that present an unreasonable risk to human health and the environment. The act also develops information needed to identify, prevent, and reduce these risks, which may result from manufacture, processing, distribution in commerce, use, or disposal. The rule took effect Aug. 25.

State

Virginia (Fuel Controls and Mobile Sources). Updated to reflect a final rulemaking by the Virginia Department of Agriculture and Consumer Services establishing standards to regulate the oxygenation of gasoline. The rule also establishes vapor pressure requirements for gasoline ethanol blends. The rule took effect Aug. 24.

Waste Management Guide

State

Nebraska (Solid Waste Management). Updated to reflect a Nebraska final rule revising regulatory requirements for solid waste management, including closure requirements for municipal solid waste disposal areas, notification and recordkeeping requirements for construction and demolition waste disposal areas, and the use of waste tires for agricultural purposes.

New Hampshire (Cleanup Funds). Updated to reflect a New Hampshire final rule revising regulatory requirements governing the allowable uses of the state's Hazardous Waste Cleanup Fund. The rule took effect Aug. 14.

New Hampshire (Generators). Updated to reflect a New Hampshire final rule revising regulatory requirements for hazardous waste generators, including generator classification, storage, and recordkeeping requirements. The rule took effect Aug. 14.

New Hampshire (Treatment, Storage, and Disposal Facilities). Updated to reflect a New Hampshire final rule revising regulatory requirements for hazardous waste treatment, storage, and disposal facilities, including notification requirements and incorporation of federal standards applicable to treatment facilities. The rule took effect Aug. 14.

Vermont (Aboveground Storage Tanks). Updated to reflect a Vermont final rule revising regulatory requirements for aboveground storage tanks, including inspection requirements and "red tagging" noncompliant tanks. The rule took effect Aug. 15.

Vermont (State Superfund Program). Updated to reflect a Vermont final rule revising regulatory requirements for the state superfund program, including procedures for initial investigation, final cleanup, remediation, and closure of contaminated properties. The rule took effect July 27.

Water Pollution Control Guide

State

Indiana (Concentrated Animal Feeding Operations). Updated to reflect rules requiring owners and operators of concentrated animal feeding operations (CAFOs) to obtain an individual National Pollutant Discharge Elimination System (NPDES) permit from the Indiana Department of Environmental Management. The NPDES permit must be accompanied by a $50 application fee and a $250 CAFO permit application fee. The rules took effect Aug. 11.

North Carolina (Monitoring and Reporting). Updated to reflect approval by the Environmental Protection Agency of the request by the North Carolina Department of Environmental Quality (DEQ) to allow electronic reporting for NPDES permits under the federal Cross-Media Electronic Reporting Rule (CROMERR) (40 C.F.R. pt. 3).

North Carolina (State Stormwater Management Program). Updated to reflect requirements for post-construction stormwater management systems to obtain permits from the DEQ. Permitting requirements apply in coastal counties, as well as in noncoastal counties with high-quality or outstanding resource waters, facilities subject to an NPDES municipal separate storm sewer system permit, urbanizing areas, and facilities that are subject to the universal stormwater management program.

North Carolina (Indirect Discharges to Surface Waters: Pretreatment (Background)). Updated to reflect approval by the EPA of the request by the DEQ to allow electronic reporting for NPDES permits under CROMERR (40 C.F.R. pt. 3).

North Carolina (Land Application of Waste (Background)). Updated to reflect requirements for land application of treated sludge to be in compliance with EPA regulations under 40 C.F.R. pt 503.

North Carolina (Nonpoint Discharges to Surface

More...

ChemCite

ChemCite

New Lists

ADVISORY AGENCIES

List ID: 7383

List Name: ATSDR - Effects of Toxic Substances on Organ Systems and Their Development - Cardiovascular

SOURCE: The Agency for Toxic Substances and Disease Registry

THIS IS NOT A REGULATORY LIST. This list contains substances listed on the Agency of Toxic Substances and Disease Registry's Effects of Toxic Substances on the cardiovascular system.

List ID: 7395

List Name: ATSDR - Effects of Toxic Substances on Organ Systems and Their Development - Dermal

SOURCE: The Agency for Toxic Substances and Disease Registry

THIS IS NOT A REGULATORY LIST. This list contains substances listed on the Agency of Toxic Substances and Disease Registry's Effects of Toxic Substances on the dermal system.

List ID: 7396

List Name: ATSDR - Effects of Toxic Substances on Organ Systems and Their Development - Developmental

SOURCE: The Agency for Toxic Substances and Disease Registry

THIS IS NOT A REGULATORY LIST. This list contains substances listed on the Agency of Toxic Substances and Disease Registry's Effects of Toxic Substances on the developmental system.

List ID: 7397

List Name: ATSDR - Effects of Toxic Substances on Organ Systems and Their Development - Endocrine

SOURCE: The Agency for Toxic Substances and Disease Registry

THIS IS NOT A REGULATORY LIST. This list contains substances listed on the Agency of Toxic Substances and Disease Registry's Effects of Toxic Substances on the endocrine system.

List ID: 7398

List Name: ATSDR - Effects of Toxic Substances on Organ Systems and Their Development - Gastrointestinal

SOURCE: The Agency for Toxic Substances and Disease Registry

THIS IS NOT A REGULATORY LIST. This list contains substances listed on the Agency of Toxic Substances and Disease Registry's Effects of Toxic Substances on the gastrointestinal system.

More...

Federal Statutes, Regulations and Agency Documents

Federal Register Final Rules

21 CFR 121

82 FR 40484, 8/25/17: Mitigation Strategies To Protect Food Against Intentional Adulteration: What You Need To Know About the Food and Drug Administration Regulation: Small Entity Compliance Guide; Availability

21 CFR 860

82 FR 39534, 8/21/17: Medical Device Classification Procedures; Change of Address; Technical Amendment

33 CFR 117

82 FR 39665, 8/22/17: Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Indian River, Titusville, FL

82 FR 39955, 8/23/17: Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Matanzas River, St. Augustine, FL

33 CFR 165

82 FR 39535, 8/21/17: Safety Zone: PG&E Evolution, King Salmon, CA

82 FR 39665, 8/22/17: Safety Zones; Ice Covered Waterways in the Fifth Coast Guard District

82 FR 39955, 8/23/17: Safety Zone; Marine Event Held in the Captain of the Port Long Island Sound Zone

82 FR 40070, 8/24/17: Safety Zone; Village of Sodus Point Fireworks; Lake Ontario, Sodus Point, NY

82 FR 40485, 8/25/17: Safety Zones; Recurring Annual Events Held in Coast Guard Sector Boston Captain of the Port Zone

82 FR 40486, 8/25/17: Safety Zone, Delaware River; Dredging

More...

Federal Register Notices

82 FR 39556, 8/21/17: Submission for OMB Review; Comment Request

82 FR 39557, 8/21/17: Submission for OMB Review; Comment Request

82 FR 39559, 8/21/17: Proposed Information Collection; Comment Request; Direct Investment Surveys: BE–605, Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate With Foreign Parent

82 FR 39560, 8/21/17: Approval of Subzone Status; Glovis America, Inc.; Shreveport, Louisiana

82 FR 39560, 8/21/17: Designation of New Grantee; Foreign–Trade Zone 103, Grand Forks, North Dakota

82 FR 39560, 8/21/17: Reorganization of Foreign–Trade Zone 12 Under Alternative Site Framework; McAllen, Texas

82 FR 39561, 8/21/17: Approval of Expansion of Subzone 87F; Westlake Chemical Corporation; Sulphur, Louisiana

82 FR 39561, 8/21/17: Request for Comment on the Costs and Benefits to U.S. Industry of U.S. International Government Procurement Obligations for Report to the President on "Buy American and Hire American"

82 FR 39563, 8/21/17: Certain Tool Chests and Cabinets From the People's Republic of China and the Socialist Republic of Vietnam: Postponements of Preliminary Determinations of Antidumping Duty Investigations

82 FR 39563, 8/21/17: Meeting of the United States Travel and Tourism Advisory Board

82 FR 39564, 8/21/17: Carbon and Alloy Steel Wire Rod From Italy, the Republic of Korea, the Republic of South Africa, Spain, the Republic of Turkey, Ukraine and the United Kingdom: Postponement of Preliminary Determinations in the Less–Than–Fair–Value Investigations

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Federal Register Proposed Rules

10 CFR 30

82 FR 39971, 8/23/17: Naturally–Occurring and Accelerator–Produced Radioactive Materials

18 CFR 35

82 FR 40081, 8/24/17: Essential Reliability Services and the Evolving Bulk–Power System—Primary Frequency Response: Notice of Request for Supplemental Comments

21 CFR 172

82 FR 39711, 8/22/17: Juice Products Association; Filing of Food Additive Petition; Correction

33 CFR 165

82 FR 39972, 8/23/17: Safety Zone; Mississippi River; New Orleans, LA

33 CFR 209

82 FR 40085, 8/24/17: Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply

33 CFR 328

82 FR 39712, 8/22/17: Definition of "Waters of the United States"—Recodification of Pre–Existing Rules; Extension of Comment Period

40 CFR 52

82 FR 39551, 8/21/17: Air Plan Approval; SC: Miscellaneous Revisions to Multiple Rules

82 FR 40085, 8/24/17: Air Plan Approval; Alabama: PSD Replacement Units

82 FR 40086, 8/24/17:

More...

Military Documents

4180.01: DoD Energy Policy (Revised) (8/10/17)

States—Environment

California

State Register Summaries

CAR\ti19\di2\ch4.5 - California Regulatory Notice Register 08/18/2017 - Accidental Release Prevention Program/Petroleum Refineries

CAR\ti23\di4\ch1\at4 - California Regulatory Notice Register 08/18/2017 - Water Quality Control/Los Angeles Region

CAR\ti23\di3\ch1\at4 - California Regulatory Notice Register 08/18/2017 - Water Quality Control/Los Angeles Region

Georgia

State Register Summaries

GAR\ch620-3, GAR\ch620-6, GAR\ch620-1 - Georgia Regulations 08/21/2017 - Structural Pest Control Commission/Licensing

Louisiana

State Register Summaries

LAR\ti76\ptvii\ch7 - Louisiana Register 08/20/2017 - Experimental Fisheries Program

LAR\ti43\ptxxix\ch1 - Louisiana Register 08/20/2017 - Natural Resource Damage Assessment/Oil Spill Compensation Schedule

Maine

State Register Summaries

MER\di01-672\ch11 - Maine Regulations 08/23/2017 - Land Use Planning Commission/Hydropower Projects

MER\di06-696\ch450 - Maine Regulations 08/23/2017 - Department of Environmental Protection/Hydropower Projects

Montana

State Register Summaries

MTR\ti18\ch8 - Montana Administrative Register 08/18/2017 - Motor Carrier Safety/Farm Vehicles

Vermont

State Register Summaries

VTR\rgIRCPR - Vermont Regulations 08/17/2017 - Investigation and Remediation of Contaminated Properties

VTR\rgASTR - Vermont Regulations 08/17/2017 - Aboveground Storage Tanks

VTR\rgWSPWS - Vermont Regulations 08/17/2017 - Wastewater Systems and Potable Water Supply Designers

VTR\rgWPAFOC - Vermont Regulations 08/17/2017 - Water Pollution Abatement Facility Operators

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Environment & Safety Resource Center Update

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Joe Pompeo - POLITICO Media
Sent: Fri 6/16/2017 10:03:57 AM
Subject: Morning Media: Megyn Kelly-Alex Jones drama heats up — NYT's editorial correction — DOJ's vague media prod

By Hadas Gold | 06/16/2017 06:01 AM EDT

With Alex Weprin and Joe Pompeo

THE MEGYN KELLY/ALEX JONES SHOW -- The Megyn Kelly and Alex Jones drama heated up considerably on Thursday night. The show is still set to air on Sunday night and whether or not you agree or disagree that Kelly should have interviewed Jones in the first place, the entire drama surrounding it is turning into a full blown issue for NBC. Not only are there grieving families of innocent young children on one side of Kelly and the network, there's a conniving conspiracy-theorist adept at manipulating the media on the other.

Case in point: Overnight, Jones released some audio of a pre-interview Kelly conducted with him (interspersed with Jones' commentary).

"It's not going to be a contentious, sort of gotcha exchange," she says explaining further that the show is not about such moments, just profiles on interesting people, but that she will be asking him about his more controversial views.

Immediately after playing that clip of Kelly, Jones, sitting in his studio, talks about his conspiracy theories that Sandy Hook was not real but that in "hindsight, it probably did happen." Jones says that once Kelly arrived for the interview, she "attacked me" about his conspiracy theories.

"It really will be about 'who is this guy?' ... I'm not looking to portray you as some boogeyman or just any sort of gotcha moment. I just want to talk about you," Kelly says in further clips. "The craziest thing of all would be if some of the people who just have this insane version of you in their head walk away saying, 'you know what, I see the dad in him."

On the other side are the families. POLITICO has obtained a letter sent by a law firm representing several of the families who lost loved ones in the 2012, suggesting that NBC faces ramifications should the interview air. The letter is addressed to NBC President Andy Lack, Megyn Kelly's executive producer David Corvo and NBC's General Counsel Kimberly Harris. In the letter, the families say that while **"NBC is not responsible for the harassment and abuse Alex Jones has cruelly visited on our clients,"** by choosing to air the interview (on Father's Day no less), NBC has helped legitimize Jones' view. By airing the interview, NBC "implicitly endorses" the notion that Jones' conspiracy theories and lies are "worthy of serious debate."

"We urge you to consider the ethical and legal ramifications of broadcasting this interview to millions of Americans. By now, it should be clear to NBC that airing the interview will cause serious emotional distress to dozens of Sandy Hook families. NBC - and NBC alone - has the

power to prevent that harm."

-- An NBC spokesperson had no comment Thursday night on either the Jones' recordings or the letter from the families.

MEANWHILE, NBC REPORTEDLY 'OVERHAULED' SUNDAY'S SHOW Page Six reported, as Kelly and NBC are now said to be including families of the Sandy Hook children, and are "editing her interview with Jones to be tougher on him." That being said - NBC and many in television news would say pieces are often edited and changed up until the last minute.

HADAS GOLD HERE, minding the store while Joe's on deadline wrapping up a piece (and kicking in a few items on the side). Send me tips and comments: **hgold@politico.com**. **Morning Media** is edited by **Alex Weprin** (@alexweprin / aweprin@politico.com) and produced with writing/reporting help from **Cristiano Lima**, who's on vacation this week. (clima@politico.com / @ludacristiano). **Archives**. **Subscribe.**

TOP DOJ OFFICIAL PRODS MEDIA WITH UNUSUAL STATEMENT: Late Thursday a strange and vague statement landed from Deputy Attorney General Rod Rosenstein. In it, Rosenstein casts doubt on a series of recent reports around Special Counsel Robert Mueller's probe into the Trump campaign.

"Americans should exercise caution before accepting as true any stories attributed to anonymous 'officials,' particularly when they do not identify the country - let alone the branch or agency of government - with which the alleged sources supposedly are affiliated," Rosenstein said. "Americans should be skeptical about anonymous allegations. The Department of Justice has a long-established policy to neither confirm nor deny such allegations."

As our colleague Darren Samuelsohn points out**,** "Rosenstein's statement caught many in Washington off guard, in part because it was so generic and didn't actually specify which news reports it was addressing. It's also notable because of who issued it: With Attorney General Jeff Sessions recused from all things related to the Russia probe, Rosenstein as the No. 2 DOJ official has the reins over the Mueller probe. He'll get Mueller's budget and he also has the power to block major investigative steps - with the caveat he must report to Congress if that happens."

Washington Post subtweets, via Josh Barro**:** "The Washington Post has updated the Kushner story to reflect the officials cited are indeed US officials."

FWIW - A former Wall Street Journal employee emails: "It's not going unnoticed in WSJ circles that Barrett and Entous, recently departed from WSJ to WaPO, are now running circles around their ex-colleagues." Devlin Barrett and Adam Entous were the two lead bylines on Wednesday's Washington Post bombshell: "Special counsel is investigating Trump for possible obstruction of justice, officials say"

AN NYT "MISTAKE" -- The New York Times editorial board issued a correction on an editorial that riled up many on the left and right. The editorial, titled "America's Lethal Politics" about the shooting at a GOP congressional baseball practice, claimed a clear link between Sarah

Palin putting certain Democratic districts in "crosshairs" in a 2010 ad and the 2011 shooting of former Rep. Gabby Giffords. A correction added on Thursday morning (and updated after further errors were pointed out) reads "An editorial on Thursday about the shooting of Representative Steve Scalise incorrectly stated that a link existed between political rhetoric and the 2011 shooting of Representative Gabby Giffords. In fact, no such link was established. The editorial also incorrectly described a map distributed by a political action committee before that shooting. It depicted electoral districts, not individual Democratic lawmakers, beneath stylized cross hairs."

"We're sorry about this and we appreciate that our readers called us on the mistake," the Opinion Page added in a Tweet.

Palin said in a tweet she's now considering her legal options, tweeting that she's "talking to attorneys this AM and exploring options" about a possible libel case.

CNN AND THE TRUMP ADMINISTRATION -- CNN president Jeff Zucker hosted a breakfast with media reporters yesterday at the Time Warner Center in New York, ostensibly to celebrate the four year anniversary of the morning show "New Day." Our own Alex Weprin was there, and of course, as is often the case, the questions quickly drifted toward the Trump Administration and its relationship with the press.

Zucker on the violence and threats against journalists : "Obviously there has been tremendous spate of issues over the past six weeks, but we have been dealing with this at CNN in a heightened way over the past 18 months, where our correspondents were front and center at events where the chants about CNN are front and center. This has been a very serious issue for us for a long time. The amount of rhetoric and threats that our folks are subject to on a daily basis is much more serious than I think many folks realize, and we are incredibly concerned about it. This is what happens when you try and delegitimize an institution that is doing its job. I think it is shameful on the part of the administration and other politicians to cause a frenzy against something that is guaranteed in the constitution of the United States. It does a disservice to this country, and it does a disservice to the world, and allows for a heightened sense of rhetoric against journalists and media organizations, and it is unconscionable and dangerous, and they should know better."

"New Day" anchor Alisyn Camerota also noted that spokespeople for President Trump are not as helpful to journalists as they have been in previous administrations. "I just don't think that the president's spokespeople in this era are that useful. I don't expect them to be able to channel the president. I have changed my expectations. I don't think anybody can channel this president, and he has said as much with his twitter habit."

Zucker On the lawsuit CNN filed against the FBI, asking for James Comey's memos: "We think that the public has a right to see the memos. CNN filed it, but it is on behalf of everyone sitting at this table. We think it is in everybody's interests, and we are happy to take the lead on that, and it is in pursuit of the journalism we do every day. We think think those should be part of the public record."

Zucker, regarding Fox's now-retired "Fair & Balanced" motto: "I don't think anyone who is a serious observer took that [slogan] seriously for a long time." Zucker added that "Very little that Fox does surprises me. I have said it before and I will say it again, it is basically state run TV."

REVOLVING DOOR:

-- Kaitlan Collins is the latest CNN hire, joining the network from The Daily Caller. Collins will stay in her same beat - White House correspondent - and will contribute both on-air and digitally. To make you feel old, Collins, who Ben Schreckinger and I featured in our POLITICO Magazine piece on the media this April, is 25 years old. Our dear friend and old colleague Kelsey Sutton first broke the news over at Mic.

-- With Collins' departure, Alex Pfeiffer has been promoted to White House reporter at Daily Caller, Business Insider's Max Tani reports.

-- Congrats to our former colleague Jeremy Barr on his new gig covering media/politics for The Hollywood Reporter based out of New York. Also at THR, Peter Kiefer has been named real estate and city editor. Announcement.

-- Casey Wooten is National Journal's newest tax policy reporter. Wooten most recently worked as reporter at Bloomberg BNA's Washington bureau.

-- Hildy Kuryk, a former finance director of the DNC, has moved on from her more recent job as director of communications for Vogue and into a consulting role at the magazine, where Kuryk also has been EIC Anna Wintour's personal spokeswoman. Zara Rahim, named one of the "'30 under 30' rising stars in Florida politics" in 2013, has been promoted to the comms director role as of this week.

MUST READS:

-- "White House aides fret over Trump's Russia probe obsession" [POLITICO]

-- "A generation of media figures are cratering under the historical pressure of Donald Trump." [Peggy Noonan]

-- "Inside Bill Cosby's secluded courthouse hideaway, where he waits for a jury to decide his fate" [WaPo]

-- "We Got Our Hands On A Draft Of Milo Yiannopoulos's Book. It's Awful." [BuzzFeed]

-- "The Fake News Machine: How Propagandist are Using the Internet and Manipulate the Public." [Trend Micro]

MARK YOUR CALENDARS -- Ann Coulter will be at the Washington Post next Tuesday for an event about the first amendment. Other speakers include big names like Floyd Abrams and

Wajahat Ali, as well as presidents and executive directors of places such as the Knight FIrst Amendment Institute, and the president of Brown and University of Chicago.

CNN AND USA TODAY FILED SEPARATE LAWSUITS SEEKING THE COMEY MEMOS -- The FOIA lawsuits seek to force the FBI to turn over former director James Comey's memos documenting his conversations with President Trump. Arguing that they are not classified and are of high public interest, the lawsuits seek to forced the FBI to expedite their release. Here's CNN's write up of their lawsuit, and lawyer Bradley Moss's tweet announcing he is filing a similar suit on behalf of USA Today and will be adding reporters from The Daily Beast and WIRED.

DID YOU NOTICE TWITTER'S REDESIGN? -- Across both the web and mobile versions, Twitter made some major changes. The first thing I noticed: Retweet and Like counters update in real time. Also changed: Navigation on the Twitter app, the avatar shapes (circles!) and the reply button is now a speech bubble. Not everything has changed - TweetDeck still remains its lovable/hateable self. WIRED covered all the changes here.

SOUND BITES:

-- "Isn't it newsworthy that I'm saying, don't air the interview? None of the media will pick it up. They just want me to be the devil because I'm the alternative media. That's not going to get people to trust the mainstream media. Fake news lives at NBC. They basically made me look like a Halloween character." [Alex Jones]

-- "Alex Jones takes a page from MIA's playbook and releases tapes of Megyn Kelly ordering the truffle fries." [Matt Haber]

-- "Trump supporters appear to be more angry at media and Hollywood for fueling anti-Trump rage culture than Democrat politicians," [Charlie Spiering]

-- "Everybody in this room, including the reporters, God bless you. God bless America." [Donald Trump]

HUFFPOST LAYOFFS MEANS HUFFPOST POLLSTER DOWNSIZES -- Yesterday the Huffington Post announced big layoffs, including some directly affecting the D.C. newsroom. Now as a direct result of the those layoffs, HuffPost's polling home has had to "dramatically reduce the scope" of what they track due to staff reductions, HuffPost polling director Ariel Edwards-Levy tweeted. "For the time being, we'll continue to follow national Trump approval and the 2018 House race: At this time, all other charts will no longer be updated," she wrote. Grace Sparks, a member of the HuffPost Pollster team, was laid off yesterday.

BILL SHINE GETS A NEW LAWYER: A new filing in the District Court for the Southern District of New York on Wednesday shows that the former Fox News co-president has hired a new lawyer to represent him in the case brought by Fox host Andrea Tantaros against the network and several of its executives. Shine has hired Marion Bachrach, a white-collar criminal defense lawyer and former Assistant U.S. Attorney in the Eastern District of New York. He had

previously been represented by the lawyers also representing Fox News.

SOUNDTRACK: John Fogerty "Centerfield"

EXTRAS:

-- "Breitbart News, Donald Trump's Pravda, is in Crisis" [Newsweek]

-- Related: "A top government ethics official is taking issue with a White House waiver that allows chief strategist Steve Bannon to talk to the news organization he used to run." [CNN]

-- The "Daily Show's" Donald J. Trump Presidential Twitter Library opens its doors today in Manhattan. [press release]

-- Inside The New York Times' new reader center. [NiemanLab]

-- Bloomberg Businessweek has joined the paywall club. [Digiday]

-- Union battle at The Village Voice. [Fusion]

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/06/16/megyn-kelly-alex-jones-drama-heats-up-nyts-editorial-correction-dojs-vague-media-prod-001293

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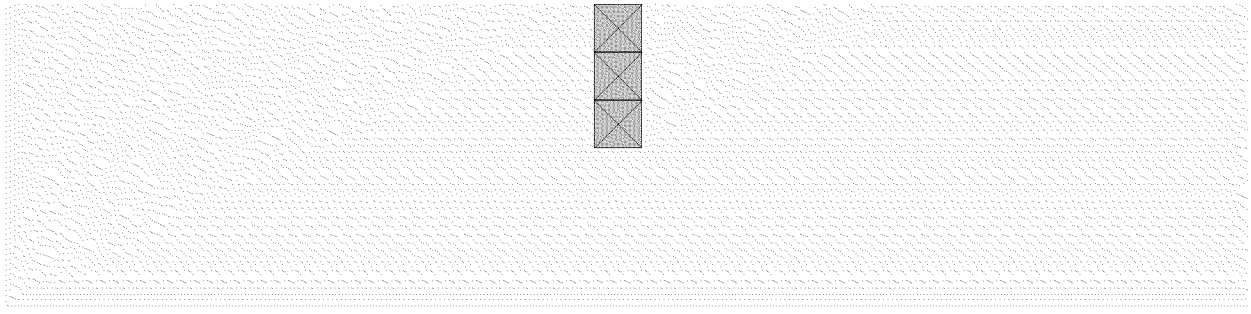
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Subject: NYPD on Marathon, Officer Shot at Murder Scene, Vehicle Threats, Terror Charges & More





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 10/6/2017 11:21:59 PM
Subject: State Dept's Shannon to lead U.S. delegation to climate talks

By Andrew Restuccia

10/06/2017 07:18 PM EDT

Thomas Shannon, the State Department's undersecretary for political affairs, will lead the U.S. delegation to a major international climate change summit next month in Bonn, Germany, according to an administration official.

The news comes amid swirling rumors that Environmental Protection Agency Administrator Scott Pruitt was angling to lead the delegation, a move that would have made a skeptic of established climate science the face of the United States at the talks.

In previous years, the State Department's climate envoy led the U.S. delegation to the annual gathering. But the Trump administration has declined to fill that position.

The Bonn negotiations are aimed at implementing the 2015 Paris climate change agreement, from which President Donald Trump has said he intends to withdraw.

Neither the White House nor the State Department responded to requests for comment.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/state-depts-shannon-to-lead-us-delegation-to-climate-talks-094058

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Joe Pompeo - POLITICO Media
Sent: Thur 6/8/2017 9:45:35 AM
Subject: Morning Media: Comey time — 45 fuels GOP media-bashing trend — Behind NYT's latest c-suite shuffle

By Joe Pompeo | 06/08/2017 05:43 AM EDT

With Cristiano Lima and Alex Weprin

PASS THE POPCORN - If you're a company with some negative or unflattering news to announce, this morning around 10 a.m. is probably as good a time as ever to drop that press release, because the chances of anyone watching or reading or tweeting or talking about anything other than James Comey's Senate testimony are pretty slim. You can tune in on any of the broadcast or cable-news networks and there will be live-streams galore.

As The New York Times notes: "[M]illions are expected to pause on Thursday to take in a spectacle already being compared to other political-cultural touchstones, like the Army-McCarthy hearings and Anita Hill's testimony about Clarence Thomas. ... By the time details from Mr. Comey's prepared remarks surfaced on Wednesday ... the hearing had leapt from Beltway curiosity to required viewing, a cliffhanger episode of the nation's real-life reality show." More: "'Must-See TV': Free Drinks and Canceled Meetings for Comey's Testimony"

TIPS AND COMMENTS: jpompeo@politico.com / @joepompeo. **Morning Media** is edited by **Alex Weprin** (@alexweprin / aweprin@politico.com) and produced with writing/reporting help from **Cristiano Lima** (clima@politico.com / @ludacristiano). **Hadas Gold** contributed to today's column. **Archives**. **Subscribe.**

BETWEEN THE LINES OF THE LATEST NYT EXECUTIVE SHUFFLE - OK there's not too much between the lines, as far as I can tell, but consider this: When the prominent media executive and NPR refugee Kinsey Wilson joined the Times in early 2015, and swiftly accrued a stunning amount of authority for an outsider , he was seen as something of a white knight for the Times' digital future. Two years later, Wilson's position of EVP for product and technology has been eliminated, and Wilson is leaving the company's employ apart from an ongoing advisory role. Several Times sources I spoke with yesterday cautioned that the decision wasn't so much about Wilson, who brought in big digital talent and spearheaded high-profile initiatives like an expanded audio strategy, as it was about his position, which apparently no longer fit into an evolving org chart in which other key players have consolidated influence.

First and foremost, there's Meredith Kopit Levien, whose promotion to chief operating officer was the headline of yesterday's Times Company announcement. Since she left Forbes in 2013 to lead the Times' advertising department, Levien's rise has been strong and steady -- "The appointment clearly puts a potential succession in place" for when CEO Mark Thompson eventually steps down, Ken Doctor writes -- and in her new role, Levien will take ownership of the digital portfolio that had been Wilson's bread and butter. Then there's publisher-in-waiting A.G. Sulzberger, who will bring the perspective of a digital native to a job in which the 36-year-old newspaper scion could potentially succeed his father as early as late 2017. That's to say

nothing of ascendant newsroom figures like Cliff Levy, Alex MacCallum and Sam Dolnick (also a Sulzberger family member) who have carved out bigger digital footprints over the past couple of years. As one insider noted, "the newsroom is very different" than when Wilson came on board, "and the company is also pretty different."

MUST READS:

-- "West Wing aides fearful of directly attacking Comey" [POLITICO]

-- "Trump's Interests vs. America's, Saudi Arabia Edition" [The Atlantic]

-- "The Kids Are Alt-Right" [BuzzFeed]

-- "Climber Completes the Most Dangerous Rope-Free Ascent Ever" [National Geographic]

45 FUELS GOP MEDIA-BASHING TREND - HuffPost's Michael Calderone : "Trump vilified the press during the 2016 campaign and, as president, has continued dismissing critical coverage as 'fake news,' infamously dubbing the media the 'enemy of the people.' Though Trump can't be blamed for everything a local politician does or says, he has set the tone from the White House by routinely mocking journalists in highly personal ways while disregarding the press as a vital part of a functioning democracy. ... Anti-press rhetoric will likely escalate as Republican strategists plan to make opposition to the news media a key part of their 2018 midterm elections strategy." Lots of examples in the piece, which you can read here.

Related: Newly elected Montana GOP Congressman Greg Gianforte has agreed to donate $50,000 to the Committee to Protect Journalists, as well as issuing a formal apology, as part of a civil settlement with Guardian reporter Ben Jacobs, who Gianforte assaulted. Details.

THE IVANKA SUPERMARKET FACTOR - American Media Inc., which is run by Trump pal David Pecker, was perhaps hoping that this Adweek interview with longtime Us Weekly publisher Vicci Rose would be its P.R. highlight of the day. Instead, everyone was making fun of Us Weekly for giving a sloppy wet kiss to Ivanka Trump on one of the magazine's first covers since AMI closed its deal to acquire the checkout-line staple from Wenner Media. Behold: "Ivanka Takes a Stand: WHY I DISAGREE WITH MY DAD." Maggie Haberman : "Someone pretty familiar with Ivanka Trump's thinking about her WH role is talking to US Weekly."

MIKE PENCE ABRUPTLY CANCELED A 'PBS NEWSHOUR' INTERVIEW - Correspondent Miles O'Brien was all set to sit down with the Vice President on his 58th birthday yesterday, at the Johnson Space Center in Texas. The interview was set up in advance and promoted on Tuesday's edition of "NewsHour." But Sara Just, the program's executive producer, told POLITICO's Hadas Gold that they "received word the interview was cancelled just before it was to take place." She referred us for comment to the VP's office, which said in an email: "Running late. Committed to finding opportunity to reschedule."

SOUND BITES:

-- "Does the spokesman who smeared Ben apologize too as part of deal?" [Maggie Haberman]

-- "More 'anonymous sources'. The Fox leakers are so obvious. Just pathetic knowing who they r. Gutless Saboteurs." [Sean Hannity]

-- "[W]e've done a bad job of explaining to the public that there is a difference between news and opinion and who on their screen is there for which purpose." [Sally Kohn]

-- "I'm not in journalism. I'm just a guy with a lot of flaws." [Marc Maron]

AOL-YAHOO BLOODBATH - Kara Swisher reports over at Recode: "According to sources, layoffs are expected to take place across AOL and Yahoo that could number up to 1,000 jobs. That is less than 20 percent of the combined company, according to sources. This action is not unexpected, given that both companies have a lot of redundancies, including in human resources, finance, marketing and general administration. The merger between the two companies ... is expected to be completed in the next week."

REVOLVING DOOR:

-- **As Morning Media reported in April**, New York magazine's Stella Bugbee recently turned down an offer to become The New York Times' next Styles editor. It appears Bugbee's loyalty has served her well: She's been promoted from editorial director to president and editor in chief of New York's fashion and women's website, The Cut, a role in which she will be responsible for "strategic direction and plans for further growth."

-- **Garrett Graff, a prolific freelancer of late and the former editor of POLITICO Magazine**, has joined the website Longreads as a "contributing writer covering border security and immigration, federal law enforcement, and the mechanics of how government works."

SOUNDTRACK: Jets to Brazil, "Sea Anemone"

EXTRAS:

-- The Center for Public Integrity and ProPublica have joined forces to create a searchable database of financial disclosure forms from members the Trump administration. [CPI]

-- Kurt Bardella: "I used to work at Breitbart. Here's why I think they fired that reporter over a tweet." [Vox]

-- "The One Big Reason Why BuzzFeed Needs to Break Into TV" [Bloomberg Businessweek]

-- Condé Nast is making the tech website Backchannel, which it acquired last year from Ev Williams' Medium platform, a part of Wired's website.

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/06/08/comey-time-45-fuels-gop-

media-bashing-trend-behind-nyts-latest-c-suite-shuffle-001287

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 9/29/2017 11:57:14 PM
Subject: Sep. 29 -- Energy and Climate Report

Energy and Climate Report

September 29, 2017 - Number 189

Environment & Safety News. Redefined.

Get a sneak peek into the enhancements coming to your news subscription. Check it out at www.bna.com/ehs-news.

News

Biofuels
Trump Told Iowa He'd Save Ethanol. His EPA Chief Has Other Ideas
As he sought votes during last year's Iowa caucuses, candidate Donald Trump courted farmers with praise for ethanol and promises that he would boost the home-grown fuel.

Dumping
Suniva Seeks Lower Import Tariffs in U.S. Solar Case
Suniva Inc. is reducing the tariffs it's seeking on imported components as part of a U.S. trade case that's divided the industry.

Emergency Response
PODCAST: Houston Faces Long-term Damage After Hurricane Harvey
In some ways, things are returning to normal in Houston after Hurricane Harvey. Schools have reopened, the power is back on, and the flood water has, for the most part, receded.

Energy
Perry Moves to Aid Coal, Nuclear Generators with Pricing Rule
U.S. Energy Secretary Rick Perry is doubling down on coal and nuclear power.

Energy
Pricing Rule to Help Coal, Nuclear Faces Uncertain Future
Compensating nuclear and coal-fired power plants for their ability to operate reliably would lead to government price fixing and the Energy Department's proposal to do so is unlikely to be adopted, a state utility regulator told Bloomberg BNA.

Energy
Southern's Nuclear Plant Gets $3.7 Billion More in U.S. Aid
Southern Co.'s troubled nuclear reactor project in Georgia is in line to get additional government support after the Energy Department announced Sept. 29 it offered $3.7 billion in additional loan guarantees.

General Policy

Zinke Defends Private Travel Use as Part of Interior Job

Interior Secretary Ryan Zinke defended his travel expenses Sept. 29 as a part of the job, including travel by chartered planes when less expensive commercial flights are unavailable to meet his scheduled plans.

Motor Vehicles

Electric Scooter Taxes to Drop as Taiwan Boosts Green Vehicles

Electric scooter owners in Taiwan could see a tax break as the country aims to boost clean transportation and its domestic electric vehicle industry by extending licensing incentives through 2021.

Natural Gas

Pennsylvania Nuns to Appeal Transco Pipeline Decision

Nuns who sued on religious grounds to stop a pipeline from traversing their property in Pennsylvania say they will appeal a judge's decision to dismiss the case.

Oil & Gas

Senate Republicans Want to Allow Drilling in Alaska Refuge

Senate Republicans set the stage for using the budget to end the 37-year ban on oil and gas drilling in Alaska's pristine Arctic National Wildlife Refuge.

Renewable Energy

Green Projects in EU May Be About to Lose Their Richest Investors

Renewable energy developers may lose some of their richest backers as wind and solar farms move toward competing on price instead of their green credentials, Sweden's largest utility said.

Renewable Energy

Poland to Expand Geothermal Heating, Government Says

Poland hopes to tap into its rich geothermal resources in the coming years, according to government officials.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Mon 6/26/2017 2:28:13 PM
Subject: BREAKING NEWS: High Court holds in favor of Missouri church denied state funds

The Supreme Court ruled today that a Missouri church was wrongly denied a state grant in a closely watched church-state separation case that could have big implications for President Donald Trump's school choice agenda.

The court ruled 7-2 that Missouri was wrong to deny Trinity Lutheran a grant "simply because of what it is - a church." The justices held that Trinity Lutheran Church was illegally excluded from an otherwise neutral public benefit - a state grant to resurface school playgrounds - simply because it was religious.

Read more: http://www.politico.com/story/2017/06/26/high-court-holds-in-favor-of-missouri-church-denied-state-funds-239955

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 11/9/2017 9:55:55 PM
Subject: Court again freezes Clean Power Plan litigation for 60 days

By Alex Guillén

11/09/2017 04:55 PM EDT

The D.C. Circuit Court of Appeals today once again placed the lawsuits over the Obama administration's Clean Power Plan in abeyance for another 60 days, until Jan. 8.

The court's single-page order did not include any sort of note such as the one included in the court's previous 60-day abeyance order on Aug. 8. In thaLt order, two of the judges attached a stern note saying EPA was skirting its statutory duty to regulate greenhouse gases.

EPA last month released its proposed repeal, and will take public comment through Jan. 16. The agency has yet to release its advance notice of proposed rulemaking seeking suggestions on whether and how to craft a narrower replacement regulation.

WHAT'S NEXT: The court ordered EPA to file status updates on its CPP repeal effort every 30 days.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/court-again-freezes-clean-power-plan-litigation-for-60-days-095515

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Tue 9/12/2017 2:02:45 PM
Subject: POLITICO's Morning Transportation: Chao has her say on self-driving car guidance — Probable cause of Tesla crash TBD today — A tricky truck issue for the Senate

By Brianna Gurciullo | 09/12/2017 10:00 AM EDT

With help from Tanya Snyder and Stephanie Beasley

CHAO HAS HER SAY ON SELF-DRIVING CAR GUIDANCE: Today, Transportation Secretary Elaine Chao will roll out DOT's revisions to the guidance on driverless vehicles that NHTSA released last September. Speaking from Mcity, a testing site for self-driving car tech, Chao will be flanked by representatives from the auto industry and the disability community, both key supporters of self-driving vehicles.

MT preview: The new version of the guidance "is clearer, more streamlined, less burdensome, and contains additional information" for states, according to a DOT release. The reworked guidance also reflects "input received in docket comments, public meeting proceedings and other stakeholder discussions, recent congressional hearings and current state activities," the release said.

Nuts and bolts: The guidelines will remain voluntary. The new document, called "A Vision for Safety," will condense the four sections of the earlier guidance into two. DOT is also stressing that the National Highway Traffic Safety Administration's recall powers aren't affected.

Something seems different ... When former Transportation Secretary Anthony Foxx unveiled the original guidance last year, it was the first official word from the federal government about how self-driving cars should be regulated. Congress hadn't touched the issue yet. Now, the House has voted on a bill and the Senate is tweaking the details of its effort on the subject.

IT'S TUESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Be sure to send tips, feedback and lyrics to bgurciullo@politico.com or @brigurciullo.

"Kiss me on the bus / Kiss me on the bus / Ooh, if you knew how I felt now, you wouldn't act so adult now / Hurry, hurry, here comes my stop." (h/t Jennifer Kalczuk at AlphaVu)

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

FOR YOUR RADAR: The House Transportation Committee postponed the Coast Guard and Railroads subcommittee hearings on infrastructure that had been scheduled for today because of Hurricane Irma.

PROBABLE CAUSE OF TESLA CRASH TBD TODAY: When a Tesla car driving with "Autopilot" in use crashed into a tractor-trailer last year, it launched a national conversation

about the rollout of autonomous and semi-autonomous vehicle technologies. This morning, the NTSB will decide the probable cause of the Florida accident that left the Tesla car driver, Joshua Brown, dead. After its own investigation, NHTSA concluded that there was no defect at the time of the incident. The NTSB will state that the "Autopilot" feature should "be declared a contributing factor in the crash," Bloomberg reports.

Family pens statement: Brown's family on Monday said it "is simply not the case" that the 40-year-old's death was the fault of Tesla's vehicle, Reuters reports. "There was a small window of time when neither Joshua nor the Tesla features noticed the truck making the left-hand turn in front of the car," the family said in a statement. "People die every day in car accidents. ... Change always comes with risks, and zero tolerance for deaths would totally stop innovation and improvements."

TRICKY TRUCK ISSUE: As the Senate Commerce Committee prepares for its hearing Wednesday on whether commercial motor vehicles should be included in self-driving car legislation, they're balancing union demands to exempt trucks with the arguments of safety groups that say the bill needs to deal with all vehicles. The discussion draft released Friday includes both options, and lawmakers will be looking for a clear answer to emerge from the hearing. As Tanya reports for Pros, unions are worried that driverless vehicle technology will cost millions of truckers and other drivers their jobs.

No time like the present: But as Commerce Chairman John Thune (R-S.D.) told reporters last week, "at some point we have to address trucks." Many expect the trucking industry to be the first to use driverless technology broadly. And safety advocates say that if trucks aren't included in the legislation, which requires safety evaluation reports, they'll only be covered by NHTSA's voluntary guidance, which doesn't mandate such reports.

Backstory: House members didn't have to deal with the trucking dilemma because the bill came out of the Energy and Commerce Committee, which doesn't have jurisdiction over commercial motor vehicles. And members of the House Transportation Committee, which does, are too wrapped up in the FAA bill to worry much about self-driving trucks right now.

IRMA WATCH: DOT is providing $25 million for roads and highways that need fixing because of Hurricane Irma, Rep. Mario Diaz-Balart (R-Fla.) tweeted Monday afternoon. Diaz-Balart chairs the House Appropriations THUD Subcommittee.

RIDE WIT ME: Lawmakers may attempt to attach a host of unrelated items to the FAA bill because it is one of the only pieces of legislation that must pass before September ends, our friends at Playbook report. The POLITICO trio wouldn't be shocked if lawmakers tried to "throw hurricane relief money onto it, or even language to deal with DACA." However, the "administration has told people on the Hill that they shouldn't even think about trying to bolster Obamacare by attaching cost-sharing reduction payments, according to multiple sources involved in legislative negotiations."

STATES SLAP NHTSA WITH LAWSUIT: California, Maryland, New York, Pennsylvania and Vermont are suing NHTSA "for delaying an Obama-era increase of civil fines for

automakers who violate CAFE fuel economy standards," Pro Energy's Alex Guillén reports . In 2016, NHTSA made final a rule boosting CAFE penalties, after Congress mandated that federal agencies increase civil fines to take inflation into account. In July, NHTSA pushed off the rule's effective date, saying the agency under former President Barack Obama hadn't reviewed "potential economic consequences." The five states contend that "NHTSA's delay violates the Administrative Procedure Act since the agency did not first take public comment, and they contend it violates the 2015 inflation adjustment law by reverting to the previous penalties," Alex writes.

TIME FOR REFLECTION: To commemorate the anniversary of the Sept. 11, 2001, attacks, House Homeland Security Committee Democrats released a report reviewing the Department of Homeland Security's progress in meeting a legislative mandate to enact the 9/11 Commission's recommendations, Steph reports. The Democratic report says DHS should boost Customs and Border Protection staffing at ports of entry before it sets up a biometric entry/exit system. The report also calls for TSA to update its air cargo screening procedures. MT readers may remember that TSA last week mandated enhanced screening procedures for air cargo shipments from Turkey. But, so far, the agency hasn't made changes for other countries.

Come together: Meanwhile, House Homeland Security Chairman Michael McCaul (R-Texas) on Monday called for lawmakers on both sides of the aisle to work together to help prevent future terrorist attacks, which he said are increasingly plotted online. "I think a 9/11-style attack would be very difficult to pull off in today's world, that's the good news," McCaul said on SiriusXM P.O.T.U.S. "The bad news is it's ever pervasive over the internet, and that's their power."

IN TRAVEL BAN NEWS: The Justice Department has gone back to the Supreme Court to request that it "allow authorities to keep up a block on many refugees" included in President Donald Trump's travel ban, POLITICO's Josh Gerstein reports . "Justice Anthony Kennedy issued a temporary stay Monday afternoon that essentially freezes the status quo." Meanwhile, the Trump administration, for the time being, is no longer asserting "that grandparents, aunts, uncles, and cousins of U.S. citizens be covered by the ban despite the Supreme Court ordering an exemption for close family members," Josh writes.

WHERE'S THAT TAX OVERHAUL? Gary Cohn, the director of the National Economic Council, and Treasury Secretary Steven Mnuchin will hit up the Hill today to chat with senators about overhauling the tax code. "Many Republicans view the end of December as an effective drop-dead date for tax reform, with expiration of protections for some young immigrants now set to expire in March," POLITICO's Burgess Everett and Ben White write . (Remember: An infrastructure package is supposed to come after a tax bill.) But Trump's agreement last week with Democratic leaders on the debt ceiling, which angered conservatives, could hurt the administration's tax plans.

LET'S SEE HOW THIS GOES ... On Monday, Maryland's governor said his state would provide $500 million more in funding to Metro over the course of four years - as long as D.C., Virginia and the federal government copy the Old Line State. As The Washington Post's Robert McCartney and Faiz Siddiqui report, it's a tough ask, particularly for Virginia and the Trump

administration.

FLY-IN: The Association of Equipment Manufacturers has a fly-in this week. "The 50 executives flying in will be pushing members of Congress for action on infrastructure spending, tax reform and free-trade agreements," our friends at POLITICO Influence report. Rep. Sam Graves (R-Mo.) is slated to speak to the group.

REPORT ALERT: The Economic Policy Institute is out with an analysis this week arguing for "a stronger federal role in infrastructure investment." EPI's Hunter Blair writes that the federal government is able to help states invest in infrastructure when the economy declines, has a better view of how infrastructure fits into a national network and can focus on issues like access.

THE AUTOBAHN:

- "Miami and Fort Lauderdale airports are reopening Tuesday - but with limited service." The Miami Herald.

- "What Florida roads look like after Hurricane Irma." The Washington Post.

- "Irma's next air travel target: The world's busiest airport." USA Today.

- "Seaports prepare to reopen after Irma." The Wall Street Journal.

- "General Motors is starting to build cars that can eventually drive without a human." Recode.

- "Google plots to conquer self-driving cars - by making peace with Detroit." The Wall Street Journal.

- "Volkswagen spends billions more on electric cars in search for mass market." Reuters.

- "An expensive grill and a Brazilian actress: Day 3 of the Menendez trial." POLITICO New Jersey.

- "Five of the best transport ideas - and five of the worst." POLITICO Europe.

THE COUNTDOWN: DOT appropriations run out in 88 days. The FAA reauthorization expires in 19 days. Highway and transit policy is up for renewal in 1,115 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/09/12/chao-has-her-say-on-self-driving-car-guidance-222239

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From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 10/3/2017 10:46:44 AM
Subject: POLITICO Playbook, presented by Koch Industries: 59 dead, 527 injured in LAS VEGAS attack … WHAT WASHINGTON NEEDS TO KNOW -- How will Republicans handle gun legislation, and what happens to high-capacity magazines -- KIMMEL fights through tears

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by Koch Industries

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Tuesday morning. 59 dead. **527** injured. **42** guns in the shooter's hotel room and house.

WAPO LEADALL -- "At least 59 killed in Las Vegas shooting rampage, more than 500 others injured," by Lynh Bui in Las Vegas, Matt Zapotosky, Devlin Barrett and Mark Berman in Washington: "Police said he stayed in a large hotel suite for several days and aroused no suspicion, bringing with him an arsenal of 23 guns -- their calibers ranging from .223 to .308, some with scopes -- authorities said. One of the weapons he apparently used in the attack was an AK-47 type rifle, with a stand used to steady it for firing, people familiar with the case said. He fired, without warning, from an elevated position on an open-air venue, leaving his victims few options to avoid harm. ...

"Among the questions [investigators] have: How a former accountant with a penchant for high-stakes gambling obtained a weapon that sounded to those on the ground like it could fire as an automatic, and how he was able to bring it and many other weapons into a Vegas hotel suite undetected. ... Lombardo said hotel staff had been in and out of the two-room suite, which Paddock had stayed in since Sept. 28, and spotted nothing 'nefarious,' though he had more than 10 suitcases." http://wapo.st/2xUYZkS

-- CONTRIBUTING TO THE POST'S STORY: Tim Craig, Felicia Mello and Heather Long in Las Vegas; Barbara Liston in Orlando; Justin Glawe in Mesquite, Tex.; and Derek Hawkins, Travis M. Andrews, Brian Murphy, Wesley Lowery and Julie Tate in Washington.

WHAT YOU NEED TO KNOW ...

-- AP ... HOW HE GOT OFF SO MANY SHOTS: "The gunman who unleashed hundreds of rounds of gunfire on a crowd of concertgoers in Las Vegas had two 'bump-stocks' that could have converted semi-automatic firearms into fully automatic ones, officials said. ... California Sen. Dianne Feinstein has long railed against them. Several years ago, she told The Associated Press she was concerned about the emergence of new technologies that could retrofit firearms to make them fully automatic. 'This replacement shoulder stock turns a semi-automatic rifle into a weapon that can fire at a rate of 400 to 800 rounds per minute,' she said." http://bit.ly/2xXwFz4

-- NYT ... THE PREPARATION, by C.J. Chivers, Thomas Gibbons-Neff and Adam Goldman: "[M]r. Paddock established firing positions by smashing a pair of windows in his hotel room. He was armed with at least 23 firearms, the authorities said, including rifles designed to be fired at such distances. He was also perched from a vantage point that increased the likelihood that even errant shots were more likely to strike someone than had he fired them from ground level. Among his weapons, a law enforcement official said, were AR-15-style rifles, a civilian variant of a standard service rifle used by the American military for more than a half-century.

"The possibility that Mr. Paddock used tripods, which two law enforcement officials said were in the room, indicates that he understood how to overcome some of the difficulties of his plan. Special mounts designed to fit the underside of a rifle and sit atop camera tripods allow the gunman to fire more accurately while standing. Military snipers use tripods in urban spaces, often setting themselves back from a window so neither they nor their weapons can be seen from the streets below." http://nyti.ms/2ylmYuX

-- WAPO ... THE PEOPLE WHO DIED: -- "The lives lost in Las Vegas": "Dozens of people were killed and hundreds were injured Sunday when a gunman opened fire at a country music festival in Las Vegas. Here are stories of those who died." http://wapo.st/2xWYilj

-- THE SHOOTER ... NYT 's Jose DelReal and Jonah Engel Bromwich: "He was a high-stakes gambler recognized in the casinos of Nevada. He dabbled in real estate investments in Texas. His last known full-time employment was 30 years ago. He was twice divorced. He had a pilot's license and had owned two single-engine planes. ... Mr. Paddock bought three guns -- a handgun and two rifles -- at a shop in Mesquite, Guns & Guitars, within the last year, said Christopher Sullivan, the general manager. All the purchases were legal and cleared routine federal screening, Mr. Sullivan said. 'The man does not have a criminal history,' Mr. Sullivan said." http://nyti.ms/2yTNBEC

-- THE COMMERCIAL APPEAL (The Memphis newspaper) **... THE COMPANION: "Who is Stephen Paddock's roommate, Marilou Danley?"** http://memne.ws/2yEUDfw

CHOOSE YOUR NEWS: Las Vegas Review-Journal: **"In the face of tragedy, the Strip falls silent"** http://bit.ly/2g773G7 ... Las Vegas Sun: **"A day after horrific event, a semblance of normalcy along Strip"** http://bit.ly/2yETtR1

NYT EDITORIAL: "477 Days. 521 Mass Shootings. Zero Action From Congress." http://nyti.ms/2xOeax4 ... **WSJ EDITORIAL: "'An Act of Pure Evil':** Amid the Las Vegas horror, don't forget Steve Scalise's recovery." http://on.wsj.com/2g7ICIo

TWO THINGS TO LOOK OUT FOR ...

-- HOW DO REPUBLICANS HANDLE GUN BILLS? Republicans in the House were readying to pass the SHARE Act, a bill which would, among other things, eases regulations on gun silencers and strips the ATF's ability to classify some ammunition as "armor piercing." This bill is a priority of the NRA. It doesn't stand a chance of becoming law, but the optics of pursuing it would be politically tricky, to say the least. Rep. Jeff Duncan (R-S.C.) -- the bill's sponsor -- told us off the House floor Monday night that he didn't think Las Vegas had changed anything in relation to his bill, and he expected a vote in the coming weeks. A Republican leadership aide said there were some unspecified issues with the legislation. ***John Bresnahan, Heather Caygle and Burgess Everett on the state of play*** http://politi.co/2yEq0qv

-- COULD THIS BE THE END OF HIGH-CAPACITY MAGAZINES? A big gun-control bill isn't going to happen. But there seems to be a lingering fear in some pockets of the right that the mass shooting will force Congress to limit the ability to purchase high-capacity magazines, which allow shooters to spray bullets without reloading. Any tightening of gun restrictions in an all-Republican Washington is **VERY HARD TO IMAGINE,** and top aides and lawmakers we spoke to yesterday were skeptical. But this is one area gun-rights advocates are watching closely. One veteran operative for the gun lobby said the latest shooting could bring the debate "roaring back." **LINGERING QUESTION:** Where does Trump -- who has branded himself as close to the NRA -- land on this issue?

THE FIRST LIVE LEADERSHIP REACTION -- SPEAKER PAUL RYAN and House Republican leaders at 10 a.m.

JIMMY KIMMEL's very emotional, tearful monologue from last night. http://bit.ly/2yT6EyR

ANNIE KARNI: "Las Vegas shooting presents new kind of leadership test for Trump": "President Donald Trump's reaction to the country's deadliest mass shooting -- a somber statement from the Diplomatic Room, a moment of silence on the South Lawn, and a dormant-for-a-day Twitter feed -- didn't make a tragic situation worse. The president's words and actions, Democrats and Republicans said, were in line with what any other National Rifle Association-backed president would do. Trump's call for unity in the face of 'an act of pure evil' was accompanied by a day declared by his team to be a no-go zone for political or policy discussions about the nation's gun laws.

"For the first nine months of his presidency, most of the crises Trump has faced have been of his own making. But the shooting, which killed at least 59 and injured

more than 500 Las Vegas concert-goers Sunday night, presents a new kind of leadership test. In the coming days, as the window of a condolences-only response to a domestic tragedy closes, Trump will be forced to navigate a thorny political situation as he reacts to the first mass shooting to unfold on his watch.

"Mass shootings in America have become moments of national reckoning on immigration, terrorism and bullying. In this case, where the shooter had no clear motive, the discussion quickly turned to the one subject Trump and his advisers steered clear of in their first 24-hours of response: gun safety measures. Already, some moderate Republicans have expressed hope that the shooting will push him to come out against a bill pending in the House that would loosen restrictions on purchasing silencers." http://politi.co/2fGkvjK_

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THE NRA PLAYBOOK -- "NRA goes dark after Vegas massacre," by Josh Meyer: "Democrats lashed out at the National Rifle Association after the worst mass shooting in American history Monday, but instead of fighting back the gun rights group retreated to a familiar posture: silence. The NRA's website, Twitter feed and Facebook page-all of which are typically updated frequently throughout the day-went dark on Monday, posting no new content, and the group did not respond to several calls and emails seeking comment.

"But that doesn't mean the powerful Washington lobbying organization isn't extremely busy behind the scenes. After a mass casualty shooting like the one that killed 58 in Las Vegas Sunday night, the NRA invariably turns to a playbook it has perfected over several decades, critics and supporters alike told POLITICO. The approach calls for aggressive fact-finding and long strategy sessions before any public statements. The Fairfax, Va.-based organization has waited weeks before responding to past deadly incidents that NRA critics call the indirect result of its resistance to tighter gun control." http://politi.co/2xdsxXy

SCOOP - "Trump administration weighing executive order on welfare," by Andrew Restuccia: "Trump administration officials are mulling an executive order that would instruct federal agencies to review low-income assistance programs, part of a coming effort to make sweeping changes to the country's welfare system. The White House began circulating a draft order to federal agencies for comment last week, according to two administration officials ... One of the officials said the draft order calls on agencies to review existing regulations and propose new rules that conform to a set of broad welfare principles, including tighter work requirements that encourage recipients to shift back into the labor force." http://politi.co/2khbiDk

RETIREMENT WATCH -- "Collins agonizes over decision to ditch the Senate," by Burgess Everett: "Sen. Heidi Heitkamp was watching TV recently when she saw a report that Susan Collins was considering a run for Maine governor and soliciting advice on the decision. The North Dakota Democrat quickly shot a text message to her Republican colleague: 'Don't do it.'

"A move by Collins to seek the governorship would rock the Senate and the broader political landscape. In a chamber controlled by just 52 Republicans, Collins and a handful of other centrist senators can decide the fate of President Donald Trump's agenda. And a run by Collins for governor could eventually cost the GOP one of its last congressional footholds in New England. ...

"In an interview, Collins said the buzz about her prolonged indecision is 'accurate.' She initially planned to make up her mind by the end of September, but pushed back her deadline to mid-October as she wrestled with the GOP's recent Obamacare repeal effort. 'Given the contentious environment in Washington right now, my voice and vote matter a great deal,' Collins said. 'On the other hand, if I were fortunate enough to be elected governor, I could work more directly on job creation.'" http://politi.co/2xcvOq7

COMING ATTRACTIONS -- "Republicans might block Trump from killing Iran nuke deal," by Seung Min Kim and Elana Schor: "President Donald Trump might soon toss the Iran nuclear deal back to Congress to decide its fate -- but it's no sure thing that lawmakers would kill it for good. Critics of the Obama-era agreement, led by the president himself, appear to be on a mission to tank the accord. Naysayers in Congress are vowing to take advantage of a fast-track mechanism that would allow lawmakers to reinstate sanctions against Tehran with a simple majority vote. ...

"Democratic senators, even those who opposed the nuclear agreement two years ago, want the deal to remain in place. As it stands now, enough Republicans are undecided that GOP leaders would struggle to corral the votes needed to reimpose sanctions. The choice could land on Capitol Hill later this month, if Trump declines to certify by an Oct. 15 deadline that Iran is complying with the nuclear deal." http://politi.co/2kigvuB

MORE EMAIL DRAMA -- "Hundreds of White House emails sent to third Kushner family account," by Josh Dawsey and Andrea Peterson: "White House officials have begun examining emails associated with a third and previously unreported email account on Jared Kushner and Ivanka Trump's private domain, according to three people familiar with the matter. Hundreds of emails have been sent since January from White House addresses to accounts on the Kushner family domain, these people said. Many of those emails went not to Kushner's or Ivanka Trump's personal addresses but to an account they both had access to and shared with their personal household staff for family scheduling.

"The emails - which include nonpublic travel documents, internal schedules and some official White House materials -were in many cases sent from Ivanka Trump, her

assistant Bridges Lamar and others who work with the couple in the White House. The emails to the third account were largely sent from White House accounts but occasionally came from other private accounts, one of these people said." http://politi.co/2xNfaBL

TRUMP'S TUESDAY -- Trump and the First Lady will leave this morning for San Juan, Puerto Rico. They will be briefed on Hurricane Maria relief efforts and meet with residents impacted by the hurricane. U.S. Virgin Islands Gov. Kenneth Mapp and Puerto Rico Gov. Ricardo Rosselló will meet with the Trumps. They will then greet the Navy and Marine Corps before returning back to D.C.

PLAYBOOK METRO SECTION -- "Laurene Powell Jobs is buying a big stake in Wizards, Capitals sports empire," by WaPo's Thomas Heath: "Powell Jobs's investment, estimated to be hundreds of millions of dollars, will give her the second-largest stake - about 20 percent - in Monumental, the 19-member, Ted Leonsis-led holding company that is one of Washington's highest-profile enterprises, the people said, speaking on condition of anonymity because the deal has not been approved by the NBA and NHL ...

"The investment by Powell Jobs increases her presence in the Washington community after her business and philanthropic arm, Emerson Collective, bought a majority interest in The Atlantic magazine from its owner David Bradley in July." http://wapo.st/2hK30mE

THE JUICE ...

-- FIRST IN PLAYBOOK: **SPEAKER PAUL RYAN TO SPEAK AT RTCA DINNER:** The Wisconsin Republican is the headliner at the 73rd annual Radio and Television Congressional Correspondents Association dinner Oct. 25 at the National Building Museum. Roy Wood Jr. from the "Daily Show" is the headline entertainer, and iHeart Media's Bobby Bones is the guest emcee. John Parkinson of ABC News is the dinner's chairman.

-- FIRST IN PLAYBOOK: **AAN EXECUTIVE DIRECTOR CORRY BLISS** continued his drumbeat on tax reform Monday, hosting more than 40 people, including aides from the White House, Treasury, Senate and House GOP leadership, and House Ways and Means Committee, along with more than two dozen conservative, business and tax groups. Topics discussed included: Hill engagement and the timeline for moving forward.

SPOTTED: White House's Marc Short, Treasury's Shannon McGahn, Antonia Ferrier and Brendan Dunn of Mitch McConnell's office, Brendan Buck, George Callas, Derrick Dockery, Josh Althouse and Jake Kastan from the Speaker's operation and Rick Limardo from Ways and Means. Outside groups represented included: Americans for Tax Reform, Americans for Prosperity, AR Squared, National Taxpayers Union, Americans for Limited Government, American Petroleum Institute, Freedom Partners

and the BRT, among others.

-- **PLAYBOOK SCOOP:** Amy McGrath, the Democrat running against Rep. Andy Barr (R-Ky.), raised $768,000 in the two months last quarter she was in the race. She has $550,000 on hand.

REMEMBERING TOM PETTY -- "Tom Petty, Heartbreakers frontman who sang 'Breakdown,' 'Free Fallin" and other hits, dies at 66," by L.A. Times' Randy Lewis: http://lat.ms/2wtTJBJ

Playbook Reads

PHOTO DU JOUR: Former Rep. Gabrielle Giffords (D-Ariz.) shakes her fist at the United States Capitol as she and her husband Mark Kelly speak on Capitol Hill on Oct. 2 about the mass shooting in Las Vegas. | Susan Walsh/AP Photo

K ST. FILES -- "Congressman Duped Into Holding Sham Hearing for Ukrainian TV," by The Daily Beast's Betsy Woodruff and Andrew Desiderio: "A former U.S. lawmaker appears to have duped a freshman congressman's office into organizing a sham 'hearing' that aired on Ukrainian television on behalf of a shadowy lobbying client implicated in the Panama Papers leak, The Daily Beast has learned. Former Rep. Connie Mack (R-FL) reached out to the office of Rep. Ron Estes (R-KS) -- a freshman lawmaker who won the special election to replace CIA Director Mike Pompeo -- to reserve a room in the basement of the Capitol for an event on the Ukrainian banking sector.

"As The Weekly Standard documents, the fake 'hearing' was broadcast in full on Ukraine's NewsOne and described to viewers as the 'U.S. Congressional Committee on Financial Issues.' But not a single member of Congress attended. ... Panelists at the event included Sergiy Taruta, a former politician in Ukraine, Oleksandr Zavadetskyi, a former NBU employee, and James Woolsey, the former CIA director under President Bill Clinton who also served as an adviser to President Trump's campaign. ... An Estes spokesman added that the office policy for booking rooms has been updated to ensure that this doesn't happen again. ...

"Mack is a registered lobbyist on behalf of a firm called Interconnection Commerce, which according to Mack's lobbying disclosure is headquartered in the British Virgin Islands and is focused on 'shining a light on corruption in Ukraine.' ... During the event, Mack implied he is still a member of Congress." http://thebea.st/2xb9WjT ... ***The Weekly Standard piece*** http://tws.io/2xcWjLO

TRUMP'S CABINET -- "Federal watchdog opens probe into travel by Interior Secretary Ryan Zinke," by WaPo's Lisa Rein: "The inspector general for the Interior

Department has opened an investigation into Secretary Ryan Zinke's travel during seven months in office, from his use of taxpayer-funded charter and military planes to his mixing of official trips with political appearances. Nancy K. DiPaolo, a spokesperson for Deputy Inspector General Mary Kendall, described a broad investigation into Zinke's 'travel in general,' including 'modes of travel, costs and schedules.' 'It's not just one trip,' she said. 'It's seven months of travel.'

"She said the probe was prompted by numerous complaints from employees and the public and recent newspaper articles. Reps. Raúl M. Grijalva (Ariz.) and A. Donald McEachin (Va.), the top Democrats, respectively, on the House Committee on Natural Resources and the panel's subcommittee on oversight and investigations, also requested an investigation." http://wapo.st/2fGCu9K

-- "E.P.A. Chief's Calendar: A Stream of Industry Meetings and Trips Home," by NYT's Eric Lipton and Lisa Friedman: "For lunch on April 26, Scott Pruitt, the new administrator of the Environmental Protection Agency, dined with top executives from Southern Company, one of the nation's largest coal-burning electric utilities, at Equinox, a white-tablecloth favorite of Washington power brokers. That evening, it was on to BLT Prime, a steakhouse inside the Trump International Hotel in Washington, for a meal with the board of directors of Alliance Resource Partners, a coal-mining giant whose chief executive donated nearly $2 million to help elect President Trump. Before those two agenda items, Mr. Pruitt met privately with top executives and lobbyists from General Motors to talk about their request to block an Obama administration move to curb emissions that contribute to climate change.

"It was just a typical day for Mr. Pruitt, the former Oklahoma attorney general. Since taking office in February, Mr. Trump's E.P.A. chief has held back-to-back meetings, briefing sessions and speaking engagements almost daily with top corporate executives and lobbyists from all the major economic sectors that he regulates - and almost no meetings with environmental groups or consumer or public health advocates, according to a 320-page accounting of his daily schedule from February through May, the most detailed look yet at what Mr. Pruitt has been up to since he took over the agency." http://nyti.ms/2kgBwWJ

-- "DeVos' security detail could cost up to $6.54M over the next year," by Caitlin Emma: "That projected cost is seen as a 'high water mark' that the agency doesn't plan to exceed, said spokeswoman Liz Hill. An agreement governing DeVos' protective detail - which is provided around the clock by the U.S. Marshals Service - was just renewed for fiscal 2018, which began on Saturday. ... It's extremely unusual for the Education secretary to be protected by marshals - the past four Education secretaries have been protected by the Education Department's own small security force." http://politi.co/2ylVVjt

****** **A message from Koch Industries:** Flint Hills Resources, a Koch company, is the fifth largest ethanol producer in the United States - with seven ethanol plants, and 850 million gallons of annual capacity. Each year, farmers from America's heartland sell 288

million bushels of their corn to our facilities where we extract the necessary ingredients for both ethanol and high-quality biodiesel. We convert the remaining portions of the kernels into distillers grains, a livestock feed that helps nourish hogs, cattle and poultry. Farmers work hard to grow their crops, and we strive to help create the most value from their harvest. We also focus on reducing waste and leaving more natural resources available for future needs. It's part of Koch's commitment to operate responsibly in the communities across America that are home to our more than 70,000 U.S. employees. Learn more about our renewable fuels at ChallengeAccepted.com. ******

MUELLER WATCH -- "Mueller Tasks Adviser With Getting Ahead of Pre-Emptive Pardons," by Bloomberg's Greg Farrell: "U.S. Special Counsel Robert Mueller has a distinctly modern problem. The president, judging by his tweets, could try to pardon people in his circle even before prosecutors charge anyone with a crime. Mueller's all-star team of prosecutors, with expertise in money laundering and foreign bribery, has an answer to that. He's Michael Dreeben, a bookish career government lawyer with more than 100 Supreme Court appearances under his belt.

"Acting as Mueller's top legal counsel, Dreeben has been researching past pardons and determining what, if any, limits exist, according to a person familiar with the matter. Dreeben's broader brief is to make sure the special counsel's prosecutorial moves are legally airtight. That could include anything from strategizing on novel interpretations of criminal law to making sure the recent search warrant on ex-campaign adviser Paul Manafort's home would stand up to an appeal." https://bloom.bg/2ymmyop

-- "White House legal defense fund close to launching," by Darren Samuelsohn: "Some White House aides who face legal bills as a result of the congressional and special counsel investigations into Russian meddling in the 2016 election could get financial support as soon as this week, a senior White House aide said on Monday. The finishing touches are being put on a legal defense fund to help mid-level staffers pay for their attorneys, said Ty Cobb, a lawyer in President Donald Trump's White House." http://politi.co/2xOw8zl

RUSSIA WATCH -- "Trump's company had more contact with Russia during campaign, according to documents turned over to investigators," by WaPo's Tom Hamburger, Ros Helderman and Adam Entous: "Associates of President Trump and his company have turned over documents to federal investigators that reveal two previously unreported contacts from Russia during the 2016 campaign, according to people familiar with the matter. In one case, Trump's personal attorney and a business associate exchanged emails weeks before the Republican National Convention about the lawyer possibly traveling to an economic conference in Russia that would be attended by top Russian financial and government leaders, including President Vladimir Putin ... In the other case, the same Trump attorney, Michael Cohen, received a proposal in late 2015 for a Moscow residential project from a company founded by a billionaire who once served in the upper house of the Russian parliament." http://wapo.st/2xcTaff

-- "Russians took a page from corporate America by using Facebook tool to ID and influence voters," by WaPo's Elizabeth Dwoskin, Craig Timberg and Adam Entous: "Russian operatives set up an array of misleading Web sites and social media pages to identify American voters susceptible to propaganda, then used a powerful Facebook tool to repeatedly send them messages designed to influence their political behavior, say people familiar with the investigation into foreign meddling in the U.S. election. The tactic resembles what American businesses and political campaigns have been doing in recent years to deliver messages to potentially interested people online.

"The Russians exploited this system by creating English-language sites and Facebook pages that closely mimicked those created by U.S. political activists. The Web sites and Facebook pages displayed ads or other messages focused on such hot-button issues as illegal immigration, African American political activism and the rising prominence of Muslims in the United States. The Russian operatives then used a Facebook 'retargeting' tool, called Custom Audiences, to send specific ads and messages to voters who had visited those sites." http://wapo.st/2xPDSz3

FOR YOUR RADAR -- "U.S. to expel two-thirds of Cuban diplomats amid sonic attack probe," by McClatchy's Franco Ordoñez: "The Trump administration will kick nearly two-thirds of Cuba's embassy personnel out of the United States after months of mysterious attacks targeting American diplomats drove the White House to pull its own staff from Havana, according to multiple sources familiar with the plan. According to three of the U.S. sources briefed on the plan, the State Department will announce the expulsion of Cuban diplomatic personnel as soon as Tuesday. A fourth described the expulsion as 'reciprocity' for the American withdrawal from Havana." http://bit.ly/2xUxFU1

VALLEY TALK - "Facebook is hiring another 1,000 people to review and remove ads," by Recode's Kurt Wagner: "Facebook will hire 1,000 additional people to the internal team that reviews and removes Facebook ads, according to details shared via email with Recode by a Facebook spokesperson. The company also said it will invest more in machine learning to 'better understand when to flag and take down ads,' and expand its advertising content policies to stop ads that use even 'subtle expressions of violence.' ... The company will also start to 'require more thorough documentation' from advertisers who want to buy political ads on Facebook." http://bit.ly/2wvii1c

MEDIAWATCH -- HAMBY'S NEXT EPISODE: SNEAK PEEK -- The second episode of Snapchat's weekly series "Good Luck America" starts airing today. Per Snapchat: "Host Peter Hamby visits South Carolina and offers an inside look at President Trump's Republican base, the base he refers to in poll numbers, why they are so loyal and as a result, why Republicans in Congress are hesitant to cross Trump. Hamby speaks with average citizens as well as South Carolina Gov. Henry McMaster, South Carolina Republican Chairman Drew McKissick, Iowa Sen. Joni Ernst and Greenville County Republican Chairman Nate Leupp."

--WASHINGTONIAN -- "The Most Powerful Women in Washington": Those on the

list in media included Carrie Budoff Brown, Elisabeth Bumiller, Kate Nocera, Julie Pace, and Janet Rodriguez. ***Full list*** http://bit.ly/2xcpMuq

Playbookers

SPOTTED: Rep. Debbie Wasserman Schultz (D-Fla.) last night at Centrolina ... Donna Shalala at lunch at i Ricchi Monday, with her former chief of staff Mary Beth Donahue and Obama HHS deputy secretary Bill Corr, as well as her former HHS aides Rich Tarplin and Melissa Skolfield.

OUT AND ABOUT -- Michael and Affie Beschloss, Kyle Gibson, David and Eve Ignatius, Kevin Sullivan and Mary Jordan, Bob Woodward and Elsa Walsh, and Angus and Sissy Yates hosted a book party last night for Sally Quinn and her new book "Finding Magic: A Spiritual Memoir" at her Georgetown house. The dress code for the party was "magical, spiritual, festive." ***$17.39 on Amazon*** http://amzn.to/2g7zmV0

SPOTTED: Jon Meacham, Evan Thomas, Dan Glickman, Robert Allbritton, Patrick Steel, Susan Glasser and Peter Baker, Andrea Mitchell, Mark Leibovich, UAE Ambassador Yousef Al-Otaiba, Jonathan Martin and Betsy Fisher Martin, Bob Barnett, Justice Stephen Breyer, Glenn Thrush, Michael Falcone, Meridith McGraw, Evan Osnos and Sarabeth Berman, Michael Kinsley, Sen. Amy Klobuchar (D-Minn.), Rep. Joaquin Castro (D-Texas), Jane Mayer and Bill Hamilton, British Ambassador Kim Darroch, Neera Tanden, Tammy Haddad, Robert Draper, David Fahrenthold, Margaret Carlson, Fred Ryan, Cathy Merrill Williams, Phil Rucker, Paul Wood, Carol Melton.

OUT AND ABOUT -- VP MIKE PENCE delivered remarks at the RNC "Fall Gala" at the Mellon Auditorium last night. **SPOTTED:** Secretary of Commerce Wilbur Ross, Secretary of Education Betsy DeVos, Secretary of Veterans Affairs David Shulkin, Sen. Cory Gardner (Colo.), Sen. Ted Cruz (Texas), NRCC Chair Steve Stivers (Ohio), RNC Chair Ronna McDaniel, FERC Chairman Neil Chatterjee, Jim Nicholson, Brian Ballard, David Tamasi, Mike Rose and Suhail Khan.

-- D'ANDRA SIMMONS LOCKE attended a viewing party of Bravo's "Real Housewives of Dallas" party hosted by Christina and Jason Mulvihill, Marcie Kinzel and Loretta Greene. **SPOTTED:** Elizabeth Pinkerton, Jana Toner, Tara Bradshaw, Bryan Brendle, Bill Greene, Catherine Hicks, Lindsey Walters, Kristin Bodenstedt, Shelley Hymes, Christina Culver, Kanya Bennett, Maggie Snipes and Catherine Hicks.

TRANSITION -- Stephan Thompson, former campaign manager to Wisconsin Gov. Scott Walker, has launched Wisconsin Next PAC, a Super PAC supporting State Senator Leah Vukmir's campaign for U.S. Senate. Thompson is joined by Terry Sullivan and Alex Conant, pollsters Brian Tringali and BJ Martino, and digital consultant Matt Oczkowski. ... **Ed Cox**, legislative policy adviser to Senate Finance Chairman Orrin Hatch (R-Utah), is joining Prime Policy Group.

BIRTHDAY OF THE DAY: Sarah Feinberg, principal and CEO of Feinberg Strategies, a consulting firm she recently started, former Federal Railroad Administrator, Obama WH and DOT alum, and former Cap Hill staffer. **How she got her start in politics:** "In the early 80s I went door to door with my Dad in southern West Virginia as he campaigned for a seat in the West Virginia legislature. It was a child care solution at the time, but it was also a great education." **Read her Playbook Plus Q&A:** http://politi.co/2fHXoF7

BIRTHDAYS: Rep. Karen Bass (D-Calif.) is 64 ... Rep. Sean Duffy (R-Wisc.) is 46 ... Asawin "Swin" Suebsaeng, a White House reporter at The Daily Beast (hat tip: Tim Mak) ... Politico's Eric Wolff ... Jonathan Lamy, RIAA's EVP for communications and marketing ... GMMB partner J. Toscano ... Katie Whelan ... Pam Gilbert of Cuneo Gilbert & LaDuca ... Sally Painter (h/ts Jon Haber) ... AP's Darlene Superville and Verena Dobnik ... Tim Albrecht, deputy chief of staff and senior adviser to Iowa Gov. Kim Reynolds ... Betsey Apple ... Bradley Tusk, founder and CEO of Tusk Holdings ... Rev. Al Sharpton is 63 ... former Sen. Jeff Bingaman (D-N.M.) is 74 ... Beth Jones ... Laura Brown ... Edie Emery, senior director for strategic marketing and publicity at SESAC ... former House Appropriations Chairman David Obey (D-Wisc.) is 79 ... Sean Gibbons ... Cristóbal Joshua Alex ... Kimberly Leonard, senior health care policy reporter for the Washington Examiner ...

... Logan Dobson, director of data and analytics at the NRSC ... Maegan Vazquez, WH reporter for IJR (h/t Mallory Shelbourne) ... Chelsea Radler ... Maury Nolen ... Politico Europe's Margherita Florence Martinelli ... DISCUS' Eric Reller (h/ts Ben Jenkins and Benny Johnson) ... Bianca Swalem ... Eden Joyner, SVP of biz development at Revolution Messaging ... Kevin Kelley ... Chris Michel ... Mark Hamrick ... former Alabama Gov. Bob Riley is 73 ... Peter Stegner ... Jennifer Bland, Merck's executive director of government relations and policy and counsel ... Robert Allan Ford ... Megan Franko ... Nancy Gabriner, senior editorial producer at ABC News ... Megan Franko ... Tess Di Martino ... Scott Richardson ... Ben Adler ... Josh Kinney is 29 ... Darrell Brock Jr. ... former Rep. Charlie Melancon (D-La.) is 7-0 ... former Rep. Allyson Schwartz (D-Pa.) is 69 ... Joel Haubrich ... Bert Finsand ... Eva Mosakowski (h/ts Teresa Vilmain)

****** **A message from Koch Industries:** It's estimated that by the year 2030 there will be two billion motor vehicles on the world's highways - twice the number currently on the road. Koch companies are already preparing for this challenge with ideas for improving fuel efficiency while still embracing safety. Our researchers are integrating aerodynamic systems into automotive grilles to provide up to 20% weight savings and up to 30% better aero performance. Each step forward puts us closer to the bigger goal of responsibly powering far more automobiles than ever before. From transportation and technology to food, clothing and shelter, Koch is anticipating the needs of tomorrow and working on the solutions today. The quest for better never stops, and our more than 70,000 U.S. employees are helping to lead the way. See them in action at ChallengeAccepted.com. ******

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From: Morning Score
Sent: Wed 7/26/2017 2:04:07 PM
Subject: POLITICO's Morning Score: What happened last night on Obamacare — Messer finance chair promises 'exciting news' Wednesday — Democrats prod Heller, Flake amidst health care votes

By Elena Schneider | 07/26/2017 10:00 AM EDT

With Zach Montellaro, Kevin Robillard and Daniel Strauss

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

VOTE-A-RAMA - "How the GOP brought Obamacare repeal back from the dead," by POLITICO's Burgess Everett, Seung Min Kim and Jennifer Haberkorn: "As Mitch McConnell strode to the Senate floor on Tuesday, with no votes to spare to keep the GOP's Obamacare repeal campaign alive, he knew where everyone in his conference stood. Everyone, that is, except for Ron Johnson. The ornery Wisconsinite had been needling the Senate majority leader for weeks, accusing McConnell of a 'breach of trust' in selling a health care plan to his caucus. So when Johnson sprinted to the Capitol basement after a party lunch for a meeting with FBI director nominee Christopher Wray, just as a critical procedural vote got underway, Republicans had no idea where he would land, said a person who knows the senator well. ...But Tuesday's dramatic roll call - capped by Sen. John McCain's return to Washington less than a week after a cancer diagnosis and a tie-breaking vote by Vice President Mike Pence - allows President Donald Trump and his fractured party to continue their long-shot campaign to scuttle the Democratic health care law they've spent seven years railing against." **Full story.**

ICYMI - DSCC launches Nevada, Arizona Pandora ads ahead of health votes: The DSCC has launched digital radio ads against GOP Nevada Sen. Dean Heller and Arizona Sen. Jeff Flake ahead of today's vote on debating Obamacare repeal. The ads, made by Ralston Lapp, are running on Pandora radio and are targeting "key elements of the midterm electorate - including persuadable voters, seniors and women," the DSCC said. Heller and Flake are considered to be the two most vulnerable Senate Republicans in 2018, and the ads aim to remind voters of their history of voting to repeal Obamacare no matter which way they vote today. **Full story.**

- POLLING DATA - Titus internal poll shows tight Nevada Senate race: Democratic Rep. Dina Titus released an internal poll that found her in a dead heat against GOP Sen. Dean Heller in Nevada, signaling that she's still considering the race and not quietly stepping aside for former Sen. Harry Reid's preferred Democratic candidate, Rep. Jacky Rosen. In a general election head-to-head, Heller has 47 percent to Titus's 45 percent, per the poll. It also showed Titus with strength in Washoe County, a bellwether county where Titus trails by one point. The memo didn't share data on the primary race, but Titus told The Nevada Independent that she felt "confident" she'd win a primary against Rosen. Anzalone Liszt Grove Research conducted the 600-person telephone poll with a margin of error of plus or minus 4 points. **Read the full memo here**.

COMING ATTRACTIONS - Messer finance chair promises 'exciting news' Wednesday: "Indiana Rep. Luke Messer, who has flirted with a Senate bid for months, will have "exciting news" on Wednesday, the chairman of Messer's finance committee told top fundraisers in an email." **Full story.**

Days until the 2017 election: 103.

Days until the 2018 election: 467.

Thanks for joining us. You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

IN THE STATES - The DNC is pouring $1.5 million and top staffers into the Virginia gubernatorial race to bolster Ralph Northam, NBC News reports. "In addition to doubling the number of paid field organizers in the state, the money will be used to beef up the party's operations in the state, including training, digital and tech. [DNC Chairman Tom] Perez is also sending three of his top political aides, including Chief of Staff Sam Cornale, DNC Political and Organizing Director Amanda Brown Lierman, and DNC political adviser Ramsey Reid, who ran get-out-the-vote operations for the Virginia Democratic Coordinated Campaign in 2016." Yesterday in Score, we reported that the RGA donated $2 million to Ed Gillespie's campaign, on top of the $1 million they had already donated.

- "DeSantis-aligned super PAC gets familiar new head as gubernatorial rumors swirl," by POLITICO Florida's Matt Dixon: "In another sign that Rep. Ron DeSantis is considering a run for governor in 2018, the state and federal fundraising committees tied to the two-term Republican congressman are now both headed by the same person. Erika Alba, an attorney in Foley & Lardner's Jacksonville office, is in charge of Fighting for Florida's Future, a super PAC that raised $1.2 million in support of DeSantis' 2016 run for Senate, according to a recent filing with the FEC. The super PAC was led by Nelson Warfield, a longtime GOP consultant no longer involved with the committee." **Full story.**

- "Kennedy quietly reversed Illinois tax break request," by POLITICO Illinois' Natasha Korecki: "Democrat Chris Kennedy has made Illinois property taxes - among the highest in the nation - a focus of his campaign for governor. He's railed against an appeal system that he has likened to 'extortion' for kicking lucrative tax breaks to politically connected insiders with high-powered lawyers. But even as Kennedy took to social media and forums to complain about a 'rigged system,' he was actively pursuing a second property tax appeal of his own - asking for a 20 percent reduction for his personal home in the Chicago suburb of Kenilworth. Kennedy then quietly withdrew his appeal request, according to a letter obtained by POLITICO, seven days after a story surfaced that was critical of property tax reductions won by his chief primary opponent, billionaire J.B. Pritzker." **Full story.**

THE END OF THE CASE, OR THE BEGINNING? - "Woman pleads guilty in scheme to pay off Brady challenger," by POLITICO's Josh Gerstein: "A Pennsylvania pastor pled guilty to a federal felony Tuesday for participating in a scheme that led a challenger to Rep. Robert Brady (D-Pa.) to bow out of a 2012 primary contest. Appearing in U.S. District Court in Philadelphia, Rev. Carolyn Cavaness pled guilty to a single charge of making a false statement in a federal proceeding, court records show. Cavaness was a campaign staffer for Jimmie Moore, a Philadelphia judge who entered the Democratic primary against Brady. ... No charges have been announced against Moore or Brady. However, one court filing made public Tuesday indicates prosecutors believe Brady attempted to influence the testimony of at least one witness in the investigation." **Full story.**

- Via the Philadelphia Inquirer's Jeremy Roebuck and Chris Brennan: "Reached for comment after the filings were unsealed late Tuesday, Brady referred a reporter to Ken Smukler, his longtime political consultant. 'You have to talk to Kenny,' Brady said. 'They did all that. That's five years ago. I don't remember none of that.' Asked if his campaign sent Moore's campaign $90,000 to pay debts, Brady said: 'Whatever they did, I don't know.'" **Full story.**

TIMELINES - "Hovde says no decision, despite move to end committee," by the Associated Press: "Hovde said Monday that paperwork filing with the Federal Elections Commission earlier this month indicating he plan to close the 'Hovde for Senate' campaign committee was just clean up work from the 2012 campaign. Hovde says he's still considering whether to get into the race next year and won't make a decision until after his youngest daughter leaves for college later in August." **Full story.**

READING LIST - "Senator Jeff Flake, Facing Twin Threats, Is Said to Take On G.O.P. Rift in New Book," by The New York Times' Alexander Burns: "Senator Jeff Flake , Republican of Arizona, faces political challenges from both sides in seeking re-election next year: On the left, emboldened Democrats are aggressively recruiting candidates to run against him. On the right, allies of President Trump are devising ways to punish Mr. Flake for his outspoken rejection of Mr. Trump last year. Yet Mr. Flake, seemingly undaunted, has secretly planned an unconventional campaign kickoff that risks intensifying both threats: Working privately, and largely without the knowledge of political advisers, he has written a book that amounts to an ideological manifesto for his own version of conservatism, according to three people briefed on the manuscript who discussed it on the condition of anonymity." **Full story.**

AIR WAR - Gillespie launches television ads in Virginia: "Virginia Republican Ed Gillespie has launched the first three television ads of the general election in the state's governor's race. All are positive ads focusing either on his biography or his plans to improve the state's economy." Watch the ads here, here and here. **Full story.**

- Ohio Senate candidate Gibbons releases first TV ad: "Ohio Republican Mike Gibbons' Senate campaign released its first statewide TV ad today, attacking "career politicians" for failing to repeal Obamacare and cut taxes." Watch the ad here. **Full story.**

PERSONNEL CHANGES - IMGE, IJR split, adds staff: Phil Musser, IMGE's CEO who co-

founded the Independent Journalism Review, announced to staff in an email that he bought IMGE from MGA Holdings, splitting off from the conservative website. "This was long in the works, and will allow us to pursue our dreams, and IJR to pursue theirs without the worry of conflicts of interest," Musser wrote. IMGE also brought on new personnel, including former NRCC executive director Liesl Hickey as a strategic partner and Phil Cox, who runs the bipartisan public affairs firm 50 State, as a senior adviser.

CODA - QUOTE OF THE DAY: "Trust me. Do you know why he challenged you to a duel? 'Cause you could beat the s- out of him." - Rhode Island Sen. Jack Reed to Maine Sen. Susan Collins, referring to GOP Rep. Blake Farenthold's comments that he would challenge Collins to a duel, if she were a man, The Washington Post reported.

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July 18, 2017

Today on Climate Beat . . .

. . . we did some trading, offering early details of the California Legislature's super-majority votes to extend the state's landmark greenhouse gas cap-and-trade program, given the program long-term certainty and protecting against potential future legal challenges.

On the personnel front, Miles Keogh, a former research director at the National Association of Regulatory Utility Commissioners, has been tapped to run the National Association of Clean Air Agencies, the state air directors' agency announced.

And in court, a major commercial appliance industry group has asked to intervene in litigation challenging the Department of Energy's delay of several Obama-era appliance energy efficiency standards, suggesting it seeks to protect the department's broad authority to correct errors in the standards before finalization.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 6/15/2017 9:44:07 AM
Subject: Morning Energy: Judge hands tribes major Dakota Access victory — Pruitt returns to Hill today — Uphill challenge seen for E15 bill

By Anthony Adragna | 06/15/2017 05:41 AM EDT

With help from Esther Whieldon, Darius Dixon, Eric Wolff and Alex Guillén

THIRD TIME'S THE CHARM! Opponents of the Dakota Access pipeline received a major legal victory late Wednesday as a federal judge ruled the government's environmental review of the project was inadequate and that the U.S. Army Corps of Engineers must redo its analysis under the National Environmental Policy Act. In his 91-page ruling, U.S. District Court Judge James Boasberg said the government "did not adequately consider the impacts of an oil spill on fishing rights, hunting rights, or environmental justice, or the degree to which the pipeline's effects are likely to be highly controversial."

But he stopped short of immediately ceasing the pipeline's operation, calling that a "separate question" subject to additional briefing to be discussed at a status conference next week. Tribal opponents of the pipeline, which began operating this month, had failed twice before in legal challenges seeking to block its completion. But they hailed Wednesday's decision: "We applaud the courts for protecting our laws and regulations from undue political influence, and will ask the Court to shut down pipeline operations immediately," Standing Rock Sioux Chairman Dave Archambault II said in a statement.

In a statement, the Grow America's Infrastructure Now coalition said the outstanding claims in the case "do nothing to impact the ongoing operation of the pipeline" and expressed confidence the Corps would allay the judge's concerns. "While we have little doubt that the Corps will ultimately be successful in satisfying the Court's concerns, tonight's decision continues the public saga of the project and jeopardizes ongoing infrastructure investment," Craig Stevens, a spokesman for the group, said.

PRUITT RETURNS TO THE HILL: Capitol Hill is still reeling after Wednesday's shocking shooting of House Majority Whip Steve Scalise and four others at a congressional baseball practice, but House appropriators plan to move forward as scheduled and hear testimony from EPA Administrator Scott Pruitt on President Donald Trump's fiscal 2018 budget request for the agency. That request sought a 31 percent cut for the agency, from $8.2 billion to $5.6 billion, though even fellow GOP lawmakers have bristled at such steep proposals. Look for lawmakers from both parties to press Pruitt — offering his first congressional testimony since being confirmed — on cuts to their pet programs but for Democrats to also press him on ongoing efforts to roll back a number of Obama-era regulations.

One key issue to watch: Whether Pruitt gives a full-throated defense of the budget that not only slashes climate change spending but does not spare his favored programs — including Superfund and brownfields. If he does, he's chaining himself to Trump's proposal and signaling even his own priorities are at risk. If not, he may double-cross the boss. On the other hand, Pruitt is

talented at sidestepping thorny issues and returning to his comfort zone, a high-wire act he could pull off once more.

Ahead of his appearance, Pruitt's critics will hold a "resistance rally" outside the Independence Avenue entrance to Rayburn at 10 a.m. Participating groups include Hip Hop Caucus, Green for All, Sierra Club, Environment America, Moms Clean Air Force, WE ACT for Environmental Justice, Sojourners, Green Latinos, Climate Action Campaign, the Union of Concerned Scientists and Franciscan Action Network, among others.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and NRDC's Edwin Chen was first to name President Gerald Ford as the last sitting chief executive to testify before Congress. For today (and in honor of the awesome Congressional Baseball Game): What congressman hit the first known grand slam during the game back in 1957? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

ARIZONA REGULATOR JOINS EPA: Henry Darwin, Arizona's former environmental chief, has been named EPA's assistant deputy administrator, where he will help manage day-to-day operations. He's been the state's chief operating officer since 2015 but before that served five years as director of the Arizona Department of Environmental Quality, Pro's Alex Guillén reports . Darwin "will deploy the same Lean Management System that he successfully deployed" in Arizona, EPA spokesperson Liz Bowman said. "He will focus the Agency on providing value to taxpayers by helping us measure performance, improve our processes and solve the issues that matter to Americans."

In 2014, Darwin testified before Congress that he did not believe EPA had the legal authority to regulate carbon emissions as it did with the Clean Power Plan. Darwin's position at EPA does not require Senate confirmation.

NUCLEAR ENERGY CREDIT BILL GETS A VOTE: The House Ways and Means Committee is set to vote today on legislation extending the nuclear energy production tax credit program that Southern Co. and SCANA need to keep their nuclear projects on sound financial footing. The credits — worth billions of dollars to the companies — currently require new reactors be in service by the end of 2020 to qualify, a timeline made just about impossible given the bankruptcy of contractor Westinghouse. The bill would open the credits to projects that power up after 2020. The markup is scheduled for 10 a.m. in Longworth 1100.

YUCCA, OZONE, BROWNFIELDS BILLS ON THE MOVE: House Energy and Commerce Environment Subcommittee members are expected today to advance their first three major environmental measures of this Congress. Chairman John Shimkus gets a vote on his draft bill rewriting the nation's nuclear waste policy. The measure contains language on interim storage sites, but seeks to advance Shimkus' long-held priority of completing Yucca's licensing process. Also on the docket is the Ozone Standards Implementation Act (H.R. 806), which would delay implementation of the 2015 ozone standard through 2025 and stretch the regular air quality standard review period from five years to 10. And the panel will consider a draft bill reauthorizing and tweaking the brownfields program to raise the cap on federal grant amounts

for individual sites. Similar versions of all three bills have been considered in prior Congresses, though none have come close to passage. The markup kicks off at 10 a.m. in Rayburn 2123.

NRC CHAIRWOMAN GETS PANEL VOTE: Moving quickly just two days after her confirmation hearing, NRC Chairwoman Kristine Svinicki gets a vote this morning at 10 a.m. at Senate EPW. Time is of the essence because her term expires June 30, and Svinicki would have to step down, at least temporarily, if the Senate fails to confirm her by then. Her biggest hurdle may be securing time on the Senate's floor schedule, with ranking member Tom Carper telling reporters after the hearing Tuesday that she'd have little trouble clearing the Senate.

LONG WAY TO GO FOR E15: Sen. Deb Fischer got her promised hearing Wednesday on a bill to promote sales of 15 percent ethanol gasoline, but she's going to need a lot of help to get the legislation out of the Senate Environment and Public Works Committee. Five cosponsors of the bill, S. 517, sit on the panel, but no other EPW members have declared their support, leaving it six votes short of a committee majority.

As Pro's Eric Wolff reports, Chairman John Barrasso, top Democrat Tom Carper, and Republican former chairman Jim Inhofe all opposed the bill or would require significant changes to win their support. GOP Sens. John Boozman and Richard Shelby told ME they oppose the E15 bill, and Republicans Roger Wicker and Shelley Moore Capito have sponsored anti-ethanol legislation in the past. The last Republican on the committee, Alaska Sen. Dan Sullivan, appears to have no public position on the RFS. Among EPW Democrats, Illinois Sen. Tammy Duckworth is the bill's only cosponsor. ME caught up with Sen. Ed Markey, who said he hadn't made up his mind, and Sen. Cory Booker told Eric he has "negotiations underway."

Markup? Two ethanol sources who have had conversations with Senate staff said they expect a committee vote on Fischer's bill in July, but everyone agreed that the timing was in flux.

X MARKS THE MOX: Top lawmakers on the Senate energy appropriations panel seem more prepared than ever to defund the controversial MOX nuclear project after years of holding back their frustrations. The Obama administration spent years urging Congress to put the project, which was designed to dilute weapons-grade plutonium into reactor fuel, into cold standby before it eventually called for killing MOX outright in favor of a "dilute and dispose" program last year. Interestingly, Trump's budget last month agreed. "I think the fact that successive administrations have come to the same conclusion is very important," Sen. Lamar Alexander, the energy spending chief, said of MOX at a hearing Wednesday afternoon, after noting that a special "red team" said the dilution effort would be faster and cheaper. "I think we have a formula," said Sen. Dianne Feinstein, the top Democrat on the energy spending panel. Last year, Alexander, faced with opposition from South Carolina Sen. Lindsey Graham, extended MOX's life so other committees could discuss it.

WAITING FOR REG REFORM: Sen. Rob Portman told ME the regulatory overhaul he and Sen. Heidi Heitkamp sponsored will get to the floor, "Soon now, I hope!" The bill advanced out of committee last month, but Heitkamp was the only Democratic backer. Sen. Claire McCaskill, a centrist Democrat whose support Portman and Heitkamp probably need, promised her own bill that day with the hopes she'd have it out by Memorial Day. Wednesday she told ME she said

reviewed a draft last week, but that it still needed work. She hopes she'll release it before the July 4 break.

Appreciate the scene: Portman gave his answer while to ME while sitting on a Senate subway after a gaggle of reporters bombarded him with questions on the upper chamber's secretive healthcare bill. He called out his response on reg reform, a topic he would much rather discuss, as the train pulled away from the platform, almost as if the moment had been shot for a movie. ME would like to be played by Chris Pratt, thanks for asking.

ANOTHER KEYSTONE MEETING SCHEDULED: The Nebraska Public Service Commission has added a third public meeting on TransCanada's application for the controversial Keystone XL pipeline route through the state on June 28, Pro's Ben Lefebvre reports. Comments during the meeting at the Divots Conference Center in Norfolk will be on a first-come, first-served basis. The commission expects to make a final decision before the end of the year.

PAST EPA CHIEFS PAN TRUMP: Former EPA administrators Carol Browner and Gina McCarthy got off a few jabs at President Trump during appearances at Wednesday night's League of Conservation Voters dinner. McCarthy said Trump's solar wall idea makes him "the definition of 'desperado,'" adding: "It's an interesting tactic, trying to pass a terrible idea by linking it with a good one. What's next? A wind-powered oil derrick?" Browner, meanwhile, joked that Trump's "covfefe" tweet "sounds like something EPA would regulate."

MAINE MONUMENT STILL IN SPOTLIGHT: Interior Secretary Ryan Zinke swings through Maine for a second day and again will focus on the controversial Katahdin Woods and Waters National Monument. Zinke today meets with tribal leaders, Gov. Paul LePage and other local elected and business representatives of varying opinions about the monument, according to the agency.

GRIJALVA QUESTIONS METHANE PULLBACK: House Natural Resources Ranking Member Raul Grijalva sent a letter to Zinke Wednesday questioning whether Interior violated the Administrative Procedures Act by suspending key parts of the methane waste rule. "Extending those compliance dates without another notice-and-comment period, and with only a cursory rationalization that is in large part based on written requests from oil and gas industry groups, is arbitrary and capricious," he wrote.

RECORDS SOUGHT OVER DOE GRID STUDY: The Center for Biological Diversity filed a FOIA request Wednesday seeking records of DOE communications with energy companies and other outside entities related to its ongoing electric grid reliability study. "We hope our request will shed light on the administration's communications with the dirty companies that would benefit most from hampering wind and solar," Howard Crystal, a senior attorney with the group, said in a statement.

PRO-WIND GROUP LAUNCHES CAMPAIGN IN D.C.: American Wind Action launched a multimillion-dollar digital, TV and radio advertising issue advocacy campaign Wednesday in Washington that features workers at an Iowa wind turbine manufacturing facility who say the industry "powers American jobs."

REPORT: CLEAN ENERGY MOMENTUM CONTINUES: A report released Wednesday by Deloitte finds renewable energy sources are competitive with conventional energy and 63 percent of residential consumers said they're very concerned about climate change and their carbon footprints. "Green energy no longer solely means environmental concerns, 'green energy' also means the dollars that can be saved by investing in wind, solar and other clean energy sources," Deloitte's Marlene Motyka said in a statement.

CLIMATE CAUCUS GROWS AGAIN: There are now 42 members of the bipartisan Climate Solutions Caucus with the addition of four more lawmakers: Reps. Jimmy Panetta (D-Calif.), Scott Taylor (R-Va.) and Barbara Comstock (R-Va.), as well as Del. Stacey Plaskett (D-V.I.).

MOVER, SHAKER: James Schindler, a member of the Trump administration's Interior beachhead team and prior legislative aide to former Sen. David Vitter, took an official job as special assistant in the Bureau of Ocean Energy Management effective May 28, according to a Public Financial Disclosure Report obtained by ME.

YOU'RE HIRED: Akin Gump has signed four new clients, including Gulfport Energy Corporation and Otis Eastern Service (h/t POLITICO Influence).

QUICK HITS

— Scott Pruitt used two government email addresses in his last job. He told Congress he used one. Washington Post.

— Even China-Backed Development Bank Won't Touch Coal Projects. Foreign Policy.

— Iowa regulator recuses himself from Dakota Access Pipeline case. Des Moines Register.

— Oil Tumbles to Lowest Since November as Gasoline Supplies Surge. Bloomberg.

— Morgan Stanley CEO says Saudi Arabia could be 'major opportunity'. Reuters.

HAPPENING TODAY

9:30 a.m. — "U.S. launch of the BP Statistical Review of World Energy 2017," Atlantic Council, 1030 15th Street NW, 12th Floor

10:00 a.m. — "Legislative Hearing on Discussion Draft of Resilient Federal Forests Act of 2017," House Natural Resources Subcommittee on Federal Lands, 1324 Longworth

10:00 a.m. — Markup of Legislation to Modify the Nuclear Production Tax Credit, House Ways and Means Committee, 1100 Longworth

10:00 a.m. — Green groups hold resistance rally ahead of Pruitt's budget testimony, Independence Avenue entrance to Rayburn

10:00 a.m. — Subcommittee votes on three environmental pieces of legislation, House Energy and Commerce Environment Subcommittee, 2123 Rayburn

10:00 a.m. — "Hearing to examine the President's budget request for the U.S. Forest Service for Fiscal Year 2018," Senate Energy and Natural Resources, 366 Dirksen

12:30 p.m. — Natural Gas Roundtable with BP Group Chief Economist Spencer Dale, American Gas Association, University Club, 1135 16th Street, NW

1:00 p.m. — "Environmental Protection Agency - Budget Hearing with Administrator Scott Pruitt," House Appropriations Interior, Environment, and Related Agencies Subcommittee, 2007 Rayburn

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https://www.politicopro.com/tipsheets/morning-energy/2017/06/judge-hands-tribes-major-dakota-access-victory-023314

Stories from POLITICO Pro

Trump budget request maintains steep EPA cuts Back

By Alex Guillén | 05/23/2017 11:19 AM EDT

The Trump administration's proposed budget calls for slashing EPA's funding for fiscal 2018 by 31 percent, the most severe cut of any major federal agency.

The budget would see EPA's funding drop to just over $5.6 billion, down from the $8.2 billion EPA ultimately got for fiscal 2017, in line with the figures the administration issued in its previous "skinny" budget.

Only a few areas would see modest budget increases, such as the State Revolving Funds that make low-interest loans for water infrastructure projects and a chemical review program that is expanding to keep pace with last year's overhaul of the Toxic Substances Control Act.

But almost every other EPA office would face significant cuts that have already been criticized by lawmakers from both parties. Those cuts target climate change-related programs, hundreds of millions of dollars' worth of state grants, regional water cleanup efforts in places like the Chesapeake Bay and the Great Lakes and the agency's enforcement efforts.

Appropriators on the Hill have expressed skepticism that Congress will cut EPA's budget as deeply as the White House is requesting.

To view online click here.

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Former Arizona environmental chief tapped for EPA operations job Back

By Alex Guillén | 06/14/2017 06:58 PM EDT

Arizona's former environmental chief has been tapped to be EPA's "chief of operations," according to a release from Gov. Doug Ducey's office.

Henry Darwin has been the state's chief operating officer since 2015, and is also acting director of the state's Department of Economic Security. Before that he spent five years as director of the Arizona Department of Environmental Quality. Darwin will remain in his Arizona post until June 30.

It is not clear what the job of chief of operations entails, or how it is different from deputy administrator, who traditionally runs day-to-day operations at EPA. Agency spokespeople today did not immediately answer questions about the position.

In 2014, Darwin testified before Congress that he did not believe EPA had the authority to regulate greenhouse gases as EPA did under its Clean Power Plan. He has a degree in engineering from the University of Arizona and a law degree from Lewis & Clark College.

To view online click here.

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Nuke utilities warn failure to extend tax credit could upend new reactors Back

By Darius Dixon | 05/03/2017 06:31 PM EDT

Utilities building new nuclear reactors in Georgia and South Carolina say they will have to rethink those projects if Congress does not extend tax credits they had been counting on.

The nuclear projects, already suffering delays, were on track to be finished just before those tax credits would expire, and now they are expected to fall further behind because of the bankruptcy of contractor Westinghouse, which designed the new reactors being installed. The tax credit does not expire until the end of the decade, and South Carolina lawmakers failed to get it included in an omnibus spending bill expected to pass this week. But nuclear proponents say quick action would go a long way to help the new reactors come online.

"The most obvious thing the U.S. government can do is to lend support to extend the timeframe on the production tax credit," Southern Company CEO Tom Fanning told investors on a quarterly earnings call Wednesday.

Southern subsidiary Georgia Power and its partners are evaluating whether to change course on its two-reactor Vogtle nuclear expansion project in the wake of Westinghouse's bankruptcy, and Fanning said reworking the tax credit would be "central" to how it proceeds.

A similar evaluation is underway at South Carolina-based SCANA Corp., which is building two Westinghouse-designed AP1000 reactors at its V.C. Summer Nuclear Station. SCANA Executive Vice President and CFO Jimmy Addison told investors last week that the future of the nuclear tax credit was one of three "critically important" variables that will determine the future of the project.

Both Southern and SCANA had recently expected to bring a Vogtle and Summer reactor online in 2019 and 2020. Those projects have already faced numerous delays, and any additional slippage in the schedule may mean they won't come online in time to claim the tax credits investors had assumed would be there.

At issue is a nuclear production tax credit that the industry estimates would be worth as much as $6 billion over eight years. The credit is only available for reactors that come online by 2020.

Over the past week, a bipartisan group of lawmakers had been trying to move a package of tax extenders that would have included removing the in-service deadline for new nuclear reactors, but they have struggled to gain traction.

South Carolina Sen. Lindsey Graham briefly threatened to hold up the omnibus spending package Congress is set to pass this week in an effort to get the nuclear incentive included in the bill, but he and other nuclear advocates are now looking for other avenues.

"I'm not going to sit on the sidelines and watch the nuclear industry be destroyed," Graham said Wednesday. "For three years, we've been trying to get these tax credits extended. ... The [four] reactors that are being built are very much at risk."

Graham's Palmetto State colleague Sen. Tim Scott, who introduced legislation seeking to make changes to the credits, is already eyeing the next ride.

"We are hopeful that as we look forward to a tax package or another vehicle that seems to have the possibility of passing, that we will have this conversation in earnest again," he told POLITICO.

At the moment, Southern has an interim agreement with Westinghouse that has kept the project moving and thousands of workers on site, Fanning said.

That agreement runs through May 12, and Fanning said that Georgia Power and its Vogtle project partners are negotiating a broader "transition" plan with Westinghouse that will move the project to a new contractor, including Southern taking over as general construction contractor. He also emphasized that Westinghouse parent company Toshiba is still on the hook to spend at least $3.7 billion for Vogtle and maintain commitments regarding intellectual property.

Fanning said the partners will send an assessment to state regulators outlining their options "within the next month or two." That could include three possible paths: full steam ahead on both reactors, continue with just one unit or walk away from the whole thing.

"If it looks likely that the best thing for customers is to not complete these plants, I think at that point you might take a completely different posture on site," he said. "So long as it is viable for us to complete the plant, it is absolutely important for us to not only maintain, but improve productivity on the site. ... [If we] were to start sending people home, the chances of us getting those people back on site would be awfully difficult."

SCANA's Addison said the future of its reactors would depend on confirming the project's existing cost estimates, recouping what it is owed by Westinghouse and extending the tax credits.

"And all three of those are in the billions of dollars. So they're all critically important," he told investors last week. "And we have impressed upon everyone that has a vested interest in South Carolina and in nuclear in America that'll listen to us, that the timeliness of this is very, very important to this evaluation."

To view online click here.

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Ethanol politics bog down E15 bill Back

By Eric Wolff | 06/14/2017 02:18 PM EDT

A bill to expand sales of gasoline with 15 percent ethanol appears to be stuck on long-running disputes over biofuel policy that may limit its support outside of corn states.

Sen. Tom Carper (Del.), the top Democrat on the Environment and Public Works Committee, said after a hearing today that he will oppose the E15 bill without an amendment addressing "transparency in the RIN market," a reference to the credits refiners must purchase to comply with the Renewable Fuels Standard. Merchant refiners in the Philadelphia area, along with Trump associate Carl Icahn and refining giant Valero, blame high RIN prices for threatening their profits.

Carper also raised concerns about increasing ozone emissions that already plague his state if more E15 were sold, a concern shared by several influential environmental groups. Sen. Tammy Duckworth (Ill.) is the bill's only Democratic co-sponsor on the committee.

Sen. Cory Booker (D-N.J.) did not ask any questions at today's hearing, but afterward he told POLITICO he is in "negotiations" over the bill, declining to offer details. Sen. Deb Fischer (R-Neb.), the lead sponsor of the bill, said she plans to speak to Booker but has not done so yet.

Republicans in the hearing seemed to have staked out their positions, with corn-state senators like Mike Rounds (S.D.), Jerry Moran (Kan.), and Joni Ernst (Iowa) promoting the bill and long-time RFS opponents like Sen. Jim Inhofe (Okla.) and Chairman John Barrasso (Wyo.) criticizing it.

WHAT'S NEXT: Barrasso has said the committee will vote on the E15 bill, but no date has been set.

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Senate Armed Services panel to hold a hearing on MOX project Back

By Darius Dixon | 04/13/2016 04:04 PM EDT

The Senate Armed Services Committee plans to hold a hearing on the controversial MOX nuclear project, lawmakers said today — and Sen. Lindsey Graham says it'll be a show.

"If you're looking for a good time, come listen to that hearing," Graham said at an energy and water appropriations markup.

The South Carolina Republican was pleased that Senate appropriators included $270 million for the project in its fiscal 2017 energy and water spending bill, which was approved in subcommittee today. But he's been increasingly frustrated with the Obama administration's effort to shut down MOX, a project at the center of an agreement with Russia to divert 34 metric tons of U.S. weapons-grade plutonium.

"I'm going to weigh into these guys like Sherman going through Georgia," Graham added.

The hearing hasn't been scheduled yet, according to Graham's office.

The House approved a spending bill earlier this afternoon that also rebuffs the administration's official effort to spike MOX.

Sen. Dianne Feinstein, the top Democrat on the energy and water panel who described MOX's ballooning costs as "exorbitant," said that Energy Secretary Ernest Moniz gave several lawmakers a presentation about the project this morning, including herself, Alexander, Graham and members of the Senate Armed Services Committee.

Sen. Lamar Alexander, who chairs the energy and water subpanel, said that decisions about the fate of MOX rest with authorizers on the Armed Services panel.

To view online click here.

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Nebraska regulators schedule new public meeting for Keystone XL Back

By Ben Lefebvre | 06/14/2017 03:44 PM EDT

Nebraska regulators have added a third public meeting on TransCanada's application for the controversial Keystone XL pipeline to traverse the state.

The Nebraska Public Service Commission meeting will be held on June 28 at the Divots Conference Center in Norfolk. Public comment will be on a first-come, first-served basis, according to the NPSC notice.

Hundreds of people showed up at the previous session to give their views on whether Nebraska should allow the pipeline to follow the path that developer TransCanada has proposed. Environmentalists have criticized the 830,000-barrel-a-day pipeline for facilitating development of Canada's oil sands. Supporters have said the pipeline will provide jobs and reduce dependence on oil imported from unfriendly countries.

The NPSC expects to make a final decision on the Keystone route by the end of the year.

WHAT'S NEXT: After the new June 28 meeting, a public meeting will be held in August.

To view online click here.

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BLM delays key parts of methane waste rule Back

By Alex Guillén | 06/14/2017 10:08 AM EDT

The Bureau of Land Management will suspend key parts of the methane waste rule while litigation and an internal agency review plays out, the agency says in a Federal Register notice to be published on Thursday.

Oil and gas producers "should not be required to expend substantial time and resources to comply with regulatory requirements that may prove short-lived as a result of pending litigation or the administrative review that is already under way," BLM says in its notice.

Several provisions were scheduled to take effect on Jan. 17, 2018, but have been pushed back indefinitely, BLM said.

The postponed requirements include a mandate to capture a certain amount of waste gas

produced during production, along with storage tank vapors; measure flared gas; upgrade or replace some equipment; and have in place leak detection and repair programs. Those requirements would have required operators to buy and install significant new equipment at "substantial cost," BLM said.

Some other provisions have already taken effect and are not postponed, including a requirement that new permits to drill include waste minimization plans, certain maintenance mandates and limits on venting and flaring while in production.

The rule survived a nullification attempt via a Congressional Review Act resolution last month after several Republicans sided with Democrats to keep the rule alive.

WHAT'S NEXT: Opening briefs in the lawsuit in the U.S. District Court for Wyoming are due July 3, with briefing continuing through August. The requirements stayed by BLM will remain paused until litigation and an internal review are complete, a process that could take years.

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Sent: Fri 6/16/2017 9:47:11 AM
Subject: Morning Energy: Unpacking Pruitt's early days as administrator — DOE defends closing climate office — Carper pushing for quick Svinicki vote

By Anthony Adragna | 06/16/2017 05:42 AM EDT

With help from Anca Gurzu and Alex Guillén

PRUITT'S EARLY SCHEDULES RELEASED: After months of requesting them, EPA released Administrator Scott Pruitt's schedules for his first five weeks in office to E&E News late Thursday. They show a host of previously-known meetings with governors and industry figures, but also detail undisclosed private meetings with senior energy industry VIPs — and virtually no interactions with environmentalists.

Wading into the White House: Before he helped convince President Donald Trump to ditch the Paris climate deal, Pruitt lunched separately with members of the dueling ideological camps inside the White House. On March 13, Pruitt sat down with the president's daughter Ivanka Trump, who ultimately failed to convince her father to stick with the accord. A few days later, he discussed climate change with Stephen Miller, one of the president's more populist conservative advisers.

Congress calls: Sen. Todd Young (R-Ind.) scored an early win when a when a March 8 call to raise the USS Lead Superfund site in East Chicago led to a personal visit by Pruitt on April 19. Indiana's other senator, Democrat Joe Donnelly, also scored a phone call with Pruitt. And Pruitt met once with Sen. Luther Strange (R-Ala.), a longtime collaborator on environmental lawsuits when both were AGs. The topic, according to Pruitt's schedule, was the "Alabama sweep," which ME is guessing is a sports thing.

Industry invites: Pruitt spoke at a dinner gathering of the American Petroleum Institute's executive committee and board of directors — held at the Trump Hotel, across the street from EPA headquarters. Pruitt also discussed regulatory reform and "Chevron's perspective on global oil and gas developments" with Chevron chief John Watson. Steve Pastor, a petroleum executive with BHP Billiton, asked for a meeting to "thank [Pruitt] for leadership."

More industry meetings with: Coal CEO Bob Murray; Andrew Liveris, Dow Chemical; Lynn Good, Duke Energy; Sean Trauschke, Paul Renfrow and George Baker of OGE Energy; National Rural Electric Cooperative Association CEO Jim Matheson; BMW Global Chairman CEO Harald Krüger; A.J. Ferate, vice president of regulatory affairs at Oklahoma Independent Petroleum Association.

Odds and ends: Pruitt on several occasions blocked out time for CIA Director Mike Pompeo, but no other details were included. At Pruitt's request, former Virginia attorney general Ken Cuccinelli stopped by to talk about an undisclosed topic. Cuccinelli is now general counsel for FreedomWorks, the Koch-connected group. Pruitt met in his office on March 22 with Kevin Hern, a Tulsa businessman planning to run for the seat of Rep. Jim Bridenstine, who said he

would limit himself to three terms. Pruitt also met with: German Environment State Secretary Jochen Flasbarth; Environmental Council of the States executive director Alexandra Dunn; Jason Grumet of the Bipartisan Policy Council; James T. Conway and others from Securing America's Future Energy; San Joaquin Valley Air Pollution Control District executive director Seyed Sadredin.

An ear for ethanol: Pruitt's calendar is light on details in terms of what was discussed, with a few exceptions. On several occasions Pruitt discussed the federal biofuels mandate, including a wonky dispute over which companies are responsible for complying with the law. Pruitt has the final call on a petition the Obama administration proposed rejecting that would move the so-called point of obligation from oil refiners to fuel blenders. The point of obligation was a topic of discussion when Pruitt met with Greg Love of Love's Travel Stops, which belongs to a trade association representing truck stop owners that has come out against shifting the obligation. Pruitt also discussed the topic with George Damiris, the CEO of HollyFrontier, an independent refiner that supports the shift. And he discussed the Renewable Fuel Standard with BP America CEO John Minge, whose company is part of a coalition pushing to keep the point of obligation where it is. Pruitt also met separately with National Corn Growers Association CEO Chris Novak and Corn Refiners Association CEO John Bode alongside other agriculture industry representatives, although his calendar did not list the topics they discussed.

Did we miss anyone?: No meetings with environmentalists were listed on Pruitt's calendar, which covered Feb. 21 to March 31. Pruitt's first public meeting with greens was a few weeks later, when he met with members of the Nature Conservancy and Audubon Society.

Meanwhile, more Oklahoma emails: More than 4,000 of newly-released emails from Pruitt's time as Oklahoma attorney general provide further evidence of how closely he coordinated with fossil fuel companies, The Associated Press reports. The records, which contain schedules and lists of speaking engagements, detail dozens of meetings between Pruitt, members of his staff, and executives and lobbyists from the coal, oil and gas industries.

TGIF EVERYONE! I'm your host Anthony Adragna, and Covington & Burling's Bud Earley was first to identify future President Gerald Ford as the first to hit a grand slam in the Congressional Baseball Game. For today: In what city did the First Continental Congress meet back in 1774? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

HOW A STREET IN BROOKLYN IS CHANGING THE ENERGY GRID: The shared economy is flourishing, with companies like Airbnb and Lyft capitalizing on the growing popularity of shared services. Can their success be replicated in the energy industry? In the latest installment of **POLITICO Magazine's "What Works"** series, we look at Brooklyn-based LO3 that devised a micro grid system that uses a phone app and smart meters to enable neighbors with solar panels to strike deals amongst themselves on the amount of electricity they buy from each other and at what price. We also look at the revitalization of Tampa, Florida — a broken down deep water port revitalized after 40 years of public and private investment. Read more: Tampa Revitalization | Brooklyn's Energy Grid | Photo Gallery

CAN I CONSOLIDATE? The Energy Department confirmed that it is shuttering the Office of International Climate and Technology — calling it "one example of many" efforts to "consolidate the many duplicative programs that currently exist" within the agency in light of anticipated budget cuts. The shift is part of a larger realignment toward basic scientific research as opposed to technology deployment and follows a budget request that would eliminate programs like ARPA-E while slashing spending on fossil, nuclear and renewable energy offices.

But DOE disputed the idea that getting rid of the climate office would impede the type of work that it did. "The premise of the New York Times article claiming that the Administration is retreating on its efforts to promote clean energy is entirely false," DOE spokesman Shaylyn Hynes said in a statement, referring to the initial report that the office's 11 employees had been told their positions were being eliminated. Secretary Rick Perry "has a proven record of managing under tight budgets and looks forward to working with whatever resources Congress appropriates." Perry just returned from a trip to China for the annual Clean Energy Ministerial, which was organized with help from the international climate office. DOE said it would continue to do some preparation for future such meetings but would disperse the work among regional offices.

REJECTION OF REVOCATION: The Trump administration appears unlikely to try to rescind a series of national monument designations under the Antiquities Act made by former President Barack Obama and his predecessors. Interior Secretary Ryan Zinke offered good news to supporters of Maine's Katahdin Woods and Waters National Monument during a two-day tour by car, foot and canoe of the area when he said federal ownership of the area is "settled" and that he was unlikely to recommend shrinking it, according to multiple reports.

Zinke suggested he might actually go further and ask Congress to designate the area as a national park. And he appeared to reject an idea from Maine Gov. Paul LePage to transfer control of the monument back to the state: "We can look at management schemes, but I'm not a fan of sale or transfer of public lands," he told Maine Public Radio. Zinke's New England comments come after he recommended earlier this week trimming back — but not revoking — the controversial 1.4 million-acre Bears Ears National Monument in Utah, which many in the state's congressional delegation were pushing. It's worth noting Zinke could still change his mind before issuing final recommendations to Trump and that any attempt to alter existing monuments is sure to face legal challenges.

The man and the sea: Zinke's New England swing takes him to Boston today where he'll gather input the Northeast Canyons and Seamounts National Marine Monument off the coast of New York and New England. He hosts a listening session with local fisherman at 11 a.m., some of whom have filed a lawsuit challenging the designation.

CARPER PUSHING FOR SVINICKI VOTE: Top Senate EPW Democrat Tom Carper told ME "I'll do everything I can to make sure we" vote on NRC Chairwoman Kristine Svinicki's renomination before her current term expires at the end of the month. EPW cleared her renomination by voice vote earlier Thursday, though a spokesman for Majority Leader Mitch McConnell declined to comment on vote timing. Svinicki would have to step down, at least temporarily, if the Senate fails to confirm her by June 30.

Wait and see on oversight needs: Carper said he "appreciated" assurances from Chairman John Barrasso that EPA should respond to oversight requests from members of both parties, but said "we need the heartfelt assurances" of the agency. The Delaware Democrat has been frustrated by what he says are inadequate responses to his letters seeking information on agency actions.

THE LEGEND OF CHICAGO: Lawmakers from both parties warned Pruitt on Thursday he'd have to swallow more funding for his agency than requested, but Pruitt also pushed back on the suggestion he planned to close any EPA regional offices. "There is no consideration presently with respect to any regional offices about moving them to one location or another," he told a House Appropriations subcommittee. "I'm not sure where that came from." Asked specifically about Chicago-based EPA Region 5, Pruitt said reports of its impending closure were "pure legend" and "not something that is under discussion presently."

AGENCIES SEES PAPERWORK SLASHED: OMB Director Mick Mulvaney issued a memorandum Thursday eliminating a host of things federal agencies previously had to report to his office. Among those mandates on the chopping block: Reporting governmental costs related to the 2010 Deepwater Horizon oil spill in the Gulf of Mexico. "Too often, burdensome tasks have piled up without consideration of whether the requirements collectively make sense," the document notes.

EPA FIGHTS TO KEEP METHANE STAY: EPA asked a federal appeals court to reject environmentalists' request to reinstate key parts of the agency's rule limiting methane emissions from new oil and gas wells. As Pro's Alex Guillén notes, the agency further increased tension this week by proposing a two-year delay of those requirements. "There is no emergency," and the environmental groups cannot meet the requirements to obtain court action, EPA argued in a Thursday court filing. Those green groups must respond by June 20 and look for court action to follow shortly afterwards.

BROOKLYN'S HOTTEST CRAZE: Debra Bruno looks at the rise of microgrids in Brooklyn as part of POLITICO Magazine's What Works series. A novel system uses a phone app and smart meters to enable neighbors to strike deals for how much electricity they want to buy from one another and at what price. And it's powered by the same secure information exchange that makes bitcoin trading possible.

MAIL CALL! SENATORS: BUT, SERIOUSLY, PRUITT: Not holding back, six Senate EPW Democrats wrote Pruitt Thursday raising "serious questions" about whether he can "be trusted to inform Congress" about his activities as EPA administrator after revelations he used a third, previously undisclosed, email account while serving as Oklahoma attorney general. They asked Pruitt to immediately correct the record on his email habits and requested information about his use of secondary email accounts at EPA. The letter, spearheaded by Sheldon Whitehouse, goes on to ask if Pruitt has used "any other email addresses or other forms of electronic communication" for any purpose with entities with business pending before the agency.

NO METHOD TO THE MADNESS? The Manhattan Institute's Mark Mills is supporting a

revival of the U.S. manufacturing industry — a view he says is unpopular in parts of the gig-economy-obsessed tech world — and the biggest drag on the sector is the proliferation of regulations. His recent paper says myriad regulations cost manufacturers an average of $20,000 per employee, but that burden is even higher on the small companies, where the cost reaches $35,000 per employee. The No. 1 offender, Mills told ME, is the EPA. "Environmental regulations have been dominant. They've increased the most, and they cost the most." Much of the problem companies is trying to navigate the web of rules, many of which are in conflict with each other, he said. The argument, Mills says, is not to have no regulations, but to "de-conflict" them, like Germany and Canada do, which would ease the cost of compliance and help the sector.

GREEN GROUP SLAMS DEMOCRATIC AD: Friends of the Earth Action is decidedly not pleased with an ad released earlier this week boosting moderate Democratic Sen. Joe Manchin from a PAC allied with Minority Leader Chuck Schumer . The spot from Majority Forward praises Manchin for his efforts to roll back Obama-era coal regulations, but the Friends of the Earth said it undercuts resistance to Trump's environmental agenda. "As the Trump administration continues its devastating war against public health and the environment, it is troubling to see Democratic leaders normalizing Trump and his extreme agenda," Erich Pica, president of Friends of the Earth Action, said in a statement.

REPORT: TARGETING ENERGY EFFICIENCY MAKES NO SENSE: Public Citizen is out with a report Thursday arguing Trump's efforts to impede energy efficiency efforts make no sense even if he considers climate change a hoax, because the programs save consumers trillions over the course of their lifespans. "The savings from these programs literally approach the scale of Trump's most lavish promises for infrastructure spending," David Arkush, managing director of Public Citizen's climate program, said in a statement.

MOVER, SHAKER: Chris Adamo joins the National Wildlife Federation as senior fellow for conservation innovation; he served as chief of staff for the White House Council on Environmental Quality during the Obama administration between 2015 and 2017. Prior to that, he worked on conservation issues in the Senate for more than a decade and served as staff director for the Senate Agriculture Committee.

IT'S BEEN A TRIP! An 18-stop, 4,825-mile, coast-to-coast road trip sponsored by the American Gas Association ends today in Washington. The event has showcased a variety of vehicles running on compressed natural gas, liquefied natural gas and renewable natural gas. More information here.

QUICK HITS

— The War on Coal States. Slate.

— Dow-DuPont merger gets US antitrust approval. Financial Times.

— Ruling on Dakota Access pipeline surprises oil industry. AP.

— Big Oil needs to spend $350 billion...on wind and solar. CNN Money.

— Group says Georgia nuclear plant costs rise to $29 billion. Reuters.

HAPPENING TODAY

12:00 p.m. — "The Western Energy Imbalance Market," Women's Council on Energy and the Environment, FERC, 888 First Street, NE

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To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/06/zinke-appears-cool-to-fully-rescinding-national-monuments-023335

Stories from POLITICO Pro

How Tampa Turned a Dead Zone Into a Downtown Back

By Richard Danielson | 06/15/2017 06:59 PM EDT

Tampa Mayor Bob Buckhorn likes to say that when he moved here in 1980, only 600 people lived downtown—300 of them at the old Morgan Street jail.

No wonder. Downtown Tampa in 1980 had been in decline for decades. A century before, early leaders had charted its future as a deep-water port for moving cargo: phosphate mined in Central Florida, citrus grown along the Gulf Coast and cigars rolled in brick factories crowded with Cuban and Italian immigrants. To step onto the docks before World War II was to enter a realm of railyards, warehouses and oil tanks. The prettiest building in town was (and arguably still is) a minaret-topped grand hotel that a 19th-century rail baron built on the far bank of the Hillsborough River. But until the early 1960s, that gem looked back across the river at a meat-packing plant teeming with big, brazen rats.

By the time Buckhorn arrived in his 1966 Dodge Dart, Tampa's waterfront was an industrial dead zone, some warehouses empty, others demolished and replaced by vacant lots. The city's streetcars, which once carried 24 million passengers a year, were long gone, muscled aside by a car-centric culture that helped make the Tampa Bay area the second deadliest metro in the country in which to walk or ride a bike. Downtown retailers had closed or decamped for the suburbs. There was no way to walk along the river, literally no path from the office buildings to the waterfront, and little open space. One of the only city parks near the river was fenced and padlocked to stop vagrants from bathing in its fresh-water spring.

"We had this river running right through the heart of the city, and everybody had turned their back on it," says Sandy Freedman, Tampa's mayor from 1986 to 1995, when things started to change in a big way. "We blocked the views. We blocked the access. We did everything in reverse of what you want to do when you have a river or any amenity."

Today Tampa has reinvented its downtown step by gritty step, but it hasn't been cheap. Over the past 30 years, City Hall and the government of Hillsborough County have invested more than half a billion dollars in projects to activate the waterfront. This was Tampa's Hail Mary pass—a multi-front push to transform a purely industrial zone into a tourist-friendly amenity and, eventually, a place to live. It required nothing less than a reversal of decades of centrifugal development pressure that had pushed people and tourist attractions miles from the city center. First came the performing arts center. Then the convention center. Then the aquarium. Then the hockey arena. Then the public subsidies for a convention hotel. Then the trolley. Then the history center. Then the new art museum. Plus a series of new parks, one where the meat-packing plant once stood, another at the fresh-water spring.

Finally, a 2.5-mile Riverwalk strung them all together. It took six mayors and 40 years, but it has opened up public access to the waterfront, connected the big public projects, and led to something new in downtown Tampa—a lot of people walking around, riding bikes and enjoying the river they had long ignored.

Together, these public investments did two things. Over the past 15 years, they put out the welcome mat for millennials and empty nesters looking to move back to the city. Tampa once competed for call centers; now it seeks to leverage assets like MacDill Air Force Base and the University of South Florida to pursue firms in defense, tech, life sciences, health care and banking services. Last year, the nonprofit Tampa Downtown Partnership said downtown's population had doubled in eight years to more than 8,100 people in 5,700 units, with two-thirds of downtown residents making $100,000 or more a year.

And there's more in the pipeline. Thanks to two new players that have, for Tampa, unprecedented reach, the city is about to get a turbocharged boost of growth. Former mutual fund impresario Jeff Vinik has partnered with billionaire Microsoft founder Bill Gates' private capital fund, Cascade Investment, on what could be Tampa's biggest transformation yet. With the arrival of Vinik and Cascade, decades of incremental, government-led change has set the stage for two big-thinking, fast-moving, business titans who relish the chance to play with the kind of blank urban canvas that doesn't present itself very often. If this public-private partnership succeeds, Tampa could finally make good on its longstanding ambition to be a star of the New South—not by reviving its downtown, but by reinventing it.

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Today, Vinik, 58, is Tampa's most popular pro sports team owner, most prominent philanthropist and most ambitious developer, but he never meant to come to Tampa and remake a city. Ten years ago, he says, "I could not have imagined it."

Vinik's first career was in Boston, where at 33 he was hired to run Fidelity's Magellan Fund, then the nation's biggest mutual fund. In 1996, he left Fidelity and started his own hedge fund, which posted annualized 17-percent returns before he shut it down and returned billions of dollars to investors in 2013. By then, however, Vinik had already begun to re-invent himself. In 2010, he bought the Tampa Bay Lightning for an estimated price of $110 million. It was a purchase that

reflected an investor's eye for an undervalued asset. Less than two years before, it had sold for $200 million.

A lifelong hockey fan who grew up in New Jersey and New York, Vinik remembers falling asleep at age 5 to a Rangers game on a small television in his bedroom. When he bought the team, Vinik told reporters he had been thinking about it for two years, ever since a conversation with a close friend about what was next for him during a Christmas pop music concert in Boston. He wanted something fun and loved hockey's excitement. He sat down and Googled, "How to buy a sports team." Then, more systematically, he started to read books on sports management. He got to know the people who ran the teams as well as National Hockey League Commissioner Gary Bettman.

Vinik ended up looking seriously at 10 to 15 teams. He believed it's "critical to become part of the fabric of the community if you were going to own a sports team," so he began thinking about places where he would want to live, and Florida's warm weather was appealing. He looked at the Florida Panthers, but found the location of their arena, next to a toll road near the Everglades, to be isolated. In Tampa, he liked that the Lightning played in the southern end of downtown, on the other side of an elevated highway from the central business district, but near the bay. True, the arena was largely surrounded by acres of surface parking lots, but Vinik says "long-term that was a very good thing. Having said that, I had no aspirations of buying those properties or developing those properties." Still, buying the Lightning gave Vinik control of a publicly owned arena that hosted major concerts as well as hockey games, plus the ownership of two parking lots totaling about 5½ acres on either side of the arena. Vinik says the vacant land that came with the team did not play a big role in his decision to buy the Lightning. A year or two later, another parcel right across the street came on the market for a price that Vinik found "not cheap, but reasonable."

"It just seemed like good common sense to buy a piece of property across the street from the arena," he says. Then a couple of more parcels became available, and he bought them, again with no bigger plan in mind. He bought more. More came on the market. Eventually Vinik spent nearly $60 million to compile about 40 mostly contiguous acres near the arena. About three-quarters of the way in, he says, "the light bulb gradually went on and we said, 'Hmm, there are development opportunities here.'"

To pursue those opportunities, Vinik teamed up with Cascade. Vinik says he made the connection with Cascade through Tod Leiweke, the former Seattle Seahawks CEO whom Vinik hired to run the Lightning. Leiweke came to Tampa with an impressive portfolio of expertise, interests and relationships. He knew sports management. He was a natural civic leader. In both Seattle and Tampa, he helped drive efforts to address homelessness. (That wasn't his only community issue. I once bumped into him at the launch of a police gun buyback in one of Tampa's toughest neighborhoods.) Leiweke's older brother Tim was president of the company that developed the L.A. Live entertainment district next to the Staples Center in Los Angeles. And in Seattle, Tod Leiweke got to know key Microsoft executives, including Cascade manager Michael Larson, who is credited with building Gates' net worth from $5 billion two decades ago to what *Forbes* says is $89 billion now.

"Tod knew Michael Larson," Vinik says. "He introduced us. We had a couple of conversations, and they were interested in increasing their real estate exposure. They got it. Michael got it in terms of the potential we see here in downtown Tampa. It was a partnership (that was) meant to be."

Together, Vinik and Cascade Investment formed Strategic Property Partners, which is developing the 40 acres around the arena, plus a couple of other key acquisitions. One is the 719-room Tampa Marriott Waterside Hotel & Marina. It sits on the waterfront between the hockey arena and the Tampa Convention Center. SPP bought it for $150 million and plans a major renovation.

On the other side of the arena is another Vinik-Cascade asset: Channelside Bay Plaza, a 230,000-square-foot waterfront shopping mall. Less than 20 years old, it's a striking example of the kind of building that former Mayor Freedman talks about: one that turns its back on the water. Meant to be a festival marketplace, Channelside Bay Plaza looks inward, with few views of the shipping channel behind the building. On one of my few visits, for a night-time political rally in 2011, I spent an hour in its courtyard without realizing I could have seen the water from where I stood. Vinik plans to tear it down and start over.

But that's just one piece of a development plan that's mind-bogglingly ambitious. Over the next 10 years, Strategic Property Partners plans $3 billion in construction, aided by $100 million in local tax-increment financing revenues, including:

- 3,500 apartments or condominiums totaling 3 million square feet of construction.
- 2.4 million square feet of offices. That's more than a third as big as downtown Tampa's existing office inventory of 6.1 million square feet. • More than 1 million square feet of retail. This would be a huge increase. A downtown partnership survey last year found that downtown residents increasingly spend more on dining out and entertainment downtown, but still leave the urban core for groceries, gas, casual clothing, shoes, gifts, haircuts and items from the pharmacy.
- Two new hotels with a total of 650 rooms, or nearly a quarter of the 2,500 rooms downtown Tampa now has outside the SPP-owned Marriott Waterside.

So far, there's little to see. SPP plans to break ground on its first phase, encompassing 4 million square feet of residential and commercial development, next spring, with its first buildings opening in 2020. To get ready, the company has 15 teams of architects and designers working on plans for 16 different city blocks. Many of the roads around the arena are torn up so larger water, sewer and storm drainage pipes can be installed. The project also will realign part of the street grid to slow down traffic and create a place that not only gives pedestrians sanctuary from Tampa's older and statistically more deadly streets, but is also where it's easy and fun to walk around.

Early on, Vinik and Cascade brought in new urbanist planning experts Jeff Speck and David Dixon to help shape the vision. Later, after Leiweke left Tampa for a job as the chief operating officer of the National Football League, James Nozar, 38, was hired from The JBG Companies near Washington, D.C., as CEO of SPP. Nozar came in with a range of experience in urban

redevelopment—such as the Atlantic Plumbing and West Half Street mixed-use projects in Washington, D.C.—but in Tampa, where most of SPP's holdings have until now been used for arena parking, his team has a clean slate.

"Most people would see that as an advantage, which we do, but it also makes it very challenging," he says. Strategic Property Partners is building in an area that lacks architectural and place-making context, and it aims to create something that from the start feels like a neighborhood, not a shopping mall. It helps that the mix of residential, retail, cultural, office and entertainment will be evenly balanced, Nozar says. That should make it possible for many residents to get up, walk to the gym, grab coffee, duck back home to change, walk to work, get a meal or two during the day, and go to a hockey game or concert—all without ever needing a car.

For context, Nozar and SPP director of development Bryan Moll, another JBG alum, have looked at Tampa's older neighborhoods, including Ybor City, the city's historic Latin quarter and the home of its cigar-making industry about three-quarters of a mile from downtown. To enhance the pedestrian experience, they've focused on the ground floors of their buildings—their scale, how they interact with the public space as well as the pedestrian's need for a variety of experience and—crucial in Florida—shade. The new project will include new parks, and one main street will have a double row of mature trees along one side, a single row along the other. SPP is building a centralized air-conditioning plant for the entire district, which is expected to help drive energy efficiency, something that's rare in commercial developments, though more common in large campus projects like universities and healthcare facilities. For SPP, it makes sense because of the project's single ownership and long-term focus. It also frees rooftops for dog parks, swimming pools, restaurants and green space. One 300-foot-tall office building will have planted terraces or ledges on every floor, plus a green roof. An apartment building will be topped with 10 feet of soil on its roof so mature trees can grow there.

Along with a name, one thing that Vinik and Cascade have not announced is a tenant list. But Vinik says the company has a long list of prospective tenants. Because they are self-financing, Vinik and Cascade do not have to worry as much about an economic downturn, about repaying construction loans or about building quickly, leasing up and selling out.

"There is no intention of flipping here," Vinik says. "We're looking very long term. We believe the real value creation in the district occurs over five to 10 years as it becomes one of the best places to live, work and play in, hopefully, the Southeast."

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In 1985, business boosters took to calling Tampa "America's Next Great City," but the facts on the ground often seemed to lag behind the brand. As "New South" cities like Charlotte and Atlanta soared, it was hard to see whether any of Tampa's big bets would pay off. The performing arts center, convention center and aquarium all struggled in their early years, and there was a ton of second-guessing.

In her nearly nine years as mayor, Sandy Freedman did a lot of building, but she wanted a good city with affordable housing and healthy neighborhoods as much as a "great" one with an

impressive skyline and upbeat marketing. (Her signature accomplishment, getting local banks to put up $67 million to build or rehab thousands of affordable homes, got her into the conversation when President-elect Bill Clinton was considering candidates for secretary of housing and urban development.) So she tended to have a more skeptical outlook than the Chamber of Commerce. Once, when I asked her about that "America's Next Great City" slogan, she rolled her eyes.

And early on, Freedman didn't even want to build the convention center. Sitting on the City Council she had voted against every single contract to buy land for the site. It was too hemmed in by an expressway on one side, she thought, and the river on the other. Supporters talked about how the city could expand it in the future by driving pilings into the riverbed, but she didn't believe that for a moment (and, in fact, it hasn't happened). But after the city spent $27 million on land, she couldn't think of a way to kill it, so she went ahead with the project.

The Florida Aquarium was next, and it took a push that would have impressed Robert Moses. The aquarium was long planned for Harbour Island, a mixed-used development created across a shipping channel from downtown, but the developer told Freedman the project's parking wouldn't fit there after all. So Freedman says she called the port director and, although she wasn't on the port authority board and therefore was not his direct boss, told him to come to her office in an hour, because she was holding a news conference to announce that the aquarium was headed to a waterfront site the port owned.

"He said, 'What?' He was apoplectic. He really was. He was apoplectic for a year or two after that," Freedman says. But "they had all that land that was on the water, and I had just come from seeing Baltimore," which had transformed its Inner Harbor using an aquarium as centerpiece. "There's a lot of Baltimore in all of this. It wasn't rocket science. It had been done before, and you learn from the best. That was probably one of the best decisions I ever made even though it was so tough at the beginning."

Then came a deal for a downtown hockey arena. That brought in the county government, a first at that time. County Commissioner Ed Turanchik was a vocal proponent of a downtown site. What also made it possible, Freedman says, was private sector support. The developer of Harbour Island agreed to put up nearly $9 million to acquire the rights to a key piece of property on the understanding he would get the money back when the city and county put the deal together.

Freedman also tore down a bare-bones auditorium that had been built in the 1960s where the old rat-infested meat-packing plant once stood. Finally, she tried to put together a deal for a big hotel to help the convention center, which was built without all the meeting space it needed. But the plan was complicated and controversial, and it fell apart toward the end of her second term. Her successor, Dick Greco, would provide the public subsidies that closed the deal for the Marriott.

Still, of all the projects, the Riverwalk appears to have had the most far-reaching impact—no surprise, given the track record of river walks from San Antonio to Milwaukee for creating recreational space and economic development. "This relatively small amount of money that we've spent, I think, will pay dividends 10-fold over time, more so than, like, the [performing arts center] or the aquarium," Buckhorn says. "They're important, they add to the mix, and

they're key anchors, but they're not game-changers. I think the Riverwalk is a game-changer."

Pam Iorio, Tampa's mayor from 2003 to 2011, remembers how not having something like the Riverwalk undercut even the joy of the Tampa Bay Lightning winning the Stanley Cup in 2004. That night, she says, "we all spilled out of the arena. It was one of those big, group hug kind of times where everybody was hugging each other and jumping up and down. I realized, right there, right then, that this crowd had no place to go and celebrate."

The next morning, Iorio told her senior staff that the next time Tampa won a championship, it needed a public space where people could take the party. By the time she left office in 2011, Iorio had finished a massive upgrade and expansion of the riverfront park, known as Curtis Hixon Waterfront Park, that Freedman had created, arranged a waterfront site for the Tampa Bay History Center and completed a big chunk of the Riverwalk. Curtis Hixon now serves as the front yard for residents from two 30-story apartment towers built across the street during Iorio's administration and hosts art shows and concerts.

Buckhorn opened the last key segment of the Riverwalk in 2015, and the impact was immediate and dramatic. Just three years before, the city had hosted the Republican National Convention, which did a poor job of showcasing the city. Curtis Hixon Park was commandeered for private parties inside a massive tent, and the Secret Service security footprint was so vast and heavy that much of the Riverwalk was cut off from public use. In contrast, when the College Football Playoff brought its national championship to Tampa in January, the Riverwalk played a key role in the city's bid. The game was played at Raymond James Stadium, about five miles northwest of downtown Tampa, but the Riverwalk allowed most game-related activities to be held along the downtown waterfront. There were free concerts with Usher and Eric Paslay at Curtis Hixon Waterfront Park and, a little more than half a mile away, a fan experience expo at the convention center. The Riverwalk connected the two, allowing fans to walk from one event to the other. Local organizers lined the route with pop-up food and drink vendors and smaller stages playing live music, plus docks where high-rollers could tie up their yachts and fans could walk by and gawk at them.

The Riverwalk started with a modest effort to sell individual planks to residents, but over the course of four decades it required quite a bit more: $33 million, mostly in public spending, including a $10.9 million transportation grant from the Obama administration. In its bid for the grant, the city said the Riverwalk would help stimulate economic development.

It has. At the north end of the Riverwalk, Buckhorn decided to recycle the fenced-up park next to the city's old waterworks. At the same time, he put out a request for proposals to renovate the 100-year-old pump house. The winning bid came from Tampa restaurateur Richard Gonzmart, whose family founded what is Florida's oldest restaurant, the Columbia, in Ybor City in 1905. Gonzmart was born four blocks from the pump house, and his grandparents lived five blocks from it, but the building was so obscure and forgotten that he never noticed it. Still, he had seen renovated warehouses and waterfronts in Montreal and Vancouver, and he wanted to try to do something similar in Tampa. In 2009, he opened a cafe version of his family's flagship restaurant inside the new Tampa Bay History Center at the southern end of the Riverwalk. "My father always told me when there was an opportunity along the waterfront not to even hesitate,"

Gonzmart says.

Gonzmart originally planned to spend $1.4 million to open a seafood grille and craft brewery inside the old pump house. He ended up spending more like $6 million, but he opened Ulele as Tampa's hottest restaurant. Next door, Buckhorn spent $7.4 million more turning a dead space into a busy park with a splash play area, dog park and outdoor stage. Together, Gonzmart says, the two attract 1,500 to 2,000 people a day. Ulele stays booked well in advance, and although Gonzmart declines to discuss its revenues, he says they exceed his projections, and that they rose 14 percent the second year and are up 28 percent above that this year.

Gonzmart's is the biggest investment so far along the river, but not the only one. A Tampa dinner-cruise operator has launched a regular water taxi service, and concessionaires at the convention center rent out water bikes and small boats. The city also has issued a request for proposals to put a restaurant at Curtis Hixon Waterfront Park. *This week, Gonzmart submitted a bid, but so did six others.*

Recycling fallow property has been a signature achievement during Buckhorn's two terms as mayor. Along with pairing the city's renovation at Water Works Park with Ulele, he has struck deals to sell one city-owned block next to City Hall and another near the performing arts center for high-rise development. And he attracted a company that specializes in renovating historic properties for a $26 million transformation of Tampa's vacant federal courthouse, a Beaux-Arts jewel built in 1905, into a Le Méridien boutique hotel.

When Vinik starting buying parking lots around the hockey arena, there was a lot of speculation that he might be assembling a land for another big project: a new baseball stadium for the Tampa Bay Rays. The Rays play across Tampa Bay in St. Petersburg, but their fan base there lacks the corporate support typical of Major League Baseball. The team has long wanted to explore the stadium market in Tampa, and is doing so now, but it is not looking at the land Vinik and his partners assembled.

That's because Vinik lined up a different anchor for his project, one that Buckhorn likes to say is "bigger than baseball."

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In August or September, the University of South Florida plans to break ground on a $164.7 million medical school and cardiovascular research institute on an acre of land Vinik and Cascade donated to the university at their waterfront project.

Neither Vinik nor USF President Judy Genshaft recall who first suggested moving the medical school downtown. USF is about 10 miles north of downtown, putting its medical school more than 25 minutes from its teaching hospital, which is on the edge of downtown. (It's the only top-100 medical school in the country to be so far away from its hospital.) For years, USF had struggled with this distance, at one point even exploring the possibility of building a hospital on campus.

What Vinik and Genshaft recall is that they talked a lot soon after he bought the Lightning. Initially, she says, the conversations touched on whether USF doctors might assist the hockey team, or whether the Lightning had opportunities for USF students majoring in sports management. But Genshaft believes universities need to be economic engines for their regions, so she is active in virtually every economic development initiative in the Tampa Bay area. Soon enough, the conversation turned to the idea of moving the medical school to the Vinik-Cascade project, and a deal was quickly made.

However it came about, the 13-story Morsani College of Medicine and Heart Health Institute, scheduled to open in late 2019, is expected to help both parties. Already, USF administrators say, the move is helping them recruit both faculty and students. Applications for USF's medical school are up 50 percent in three years. This year, nearly 6,400 applicants are vying for 170 spots in next fall's first-year class. USF says its medical school applicants also have the highest average MCAT scores of any Florida university, a sign that it's not only attracting more applicants period, but more of the best applicants available.

For Vinik and Cascade, having the USF med school as an anchor in his company's project will help seed the place with an estimated 2,275 faculty, researchers, staff and students—in short, a tower full of highly skilled and highly prized young professionals, and will help attract companies in health, science and technology. This is the kind of partnership that has helped remake cities such as Roanoke and Winton-Salem, both of which drew substantial investments from nearby universities and research institutions. And it's the kind of city-university partnership that Buckhorn has seen elsewhere, especially Pittsburgh, and has always wanted to bring to Tampa. USF's project, which is being built with about $112 million in state funds (USF is raising the rest privately), will represent the latest public investment in Tampa's waterfront. Vinik says long-range commitments like that make a project like his possible.

"I've been called a visionary," he says. "The real visionaries were the people who 20 years ago put the arena in the south part of downtown, the convention center, the aquarium, the history center. Those were the visionaries. It just happened to take 10 to 20 years for somebody and an organization to come along to actually start realizing that vision."

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Brooklyn's Latest Craze: Making Your Own Electric Grid Back

By Debra Bruno | 06/15/2017 06:58 PM EDT

When Michael Guerra, a blunt-talking Brooklyn real estate broker, installed 24 solar panels on his Park Slope rooftop in 2012 during a home renovation, all he knew was that he liked the idea of being able to supply his own green electricity—and to run his air conditioning in the summer without paying exorbitant charges. So he got as many panels as his utility and the state would allow.

"I'm the guy who wanted solar panels on his roof since Jimmy Carter was president," says the 54-year-old.

Then one day in 2016, he got a knock on his door. Sasha Santiago had been on a nearby rooftop and spied Guerra's solar panels; he used Google Earth to home in on the right building.

"A strange man rang my bell and—I'm not kidding—said, 'Hi, I'm Sasha. Can I talk to you about a microgrid?'" Guerra says. "I said, 'What's that?'"

Santiago explained that the company he worked for, Brooklyn-based LO3 Energy, was running a pilot program that would permit renewable energy users like Guerra to sell power directly to their neighbors. In effect, the neighbors would become their own small power grid in the middle of the most populous city in the country.

"Oh, this is shared economy. This is Airbnb, this is Uber, this is 21st century," Guerra remembers thinking. He agreed to be part of the project on President Street. Residents with solar panels on one side of the street sold environmental credits to residents on the other side of the street who had no solar of their own.

New York state allows electricity consumers to use their own solar panels to supply their electricity, but any power produced that the customer doesn't use feeds back into the larger grid, with consumers being paid for those kilowatt hours. The microgrid system that LO3 had devised would essentially cut out the middleman, using a phone app and smart meters to enable neighbors to strike deals for how much electricity they want to buy from one another and at what price. The technology that makes this possible, Santiago explained to Guerra, is blockchain, the same secure information exchange that makes bitcoin trading possible.

"The idea with blockchain is that everything is done peer to peer," says Duke University economist Campbell R. Harvey. "With a microgrid, people that have solar panels can actually trade amongst themselves. They don't have to have a centralized person in the middle that is taking a piece of the action." In a time when the national electricity grid could be vulnerable to terrorism and climatic events, a new technology "could potentially resolve some of these problems," he says.

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Blockchain has been looked at for everything from medical records and voting to international money transfers and even online poker. Its value is the way it maintains the integrity of a transaction by breaking it into small blocks of data that are not controlled by one person and therefore can't be tampered with.

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and purchase of electricity depends on the fast and secure processing of enormous amounts of continually changing data—the availability of a particular type of energy, its value at that instant and any ceiling the consumer might have placed on a contract price.

Blockchain enables the meters to communicate reliably with one another, but it's the phone app that really puts the control in the hands of the microgrid consumers. The app "acts as your bidder" in the energy marketplace, Kessler says, enabling consumers to determine "what is their willingness to pay for energy."

Buyers interested in simply getting the best price could opt out of any sort of green energy, relying on whatever energy source is available from ConEd, Kessler notes. Or, "they could play with the percentage and see how cheap can I go to get local green energy."

"The idea is that it isn't just rich people with solar panels selling energy to each other, but really, it's the entire community ...So if you're low-income and you need the cheapest power you can get, we'll still provide that to you. We don't want to be dictating.

Picking Brooklyn as the location of the experiment made sense for several reasons, says Kessler.

The community is "environmentally conscious"—not only are there a number of solar panels already set up on rooftops, but many Brooklynites already buy green power and receive a renewable energy credit from ConEd, the New York electric utility.

Brooklyn has a vested interest in "energy resiliency." When Hurricane Sandy hit Brooklyn, the Gowanus Canal flooded for blocks and power was knocked out to many of the high-rise public housing buildings. "You had folks in wheelchairs with no access to elevators for a week or two, without power, so it was a really bad situation," Kessler says. With enough battery storage, a microgrid could potentially survive a power outage that affected much larger portions of the city.

The borough's economic and architectural diversity, from industrial warehouses to historic brownstones, made it a good test subject, Kessler says. That mixture could offer LO3 great feedback about the kinds of energy that might be needed in the future.

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The pilot program was successful enough that the microgrid will go live later this year. The next phase of the project will involve 300 households or small businesses that have signed letters of interest, along with 50 generation sites—all solar except for one small wind turbine. In total, those producers generate about 1.5 megawatts of electricity, still just a small portion of the needs of Brooklyn's nearly 3 million residents. But the point is not to replace the whole grid, but to show that small grids can serve local communities.

It's hard to get any more local than Roger and Barbara Ditman. Roger, 75, and Barbara, 73, bought their four-story brownstone on 10th Street in 1973 for $63,000. (Today it's worth $3.5 million.) About five years ago, the retired couple paid $40,000 to install 16 solar panels on their

roof—panels that now supply about 95 percent of the home's electricity. With the solar production and various state credits for the solar panels, the investment is almost paid off, Roger Ditman says.

Signing up for the Brooklyn Microgrid means that their excess electricity could be bought in the community. "To me, it's the next step," says Roger Ditman. "It's taking advantage of something that is totally free. It helps the atmosphere, it helps the country, and it helps the community. What we're not using gets made available to our neighbors and to the larger community, as opposed to using energy that comes from Arizona."

Michael Guerra compares the microgrid to the changes in telephone service. "There used to be a central switching station. Now if you look at voice-over IP, you've got routers that are distributed around that are talking to one another," he says. "Microgrid controllers can do the same kind of thing with electricity. They can isolate problem spots," and create a kind of "island" that would be producing electricity when the rest of the city might be dark.

"After I learned about it," Guerra says, "I thought, 'This is definitely happening. This can't *not* happen.'"

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Svinicki clears EPW, heads to full Senate Back

By Darius Dixon | 06/15/2017 10:23 AM EDT

Nuclear Regulatory Commission Chairwoman Kristine Svinicki sailed through the Senate Environment and Public Works Committee this morning on her way to a third term.

Lawmakers on the panel approved her renomination on a voice vote.

Svinicki has been on the NRC's leadership board since 2008 and was elevated to the chairmanship by President Donald Trump in January, but her current term expires June 30. And unlike many other federal boards and commissions, NRC leadership members have to step down, even temporarily, if the Senate fails to confirm the nominee.

Trump has nominated two new NRC commissioners, Annie Caputo and David Wright, but EPW plans to vote on them later this month. Sen. Tom Carper, Environment and Public Works' top Democrat, has said that he supports Svinicki's renomination and that EPW Chairman John Barrasso "seemed to be comfortable" with packaging them with a renomination of NRC Commissioner Jeff Baran, a Democrat whose term runs out next summer.

WHAT'S NEXT: Svinicki's nomination is now in the hands of Senate leadership and it's unclear when she will get a vote on the floor. Carper suggested earlier this week that Democrats are

unlikely to demand a procedural vote on Svinicki's confirmation.

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GOP tells Pruitt he will get bigger budget than requested Back

By Alex Guillén | 06/15/2017 02:42 PM EDT

Republican lawmakers made it clear today that EPA is not going to get the budget it asked for — it's going to get a whole lot more.

Multiple GOP members of the Appropriations committee overseeing EPA said they will not come close to enacting the administration's proposed 31 percent cut.

"I can assure you you're going to be the first EPA administrator that's come before this committee in eight years that actually gets more money than they asked for," Rep. Tom Cole (R-Okla.) told EPA Administrator Scott Pruitt. "That doesn't mean you'll get as much as you've had, but you'll do better than you asked for."

Rep. Mark Amodei (R-Nev.) noted that Congress has already cut EPA's budget by more than $2 billion since 2010. "No one's standing on the rooftops begging for dirty air and dirty water," he said in calling for no more than moderate spending reductions.

Other Republicans on the panel made sure to defend specific programs they favor.

House Appropriations Chairman Rodney Frelinghuysen (R-N.J) told Pruitt that his state is home to more than 100 of the nation's 1,300 Superfund sites. "I think it's good to move with precaution before you take too many dramatic steps," he warned about EPA's 31 percent cut to that program.

Subcommittee chairman Ken Calvert (R-Calif.) criticized steep cuts to a popular diesel engine refit program and lamented the complete deletion of targeted air shed grants.

And Rep. Dave Joyce (R-Ohio) criticized the budget for killing the $300 million Great Lakes Restoration Initiative.

WHAT'S NEXT: Appropriators will write EPA's spending bill for next year, expected to be released later this summer.

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EPA urges court not to lift stay of methane rule for new oil, gas wells Back

By Alex Guillén | 06/15/2017 03:55 PM EDT

EPA today urged the D.C. Circuit Court of Appeals not to reverse its decision to pause leak detection and repair requirements and other key parts of the agency's rule limiting methane emissions from new oil and gas wells.

Environmental groups sued last week and filed an emergency motion seeking the court's reversal of EPA's stay. The agency this week proposed a two-year delay of those requirements, increasing this lawsuit's tension.

"There is no emergency," and the environmental groups cannot meet the requirements to obtain court action, EPA argued in its brief today.

The leak detection requirements would prevent just 0.046 percent of annual oil and gas industry methane emissions, according to EPA. And pausing other requirements dealing with equipment and certification requirements does not present any imminent harm, the agency said.

EPA called the green groups' request "a sideways effort to attack EPA's decision to convene reconsideration proceedings" on the methane rule.

The public interest goes beyond environmental concerns to include economic growth and "productive capacity," the agency argued.

"EPA's short-term stay strikes a balance among these interests by allowing the Agency to consider whether to refine aspects of the 2016 Rule to better account for issues that the Agency did not consider and concerns among the regulated community that EPA did not foresee," the agency wrote.

WHAT'S NEXT: The green groups' response is due June 20, with a court decision likely sometime after that.

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EPA proposes two-year delay of oil, gas methane rule Back

By Alex Guillén | 06/13/2017 06:27 PM EDT

EPA today proposed a two-year pause on key methane leak detection and repair requirements for new oil and gas wells, saying it needs the time to reconsider the Obama-era rule.

The Trump administration last month issued a 90-day stay, but EPA has to go through a rulemaking process to finalize the two-year delay. The agency will take public comment for 30 days once the proposal is published in the Federal Register.

The delay also pushes back a provision on pneumatic pumps, as well as a requirement that professional engineers certify closed vent systems. EPA said last month that it also intends to review the rule more broadly than just those requirements.

Environmental groups last week sued over the initial 90-day stay and asked a court to lift it immediately. EPA's response to that request is due June 15.

WHAT'S NEXT: EPA will take public comment on its proposed two-year delay before issuing a final decision that is likely to be challenged in court.

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July 07, 2017 - Number 129

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Leading the News

Energy
More EPA Biofuel Authority May Loom Amid Blending Cut Proposal
More EPA authority in identifying biofuel blending mandates may be coming down the pike.

Energy
Simplifying Energy Tax Code System Proving Not So Simple
Proposals to simplify energy tax credits are garnering interest from Senate Democrats and House Republicans as congressional leaders contemplate comprehensive tax reform.

Oil & Gas
Interior's Zinke Wants Oil and Gas Permitting Streamlined
Oil and gas companies could get more leasing opportunities and faster permitting for work on federal onshore lands under an order announced July 6 by Interior Secretary Ryan Zinke.

News

Budget
Christie Veto Pushes N.J. Site Cleanup Money Fight to Voters
A November ballot initiative will give New Jersey voters a say in a dispute over how funds from major pollution settlements are used, following a line-item veto by Gov. Chris Christie (R) of legislative language meant to direct more money to environmental protection.

Climate Change
China Poised to Blow Past Solar Goals Amid Push to Clear Skies
China is poised to blow past its solar targets several years ahead of schedule as the government presses ahead with efforts to fight pollution, solidifying the nation's role as the

world's biggest solar market.

Climate Change
G-20 Energy Efficiency, Greenhouse Gases Both Rise, Report Says
The world's industrial powers are becoming more energy efficient, but greenhouse gas emissions continue to rise in those countries because of growing economies, according to an assessment of the Group of 20 nations by a climate advocacy group.

Climate Change
G-20 Seeks to Contain Trump by Avoiding Climate Mention
German Chancellor Angela Merkel is seeking to unite the Group of 20 nations on key environmental goals by steering clear of references to climate change wherever possible, according to a draft being circulated ahead of a summit of world leaders.

Coal-Fired Power Plants
Southern's Clean Coal Tryout Officially Dead Upon State Order
A seven-year, $7.5 billion effort to build a first-of-its-kind "clean coal" power plant in Mississippi is officially over.

Energy
Renewables Top Nukes in U.S. Power Mix for First Time Since 1984
For the first time in more than 30 years, America's nuclear plants have fallen behind wind farms, solar panels and other renewable energy suppliers as a source of electricity.

Hydraulic Fracturing
South African Farmers Wary of Fracking as Licensing Looms
Farmers in South Africa say they need more assurances that shale-gas drilling is safe for their industry as exploration licenses for companies including Royal Dutch Shell Plc are expected in months.

International Climate
France Seeks Carbon Price More Than 19 Times Market Level
French Environment Minister Nicolas Hulot said he wants to increase the government's target price for carbon emissions to more than 100 euros ($114) a ton by 2030 to meet the nation's climate-change goals.

Mining
Peru Steps Up Rainforest Protection as Police Raid Illegal Mines
Peru moved to halt the destruction of the world's largest rainforest by dispatching almost a 1,000 police to raid illegal mining camps on the edge of a major nature reserve in Peru's Amazon jungle.

Motor Vehicles
Tesla Seen Pulling Away from GM for Clear U.S. Electric Car Lead
More than a dozen automakers are jostling to lead the U.S. electric-car race, but Bloomberg New Energy Finance sees a clear winner separating from the pack: Tesla Inc.

Pesticides
Five States Jump In Lawsuit to Oppose Dow Pesticide
Five states and the District of Columbia have formally entered a lawsuit to push back against EPA Administrator Scott Pruitt's decision to continue most uses of a controversial Dow pesticide after agency staff recommended that it be banned.

Toxic Substances

Teflon's Old Cancer Ties Stoke New Fears on U.S. Rivers

On a cool spring morning last year, Jason Galloway lugged his father's kayak up to the edge of the Ohio River and slid it into the calm water. This wasn't a pleasure trip. Galloway, by his own admission, isn't very skilled with an oar in his hands and, to make matters worse, can't swim.

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From: Bloomberg BNA
Sent: Wed 7/5/2017 8:52:47 PM
Subject: July 5 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

U.S. Is Said to Favor 15 Billion-Gallon Biofuels Requirement

Posted July 05, 2017, 12:13 P.M. ET

By Jennifer A. Dlouhy, Mario Parker and Ari Natter

The Trump administration will propose requiring refiners to use 15 billion gallons of conventional renewable fuels in 2018, a modest win for Midwest corn farmers and U.S. ethanol producers.

The proposed biofuel target was described by people familiar with the decision who asked not to be identified before it was formally announced. That mandate would reflect a 15 billion-gallon ceiling in federal law for conventional renewable fuel and would mirror the current 2017 requirement for that category, mostly fulfilled by corn-starch-based ethanol.

Donald Trump promised to support ethanol while campaigning for president and he reiterated that position in a speech in Iowa last month. The ethanol industry is "under siege," but the Trump administration is saving it, the president told a crowd in Cedar Rapids.

The decision sets up a clash with oil refiners, which had argued the ethanol requirement exceeds a 10 percent "blend wall," or the amount that can be easily blended into the fuel supply.

According to a May forecast from the U.S. Energy Information Administration, motor fuel demand is set to climb to about 143.5 billion gallons in 2018 from about 143 billion in 2017. Given that forecast, if the conventional renewable fuel quota were fulfilled entirely by ethanol, the fuel would represent 10.5 percent of total projected gasoline consumption. Most gasoline sold in the U.S. is E10, or 10 percent ethanol. Refiners can turn to other fuels, including renewable biodiesel, to help meet the target.

The American Petroleum Institute, which represents oil producers and refiners, had asked the EPA to set lower quotas that would reflect about 9.7 percent of projected gasoline demand; some refiners had pushed a lower 9.5 percent.

The ethanol industry counters that the government explicitly allowed vehicles built after 2001 to use 15 percent ethanol, and many vehicles can run on an 85 percent blend. Gasoline containing 15 percent ethanol is available in about 800 filling stations nationwide, according to Growth Energy, a coalition of biofuel producers.

Top EPA officials have been mulling changes to an earlier, internal proposal out of concerns that refiners will import ethanol from Brazil and biodiesel from Argentina to fulfill the quotas.

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Volvo Vaults to Volts, Planning to Pull Plug on Gasoline Engines

Posted July 05, 2017, 10:51 A.M. ET

By Elisabeth Behrmann, Niclas Rolander and Christoph Rauwald

As it turns out, news of the death of the internal combustion engine may not be very exaggerated after all.

Volvo Car Group said July 5 it expects to soon start phasing out vehicles powered solely by fossil fuels, joining a parade of manufacturers in shifting toward electrics more quickly than most in the industry expected a few years back.

The automaker says it plans to offer only hybrid or full-electric motors on every new model launched in 2019 or later, including five electrics it expects in its lineup by 2021. Though the company will continue to produce full-combustion versions as it makes the small upgrades automakers introduce with each new model year, when a major revamp occurs (typically every seven years) it will no longer offer that option. That means that by about 2025 Volvo will make its last full-gasoline or diesel car—the first major manufacturer to make such a pledge.

“This announcement marks the end of the solely combustion engine-powered car,” said Volvo Chief Executive Officer Hakan Samuelsson. “Volvo’s brand will be strengthened by electrification.”

Though electric cars have been around since the 1800s and have gotten a lot of attention in the past half-decade or so, they’re still just a fraction of the overall market as drivers balk at high prices and limited driving ranges. Battery-powered autos made up about 1 percent of sales in the U.S., Europe and China last year.

Sales Driven by Government Prodding

And even those tepid sales figures are largely driven by government prodding. China, in an aggressive push to fight smog, plans to impose quotas for battery-powered cars that will effectively force manufacturers to sell electrics. In Europe, where regulators have relied on diesel to reduce pollution, stricter rules that take effect in 2020 will cut limits on carbon dioxide emissions by a third—a threshold that’s almost impossible to meet without fully or partly electric engines.

In the U.S., though President Donald Trump has promised to scrap rules that would require automakers to almost double gas mileage, California is leading a push for even stricter standards. Its regulations will require about 15 percent of cars and trucks sold in 2025 to be zero-emission—meaning they’ll almost certainly run on electricity. At least nine other states have embraced California’s lead.

Consumer resistance is starting to ease as tighter regulation forces carmakers to lower costs, improve batteries, and come up with better designs. Goldman Sachs Group Inc. estimates about a quarter of cars sold globally by 2025 will be hybrid or electric.

Of course, Tesla Inc. aims to have a big piece of that. The California company started making its latest model this week—at about $35,000 its most affordable ride yet—as part of a plan to produce 500,000 cars in 2018 and 1 million annually by 2020.

Tesla is scaring traditional automakers into action. BMW says the electric iNext will replace the 7-Series as its flagship in 2021 and expects battery-powered cars to account for some 25 percent of its sales by 2025. Volkswagen, in an effort to overcome revelations that it cheated on emissions tests for millions of diesels, is accelerating its rollout of electrics. The Audi luxury brand will introduce its first all-electric model, an SUV, in 2018, followed by another two battery-powered vehicles by 2020. In 2019, VW's Porsche unit will introduce the all-electric Mission E. Then in 2020 the VW car brand will roll out the first of four electric cars it's planning.

Automakers understand that they must cut prices and improve driving range for consumers to really embrace the technology, and they're starting to deliver. GM late last year introduced the all-electric Chevrolet Bolt, with a range of 238 miles and a price tag of $38,000. And Volvo CEO Samuelsson said vehicles must have a range of at least 350 kilometers before they'll gain broad acceptance, a target he says his cars will meet.

A big hurdle will be the cost of developing electric technology. Daimler AG has budgeted 10 billion euros to develop 10 new electric models by 2022. BMW's profit margins are at their lowest since 2010 due to increased spending on electrics.

The shift to greener cars will squeeze profits across the industry for years to come as manufacturers develop both electric and traditional combustion engines before battery-powered vehicles become economically viable. That turning point to profitability is likely to come around 2020, according to VW brand chief Herbert Diess.

"For us and for many of our competitors," Diess says, "this time will be an enormous challenge."

Volvo, owned by Chinese billionaire Li Shufu, understands those cost considerations but Samuelsson says he has the financing to make the shift. While the uncertain forecast for prices of batteries makes it difficult to predict the cost of the endeavor, he says he's confident the move will benefit the brand.

"We'll get more attractive cars," Samuelsson said. "This improves our competitive situation. It also goes back to Volvo's brand values of protecting what's important."

Like its recently deceased Swedish cousin Saab, Volvo has built a loyal following with its boxy, no-nonsense design, a reputation for reliability, and cutting-edge safety features (Volvo invented the three-point seat belt in the 1950s.) Volvo has enjoyed a revival in recent years with a focus on SUVs like the XC60—since 2009, its bestselling model.

Volvo in April said its first electric vehicle will be a Chinese-made compact expected to hit the market in 2019. The model, to be sold globally, will be based on the basic design of the company's XC40 compact SUV.

"We want to be a leading brand in terms of responsibility, safety and sustainability," Samuelsson said. "So we think this suits us perfectly."

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G-20 Ire On Paris Withdrawal Unlikely to Affect Trump Plans

Posted July 05, 2017, 11:07 A.M. ET

By Bryce Baschuk

Leaders of Group of 20 nations, outspoken in their opposition to President Donald Trump's withdrawal from the Paris climate accord, won't be able to do much about it at this week's summit in Hamburg, Germany, business representatives and an academic told Bloomberg BNA.

German Chancellor Angela Merkel promised that she would use her position as the host of the July 7-8 summit to defend the Paris climate agreement as a necessary tool to fend off the growing threats to the environment. G-20 nations make up about two-thirds of the world population.

Other world leaders—such as French President Emmanuel Macron, Japanese Prime Minister Shinzo Abe, and Chinese President Xi Jinping—are expected to back Merkel's call to support the accord.

But in the absence of new negotiations, the high-level statements should amount to little more than hot air, officials told Bloomberg BNA in recent phone interviews.

Agree to Disagree

"I don't believe that anyone wants to isolate the U.S. or gang up on the U.S.," said Gary Litman, the vice president for global initiatives at the U.S. Chamber of Commerce. "That won't help anyone."

Matthew Goodman, a senior advisor at the Washington, D.C. based Center for Strategic and International Studies, generally agreed.

"When this group last met in May for the G-7 summit they agreed to disagree," he said. "Then Trump withdrew from the Paris agreement."

"Maybe this issue doesn't become a debate at all," he said.

Rob Mulligan, a senior vice president at the Washington, D.C.-based United States Council for International Business, said the time may not be ripe for discussion on the issue.

"G-20 leaders have already had some exchanges on the issue of climate change," he said. "They are not at a point where any change can be discussed."

Fair Playing Field

When Trump announced America's withdrawal from the Paris agreement last month, he said it would hurt U.S. businesses and make it more difficult to compete with international rivals such as China and India.

Though both Xi and Indian Prime Minister Narendra Modi have reaffirmed their support for the deal, their countries were granted lengthy implementation timelines, financial aid, and other flexibilities in order to join the accord.

Gary Cohn, the director of Trump's National Economic Council, told reporters last week that the

president wants to ensure that the climate accord offers a "level playing field" to all participants.

"We cannot be in a position where the United States is cutting and cutting emissions while other countries continue to grow until 2030," Cohn said during a June 29 press conference in Washington. "We're looking for fairness across the board in the agreement."

Environmental advocates pointed out that Trump's decision to withdraw from the Paris accord cannot technically go into effect until November 2020, at which point the issue is expected to be a key focus of the next American presidential election.

Irreversible, Non-Negotiable

Last week, Merkel said the Paris accord was not open to renegotiation and told members of the German parliament that Europe is "more determined than ever" to make the agreement a "success" following Trump's decision to withdraw.

"We will not wait until the last people in the world are finally convinced by the crushing weight of the scientific evidence of climate change," Merkel said in a June 29 speech to the German parliament. "In other words, the climate agreement is not reversible and it is non-negotiable."

Jacob Kirkegaard, a senior fellow with the Peterson Institute for International Economics, said the impasse could prevent any significant environmental outcomes at this year's G-20 summit—but that's not necessary a disaster.

"The G-20 is a latent organization—it is there in a big crisis to have all the players in the room," Kirkegaard told Bloomberg BNA. "But in the absence of an acute crisis, don't expect them to agree on everything."

Germany's Russian Gas Fix Raises Alarm in Merkel's Backyard

Posted July 05, 2017, 8:52 A.M. ET

By Weixin Zha and Anna Shiryaevskaya

Hidden by pine forests near the deserted site of what was once East Germany's biggest nuclear reactor, two shiny pipelines emerge from the Baltic Sea to mark the spot where Chancellor Angela Merkel is trying to secure the country's energy future.

Not far from the Hanseatic town of Greifswald—an area Merkel represents in parliament—the chancellor wants a $10 billion pipeline expansion built to increase the amount of Russian natural gas imported from Siberia, more than 3,000 kilometers (1,864 miles) away.

The project, led by Russia's state-run Gazprom PJSC, is intended to bolster German confidence that it has enough gas to underpin an unprecedented transition from the coal and nuclear plants, which are being closed, to a future dominated by renewable energy.

But the plan has opponents, both close to home and further afield.

People living in the sparsely populated area have filed almost 160 objections. Local approval is still pending and the site also requires removal of two shipwrecks sunk by the Swedish navy in the 18th century. European allies have also objected—worried that the project will deepen Europe's reliance

on supplies from an increasingly antagonistic Russia—and U.S. lawmakers have proposed stiffer sanctions on energy companies that do business with Russia.

"There are not many other places apart from Russia where Germany can get a lot of gas quickly," said Jonathan Stern, chairman and senior research fellow at the Natural Gas Research Programme of the Oxford Institute for Energy Studies.

Already Europe's biggest gas user, Germany gets about 40 percent of what it consumes from Russia, the world's largest exporter, according to industry consultant Wood Mackenzie Ltd. in London. That dependence is only going to increase by 2025 to more than 50 percent, especially with output from the Netherlands, Germany's western neighbor, set to drop in coming years.

The Gazprom project, known as Nord Stream 2, also will allow for deliveries elsewhere in Europe, making Germany an even more important hub for distributions across the continent. Russia already supplies more than 20 countries with gas used to run power plants, heat homes and make chemicals.

Doubling Shipments

The existing link was commissioned in 2011 and runs for 1,224 kilometers under the Baltic Sea from Vyborg, Russia, to Lubmin in Germany. It is able to carry 55 billion cubic meters of gas, or two-thirds of German gas demand, and the expansion will double that.

"Nord Stream 2 isn't only about meeting additional demand, it's also about adjusting gas supplies towards the most cost-efficient routes," Gergely Molnar, an analyst at Wood Mackenzie in London, said by phone.

Transporting gas through Nord Stream to Germany is about 40 percent cheaper than through land-based pipes via Ukraine, according to Molnar. Russian gas at the German border cost $5.07 a million British thermal units in May, up 28 percent from a 12-year low in September but 45 percent below its 10-year average, according to International Monetary Fund data.

Germany, the U.K., France, Belgium and the Netherlands will likely benefit from lower prices, according to Brussels-based think tank Bruegel. Gazprom would also avoid transit fees paid to use pipelines in Ukraine and Poland, Bruegel said. The company plans to reduce flows via Ukraine after 2019.

Germany's approval procedures mean that infrastructure projects can be delayed by local opposition. A hearing is scheduled to start July 17 in Stralsund, Germany, according to the Ministry of Energy and Infrastructure in the state of Mecklenburg-Vorpommern.

Meanwhile, time is running out for Merkel to help Germany meet its 2020 climate goals. Despite the transition known as the Energiewende, the country is at risk of missing its target to reduce carbon emissions by 40 percent from 1990 levels.

After federal elections in September, the new government may have to present proposals for closing down power plants that run on coal, which still provides about 40 percent of the nation's electricity generation. Merkel's ruling Christian Democratic Union foresees a "mid- to long-term" exit from lignite and coal, according to their 76-page manifesto published July 3.

Nuclear Exit

Gas may provide a fifth of Germany's power in five years, almost double current levels, according to HSBC Holdings Ltd.

Germany's journey toward a renewable energy system began almost two decades ago. The policy shift intensified after Japan's Fukushima nuclear disaster in 2011, which led to Merkel's decision to exit atomic energy by 2022.

"In the long term, Europe needs new volumes of imported gas from reliable suppliers, and the Nord Stream project will become that lifebuoy," Gazprom Deputy Chief Executive Officer Alexander Medvedev said in Berlin on June 15.

'Additional Option'

Nord Stream 2 would "definitely be an additional option" to increase imports, according to Stefan Rolle, head of gas and oil markets and crisis prevention at the German Economy Ministry. "Gas is only a transition technology" to meet the nation's climate goals, he said.

Gas demand for power production may peak in 2025 before being replaced with wind and solar, according to Wood Mackenzie. The country aims to produce as much as 80 percent of its electricity from renewable sources by 2050.

Germany's gas network is already well connected, with pipelines linking it to Norway and to liquefied natural gas terminals in Belgium and the Netherlands.

"Current capacities are sufficient even if gas-fired power plants will run more," said Claudia Kemfert, head of the energy unit at the DIW economic institute, a Berlin-based research group. "Nord Stream 2 won't be needed."

Undeterred, Gazprom is forging ahead. About 37,000 12-meter-long pipes are stored at an industrial site bigger than 20 soccer pitches on the island of Ruegen, waiting to be coated with concrete long before being laid on the seabed at an average depth of 50 meters.

While Merkel last month condemned a bill on expanded Russian sanctions approved in the U.S. Senate, she's also one of the harshest critics of Russia. The chancellor, who helped negotiate the Minsk peace agreement aimed at ending violence in Ukraine, has pushed for sanctions to be maintained, arguing that measures can only be dropped once Moscow adheres to the terms of the deal.

"We need gas supplies when coal isn't used anymore," said Klaus-Peter Trapp, a 57 year-old cabinet maker from Greifswald. "This can have consequences if Russia and Germany don't get along well anymore."

—With assistance from Kelly Gilblom, Elena Mazneva and Brian Parkin.

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World's Costliest Gas Clouding China's Quest for Bluer Skies

Posted July 05, 2017, 8:46 A.M. ET

By Bloomberg News

China has promised to make its skies blue again, but having some of the world's most-expensive natural gas isn't helping.

The biggest energy consumer on earth wants to use more of the cleaner-burning fuel in place of the coal that's choking its skies and causing pollution far exceeding the World Health Organization's daily recommended limit. China has the ability to increase imports and is seeking to raise domestic production, but high prices risk suppressing demand growth and jeopardizing the country's ambitious targets.

The challenge is that producers, importers and distributors in China need the government-controlled prices to be high enough to make money. By cutting them too much, the state risks hurting their margins, threatening investment in future production, and the country's energy security. But be too generous to the industry, and the nation's health is at stake.

"It's a balancing act for the government that requires on one side stimulating gas demand to increase the percentage of clean fuels," said Miaoru Huang, a Beijing-based energy analyst for Wood Mackenzie Ltd. "On the other hand, it needs to ensure reasonable returns for upstream players and transmission and distribution companies that are needed to ensure sustained investment so China can maintain its growth in domestic gas production."

The Chinese government has set a goal of getting as much as 10 percent of its energy from gas by 2020 and 15 percent by 2030, up from 6 percent in 2015. To achieve this, demand will have to grow by about 15 percent a year through the rest of the decade, according to UBS Group AG.

After consumption growth slowed to well below that pace for the past few years, it is once again booming, increasing at a rate of 13.2 percent so far this year. These graphics tell the story of how that's happening and what the future may hold.

The world's sixth-biggest producer of gas, China gets about 64 percent of what it needs domestically, according to Bloomberg calculations based on government data. It imports the rest by pipelines from Central Asia and Myanmar, as well as on seaborne tankers as liquefied natural gas.

The Ordos Basin in Shaanxi Province is the largest gas-producing area in the country, according to Sino Gas & Energy Holdings Ltd. It's where China drilled its first oil well more than 100 years ago. The nation's experience with petroleum dates back 900 years, when the scientist Shen Kuo found near the Yan River oil seeping out of the rocks, which he noted could be used for lighting, according to China National Petroleum Corp.

In the modern era, the National Development and Reform Commission, the country's top economic planner, traditionally set gas prices at the well, making sure they were high enough to cover drilling costs and a small profit for the companies.

Even as production exploded over the last decade, China couldn't keep up with booming demand, so the nation's big three energy companies—CNPC, China Petrochemical Corp., known as Sinopec, and China National Offshore Oil Corp.—became gas importers. CNPC built a pipeline connecting gas fields in Turkmenistan, Kazakhstan and Uzbekistan to western China, while a link from Myanmar started in 2013. CNPC will start receiving gas from Russia on a Siberian pipeline in 2019. The country also has more than a dozen terminals on its eastern and southern coasts to receive LNG cargoes.

But buying the gas overseas proved costly. The companies inked supply deals at prices linked to the cost of oil, so when crude rose into the $100-a-barrel range, the cost of importing ballooned to levels higher than the energy giants were allowed to sell domestically. PetroChina, the country's largest listed energy firm, has lost money on gas imports every year going back to at least 2013, according to company filings.

The NDRC responded in 2013 and 2014 by raising prices to a level that was high enough to encourage production and help cover the cost of imports. But that increase had an immediate impact on demand, snapping the run of double-digit percentage growth every year from 2003 to 2013.

In 2015, the government cut wholesale prices. By December 2016, gas was cheaper on a wholesale basis than other fuel sources such as fuel oil or propane, a liquefied petroleum gas typically used for heating and cooking, according to UBS analysts including Ken Liu. However, the final cost to industrial users was still higher because of large margins for distribution companies.

So now the government is taking a knife to the middlemen companies that transport the gas from the state-run giants and sell it to individual users, firms like ENN Energy Holdings Ltd., China Gas Holdings Ltd. and China Resources Gas Group Ltd. The NDRC last month capped investment returns for natural gas distributors at 7 percent.

In January, China's latest five-year plan called for using gas instead of coal in industrial boilers throughout four major urban areas: the greater Beijing region, northeast China, the Yangtze River Delta around Shanghai and the Pearl River Delta in Guangdong province. Local governments are supporting the efforts with measures including subsidized gas connections and boiler replacements, as well as price caps, according to Morgan Stanley.

The NDRC issued guidelines July 4 aimed at increasing use of the fuel, including encouraging the participation by private companies in overseas gas investments, expanding LNG import terminals and expanding underground gas storage capacity. Shares of gas companies seen benefiting from rising demand—ENN, China Gas and China Resources Gas—all gained in Hong Kong on July 5.

Provincial governments don't have the budget to keep subsidies going forever, though, so to be able to sustain rapid consumption growth the government will have to find a way to bring gas prices down more, said Michal Meidan, an analyst with Energy Aspects Ltd. in London. Wholesale prices for the fuel in China were the most-expensive among major users in the world last year, according to the International Gas Union.

While lowering prices further may spur more demand, China runs the risk of suppressing production and imports, Meidan said.

Output goals are already going to be difficult to meet because of high costs and difficult geology, according to Bloomberg Intelligence. The government expects most gas production growth to come from unconventional resources, such as shale and coal-bed methane, with production targeted to reach as much as 100 billion cubic meters a year by 2030.

At stake in all of this is the health of the world's most populous nation. Poor air quality has been a source of social unrest and China had more pollution-related deaths than any other country in 2012, according to World Health Organization data.

Coal still accounts for about two thirds of China's total energy consumption. Natural gas produces about half the carbon dioxide and just a fraction of the sulfur dioxides and particulates of coal when

it's burned, according to the U.S. Energy Information Administration.

Premier Li Keqiang in March pledged to make China's skies blue again, three years after the country declared a "war on pollution."

Progress has been steady but slow. Last year in Beijing, average concentrations of PM2.5 -- small particles that pose the greatest risk to human health -- fell almost 10 percent, the biggest annual decrease in the past four years.

That trend is reversing this year as power generation and steel output grow, according to a research note from a Greenpeace analyst in late May, making air quality goals for this year seem increasingly unattainable.

—With assistance from Adrian Leung and Yue Qiu.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 6/26/2017 2:14:17 PM
Subject: Supreme Court turns down New Mexico lawsuit over Gold King spill

By Alex Guillén

06/26/2017 10:10 AM EDT

The Supreme Court today in a 7-2 vote declined to take up a lawsuit brought by New Mexico against Colorado over the 2015 Gold King mine spill.

New Mexico's complaint, which as a lawsuit between states went straight to the Supreme Court rather than a lower court, argued that decades of poor environmental oversight by Colorado contributed to the spill, which was inadvertently caused by EPA engineers working to clean up the site.

Justices Clarence Thomas and Samuel Alito voted to allow the lawsuit to proceed, according to the Supreme Court. The duo referred back to an unrelated 2016 case in which they argued in a dissent that the Supreme Court does not have the authority to turn down cases that fall within the court's "original jurisdiction," which includes lawsuits between two states.

Various other lawsuits regarding the spill, including against EPA, are playing out in lower courts. New Mexico may be able to bring its suit against Colorado elsewhere, as the Trump administration suggested in a "friend of the court" brief earlier this month.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/06/supreme-court-turns-down-new-mexico-lawsuit-over-gold-king-spill-089672

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 9/14/2017 3:46:37 PM
Subject: NERC chief: A grid run mostly on renewables is 'technically feasible'

By Darius Dixon

09/14/2017 11:42 AM EDT

The technology already exists to run the electric grid largely on renewable energy, though implementing it wouldn't be easy, Gerry Cauley, the CEO of the North American Electric Reliability Corp., told lawmakers this morning.

Cauley was being probed by Texas Rep. Joe Barton, who asked whether it was "possible to meet the same reliability standards if you go to a generation system that is predominantly renewables."

"From what we're seeing, it's technically feasible. There are a lot of new challenges," the NERC chief told a House Energy and Commerce subcommittee.

"Wind and solar do not inherently come with the controls to provide frequency response, voltage response," he said, while noting a logistical problem when California wildfire last year triggered 1,200 megawatts of solar capacity to disconnect from the grid.

"We've been working with the vendors to show them some of those weaknesses," Cauley said. "I think the technology is there today. It just requires a lot of coordination."

FERC Chairman Neil Chatterjee later told reporters that he believed there was some "disagreement" between Cauley and Barton about the reliability impacts of high renewable penetration on the grid. "I'd want more details on that before I speculate," he said.

In a separate line of questioning about global warming impacts on the grid, Cauley said that climate change was outside NERC's expertise but that in his eight years as its CEO he had seen "an increase in the magnitude and severity of events — flooding and so on."

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/nerc-chief-a-grid-run-mostly-on-renewables-is-technically-feasible-092923

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 11/9/2017 9:50:09 PM
Subject: Senators ask GAO to review Pruitt's advisory board grant ban

By Alex Guillén

11/09/2017 04:48 PM EDT

Nine Senate Democrats and independent Bernie Sanders today asked the GAO to expand a previous inquiry into EPA's advisory boards to include Administrator Scott Pruitt's new directive barring grant-holders from serving on those committees.

GAO is already considering the independence of EPA's various advisory committees following complaints from the lawmakers about whether Pruitt was protecting their independence and neutrality.

The lawmakers pointed to a 2004 court ruling in which the 5th Circuit said the presence of federal grant recipients on a National Institute for Occupational Safety and Health advisory board was not a valid reason to reject the scientists' recommendations.

"The double-standard is striking: an academic scientist that receives an EPA grant for any purpose cannot provide independent advice on a completely different subject matter on any of EPA's science advisory boards, while industry scientists are presumed to have no inherent conflict even if their research is entirely funded by a company with a financial stake in an advisory board's conclusions," the lawmakers wrote.

The letter was signed by Sheldon Whitehouse of Rhode Island, Tom Carper of Delaware, Ed Markey of Massachusetts, Brian Schatz of Hawaii, Sanders of Vermont, Jeanne Shaheen of New Hampshire, Mazie Hirono of Hawaii, Gary Peters of Michigan, Sherrod Brown of Ohio and Al Franken of Minnesota.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/senators-ask-gao-to-review-pruitts-advisory-board-grant-ban-095503

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Thur 6/29/2017 12:27:24 AM
Subject: Today on Climate Beat

June 28, 2017

Today on Climate Beat . . .

. . . we went to Congress, where House Democrats criticized sharp funding cuts for clean energy programs at the Energy Department (DOE) in a fiscal year 2018 funding bill drafted by majority Republicans, arguing the cuts would set the country back in efforts to address climate change.

Our news roundup offered an early look at the proposed House cuts to DOE, which are far less in many cases than what the White House had requested.

We brought some personnel news, with a new internal EPA staff memo from Ryan Jackson, chief of staff to Administrator Scott Pruitt, that shows a host of new political aides at the agency that do not require Senate confirmation, including a new senior deputy general counsel who comes from the American Petroleum Institute.

Speaking of personnel, the top Democrat on the Senate environment committee, Sen. Tom Carper (D-DE), is poised to vote against the confirmation of EPA enforcement chief nominee Susan Bodine, citing Pruitt's failure to provide baseline data the senator has been seeking.

In the courts, EPA is asking a federal appellate court to further hold litigation challenging the agency's greenhouse gas endangerment finding for the aircraft sector in abeyance, citing ongoing "discussions" with the agricultural groups that brought the suit.

And in other litigation news, the Natural Resources Defense Council is asking a federal district court to force EPA to respond to its Freedom of Information Act request seeking the agency's website retention policies, after EPA began removing climate-related information from its site soon after the Trump administration took office.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Tue 9/12/2017 2:02:47 PM
Subject: POLITICO's Morning Score: Senate Democrats hold on to majority hopes — Trott latest GOP retirement — End Citizens United builds case for campaign finance reform

By Kevin Robillard | 09/12/2017 10:00 AM EDT

With Zach Montellaro, Elena Schneider and Daniel Strauss

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

DEMS DREAM OF MAJORITIES - "Senate Democrats hold on to majority hopes," by Kevin Robillard and Gabriel Debenedetti: "Reelecting red-state Democratic incumbents is still the top priority for Senate Minority Leader Chuck Schumer and Democratic Senatorial Campaign Committee Chairman Chris Van Hollen. But they have also begun investigating opportunities to play offense on GOP turf, polling and investigating potential candidates in states like Texas, Tennessee and Alabama with the Republican Party facing a tough national environment. The Democratic effort began well before a recent burst of bad news for Senate Republicans. ... 'Our priority is to make sure that we win all our incumbent races,' Van Hollen said in an interview. Then, 'we have great pickup opportunities in Nevada and Arizona,' he continued. 'And we have good candidates in other states, and we're going to have more. We're going to work to maximize our opportunities.' Much of the insistence is for donors' benefit, said a handful of top party operatives: Closing the door on flipping a chamber will make it much harder to raise cash in 2018, especially with House Democrats smelling opportunity to win back the majority there. ... Winning back the Senate would essentially require Democrats to draw a straight flush, followed by four-of-a-kind." **Full story.**

- "GOP senators push back against Bannon's effort to dislodge incumbents," by Seung Min Kim: "Concerned about retaining their fragile majority, GOP senators said in interviews Monday that Bannon's nascent effort would further damage the prospects of keeping control of the Senate. Republicans are already in the middle of a cycle in which some senators have been trying to fend off primary challengers, even before Bannon's meddling. 'I wish he'd focus on Democrats. Circular firing squads don't work very well,' Sen. John Cornyn of Texas, the majority whip and two-time chairman of the party's Senate campaign arm, said in an interview Monday. ... The threats emanating from Bannon are especially potent because conservative primary challengers to Republican incumbents are essentially the only way that Democrats, who now control 48 seats, could create a path to a Senate majority. ... 'I always make it a point not to get into the middle of Republican civil wars,' Sen. Chris Van Hollen of Maryland, chairman of the DSCC, said Monday. 'So I'll leave it to them.'" **Full story.**

- "Republican Sen. Bob Corker weighs whether to retire in 2018," by CNN's Manu Raju: "Tennessee Sen. Bob Corker, the influential chairman of the Senate Foreign Relations Committee who was once considered for a spot in President Donald Trump's Cabinet, is

weighing whether to call it quits next year. Corker told CNN last week that he has not made a decision about his future, and appeared to confirm Trump's tweet that he asked the president for political advice about whether to run for reelection. 'As far as what am I going to do in the future, I'm still contemplating the future,' Corker said in an interview. 'It's a tremendous privilege to do what I do, and to weigh in on the big issues. ... But I have not decided what I'm going to do in the future.'" **Full story.**

HOT TO TROTT OUT OF CONGRESS - "Michigan Rep. Dave Trott won't run for reelection," by Campaign Pro's Elena Schneider: "Michigan Rep. Dave Trott said Monday that he would not seek reelection, making him the third Republican incumbent in the past week to vacate a potential battleground district ahead of the 2018 midterm elections. ... Trump carried Trott's seat in suburban Detroit by just under 5 points in 2016. Before Trott's announcement, Democrats were already eyeing his seat. Democrat Haley Stevens, a digital manufacturing executive who served as chief of staff to then-President Barack Obama's Auto Task Force, decided to challenge Trott in April. ... Republicans in the state said they expect a bloody primary to replace Trott. 'It would be very difficult for someone to clear the field because of the various factions here,' said Dennis Lennox, a Republican consultant in Michigan. 'But if there is an A-list candidate in the race, we should know by next week.' Republicans floated several potential candidates, including state Rep. Klint Kesto, state Rep. Laura Cox and Mike Bouchard, who ran for Senate in 2006." **Full story.**

- More names: Republican also mentioned state Sen. Marty Knollenberg and state Sen. Mike Kowall. Meanwhile, Democrats already have their own primary, including Stevens and another Obama administration alum, Fayrouz Saad. Daniel Haberman, a local businessman, is also "considering" and is "likely to run," per a source familiar with the candidate's thinking.

FRONTIERS OF CAMPAIGN ISSUES - "End Citizens United builds a case - and trove of data - for reform campaigns," by Campaign Pro's Maggie Severns: "End Citizens United has a message for Democrats seeking a 2018 message: Don't forget about campaign finance reform. And the progressive PAC is touting polling that shows it could be a big help with independent voters in the midterm elections. The trove of information collected through polls and focus groups, shared exclusively with POLITICO, makes the case that well-crafted messages on money in politics tie into so-called kitchen table issues, like jobs and health care, that are most critical to the voters who have been slipping out of Democrats' fold. Critically, independent voters indicated they care deeply about curbing the influence of special interests, End Citizens United has found. In a new poll of 50 top House battleground districts in early September, for example, independent voters ranked reducing the role of special interests behind only one other issue - national security - in terms of importance. That finding was consistent with other national and state polling End Citizens United conducted in the past year and a half. 'Can we actually win races on this? Obviously, what our polling shows is, yes we can,' End Citizens United President Tiffany Muller said in an interview. 'We need to win races by winning independent voters and unaffiliated voters and non-college voters back on our side. And this issue moves them.'" **Full story.**

Days until the 2017 election: 56.

Days until the 2018 election: 420.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

2020 WATCH - "Liberals dominate Democrats' 2020 jockeying," by Gabriel Debenedetti: "[T]he lion's share of activity among potential 2020 hopefuls so far is on the progressive end of the Democratic spectrum - an indication of a broader ideological swing in a party struggling to be seen as more populist. ... 'Of the names being talked about - [California Sen. Kamala] Harris, [Los Angeles Mayor Eric] Garcetti, [Connecticut Sen. Chris] Murphy, [New York Sen. Kirsten] Gillibrand, and a long list of others - almost all have staked out positions on Medicare for all, immigration and the economy, which are more progressive than any Democratic nominee since 1972,' said Howard Dean, a former Vermont governor and Democratic National Committee chairman who ran for president as a liberal insurgent in 2004. 'It's about damn time,' added retired Iowa Sen. Tom Harkin, the liberal stalwart who ran for president in 1992." **Full story.**

- Brown won't co-sponsor Sanders' single-payer bill: Ohio Sen. Sherrod Brown said Monday he wouldn't sign on as a co-sponsor to Vermont Sen. Bernie Sanders' single-payer bill. Most other potential 2020 contenders, including Massachusetts Sen. Elizabeth Warren, New Jersey Sen. Cory Booker and California Sen. Kamala Harris, have signed on. Brown said he'll instead focus on building support for a bill to allow Medicare buy-in at age 55. He adds: "I have always been supportive of Medicare for all."

2018 WATCH - "Rick Scott: In the eye of the storm," by Matt Dixon, Marc Caputo and Bruce Ritchie: "While millions of Floridians are now dealing with flooding and power outages, Scott's preparation and response to the storm - a logistical nightmare that affected nearly every inch of the nation's third largest state - have so far won praise. ... He's had a nearly ubiquitous television presence, providing constant storm updates while overseeing one of the largest regional evacuations in U.S. history - and he's leaned heavily on his close relationship with President Donald Trump, whom he vocally supported in 2016. The two spoke daily as the storm approached. ... Scott's role in the Hurricane Irma drama comes as he considers whether to heed Trump's pleas and challenge Sen. Bill Nelson, a Democrat up for reelection next year - and a successful Irma response could bolster a potential Scott 2018 campaign. ... In 2004 and 2005, then-Gov. Jeb Bush saw his approval ratings skyrocket in Florida after eight hurricanes swiped the state. ... 'They won't admit it publicly, but I can tell you Scott's team is thrilled by the free media exposure. You can't pay for that type of coverage, even if you're as rich as Rick,' said one Republican consultant who has ties to the governor's advisers." **Full story.**

- "Calley plans town halls as Schuette preps barbecue," by the Detroit News' Jonathan Oosting: "Lt. Gov. Brian Calley will host town hall meetings across Michigan in October and November before making a final decision on whether he'll run for governor. Plans for the town hall tour are taking shape amid speculation that Republican Attorney General Bill Schuette is

preparing to announce his campaign for governor, potentially as early as Tuesday night at his annual mid-Michigan barbecue in Midland. ... While Republican insiders believe he could use the venue to announce his campaign for governor, Schuette's political team has not divulged any details beyond a generic media advisory inviting reporters to the event." **Full story.**

YOUR DAILY MENENDEZ - "An expensive grill and a Brazilian actress: Day 3 of the Menendez trial," by Matt Friedman: "When one of Florida eye doctor Salomon Melgen's girlfriends handed her interviewer at the U.S. consulate in the Dominican Republic a letter from U.S. Sen. Robert Menendez in support of her 2008 visa application, the interviewer wasn't impressed. ... Menendez said in a 2010 email that he would reimburse his friend, Florida eye doctor Salomon Melgen, for the nearly 650,000 American Express points Melgen used to purchase a three-night stay at a hotel in Paris for the senator - as soon as Menendez accumulated enough points himself. But it would have taken Menendez about 30 years to accumulate those points at the rate he was spending then, an American Express executive testified at Menendez's corruption trial. And three years later, when Menendez for the first time redeemed his own American Express points - more than 135,000 of them - he used them instead to purchase a high-end grill that was shipped to New Jersey, according to the witness." **Full story.**

PRIMARY CONCERNS - Fitzgerald won't run for Wisconsin Senate, backs Vukmir: Wisconsin Senate Majority Leader Scott Fitzgerald said Monday he wouldn't enter the GOP primary to challenge Democratic Sen. Tammy Baldwin, and endorsed fellow state Sen. Leah Vukmir with a not-so-subtle shot at her primary rival, Kevin Nicholson. "I would like to express my complete support for Sen. Leah Vukmir, an actual conservative," Fitzgerald said. "She is an exceptional leader, one of the best Wisconsin has to offer, so I am choosing not to run for the U.S. Senate knowing we are in great hands."

ON THE AIRWAVES - AAN puts additional $2.5M into boosting tax reform: American Action Network, a nonprofit with ties to House GOP leadership, is spending an additional $2.5 million in 23 congressional districts to boost tax reform. The ad features a couple from Wisconsin discussing how the tax code is too complicated and how a tax cut would help them. Here's a list of the districts. Watch the ad here.

QUOTE OF THE DAY: "People think Citizens United is an insurance company. That's what they talk about in focus groups." - End Citizens United President Tiffany Muller

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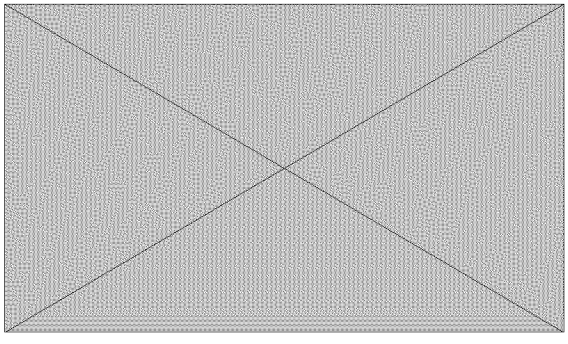
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Tue 10/3/2017 10:04:44 AM
Subject: AEI Today: Betsy DeVos versus the mindless mob at Harvard

Shouts. Interruptions. Orchestrated chanting. The predictable convulsions of the contemporary university when a conservative comes to town.

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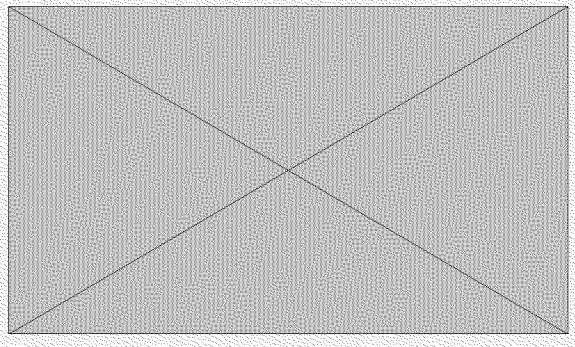
Reuters

Betsy DeVos versus the mindless mob at Harvard

Frederick M. Hess and Grant Addison | National Review Online

Shouts. Interruptions. Orchestrated chanting. The predictable convulsions of a university when any conservative comes to town. Against this threadbare backdrop, Secretary of Education Betsy DeVos delivered what is probably her best speech to date. If universities are merely places where mobs heckle unpopular speakers

while serious remarks are drowned out by chanted slogans, it’s not clear what is gained. We already have Twitter.

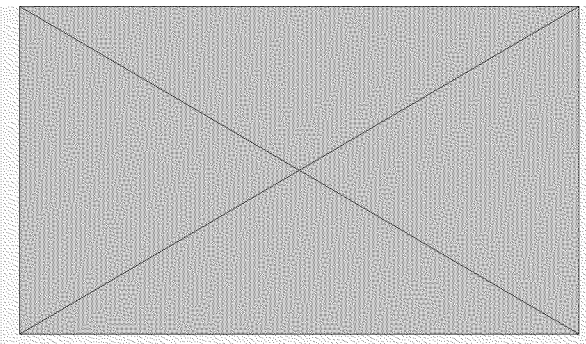


Reuters

Maria must be a wake-up call to Puerto Rico's economic woe

Desmond Lachman | The Hill

The last thing the Puerto Rican economy needed was a hurricane on the scale of Maria. Even before the hurricane hit, the island's economy was in a major downward spiral, mired for more than 10 years in recession. Now that a once-in-a-hundred-year hurricane has hit the island, it's up to Congress and the Puerto Rican government to come up with a realistic economic plan. If they don't, brace for a humanitarian crisis — and a large, permanent wave of migration from the island to the mainland.

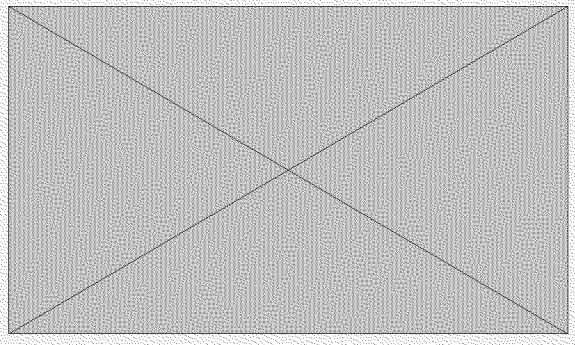


Reuters

Lynchpin of teachers' union power returns to the Supreme Court

Nat Malkus | AEIdeas

What will happen to public schools after the most powerful force in the politics of education has its wings clipped? It looks like we are about to find out. Last week, the US Supreme Court announced that it would hear Janus v. American Federation of State, County, and Municipal Employees. The case deals with mandatory union agency fees, which plaintiff Mark Janus argues violate his First Amendment rights to free speech and free association.



Twenty20

Addiction shouldn't be an excuse for criminal behavior

Sally Satel | The Wall Street Journal

Julie Eldred admitted stealing jewelry last year to support her opioid habit. A condition of her probation was that she refrain from using drugs. When she tested positive for fentanyl 11 days later, the judge ordered her to prison until an inpatient treatment bed was available. Eldred now claims the order to remain drug-free was unconstitutional cruel and unusual punishment because her drug use was a symptom of her addiction. In other words, she couldn't help herself.



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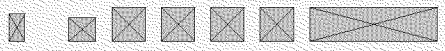
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Wed 7/26/2017 2:03:58 PM
Subject: POLITICO's Morning Transportation, presented by American Public Transportation Association: FAA whiplash — PFC intrigue at Senate THUD — Cuomo visits Chao, Dems in D.C.

By Stephanie Beasley and Lauren Gardner | 07/26/2017 10:00 AM EDT

With help from Heather Caygle, Sarah Ferris, Brianna Gurciullo and Tanya Snyder

FAA WHIPLASH: House Transportation Chairman Bill Shuster told our Tanya Snyder on Tuesday that he's still trying to whip enough votes to get his FAA bill H.R. 2997 (115) on the chamber floor this week before lawmakers skedaddle for August recess - not 24 hours after he told Fox News that a vote to keep the agency running would have to wait until September. The Pennsylvania Republican is mining for "a couple more" votes. "I don't just want to win, I want to win significantly," he said.

Real talk: The House has the balance of the week to wrap up a four-bill spending package before members skip town Friday. Barring some kind of massive appropriations meltdown this week, we're betting the FAA bill is going to become a September item on the calendar (provided Shuster gets his votes). Then we're in extension territory, when the question becomes: How long will the chambers give themselves for this boxing match?

The Bill Shuster FAA extension bill: Rep. Rick Larsen (D-Wash.), ranking member of the Aviation Subcommittee, is dubious. "I just don't see that the votes are there," he told Tanya. But he's got an idea: "If they want to do extensions, we'll start naming extensions after members of Congress."

We also cover the Senate: Senate Commerce Chairman John Thune said Tuesday that the upper chamber's bill, S. 1405 (115), may have to wait until September for floor consideration. "It could be before the August break or it could be September," Thune said , pointing out that the Senate is tackling health care this week and potentially defense next week. An extension is "always a possibility," he said, though it isn't his "preference." Meanwhile, Thune said talks are still in progress about his provision to alter the 1,500-hour rule for first officers in training, which the committee adopted during markup.

IT'S WEDNESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Lauren and Steph are at the wheel, so please send along tips, feedback and lyrics to lgardner@politico.com or @Gardner_LM and sbeasley@politico.com or @Steph_Beasley.

"I woke up in New York City / From my sleep behind the wheel / Caught a train to Poughkeepsie / And time stood still"

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with tunes (picked by us and readers) that are all about flying, driving, commuting and sailing?

SENATE THUD SPENDING BILL OFF TO FULL COMMITTEE: The Senate subcommittee responsible for DOT appropriations on Tuesday approved a fiscal 2018 spending bill that would supply the agency with about $19.5 billion in discretionary funding - $1.67 billion more than the House's legislation. The draft bill would bump up TIGER funding to $550 million, while the House bill would end the grant program altogether as President Donald Trump requested. The Senate panel also ignored Trump's requests to draw the Capital Investment Grant program to a close and sever funding for Essential Air Service and long-distance Amtrak service. The full committee will hold a markup Thursday.

About those PFCs ... Airlines for America was out with a statement Tuesday objecting to any language in the Senate bill that would raise the federal limit on Passenger Facility Charges. "While the committee has not made the bill language public, airport sources indicate that the subcommittee voted [Tuesday] to increase and nearly double the PFC tax from $4.50 to $8.50, which would result in a massive $3.2 billion tax hike on every air traveler who takes to the skies," A4A said. Airports Council International-North America and the American Association of Airport Executives are lauding the bill. The Senate Appropriations Committee only said in a release Tuesday that the legislation "provides greater flexibilities for airports to make much-needed capacity improvements."

Hot mic drop: Sen. Susan Collins isn't one to shy away from bashing the White House, but even she's not usually this blunt. Collins was caught with the tape rolling after a Senate appropriations panel Tuesday as she slammed OMB - and Trump - to a Democratic appropriator, Sen. Jack Reed . "I swear, OMB just went through and whenever there was 'grant,' they just X it out," Collins said. "With no measurement, no thinking about it, no metrics, no nothing. It's just incredibly irresponsible." Reed responded, berating Trump as "crazy." Collins added, "I'm worried." Then, she took aim at Trump. "I don't think he knows there is a BCA or anything," Collins said, referring to the Budget Control Act of 2011 that sets strict spending limits on Congress. (Of course, the juicy stuff is what Collins had to say about being challenged to a duel by Rep. Blake Farenthold. "He's huge," Collins said about the Texas Republican. "He's so unattractive, it's unbelievable.")

OPENING UP THE GATEWAY? New York Gov. Andrew Cuomo will be in Washington today to meet with Transportation Secretary Elaine Chao and Democratic members of the state's delegation, The New York Times scooped. His meeting with Chao comes as Congress continues to work on a spending bill that many would like to see send some money toward the Gateway project - and as the New York metro area slogs through a "summer of hell" with Amtrak and its commuter rail lines. Rep. Louise Slaughter , the New York delegation's dean, will host the meeting on the Hill "to discuss state and national priorities, including protecting the [Affordable Care Act], federal transportation investments, and initiatives to making voting easier," according to an aide.

** **A message from American Public Transportation Association:** Public transportation is a vital part of an integrated transportation network that drives our economy forward, creating 50,000 jobs for every $1 billion invested. Without public transit, America simply can't move forward. And in order to improve our public transportation systems, states and localities need continued federal investment. Learn more at APTA.com/InvestNow. **

DON'T FORGET ABOUT US: Rep. John Katko (R-N.Y.) said he's considering introducing legislation this year that could reinstate TSA's defunct air cargo security policy division, given the litany of complaints that he heard during a House Homeland Security subpanel hearing Tuesday. Stephen Alterman, president of the Cargo Airline Association, told lawmakers that aside from providing TSA with additional resources to oversee cargo security, Congress should push the agency to consolidate all of its air cargo officials under one division and not leave them scattered across the agency. "I think there should be concentration of recognizing the unique place that air cargo plays in the world," he said. Brandon Fried, executive director of the Airforwarders Association, added that inconsistent policy interpretations during TSA inspections was one of the most frustrating things air transport companies are dealing with today.

¿DÓNDE ESTÁ EL AEROPUERTO? Katko also chatted with MT about a bill H.R. 3328 (115), he recently introduced that would tighten TSA oversight of commercial flights between the U.S. and Cuba. He said language in the legislation - which is slated to be marked up by the full House Homeland Security Committee today - calling for TSA to inspect the airport equipment and security procedures at Cuban airports is necessary to ensure American travelers are safe. "Let's have a good look at the security protocols there and make sure they're up to snuff," he said. "Because TSA has very limited access to them, and they basically have to rely on what the Cuban government is telling them." The bill would also require TSA to standardize its process for signing agreements to allow U.S. air marshals on scheduled, commercial flights. That portion is not specific to Cuba, Katko said.

Reminder: Katko was among a group of Homeland Security Committee members that were denied visas to enter Cuba last year. And he has been generally supportive of Trump's plan to impose new restrictions on travel between the U.S. and Cuba, and to roll back some of the Obama administration policies that sought to normalize relations.

LAPTOP BAN UPDATE: Cuban and other point-of-departure airports with flights to the United States are still on the hook to implement new security measures introduced last month by Homeland Security Secretary John Kelly. A DHS spokesman said TSA officials were now working with 280 international airports and 180 airlines on the next phase of the process. This phase will include additional technological updates and increased use of bomb-sniffing dogs at each airport, he said. Airlines and airports have a total of 120 days to complete implementation or face penalties that could include a complete ban on passengers carrying large electronics and the suspension of flights to the U.S.

YOU MAY ENTER: The Coast Guard has decided that it doesn't need to completely block public access to the portion of the Potomac River that runs adjacent to President Trump's Virginia golf course when he's there. Instead of blocking off the two-mile stretch of river for Trump and other golf-loving administration officials, the Coast Guard will work with Secret Service to escort members of the public through that area, Adm. Paul Zukunft told a House Transportation subpanel Tuesday. The Coast Guard has issued an interim rule that would lay out the parameters of the process. The public comment period closes on Aug. 9. "One of the things they're looking at, through this public comment period, is can they create an unescorted portion of the river that will allow people, again, free access through there," a DHS spokesman said.

NTSB: NO ONE TO BLAME BUT THE VICTIM: At a board meeting Tuesday, NTSB determined that all safety mechanisms were in place and functioning properly at the time of a deadly 2015 train crash outside of Valhalla, N.Y. When the railroad gate closed on top of her SUV, Ellen Schaeffer Brody got out to assess the damage, seemingly unaware that a train was coming - and then got back in her vehicle and proceeded forward onto the tracks. Despite the sounding of the train horn, the flashing of the lights, and the reflective paint on the pavement indicating the presence of a railroad crossing, NTSB Chairman Robert Sumwalt said, "I don't believe that she thought she was on a railroad track or close to a railroad track." He chalked it up to a "loss of situational awareness."

Next steps: NTSB recommended that jurisdictions with third rail systems at or near highway-railroad grade crossings conduct risk assessments and take steps to mitigate any safety issues that may arise, but the discussion of probable cause focused on the driver's actions.

Grieving husband slams the process: "What you saw was a bunch of engineers talk about how they need to protect the status quo," said Alan Brody, the widower of the SUV driver who died in the crash, after the meeting. "Nothing will be fixed from today." Brody said the rail crossing signs are invisible at night and that "even the town knows that [the crossing] is inherently unsafe." Indeed, the town wants to close down the crossing, which remains open for now.

SHIFTING GEARS: Andrea Wohleber has left the Transportation Trades Department to be policy and legislative director for the Transport Workers Union.

THE AUTOBAHN:

- "VW executive charged in U.S. emissions probe to plead guilty." Reuters.

- "D.C. Director of Transportation Leif Dormsjo announces resignation." The Washington Post.

- "Lawsuit challenges the secrecy of White House advisers on infrastructure." The New York Times.

- "New York City's transit agency reveals $836M subway plan." The Associated Press.

- "Company whose trailer was used in human smuggling case has history of complaints, legal problems." The Washington Post.

- "DOT moves forward with next phase of CAFE standards." POLITICO Pro.

THE COUNTDOWN: DOT appropriations run out in 66 days. The FAA reauthorization expires in 66 days. Highway and transit policy is up for renewal in 1,162 days.

**** A message from American Public Transportation Association:** Our nation's public transit systems do more than carry Americans to work-they're a critical part of an integrated transportation network that drives our economy forward. That's why states and localities have

partnered with the federal government for more than 35 years to repair and expand services. But President Trump's budget would eliminate funding for vital public transportation projects-and put 800,000 jobs at risk, including more than 500,000 construction-related jobs. Communities can't improve public transportation alone. To protect our future, we need continued federal investment in public transportation. Congress: Fully fund the FAST Act, and include public transportation in any infrastructure bill. Visit APTA.com/InvestNow to learn more. **

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Subject: BREAKING NEWS: White House, congressional leaders lay out broad tax reform principles, drop import tax

In a joint statement today, the Trump administration and congressional leaders said "the time has arrived" for tax-writing committees to draft legislation that will cut tax rates "as much as possible" for corporations and individuals.

However, they abandoned a controversial tax on imports. They plan for the legislation to move through the committees this fall.

Read more: http://www.politico.com/story/2017/07/27/white-house-tax-reform-principles-congress-241038

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EHS State Regulatory Alert

July 12, 2017 - Number 132

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California

HAZARDOUS MATERIALS TRANSPORTATION
Hazardous Materials/Explosives Routes and Stopping Places
California HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the California Highway Patrol amends regulations under 13 CCR 1153 concerning commercial vehicle routes and stopping places for transportation of explosives. The rule updates the list of safe stops to be used by carriers transporting explosives along the designated explosives routes to reflect business closures and ownership changes. Hearing requests are due Aug. 4, 2017. Comments are due Aug. 21, 2017. Contact: Tian-Ting Shih; CHP, Commercial Vehicle Section; 916-843-3400; cvsregs@chp.ca.gov

—California Regulatory Notice Register (07/07/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Brooklyn Basin Parcel A/Prospective Purchaser Agreement
California HAZARDOUS WASTE CLEANUP

Notice of the Department of Toxic Substances Control announces a proposed prospective purchaser agreement with the city of Oakland concerning Brooklyn Basin Parcel A, located along the Oakland Estuary. The agreement requires the city to ensure cleanup of the parcel occurs in consideration of a covenant not to sue by the DTSC. Comments are due Aug. 7, 2017. Contact: Homayune Atiqee; DTSC, Cleanup Program; 510-540-3838; homayune.atiqee@dtsc.ca.gov

—California Regulatory Notice Register (07/07/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Prospective Purchaser Agreement/Former Naval Information Research Foundation Site

California HAZARDOUS WASTE CLEANUP

Notice of the Department of Toxic Substances Control announces an amended proposed prospective purchaser agreement with Pasadena Gateway LLC and the Los Angeles Regional Water Quality Control Board concerning the Space Bank Mini Storage Facility, formerly the Naval Information Research Foundation site, in Pasadena. The agreement addresses the purchase of the site, demolition of existing improvements, and development of the site into a mixed-use, multifamily, and retail project with a total of two acres of open space. Various metals; volatile organic compounds, including tetrachloroethylene; and petroleum hydrocarbons have been detected on the site, and no groundwater investigation has been conducted to date. The amended agreement is issued in response to comments and includes a covenant not to sue. Comments are due Aug. 14, 2017. Contact: Angela Garcia; DTSC; 714-484-5310; angela.garcia@dtsc.ca.gov

—California Regulatory Notice Register (07/07/2017)

Regulatory Update

TOXIC SUBSTANCES
Safe Drinking Water and Toxic Enforcement Act
California TOXIC SUBSTANCES

Notice of the Office of Environmental Health Hazard Assessment announces the availability of the revised list of chemicals known to the state to cause cancer or reproductive toxicity, as required by the Safe Drinking Water and Toxic Enforcement Act (Proposition 65). The list specifies chemicals by name, the Chemical Abstracts Service registry number and the date of initial appearance. The revised list reflects the addition of glyphosate (CAS No. 1071-83-6) and pentabromodiphenyl ether mixture (DE-71, technical grade) to the list of chemicals known to the state to cause cancer. The list is effective July 7, 2017. Contact: OEHHA; 916-324-7572; P65.Questions@oehha.ca.gov

—California Regulatory Notice Register (07/07/2017)

Regulatory Update

TOXIC SUBSTANCES
Safe Drinking Water and Toxic Enforcement Act/Glyphosate
California TOXIC SUBSTANCES

Notice of the Office of Environmental Health Hazard Assessment announces the addition of glyphosate (CAS No. 1071-83-6) to the list of chemicals known to the state to cause cancer pursuant to the Labor Code listing mechanism under the Safe Water and Toxic Enforcement Act of 1986 (Proposition 65). No stay of the listing has been granted in the appeal of Monsanto v. OEHHA. The listing is effective July 7, 2017. Contact: Esther Barajas-Ochoa; OEHHA; 916-322-2068; esther.barajas-ochoa@oehha.ca.gov

—California Regulatory Notice Register (07/07/2017)

Regulatory Update

TOXIC SUBSTANCES

Safe Drinking Water and Toxic Enforcement Act/Pentabromodiphenyl Ether Mixture
California TOXIC SUBSTANCES

Notice of the Office of Environmental Health Hazard Assessment announces the addition of pentabromodiphenyl ether mixture (DE-71, technical grade) to the list of chemicals known to the state to cause cancer pursuant to the authoritative bodies listing mechanism under the Safe Water and Toxic Enforcement Act of 1986 (Proposition 65). The listing is effective July 7, 2017. Contact: Michelle Ramirez; OEHHA; 916-445-6900; Michelle.Ramirez@oehha.ca.gov

—California Regulatory Notice Register (07/07/2017)

Regulatory Update

WATER
Water Quality Control Plans/Mercury Objectives, Tribal and Subsistence Fishing Beneficial Uses
California WATER

Final rule of the State Water Resources Control Board adopts regulations under 23 CCR 3010 to add one new narrative and four new numeric mercury water quality objectives applicable to inland surface waters, enclosed bays, and estuaries of the state with specified beneficial uses associated with the consumption of fish. Exception is provided for waters with site-specific mercury objectives. The rule also establishes three new beneficial use definitions for use by the state and regional water boards in designating tribal traditional culture, tribal subsistence fishing, and subsistence fishing beneficial uses. The rule is effective June 28, 2017. Contact: Zane Poulson; SWRCB; 916-341-5254

—California Regulatory Notice Register (07/07/2017)

Regulatory Update

WATER
Water Quality Control/Los Angeles Region
California WATER

Final rule of the State Water Resources Control Board adopts regulations under 23 CCR 3939.52 regarding the water quality control plan for the Los Angeles Region. The rule incorporates an amendment to the basin plan that adds a total maximum daily load for nutrients in the Santa Clara River lakes (Elizabeth Lake, Munz Lake, and Lake Hughes). The rule is effective June 22, 2017. Contact: Stefanie Hada; SWRCB; 213-576-6804

—California Regulatory Notice Register (07/07/2017)

Regulatory Update

Colorado

WATER

Animal Feeding Operations Control Regulation
Colorado WATER

Final rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-81 regarding animal feeding operations (AFOs). The rule clarifies recordkeeping requirements for nonpermitted concentrated AFOs. The rule also allows the commission to initiate enforcement proceedings against a concentrated AFO that fails to pay the annual fee and clarifies the impoundment sizing requirements for medium AFOs. In addition, the rule revises terminology, clarifies the definition of "land application site," and makes technical corrections. The rule is effective July 31, 2017. Contact: Chad DeVolin; DPHE, Water Quality Control Commission; 303-692-3520; chad.devolin@state.co.us

—Colorado Register (07/10/2017)

Regulatory Update

Florida

OCCUPATIONAL SAFETY AND HEALTH
Elevator Safety Code
Florida OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Business and Professional Regulation, Division of Hotels and Restaurants, amends regulations under FAC 61C-5.001 to adopt elevator safety codes included in the Florida Building Code, 6th Edition. The rule incorporates by reference the American Society of Mechanical Engineers safety code for elevators and escalators (A17.1-2013) and requires that all installation, alteration, relocation, and change in classification of all elevators, escalators, dumbwaiters, and moving walks comply with standards in effect on the date of receipt of the application for permit. Comments are due July 17, 2017. Contact: Kela Bishop; DBPR, Division of Hotels and Restaurants; 850-717-1280

—Florida Administrative Weekly (06/26/2017)

Regulatory Update

WATER
Charlotte Harbor and Middle St. Johns River Basins TMDLs
Florida WATER

Proposed rule of the Department of Environmental Protection amends regulations under FAC 62-304.505 and .805 to establish total maximum daily loads (TMDLs) for certain surface waters within the Charlotte Harbor and Middle St. Johns River basins. The rule establishes TMDLs for DeLeon Spring and Gemini Springs, Sanibel Slough West, and Sanibel Slough East. A hearing is scheduled for Aug. 25, 2017, in Tallahassee. Comments are due July 31, 2017. Contact: Erin Rasnake; DEP, Division of Environmental Assessment and Restoration; 850-245-8338

—Florida Administrative Weekly (07/10/2017)

Regulatory Update

Idaho

AIR
Control of Air Pollution
Idaho AIR

Notice of the Department of Environmental Quality announces the termination of an April 5, 2017, notice of intent to amend regulations under IDAPA 58.01.01.859 and .860 regarding air pollution. The rule would have allowed the department to develop a Clean Air Act Section 111(d) state plan to implement recently updated emission guidelines and compliance times for municipal solid waste landfills. The action is dated July 5, 2017. Contact: Paula Wilson; DEQ; 208-373-0418; paula.wilson@deq.idaho.gov

—Idaho Administrative Bulletin (07/05/2017)

Regulatory Update

Illinois

WATER
Procedures for Issuing Loans from the Public Water Supply Loan Program
Illinois WATER

Final rule of the Illinois EPA adopts regulations under 35 IAC 662.105 through .670 (nonconsecutive) to update and reorganize procedures for issuing loans from the Public Water Supply Loan Program. The rule sets forth provisions for reducing fixed loan rates for small and hardship communities; projects meeting environmental impact criteria, including those that involve the removal or replacement of lead in water mains or in service lines; and the restructuring of existing loan obligations. The rule also authorizes 30-year loan terms for disadvantaged communities. A concurrent final rule repeals existing provisions under 35 IAC 662. The rule is effective July 1, 2017. Contact: Rex Gradeless; IEPA, Division of Legal Counsel; 217-782-5544; Rex.Gradeless@Illinois.Gov

—Illinois Register (07/07/2017)

Regulatory Update

WATER
Procedures for Issuing Loans from the Public Water Supply Loan Program
Illinois WATER

Final rule of the Illinois EPA repeals regulations under 35 IAC 662.110 through .1120 (nonconsecutive) and Appendices A and B to delete procedures for issuing loans from the Public Water Supply Loan Program. A concurrent final rule adopts new provisions under 35 IAC 662.

The rule is effective July 1, 2017. Contact: Rex Gradeless; IEPA, Division of Legal Counsel; 217-782-5544; Rex.Gradeless@Illinois.Gov

—Illinois Register (07/07/2017)

Regulatory Update

WATER
Water Pollution Control Loan Program
Illinois WATER

Final rule of the Illinois EPA adopts regulations under 35 IAC 365.105 through .670 to update the water pollution control loan program to provide for the financing of stormwater treatment system projects. The rule also addresses reduced fixed-rate loans for small communities with service populations of less than 25,000, hardship communities with service populations of less than 10,000, and projects that meet specified environmental impact criteria. In addition, the rule authorizes 30-year loan terms for small community and hardship community applicants. Finally, the rule provides for the restructuring of existing loan obligations and updates the agency's affordability criteria for principal forgiveness to public loan recipients. A concurrent final rule repeals existing regulations under 35 IAC 365. The rule is effective July 1, 2017. Contact: Rex Gradeless; IEPA, Division of Legal Counsel; 217-782-5544; rex.gradeless@Illinois.gov

—Illinois Register (07/07/2017)

Regulatory Update

WATER
Water Pollution Control Loan Program
Illinois WATER

Final rule of the Illinois EPA repeals regulations under 35 IAC 365.110 through .1120 (nonconsecutive) and Appendices A and B regarding procedures for issuing loans from the water pollution control loan program. A concurrent final rule adopts new regulations under 35 IAC 365.105 through .670. The rule is effective July 1, 2017. Contact: Rex Gradeless; IEPA, Division of Legal Counsel; 217-782-5544; rex.gradeless@Illinois.gov

—Illinois Register (07/07/2017)

Regulatory Update

Nevada

WATER
Water Controls/Water Quality Standards
Nevada WATER

Notice of the State Environmental Commission announces changes to a June 23, 2016, proposed rule to amend regulations under NAC 445A.11724 through .2214 regarding water quality

standards to conform with EPA numeric criteria for Escherichia coli bacteria for protection of water contact recreation beneficial use. The rule changes the existing reference period from annual geometric mean (AGM) to geometric mean (GM) for all waters that have an existing AGM; replaces the unit of measurement from most probable number (MPN) per 100 milliliter (mL) with colony-forming-units (CFU) per 100 mL; and removes existing single value (SV) criteria of 235 MPN, 298 MPN and 576 MPN and replaces with a SV of 410 CFU. The rule also explains frequency and duration limits of the GM and SV criteria and adds a definition of "colony-forming-units." The changes clarify the use of the term "geometric mean." Contact: Valerie King; SEC; 775-687-9374

—Nevada Register (07/02/2017)

Regulatory Update

Ohio

COMMUNITY RIGHT-TO-KNOW
Cessation of Regulated Operations
Ohio COMMUNITY RIGHT-TO-KNOW

Final rule of the Ohio EPA amends regulations under OAC 3745-352-20 regarding the responsibilities of owners and operators for cessation of regulated operations at facilities required to submit an annual chemical inventory report to the State Emergency Response Commission. The rule updates cross-references to state statutes. The rule is effective Aug. 11, 2017. Contact: Kit Arthur; OEPA, Division of Hazardous Waste; 614-644-2621; Katherine.Arthur@epa.ohio.gov

—Ohio Regulations (07/10/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Cessation of Regulated Operations
Ohio OIL AND GAS INDUSTRY

Final rule of the Ohio EPA amends regulations under OAC 3745-352-01 regarding cessation of regulated operations. The rule updates the incorporation by reference of federal standards under 40 CFR 112 concerning oil pollution prevention, as of July 1, 2015. The rule is effective Aug. 11, 2017. Contact: Kit Arthur; OEPA, Division of Environmental Response and Revitalization; 614-644-2932; Katherine.arthur@epa.ohio.gov

—Ohio Regulations (07/10/2017)

Regulatory Update

RADIATION
Industrial Radiation Equipment
Ohio RADIATION

Final rule of the Department of Health, Division of Radiation Control, amends regulations under OAC 3701:1-68-04; adopts regulations under OAC 3701:1-68-06; and rescinds and readopts regulations under OAC 3701:1-68-01, -02, -03, and -05 concerning nonmedical radiation-generating equipment. The rule reorganizes the provisions, including moving the operator training requirements under a single location. The rule also defines the term "cabinet system" and incorporates by reference federal standards for nonmedical cabinet systems. In addition, the rule adds requirements for hand-held radiographic systems and updates requirements for identifying and reporting equipment defects. Finally, the rule revises definitions for "radiographer" and "radiographer assistant." The rule is effective Aug. 15, 2017. Contact: Kaye Norton; Department of Health; 614-644-8184; Kaye.Norton@odh.ohio.gov

—Ohio Regulations (07/10/2017)

Regulatory Update

Utah

AIR
Air Quality/Aerospace Manufacture and Rework Facilities
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-355-1 through -8, adopts regulations under R307-355-10, and repeals and readopts regulations under R307-355-9 regarding volatile organic compound (VOC) emissions from aerospace manufacture and rework facilities. The rule changes the applicability threshold from the potential to emit 10 tons or more per year of VOC to an application-based threshold of a combined 55 gallons or more of coating products and associated solvents per year and reduces the exemption for the maximum amount of small-quantity coating formulations to 20 gallons per year. The rule also increases the add-on control capture and control efficiency minimum to 90 percent and adds recordkeeping requirements and definitions. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5) state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Automotive Refinishing Coatings
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-354-1 through -7 and adopts regulations under R307-354-8 regarding volatile organic compound (VOC) emissions from automotive refinishing coatings. The rule changes the applicability threshold from the potential to emit 2.7 tons or more per year of VOC to an application-based threshold of a combined 20 gallons or more of coating products. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5) state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419;

rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Definitions
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-101-2 to add a definition of "coating" that is generally applicable to all air quality rules. The rule also adds definitions of "composite vapor pressure" and "volatile organic compound (VOC) content." A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Degreasing Operations
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-335-1, -2, -3, and -9 and repeals regulations under R307-335-7 and -8 regarding volatile organic compound emission from degreasing operations. The rule removes provisions concerning industrial solvent cleaning, which are being moved to R307-304 in a concurrent proposed rule. The rule also revises the chapter name, updates recordkeeping requirements, and deletes provisions concerning add-on emission control systems operations. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Fabric and Vinyl Coatings
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-345-1 through -6 and adopts regulations under R307-345-7 regarding volatile organic compound (VOC) emissions from fabric and vinyl coating operations. The rule changes the applicability threshold from the potential to emit 2.7 tons or more per year of VOC to an application-based threshold of a combined 20 gallons or more of coating products and associated solvents per year. The rule also adds recordkeeping requirements and definitions. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5) state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419;

rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Flat Wood Panel Coating Operations
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-349-2 through -6 and adopts regulations under R307-349-7 regarding volatile organic compound (VOC) emissions from flat wood panel coating operations. The rule changes the applicability threshold from the potential to emit 2.7 tons or more per year of VOC to an application-based threshold of a combined 20 gallons or more of coating products and associated solvents per year. The rule also adds recordkeeping requirements and definitions. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5) state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/General Requirements
Utah AIR

Final rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-101-3 to incorporate by reference the updated version of the Code of Federal Regulations. The rule addresses standards for recordkeeping and inventory requirements relating to tertiary butyl acetate. The rule is effective June 8, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Graphic Arts Printing Operations
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, repeals and readopts regulations under R307-351-1 through -8 (nonconsecutive) regarding volatile organic compound (VOC) emissions from graphic arts printing operations. The rule changes the applicability threshold from the potential to emit 25 tons or more per year of VOC emissions to an application-based threshold of a combined 450 gallons or more of all VOC-containing materials per year. The rule also reduces the exemption for solvent cleaners that do not meet VOC vapor pressure or density requirements from 110 gallons to 55 gallons per year and clarifies definitions. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5)

state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Large Appliance Surface Coatings
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-347-2, -4, -5, -6, and -7 and adopts regulations under R307-347-8 regarding volatile organic compound (VOC) emissions from large appliance surface coating operations. The rule changes the applicability threshold from the potential to emit 2.7 tons or more per year of VOC to an application-based threshold of a combined 20 gallons or more of coating products and associated solvents per year. The rule also adds recordkeeping requirements and definitions. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5) state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Magnet Wire Coatings
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-348-1 through -6 and adopts regulations under R307-348-7 regarding volatile organic compound (VOC) emissions from magnet wire coating operations. The rule reduces the applicability threshold to 2 tons or more per year of VOC. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5) state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Metal Container, Closure, and Coil Coatings
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-352-1 through -6 and adopts regulations under R307-352-7 regarding volatile organic compound (VOC) emissions from metal container, closure, and coil coatings. The rule changes the applicability threshold from the potential to emit 2.7 tons or more per year of

VOC to an application-based threshold of a combined 20 gallons or more of coating products and associated solvents per year. The rule also adds recordkeeping requirements and definitions. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5) state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Metal Furniture Surface Coating Operations
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-346-2, -4, -5, -6, and -7 and adopts regulations under R307-346-8 regarding volatile organic compound (VOC) emissions from metal furniture surface coating operations. The rule changes the applicability threshold from the potential to emit 2.7 tons or more per year of VOC to an application-based threshold of a combined 20 gallons or more of coating products and associated solvents per year. The rule also adds recordkeeping requirements and definitions. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5) state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Miscellaneous Metal Parts and Products Coating Operations
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-350-2 through -8 and adopts regulations under R307-350-9 regarding volatile organic compound (VOC) emissions from miscellaneous metal parts and products coating operations. The rule changes the applicability threshold from the potential to emit 2.7 tons or more per year of VOC to an application-based threshold of a combined 20 gallons or more of coating products and associated solvents per year. The rule also adds recordkeeping requirements and definitions. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5) state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/National Emission Standards for Hazardous Air Pollutants

Utah AIR

Final rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-214-1 and -2 to incorporate by reference the updated version of the Code of Federal Regulations concerning national emission standards for hazardous air pollutants. The rule addresses new emission standards; recordkeeping requirements; limitations on startup, shutdown, and malfunction operations; and new monitoring standards for hydrochloric acid. The rule is effective June 8, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Paper, Film, and Foil Coating Operations
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-344-1 through -6 and adopts regulations under R307-344-7 regarding volatile organic compound (VOC) emissions from paper, film, and foil coating operations. The rule changes the applicability threshold from the potential to emit 2.7 tons or more per year of VOC to an application-based threshold of a combined 20 gallons or more of coating products and associated solvents per year. The rule also adds recordkeeping requirements and definitions. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5) state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Plastic Parts Coating Operations
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-353-2 through -8 (nonconsecutive) and adopts regulations under R307-353-9 regarding volatile organic compound (VOC) emissions from plastic parts coating operations. The rule changes the applicability threshold from the potential to emit 2.7 tons or more per year of VOC to an application-based threshold of a combined 20 gallons or more of coating products and associated solvents per year. The rule also adds recordkeeping requirements and definitions. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5) state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Section 110(l) Demonstrations
Utah AIR

Notice of the Department of Environmental Quality, Division of Air Quality, announces the availability of Clean Air Act Section 110(l) demonstrations that three concurrent proposed rules to amend regulations under R307-335 and -343 and adopt regulations under R307-304 would not unduly relax the state implementation plan. The rules address volatile organic compound (VOC) emissions from wood furniture manufacturing, degreasing, and solvent cleaning operations. The demonstrations find that the proposed rules will not interfere with attainment, reasonable further progress, or other applicable requirements. Comments are due July 31, 2017. Contact: Joel Karmazyn; DEQ, Division of Air Quality; 801-536-4423; jkarmazyn@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Solvent Cleaning Operations
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, adopts regulations under R307-304-1 through -8 to establish requirements for volatile organic compound (VOC) emissions from solvent cleaning operations. The rule also provides for vapor pressure limits for regulated entities as an alternative to VOC limits and specifies recordkeeping requirements. The rule replaces industrial solvent cleaning standards that are proposed for repeal concurrently under R307-335. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Stationary Sources
Utah AIR

Final rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-210-1 to incorporate by reference the updated version of the Code of Federal Regulations concerning standards of performance for new stationary sources. The rule addresses new standards for carbon dioxide emissions from fossil fuel-fired electric generating units. The rule also addresses new standards for phosphoric acid manufacturing, including numeric emission limits for previously unregulated fluoride emissions from calciners. In addition, the rule addresses work practice standards for hydrogen fluoride emissions; the removal of startup, shutdown, and malfunction exemptions; and revised recordkeeping requirements. The rule is effective June 8, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

AIR
Air Quality/Wood Furniture Manufacturing Operations
Utah AIR

Proposed rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-343-1 through -7 and adopts regulations under R307-343-8 regarding volatile organic compound (VOC) emissions from wood furniture manufacturing operations. The rule changes the applicability threshold from 2.7 tons per year potential to emit to an application-based threshold of a combined 20 gallons or more of coating products and solvents combined. The rule also updates coating categories and increases the VOC limits for the two component polyurethanes to 1 pound VOC/lb solids. In addition, the rule exempts canned aerosol coating products from coating limits that are less than 22 fluid ounces used for touch-up or repair. The rule will be submitted to the EPA as part of the serious area fine particulate matter (PM-2.5) state implementation plan. A hearing is scheduled for July 27, 2017, in Salt Lake City. Comments are due Aug. 15, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Appearances and Representations
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-102 regarding practice and procedure related to appearances and representation in proceedings before the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Civil Enforcement
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-117 regarding practice and procedure for the board or Division of Oil, Gas and Mining to seek civil enforcement of an order in court. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Conduct of Hearings
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-108 regarding practice and procedure for conduct of hearings before the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Decisions and Orders
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-109 regarding practice and procedures for board decisions, the entry of board orders, notice, and emergency orders. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Declaratory Rulings
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-110 regarding practice and procedure for declaratory rulings by the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Exhaustion of Administrative Remedies
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-114 regarding the exhaustion of administrative remedies before a person can seek judicial review of a board decision. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Filing and Service
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-105 regarding filing and service practice and procedure for proceedings before the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/General Provisions
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-100 regarding general provisions related to practice and procedure for proceedings before the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Hearing Examiners
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-113 regarding practice and procedure for designating hearing examiners, the powers of an examiner, and conduct of hearings before the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Intervention
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-103 regarding practice and procedure for

orders granting leave to intervene in proceedings before the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Judicial Review Deadline
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-115 regarding the 30-day deadline for a party to petition for judicial review of a final order issued by the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Judicial Review of Formal Proceedings
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-116 regarding practice and procedure for judicial review of formal adjudicative proceedings before the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Notice and Service
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-106 regarding notice and service practice and procedure for proceedings before the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Parties to Proceedings

Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-101 regarding practice and procedure related to rights of parties in proceedings before the board. The action is effective June 7, 2017. Contact: James Owen; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Pleadings
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-104 regarding practice and procedure for pleadings in proceedings before the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Prehearing Conference
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-107 regarding prehearing conference practice and procedure for proceedings before the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Rehearing and Modification of Existing Orders
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-110 regarding practice and procedure for rehearings before the board and the modification of existing orders. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Rulemaking
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-112 regarding rulemaking procedures for the board. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Severability
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-119 regarding severability of board practice and procedure provisions found to be invalid, unconstitutional, or unenforceable. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oil, Gas and Mining Board/Waivers
Utah GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources, Oil, Gas and Mining Board, announces the five-year review and continuation of regulations under R641-118 regarding how a party to a hearing may waive a procedural matter such as a right to notice. The action is effective June 7, 2017. Contact: James Owens; DNR, Oil, Gas and Mining Board; 801-538-5328; jcowen@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Local Government Emergency Response Loan Program
Utah OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Public Safety, Division of Emergency Management, amends regulations under R704-3-3 through -9 to make editorial corrections to provisions concerning procedures for administering the Local Government Emergency Response Loan Program for search and rescue operations. The rule also removes language regarding notices of defaulted loans. The rule is effective June 7, 2017. Contact: Tara Behunin; DPS, Division of Emergency Management; 801-538-3426; tarabehunin@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

WATER
Water Quality/Utah Sewer Management Program
Utah WATER

Notice of the Department of Health, Division of Disease Control and Prevention, announces the five-year review and continuation of regulations under R317-801 regarding minimum standards for planning, design, operation, and maintenance of sewer collection systems. The action is effective June 12, 2017. Contact: Judy Etherington; DEQ, Division of Water Quality; 801-536-4344; jetherington@utah.gov

—Utah State Bulletin (07/01/2017)

Regulatory Update

Wisconsin

AIR
State Implementation Plan Revision
Wisconsin AIR

Notice of the Department of Natural Resources announces the submission of a report to the legislature describing a proposed revision to the state implementation plan (SIP). The revision aligns stationary source greenhouse gas emissions standards with federal requirements. The agency intends to submit the SIP revision to the EPA for approval. A comment due date is not specified. Contact: Kristin Hart; DNR, Permits and Stationary Source Modeling Section; 608-266-6876; kristin.hart@wisconsin.gov

—Wisconsin Administrative Register (07/10/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 7/6/2017 11:17:38 PM
Subject: July 06 -- Energy and Climate Report

Energy and Climate Report

July 06, 2017 - Number 129

News

Climate Change
China Poised to Blow Past Solar Goals Amid Push to Clear Skies
China is poised to blow past its solar targets several years ahead of schedule as the government presses ahead with efforts to fight pollution, solidifying the nation's role as the world's biggest solar market.

Climate Change
G-20 Energy Efficiency, Greenhouse Gases Both Rise, Report Says
The world's industrial powers are becoming more energy efficient, but greenhouse gas emissions continue to rise in those countries because of growing economies, according to an assessment of the Group of 20 nations by a climate advocacy group.

Climate Change
G-20 Seeks to Contain Trump by Avoiding Climate Mention
German Chancellor Angela Merkel is seeking to unite the Group of 20 nations on key environmental goals by steering clear of references to climate change wherever possible, according to a draft being circulated ahead of a summit of world leaders.

Coal-Fired Power Plants
Southern's Clean Coal Tryout Officially Dead Upon State Order
A seven-year, $7.5 billion effort to build a first-of-its-kind "clean coal" power plant in Mississippi is officially over.

Energy
More EPA Biofuel Authority May Loom Amid Blending Cut Proposal
More EPA authority in identifying biofuel blending mandates may be coming down the pike.

Energy
Renewables Top Nukes in U.S. Power Mix for First Time Since 1984
For the first time in more than 30 years, America's nuclear plants have fallen behind wind farms, solar panels and other renewable energy suppliers as a source of electricity.

Energy
Simplifying Energy Tax Code System Proving Not So Simple
Proposals to simplify energy tax credits are garnering interest from Senate Democrats and House Republicans as congressional leaders contemplate comprehensive tax reform.

Hydraulic Fracturing

South African Farmers Wary of Fracking as Licensing Looms

Farmers in South Africa say they need more assurances that shale-gas drilling is safe for their industry as exploration licenses for companies including Royal Dutch Shell Plc are expected in months.

International Climate

France Seeks Carbon Price More Than 19 Times Market Level

French Environment Minister Nicolas Hulot said he wants to increase the government's target price for carbon emissions to more than 100 euros ($114) a ton by 2030 to meet the nation's climate-change goals.

Motor Vehicles

Tesla Seen Pulling Away from GM for Clear U.S. Electric Car Lead

More than a dozen automakers are jostling to lead the U.S. electric-car race, but Bloomberg New Energy Finance sees a clear winner separating from the pack: Tesla Inc.

Oil & Gas

Interior's Zinke Wants Oil and Gas Permitting Streamlined

Oil and gas companies could get more leasing opportunities and faster permitting for work on federal onshore lands under an order announced July 6 by Interior Secretary Ryan Zinke.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 10/6/2017 9:44:11 AM
Subject: Morning Energy, presented by Chevron: Changing the math on the Clean Power Plan — Perry's eagerly anticipated hearing next week — DOE, PHMSA picks confirmed

By Anthony Adragna | 10/06/2017 05:42 AM EDT

With help from Eric Wolff and Darius Dixon

Morning Energy will not publish on Monday, Oct. 9. Our next Morning Energy newsletter will publish on Tuesday, Oct. 10. Please continue to follow Pro Energy issues here.

CHANGING THE MATH ON CLIMATE CHANGE: In a move that will set the tone for the Trump administration's legal and political battles over climate regulation, EPA plans to consider fundamentally altering the benefits it associates with the Clean Power Plan in an upcoming proposal to rescind the Obama-era emissions reduction rule, Pro's Emily Holden reports , citing multiple sources familiar with recent drafts. Taken together, the changes will eliminate tens of billions of dollars in the Clean Power Plan's benefits that could be used to bolster EPA Administrator Scott Pruitt's legal argument for pulling back the regulation.

Among the changes, President Donald Trump's EPA will dramatically alter its use of the social cost of carbon by no longer considering any social or economic benefits the rule creates outside the United States and counting far fewer of the health benefits that might have come from reducing air pollutants. Obama's regulators accounted for the fact that levels of sulfur dioxide, nitrogen dioxide and particulate matter would decline along with the greenhouse gases, but the Trump proposal won't count any of those additional reductions if pollutant levels were already at levels deemed safe by the agency in other regulations.

Proponents of the Obama regulation argue Pruitt's EPA is relying on fuzzy math and ignoring the fact utilities are transitioning to cleaner energy sources faster than anticipated. Janet McCabe, who led EPA's air office under Obama, said Trump's team seems to be ignoring the fact that many states are already on track to hit the rule's targets ahead of schedule. "Every other story is about how costs are coming down, about how emissions are reducing, about how power companies are making choices to close their coal plants or run them less because they're so expensive," she said. And David Doniger, climate director for the Natural Resources Defense Council, said "the courts are going to look very, very hard at this kind of cooking of the books."

EPA spokeswoman Liz Bowman's response: "While it appears you are writing a piece based on rumors about CPP, the facts are that the Obama administration's estimates and analysis of costs and benefits was, in multiple areas, highly uncertain and/or controversial."

TGIF ONE AND ALL! I'm your host Anthony Adragna, and Craig Meyers was first up to identify Reps. Debbie Dingell and Doris Matsui as the two current lawmakers who replaced their spouses in their congressional seats. For today: Who is the first participant in the U.S. Senate Youth Program to be elected to the body? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and

@POLITICOPro.

GET YOUR POPCORN READY! Energy Secretary Rick Perry should expect a bevy of tough questions in his first appearance before the House Energy and Commerce Subcommittee on Energy next Thursday. Chief among them will be his effort to quickly push through new FERC rules benefitting coal and nuclear plants that has united the oil, gas, wind and solar industries — along with consumer groups — against him. Look for Democrats to push Perry on his use of non-commercial aircraft as secretary, in light of reports he chartered a private plane one day before HHS Secretary Tom Price resigned. More information on the Oct. 12 hearing here.

He may not enjoy a home field advantage: Fellow Texans are usually quite chummy with their former governor but the FERC grid proposal might have them peppering Perry with non-softballs. Rep. Pete Olson said Perry had grabbed "the tiger by the tail" and predicted it would be a "big" area of discussion from both parties. "I'm concerned because it appears to be picking winners and losers," he told reporters. "Every time we do that, it hurts the consumer."

But first: Perry is scheduled to speak this morning at a Veterans in Energy forum in Arlington, Va. this morning.

DOE, PHMSA PICKS CONFIRMED: Before heading out on a 10-day recess, the Senate confirmed by voice vote Howard "Skip" Elliott to run the Pipeline and Hazardous Materials Safety Administration and Bruce Walker to lead DOE's electricity delivery and energy reliability office. Lawmakers also cleared Timothy Gallaudet's nomination as No. 2 at NOAA by voice vote and passed a resolution declaring Thursday "Energy Efficiency Day."

Not in the cards: Confirmation of FERC chairman nominee Kevin McIntyre and Democratic commissioner pick Rich Glick. Senate Energy and Natural Resources Chairman Lisa Murkowski asked unanimous consent to approve the selections, but an unidentified senator objected. Murkowski, who has been pushing to get FERC to full complement this week, said on the floor she was "disappointed" after the objection.

HELP THAT MESS IN TEXAS: Gov. Greg Abbott, Sens. John Cornyn and Ted Cruz and all but three of Texas' House members requested $18.7 billion in disaster funding be included in the next Appropriations package as the state continues its recovery from Hurricane Harvey. "We all recognize that the funding already appropriated is a small fraction of the federal resources needed to help rebuild Texas," they wrote.

Not so fast? House Majority Leader Kevin McCarthy indicated Thursday his chamber would take up the White House's $29 billion disaster aid request next week but Republican Study Chairman Mark Walker said his influential bloc might oppose the package without corresponding spending cuts, Pro's Budget & Appropriations Brief's Sarah Ferris reports.

Seems unnecessary: The Trump administration removed information about the status of drinking water and electricity access on Puerto Rico from FEMA's site, The Washington Post reports. Government figures show 9.2 percent of the island now has electricity and 54.2 percent of people have potable drinking water. Meanwhile, Flint Mayor Karen Weaver released a letter

of support Thursday to San Juan Mayor Carmen Yulin Cruz sent earlier in the week.

Over in Florida, lawmakers are looking at potential ways to alleviate fuel shortages in the aftermath of hurricanes, but POLITICO Florida's Bruce Ritchie reports solutions may be elusive. That isn't stopping Democratic Sen. Bill Nelson, who filed legislation Thursday requiring DOE to create a gas supply reserve that would hold at least 1 million barrels of oil in two separate locations, Bruce and Sergio Bustos report.

Veep alert! Vice President Mike Pence is visiting the U.S. Virgin Islands and Puerto Rico today for an update on Hurricane Maria recovery efforts.

BETTER LATE THAN NEVER? As POLITICO reported was likely way back in March, the White House formally selected Faegre Baker Daniels attorney Andrew Wheeler to serve as No. 2 at EPA, Pro's Alex Guillén reports. Wheeler, a former staffer to Sen. Jim Inhofe and the EPW Committee, was formerly a registered lobbyist for coal producer Murray Energy but deregistered in an Aug. 11 filing . Hopefully, he'll keep participating in ME's trivia!

REPORT: ENERGY-RELATED CO2 EMISSIONS DOWN: Energy-related emissions of carbon dioxide fell 1.7 percent in 2016 — that's 89 million metric tons, according to an Energy Information Administration report out Thursday. Emissions have declined in six of the past 10 years and energy-related ones are down 14 percent from 2005 levels. Transportation-related carbon emissions rose in 2016, though emissions from the industrial, commercial and sectors were all down. Natural gas emissions surpassed those from coal in 2016, though the report notes "natural gas produces more energy for the same amount of emissions as coal."

** **A message from Chevron**: We're piloting a program that uses drones to keep an eye on Chevron wells, tanks, and pipelines—all to keep DOERS and what they're doin' safer. Watch the video: http://politi.co/2xO60oe **

LAWSUIT THREATENED OVER MISSED OZONE DEADLINE: A group of 14 state attorneys general threatened to sue EPA for missing an Oct. 1 deadline to decide which parts of the U.S. do or do not meet the 2015 ozone standard. They join a coalition of environmental groups, which vowed to sue Pruitt earlier this week.

TAX OVERHAUL: BIOFUELS PRODUCERS LIKE THE PASSTHROUGH TAX BREAKS: Like everyone, ethanol producers await the details of Republican tax overhaul plans, but they see at least one feature they like: the tax cut on passthrough businesses. The principles in the "Big Six" tax overhaul call for a reduction in the tax rate from 36.9 percent to 25 percent on taxes paid by businesses run by sole proprietors, partnerships, and "S Corps", commonly called "passthrough" businesses. "That's how our plants are mostly organized, we see this as potential positive for our members," said John Fuhrer, senior director for government affairs for Growth Energy, an ethanol producers group.

FERC EYES NEW ENFORCEMENT CHIEF: Two sources with knowledge of the plans tell Pro's Darius Dixon and Esther Whieldon that Skadden attorney John Shepherd Jr. is expected to become FERC's next enforcement chief. According to Shepherd's bio, his practice focuses on

market design, market power and market manipulation issues in the energy and natural gas markets. The timing of the announcement is not certain.

GRIFFITH STEPPING INTO MURPHY'S E&C SLOT: With embattled Rep. Tim Murphy opting Thursday to resign from Congress later this month, an Energy and Commerce aide tells ME Virginia Rep. Morgan Griffith is expected to become chairman of the panel's Oversight and Investigations Subcommittee.

ASSUME E15 BILL DEAD (FOR NOW): Both Senate EPW Chairman John Barrasso and bill sponsor Deb Fischer now say a measure S. 517 (115) that would allow year-round sales of higher blends of ethanol won't even get a committee vote this year, Pro's Eric Wolff reports. Even with five committee members as co-sponsors, there wasn't sufficient support among panel members and a flurry of amendments threatened to go after bedrock environmental laws. "I think what happened [was] it looked like we were really going to do this. So we loaded the box up with every Clean Air Act amendment we could think of," a refining industry source who opposed the bill told Eric.

MAIL CALL! GOP URGES DOI LEAK PROBE! House Natural Resources Chairman Rob Bishop and Oversight Subcommittee Chairman Bruce Westerman sent a letter Thursday requesting a briefing and copies of written policies concerning unauthorized leaks at Interior. They point to four leaks over the past several months with documents not yet finalized. "Improper disclosure of internal agency information, however, both classified and nonclassified, is an unacceptable practice," they wrote. "It is vital that those responsible for unauthorized releases are held accountable."

TWO THUMBS UP! Sen. Bill Cassidy, Barrasso and Murkowski wrote a letter Thursday to Perry to voice support for a proposed rule that would speed approvals of small-scale liquefied natural gas exports. DOE formally proposed the regulation on Sept. 1 and the comment period ends Oct. 16.

ANOTHER PRUITT PROBE PURSUED: Three senior House Energy and Commerce Democrats — Frank Pallone, Paul Tonko and Diana DeGette — asked EPA's inspector general in a Thursday letter to investigate Pruitt's installation of a $25,000 "privacy cube" in his office. "[Americans] have a right to know if Administrator Pruitt is wasting taxpayer money on duplicative and unnecessary purchases for his office," they wrote.

HEARING ON FEDERAL STAFFING SOUGHT: All House Oversight Democrats asked for a hearing to be scheduled on Trump administration efforts to downsize the federal workforce. Read it here.

KELLOGG VP SEEKING UPTON'S SEAT: Democrat George Franklin, a vice president at Kellogg announced Thursday he'll seek Energy and Commerce Energy Subcommittee Chairman Fred Upton's congressional seat, WWMT reports. It remains unclear, of course, whether the incumbent Upton will seek reelection to the House, run for Senate or retire.

RECORDS SOUGHT FOR PERRY'S TRUMP HOTEL SPEECH: Citizens for

Responsibility and Ethics in Washington filed a FOIA request seeking all records and requests for reimbursement stemming from Perry's speech to the National Mining Association at the Trump Hotel earlier this week. Copy here.

MUSK'S BIG IDEA: Elon Musk is open to helping rebuild Puerto Rico's electric grid. "The Tesla team has done this for many smaller islands around the world, but there is no scalability limit, so it can be done for Puerto Rico too. Such a decision would be in the hands of the PR govt, PUC, any commercial stakeholders and, most importantly, the people of PR," he tweeted Thursday. Gov. Ricardo Rossello responded on Twitter "let's talk" and said Puerto Rico could be Musk's "flagship project"

ANTI-PIPELINE AD LAUNCHED IN VIRGINIA: The Southern Environmental Law Center launched a $200,000, three-week television ad campaign in Virginia opposing the Atlantic Coast Pipeline being pushed by Dominion Energy.

HUNDREDS SEEK WILDFIRE FIX: More than 200 groups asked congressional leadership to enact "a comprehensive solution to the wildfire suppression funding issue that addresses the borrowing issue and the erosion of budgets due to increasing wildfire suppression costs." They voiced support for bipartisan House H.R. 2862 (115) and Senate S. 1842 (115) bills.

QUICK HITS

— Jerry Brown's California Dream: The Rolling Stone Interview. Rolling Stone.

— US oil exports will keep booming after hitting record 2 million barrels a day, analysts say. CNBC.

— U.S. Gulf oil producers curtail output ahead of Tropical Storm Nate. Reuters.

— Interior Department rejects 25 endangered species petitions, including several linked to climate change. Washington Post.

— EPA's Scott Pruitt prefers meeting with Republicans, just not on Mondays. CNN.

— Worker dies at Kentucky coal-fired power plant. AP.

HAPPENING TODAY

9:00 a.m. — 2017 Veterans In Energy Forum, NRECA, 4301 Wilson Blvd. Arlington, VA 22203

11:00 a.m. — Sen. Angus King holds a Senate Energy Committee field hearing in Searsmont, Maine on how combined heat and power and microgrid technology approaches can reduce industrial energy costs, watch here

THAT'S ALL FOR ME!

** **A message from Chevron**: This is a story about energy, safety, and some truly high-flyin' doin'. We're piloting a program that uses drones, HD imaging, and thermal mapping to help keep a close eye on Chevron wells, tanks, and pipelines—all to keep DOERS and what they're doin' safer. Watch the video: http://politi.co/2xO60oe **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/10/changing-the-math-on-the-clean-power-plan-024942

Stories from POLITICO Pro

EPA's climate rule withdrawal will include big changes to cost calculations Back

By Emily Holden | 10/05/2017 08:47 PM EDT

The Trump administration will consider fundamentally limiting the way the federal government counts benefits from curbing climate change and air pollution in an upcoming proposal to rescind former President Barack Obama's signature climate regulation, according to multiple sources familiar with recent drafts.

In nixing the Clean Power Plan, EPA will suggest changing the benefits it counts, which would bolster its arguments that the rule's economic burdens would outweigh its gains from cleaner air, reduced illnesses and greater energy efficiency.

President Donald Trump has long vowed to erase Obama's restrictions on coal plants, and then announced he was pulling out of the Paris climate accord, so it's no surprise he plans to eliminate the rule. But the fine print will have big implications for the inevitable yearslong legal fights to come. It could anger environmental advocates while satisfying some industries and conservative states.

"It may seem like inside baseball, but this is going to set the tone," said John Larsen, a director at the analysis firm Rhodium Group. "We haven't seen the details of any sort of regulatory plan from this administration yet on climate."

EPA could release its withdrawal proposal in the coming days, while leaving the door open to eventually replace the rule with one that would pose minimal costs but provide few climate benefits, as POLITICO reported last month.

Among other changes, Trump's EPA will drastically alter how it uses the social cost of carbon, a metric for assigning a monetary value to curbing emissions. The agency will decline to consider any social or economic benefits the rule creates outside the United States — unlike the Obama administration, which included worldwide impacts in its calculations.

And it will count far fewer of the health benefits that might have come from reducing air pollutants that cause premature deaths, heart attacks and asthma hospitalizations.

Taken together, the sources say, the recalculations eliminate tens of billions of dollars of the rule's benefits, which Obama's EPA had contended would outweigh the costs of enforcing a faster shift away from coal-fired power. The new numbers could be meant to aid EPA Administrator Scott Pruitt's legal case for scrapping the rule.

The rule's supporters are already accusing Trump and Pruitt of promoting fake math. They say the administration is ignoring the reality that power companies are making the transition to green energy even faster than Obama anticipated.

"Like so many things, they seem to be completely ignoring what's happening in the real world," Janet McCabe, who led EPA's air office under Obama, said of Trump's team. "Every other story is about how costs are coming down, about how emissions are reducing, about how power companies are making choices to close their coal plants or run them less because they're so expensive."

David Doniger, climate director for the Natural Resources Defense Council, said that "the courts are going to look very, very hard at this kind of cooking of the books."

"There are two kinds of ways to get the law wrong, to play fast and loose with science and facts or with the economics, and you can lose for either or both reasons," he said.

But EPA spokeswoman Liz Bowman said that if anyone's numbers were questionable, it was Obama's.

"While it appears you are writing a piece based on rumors about CPP, the facts are that the Obama administration's estimates and analysis of costs and benefits was, in multiple areas, highly uncertain and/or controversial," she said in an email Thursday night.

The businesses and states that opposed Obama's regulation say it's about time EPA reconsidered the costs. For example, it's reasonable to count only the rule's U.S. benefits since Americans would be paying the costs, said Jeff Holmstead, an industry lawyer who was EPA's air administrator under former President George W. Bush.

The math surrounding the rule has long been a political lightning rod.

The Obama-era EPA said the rule would be a net gain for society because shifting to cleaner energy sources would slow climate change and reduce pollution-related illnesses, among other benefits. In contrast, studies financed by conservative groups estimated that the regulation would cost the economy hundreds of billions of dollars during the same time frame.

The rule sought to cut the U.S. power industry's carbon pollution 32 percent by 2030, compared with 2005 levels — and as of two years ago, the country was more than halfway there. The regulation was the centerpiece of Obama's pledge that the U.S. would fulfill its part of the 2015 Paris climate agreement.

Trump has since announced he's pulling the United States out of Paris, unless he can "negotiate"

a more favorable deal, and he's ordered EPA to undo a host of Obama-era regulations, chief among them the Clean Power Plan.

He has also directed his agencies to recalculate Obama's math on the social and economic impacts of climate change.

In a March executive order, Trump disbanded an interagency team that had been working on revising the social cost of carbon.

He also told his agencies to revert to White House guidance from 2003, which directed regulators performing cost-benefit analyses to "focus on benefits and costs that accrue to citizens and residents of the United States." Any look at international implications should go into a separate report, the George W. Bush-era guidance said.

That "America First" approach to regulation is a big departure from Obama's methods, which considered the worldwide effects of reducing U.S. carbon pollution, but it will help Trump's EPA justify repealing the rule.

In the Clean Power Plan, the Obama administration had estimated that each metric ton of carbon dioxide imposes about $40 of costs on society. That means the plan would yield about $30 billion in global climate benefits by 2030 — but only $2 billion to $7 billion in domestic gains, less than the rule's estimated cost, according to the think tank Brookings.

Experts who support the international strategy say going back is misguided. Michael Greenstone, the chief economist for Obama's Council of Economic Advisers in 2009 and 2010, told lawmakers in March that using a social cost of carbon that incorporates only U.S. benefits is "essentially asking the rest of the world to ramp up their emissions."

Noah Kaufman, an economist for World Resources Institute's climate program, said that "because climate change is a global problem, it requires a global solution."

"If countries try to solve it only for themselves, not taking into account how U.S. emissions affect the global community, and the global community doesn't consider how it affects us ... you're just never going to solve the problem," Kaufman said.

EPA will also refuse to count many of the health benefits that the Obama administration estimated would arise as side effects of reducing carbon emissions, the sources said. Specifically, Obama's regulators accounted for the fact that levels of sulfur dioxide, nitrogen dioxide and particulate matter — pollutants already regulated by other EPA rules — would decline along with the greenhouse gases.

In contrast, Trump's EPA won't count those ancillary reductions if the pollutants were already below levels that the agency has deemed safe in other standards.

Environmental advocates say that logic is wrong, because further curbing those pollutants means people will be even healthier. But Holmstead said that while it's legitimate for EPA to look at the

other pollutant reductions the rule might achieve, the agency shouldn't count them to offset costs.

The changes to the cost-benefit analysis will come in a regulatory impact analysis that aims to highlight a wide range of cost estimates for the rule. The analysis will accompany EPA's proposed rule for rescinding the Clean Power Plan and its advanced notice of proposed rulemaking on options to replace the regulation.

Obama's critics estimate the rule would force consumers to pay $200 billion more by 2030 and saddle electricity customers with double-digit price hikes in many states, according to a study contracted by the conservative American Energy Alliance's Institute for Energy Research.

The Obama-era EPA and many academic institutions and think tanks have argued that the rule would cost far less, between $5 billion and $8 billion in 2030 by the agency's previous calculations. Plus, they have said, the social benefits of reducing carbon levels, slowing climate change and ratcheting down illness-causing air pollution would far offset the costs, achieving $26 billion to $45 billion in net benefits by 2030.

Advocates say costs are already proving to be even lower than expected as power companies move away from coal on their own.

The Institute for Policy Integrity at New York University School of Law this week released a paper compiling multiple studies that have found that Clean Power Plan compliance costs have fallen dramatically since the rule came out in 2015. That included an analysis from the American Petroleum Institute that estimated lower costs than EPA's original expectations.

"The takeaway from this should be, if we're going to do anything with the Clean Power Plan right now, given these trends we should be strengthening the goals," said Jack Lienke, an author of that paper and regulatory policy director for the institute. "Emissions can be reduced much more cheaply. That's a reason to set more aggressive targets, not to weaken targets or repeal them altogether."

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White House seeks nearly $30B in disaster aid package Back

By Sarah Ferris | 10/04/2017 06:13 PM EDT

The White House this afternoon formally requested nearly $30 billion in emergency funding for its ongoing recovery efforts in hurricane-battered regions like Puerto Rico, Florida and Texas.

In a letter to congressional leaders, the Trump administration asked for $12.8 billion for FEMA's disaster relief fund, $16 billion for the National Flood Insurance Program and $576.5 million for the forest service's firefighting fund.

"We need the help of Congress to stabilize the affected communities and replenish dwindling and depleted funds," Office of Management and Budget chief Mick Mulvaney wrote. He said the money should be classified as "emergency spending," meaning it would not require spending offsets.

House and Senate appropriators immediately released statements in support of the White House's request and pledged to act quickly. House Appropriations Chairman Rodney Frelinghuysen (R-N.J.) said he would "put legislation forward as soon as possible."

Rep. Nita Lowey, his Democratic counterpart on the panel, said she supported Trump's request for FEMA, but added it needed to go further.

"Congress should add to this request by appropriating funding for flexible Community Development Block Grants; rebuilding coastlines, roads, transit systems, airports, ports, and other infrastructure; small business loans; and repairs to military installations and other federal facilities damaged in the storms," said Lowey, of New York.

The White House's request had previously been reported by POLITICO.

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RSC chief stakes opposition to hurricane relief without offsets Back

By Sarah Ferris | 10/04/2017 10:50 PM EDT

The Republican Study Committee's chairman is threatening to oppose the next round of hurricane relief funding if Congress doesn't cut spending to cover the costs.

"We're going to come out strong for those to be offset," Rep. Mark Walker (R-N.C.) told POLITICO late Wednesday. "Just because Republicans are in charge doesn't mean deficits and debts no longer matter."

Walker said he has for weeks told fellow lawmakers, including those in leadership, to demand offsets. Now he is going public with his position as Congress considers the White House's new $29 billion disaster aid request.

Lawmakers are expected to vote mid-month on the fresh aid plan, which includes $13 billion in Federal Emergency Management Agency funding that would not count toward Congress' annual spending limits.

GOP leaders have signaled there are likely to be more requests to come, and the price tag for hurricane recovery could total hundreds of billions of dollars.

So far, Congress has allocated $15 billion in emergency funding since the three devastating storms began ravaging the U.S. and its territories with Hurricane Harvey's initial blow in late August.

Walker's demands are likely to incite a years-old fiscal fight within the GOP over whether emergency spending should add to the nation's deficit.

Prominent conservatives, including Vice President Mike Pence and House Speaker Paul Ryan (R-Wis.), have for years argued that disaster relief should be offset.

"Congress must ensure that a catastrophe of nature does not become a catastrophe of debt," then-congressman Pence said in a 2005 floor speech that has resurfaced in recent weeks.

In 2011, a similar demand by House conservatives brought the government to the brink of shutdown.

Walker proposes Congress consider reshuffling money from accounts like the Energy Department's loan program for manufacturing fuel-efficient cars.

This year, a majority of House Republicans already agreed to bend the pay-as-you-go requirement for the $15 billion hurricane relief package (H.R. 601 (115)) enacted last month. Ninety Republicans, including Walker, opposed the legislation, which also funded the government through Dec. 8 and temporarily suspended the debt ceiling.

On future packages, Walker said he believes "the bulk" of the House's Republicans will join in opposition if there are no offsets.

The first emergency package was different, he argues, because it was an immediate response when "there were people's lives in the balance" and it "wasn't an overwhelming amount."

Walker stressed that he isn't planning to hold a disaster package "hostage" but wants to remind fellow Republicans that they, too, have campaigned against runaway spending.

"We just want to say, 'Hey, we're waving a flag out here,'" Walker said. "If we don't have the money, then is it not due diligence to go find out where money is being spent frivolously?"

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Sources: Trump expected to tap Wheeler as EPA deputy Back

By Andrew Restuccia, Alex Guillén and Anthony Adragna | 03/16/2017 08:00 PM EDT

President Donald Trump is expected to tap Andrew Wheeler, a coal lobbyist and former aide to Sen. Jim Inhofe, to be deputy administrator of the Environmental Protection Agency, sources familiar with the hiring process told POLITICO.

Sources cautioned that the decision has not yet been finalized, but they said Wheeler is expected to get the job. It's unclear when Trump will make the announcement, but one source said it could be weeks before Wheeler is officially tapped.

Wheeler worked as an EPA staffer earlier in his career. He later joined Inhofe's Senate office and then spent more than a decade as a Republican staffer on the Senate Environment and Public Works Committee, where he worked on several major pieces of legislation, including the 2005 and 2007 energy bills.

He has worked at the law firm Faegre Baker Daniels since 2009. He now co-leads the firm's energy and natural resources practice.

Wheeler is a registered lobbyist for Murray Energy, the nation's largest privately owned coal company, which regularly filed lawsuits against the Obama administration over its environmental regulations.

As a lobbyist, Wheeler may need to obtain a waiver to serve at the EPA.

Trump signed an executive order in January that bars registered lobbyists from participating in "any particular matter" on which they lobbied in the past two years. Those lobbying restrictions last for two years from the time the person joins the administration.

But the executive order says the administration can grant "any person a waiver of any restrictions" in its ethics and lobbyist requirements. Unlike an order signed by former President Barack Obama in 2009, Trump's executive order doesn't require public disclosure of the waivers.

Aside from Murray, Wheeler also lobbies on unspecified energy and energy efficiency issues for Underwriters Laboratories, an Illinois-based lab company, and on agricultural issues for cheese maker Sargento. His former clients include Xcel Energy and Bear Head LNG, as well as a cooking oil-recycling company, an auto auctioner and a medical isotope coalition.

Wheeler won't be the only energy lobbyist to join the Trump administration. Mike Catanzaro, a lobbyist at the firm CGCN Group whose clients included several fossil fuel companies, took a job at the White House last month as an energy and environmental adviser at the National Economic Council. Catanzaro is a former EPW staffer to Inhofe.

Meanwhile, EPA Administrator Scott Pruitt, a fellow Oklahoman, has also brought former Inhofe aide Ryan Jackson on as chief of staff. Byron Brown, a former Inhofe aide, is EPA's deputy chief of staff and Mandy Gunasekara, a former EPW counsel, is now a senior policy adviser to Pruitt.

More aides with ties to Inhofe are expected to join the EPA in the coming weeks. Susan Bodine

and Brittany Bolen, two EPA staffers, are widely expected to be offered jobs at EPA.

Wheeler, a White House spokeswoman and an EPA spokesman did not immediately respond to a request for comment.

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White House announces Wheeler pick for EPA deputy Back

By Alex Guillén | 10/05/2017 03:52 PM EDT

The White House today nominated Andrew Wheeler to be deputy EPA administrator.

POLITICO reported in March that Wheeler was the leading contender for the job, which will help run day-to-day operations at EPA while the agency works to undo many Obama-era regulations.

Wheeler previously worked for Sen. Jim Inhofe and the Senate Environment and Public Works Committee. Since 2009, he has been an attorney at the law firm Faegre Baker Daniels, where he was a registered lobbyist for coal producer Murray Energy. Wheeler de-registered himself as a Murray lobbyist in an Aug. 11 filing.

Wheeler will be at least the seventh political staffer with ties to Inhofe to land at EPA. Others include chief of staff Ryan Jackson, deputy chief of staff Byron Brown, adviser Mandy Gunasekara and Susan Bodine, the enforcement nominee who started working as an enforcement adviser to Administrator Scott Pruitt last month ahead of her Senate confirmation.

WHAT'S NEXT: The Senate Environment and Public Works Committee will likely schedule a confirmation hearing for Wheeler in the coming weeks.

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Sources: FERC enforcement critic in line to become enforcement chief Back

By Darius Dixon and Esther Whieldon | 10/05/2017 04:29 PM EDT

Skadden attorney John Shepherd Jr. is expected to be named FERC's next head of enforcement, according to two sources with knowledge of the plans.

Shepherd co-authored a paper for the Energy Law Journal in 2010 calling for new due process

rules within the FERC enforcement office, which polices energy markets for manipulation, and has made headlines for levying multi-million dollar fines against firms like JPMorgan Chase and Barclays. Shepherd co-authored the paper with William Scherman, a former FERC general counsel who has been critical of the agency's enforcement work.

According to his biography on the Skadden, Arps, Slate, Meagher & Flom website, Shepherd's practice focuses on market design, market power and market manipulation issues in the energy and natural gas markets. His biography also highlights his success securing the "dismissal of a non-public investigation against a Midwest natural gas company for alleged capacity 'flipping' violations."

The sources said the timing of the appointment was not certain.

Reached by phone today, Shepherd said he had not been contacted about the position.

Last month, fellow Skadden attorney James Danly became FERC's general counsel.

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Tim Murphy resigns from Congress Back

By Rachael Bade and Jake Sherman | 10/05/2017 04:06 PM EDT

Rep. Tim Murphy (R-Pa.), the embattled anti-abortion lawmaker who allegedly encouraged his lover to terminate a pregnancy, on Thursday announced his plan to resign from office later this month — just a day after announcing his plan to retire following the 2018 election.

The Pennsylvania Republican's about-face came after House GOP leaders and senior Republicans upped the pressure on Murphy to step down. Republican sources familiar with Murphy's thinking said the married father of one child initially believed he could weather a story in the Pittsburgh Post Gazette, revealing he had sent a series of text messages to his girlfriend — a psychologist half his age — encouraging her to have an abortion. Murphy has been a strongly anti-abortion lawmaker during his 15 years in Congress.

"This afternoon, I received a letter of resignation from Congressman Tim Murphy, effective October 21," Speaker Paul Ryan said in a statement. "It was Dr. Murphy's decision to move on to the next chapter of his life, and I support it."

But many senior Republicans did not believe Murphy could — or should — survive until the end of his term. Several top Republicans said Ryan, who met with Murphy Wednesday evening to discuss his future, also wanted him to step down.

GOP insiders also were worried that additional damaging stories could surface involving

Murphy and his office. The Post-Gazette revealed that his staff was in turmoil for years, with the congressman yelling at aides and throwing folders.

"As I said last night, the circumstances surrounding this situation are extremely disappointing to me," National Republican Congressional Committee Chairman Steve Stivers said in a statement.

But Stivers predicted that Republicans would easily hold Murphy's district, despite the scandal that destroyed the GOP lawmaker's career.

"The NRCC is undefeated in special elections this year and I'm supremely confident that will continue," the Ohio lawmaker said. "In the meantime, we look forward to seeing how national Democrats can spin yet another special election loss into a so-called moral victory."

The sudden furor surrounding Murphy brought a wave of detractors eager to tell of their mistreatment at his hands during his time in Congress.

Five former Murphy employees contacted POLITICO to share stories of inappropriate behavior by both Murphy and his chief of staff Susan Mosychuk. Those included tales of staff being berated as "worthless" and "stupid." Others told of being forced by Mosychuk to take the stairs instead of the elevators as punishments for underperforming.

Republicans believed the matter could become an ethics issue that would trigger an investigation and distract from GOP messaging. With Murphy set to resign in two weeks, any ethics probe would end as soon as he left office.

Throughout Wednesday, Murphy held a series of private meetings with other GOP lawmakers as he sought to save his career. Pennsylvania GOP Reps. Charlie Dent and Bill Shuster huddled with Murphy in his office on Wednesday afternoon, but would not discuss what was said following the private session.

By Thursday morning, Murphy began to understand those complications and had drafted a resignation letter.

Murphy's departure from Congress is expected to set off a scramble to replace him in what is a safe GOP seat. Democrats signaled that they have very low expectations of making a competitive run there.

"Pennsylvania's 18th Congressional District is a reliable Republican stronghold, but the grass-roots energy behind Democrats has proven powerful this year, and we will be closely tracking this district and special election," said Meredith Kelly, communications director for the Democratic Congressional Campaign Committee.

In Pennsylvania special elections, the state central committees for both parties select primary nominees, rather than through a primary vote.

Pennsylvania Gov. Tom Wolf, a Democrat, will set the special general election date, which some

political operatives believe will occur on the same day as the regular primary date next May.

"I'd assume the governor would put it on primary election day of next year," said Mark Harris, a Republican consultant in the state. "If that's the case, there would be two ballots — a special election ballot and a primary ballot. In theory, a candidate could win the special election and another candidate could win the primary."

Two Republican candidates announced their bids on Thursday — state Sen. Guy Reschenthaler, a former judge and Iraq War veteran, and state Sen. Kim Ward. Local operatives also named state Rep. Rick Saccone, who's currently running for the U.S. Senate, as another potential candidate.

Three Democrats were already vying to take on Murphy before he resigned, including Pam Iovino, a veteran who picked up an endorsement from VoteVets on Wednesday. But Democratic operatives said they expect more candidates to jump in, naming Matt Smith, president of the Greater Pittsburgh Chamber of Commerce, state Rep. Dan Miller and Westmoreland County Commissioner Ted Kopas.

John Bresnahan and Elena Schneider contributed to this report.

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Bill to expand E15 ethanol dead for the year Back

By Eric Wolff | 10/05/2017 03:36 PM EDT

A bill to allow year-round sales of higher blends of ethanol won't get a vote in the Senate Environment and Public Works Committee this year after it attracted amendments that targeted major environmental laws, Republican senators told POLITICO.

Both EPW Chairman John Barrasso (R-Wyo.) and Sen. Deb Fischer (R-Neb.), author of S. 517 (115), said it lacked the votes to get out of committee despite having five members as co-sponsors. A majority of the remaining Republicans opposed the measure, and Fischer failed to win the backing of at least six Democrats to get it through the committee. Fischer had previously decided against bringing the bill to markup in July.

Republicans like Sen. Jim Inhofe (R-Okla.), who opposed the bill, saw it as a chance to weaken the Clean Air Act, and industry sources said Democrats had a string of their own plans to try to address concerns about higher food prices and increased air pollution. The combined weight of the amendments under discussion ultimately sunk the bill.

"The original sponsor said the votes aren't there; I don't expect to see it this year," Barrasso said. Fischer agreed that the bill would not come up for a vote this year.

Ethanol producers have long argued that allowing year-round sale of gasoline with 15 percent ethanol would help increase the number of credits that refiners must use to comply with the Renewable Fuel Standard — and ultimately drive down prices. But the oil industry sees the RFS as "broken," and major producers have no interest in small tweaks, especially one that would cut into the sale of their product.

Fischer won committee time in May for her bill, which would waive a Clean Air Act provision that prevents summer sales of E15 in some states after a last-minute scramble for votes on a resolution to kill an Obama-era rule limiting methane leaks by gas producers. Barrasso agreed to give her bill a hearing and a markup vote in exchange for votes from Fischer, Sen. Chuck Grassley (R-Iowa) and other corn-state Republicans. The methane resolution ultimately failed.

Ethanol producers had hoped to sway Democrats by touting the fuel's lower greenhouse gas profile than gasoline, and the hope that allowing E15 to be sold all year would create higher demand for advanced biofuels with even lower emissions, a top concern for longtime RFS supporter Sen. Ed Markey (D-Mass.).

The committee also has five senators among its members thought to be considering running for the Democratic nomination for president in 2020: Sens. Bernie Sanders (I-Vt.), Cory Booker (N.J.), Kirsten Gillibrand (N.Y.), Kamala Harris (Calif.) and Jeff Merkley (Ore.). Ethanol remains a key issue in Iowa, and a "yes" vote could have been a boost to a primary bid.

But industry sources say that Democrats, along with the Sierra Club, which opposed the bill, had concerns about the potential for higher food prices and air pollution. A biofuels and a refining industry source said Democrats wanted an amendment to cap ethanol volumes if food prices ran too high, and some Democrats worried that the air waiver, which has to do with fuel evaporation provisions, would create air pollution problems.

Though Fischer had sought a rifle shot that would address only the Clean Air Act waiver, the legislation ultimately "ricochets all over the place," said a refining industry source who opposed the bill.

"I think what happened [was] it looked like we were really going to do this. So we loaded the box up with every Clean Air Act amendment we could think of," he said.

Inhofe had his sights on the Clean Air Act, and he had planned a host of amendments, including killing the Clean Power Plan and the Waters of the United States rule, and sunsetting the conventional biofuel requirement that is typically filled by ethanol. The amendments would be hard for Republicans to oppose but would have been virtually impossible for Democrats to support, if any got attached to the bill.

"We think it is very unfortunate that this bill has been caught up by unrelated issues," John Fuher, senior director for government affairs for Growth Energy, an ethanol group, said in a statement. "We continue to believe that this legislation is necessary, as it would lift an outdated, unnecessary restriction on retailers who want to offer their customers the choice of a cleaner,

more affordable fuel option year-round."

Oil groups who opposed the legislation were more upbeat.

"We are pleased that E15 waiver is not moving," said Frank Macchiarola, downstream director for the American Petroleum Institute. "We think it reflects a broad bipartisan consensus that, first, E15 is not ready for the market place, and second, the RFS needs to be addressed holistically with significant reforms based on free market fundamentals that protect the American consumer."

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Daily Environment Report

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U.S. Is Said to Favor 15 Billion-Gallon Biofuels Requirement

Posted July 05, 2017, 12:13 P.M. ET

By Jennifer A. Dlouhy, Mario Parker and Ari Natter

The Trump administration will propose requiring refiners to use 15 billion gallons of conventional renewable fuels in 2018, a modest win for Midwest corn farmers and U.S. ethanol producers.

The proposed biofuel target was described by people familiar with the decision who asked not to be identified before it was formally announced. That mandate would reflect a 15 billion-gallon ceiling in federal law for conventional renewable fuel and would mirror the current 2017 requirement for that category, mostly fulfilled by corn-starch-based ethanol.

Donald Trump promised to support ethanol while campaigning for president and he reiterated that position in a speech in Iowa last month. The ethanol industry is "under siege," but the Trump administration is saving it, the president told a crowd in Cedar Rapids.

The decision sets up a clash with oil refiners, which had argued the ethanol requirement exceeds a 10 percent "blend wall," or the amount that can be easily blended into the fuel supply.

According to a May forecast from the U.S. Energy Information Administration, motor fuel demand is set to climb to about 143.5 billion gallons in 2018 from about 143 billion in 2017. Given that forecast, if the conventional renewable fuel quota were fulfilled entirely by ethanol, the fuel would represent 10.5 percent of total projected gasoline consumption. Most gasoline sold in the U.S. is E10, or 10 percent ethanol. Refiners can turn to other fuels, including renewable biodiesel, to help meet the target.

The American Petroleum Institute, which represents oil producers and refiners, had asked the EPA to set lower quotas that would reflect about 9.7 percent of projected gasoline demand; some refiners had pushed a lower 9.5 percent.

The ethanol industry counters that the government explicitly allowed vehicles built after 2001 to use

15 percent ethanol, and many vehicles can run on an 85 percent blend. Gasoline containing 15 percent ethanol is available in about 800 filling stations nationwide, according to Growth Energy, a coalition of biofuel producers.

Top EPA officials have been mulling changes to an earlier, internal proposal out of concerns that refiners will import ethanol from Brazil and biodiesel from Argentina to fulfill the quotas.

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G-20 Ire On Paris Withdrawal Unlikely to Affect Trump Plans

Posted July 05, 2017, 11:07 A.M. ET

By Bryce Baschuk

Leaders of Group of 20 nations, outspoken in their opposition to President Donald Trump's withdrawal from the Paris climate accord, won't be able to do much about it at this week's summit in Hamburg, Germany, business representatives and an academic told Bloomberg BNA.

German Chancellor Angela Merkel promised that she would use her position as the host of the July 7-8 summit to defend the Paris climate agreement as a necessary tool to fend off the growing threats to the environment. G-20 nations make up about two-thirds of the world population.

Other world leaders—such as French President Emmanuel Macron, Japanese Prime Minister Shinzo Abe, and Chinese President Xi Jinping—are expected to back Merkel's call to support the accord.

But in the absence of new negotiations, the high-level statements should amount to little more than hot air, officials told Bloomberg BNA in recent phone interviews.

Agree to Disagree

"I don't believe that anyone wants to isolate the U.S. or gang up on the U.S.," said Gary Litman, the vice president for global initiatives at the U.S. Chamber of Commerce. "That won't help anyone."

Matthew Goodman, a senior advisor at the Washington, D.C. based Center for Strategic and International Studies, generally agreed.

"When this group last met in May for the G-7 summit they agreed to disagree," he said. "Then Trump withdrew from the Paris agreement."

"Maybe this issue doesn't become a debate at all," he said.

Rob Mulligan, a senior vice president at the Washington, D.C.-based United States Council for International Business, said the time may not be ripe for discussion on the issue.

"G-20 leaders have already had some exchanges on the issue of climate change," he said. "They are not at a point where any change can be discussed."

Fair Playing Field

When Trump announced America's withdrawal from the Paris agreement last month, he said it would hurt U.S. businesses and make it more difficult to compete with international rivals such as China and India.

Though both Xi and Indian Prime Minister Narendra Modi have reaffirmed their support for the deal, their countries were granted lengthy implementation timelines, financial aid, and other flexibilities in order to join the accord.

Gary Cohn, the director of Trump's National Economic Council, told reporters last week that the president wants to ensure that the climate accord offers a "level playing field" to all participants.

"We cannot be in a position where the United States is cutting and cutting emissions while other countries continue to grow until 2030," Cohn said during a June 29 press conference in Washington. "We're looking for fairness across the board in the agreement."

Environmental advocates pointed out that Trump's decision to withdraw from the Paris accord cannot technically go into effect until November 2020, at which point the issue is expected to be a key focus of the next American presidential election.

Irreversible, Non-Negotiable

Last week, Merkel said the Paris accord was not open to renegotiation and told members of the German parliament that Europe is "more determined than ever" to make the agreement a "success" following Trump's decision to withdraw.

"We will not wait until the last people in the world are finally convinced by the crushing weight of the scientific evidence of climate change," Merkel said in a June 29 speech to the German parliament. "In other words, the climate agreement is not reversible and it is non-negotiable."

Jacob Kirkegaard, a senior fellow with the Peterson Institute for International Economics, said the impasse could prevent any significant environmental outcomes at this year's G-20 summit—but that's not necessary a disaster.

"The G-20 is a latent organization—it is there in a big crisis to have all the players in the room," Kirkegaard told Bloomberg BNA. "But in the absence of an acute crisis, don't expect them to agree on everything."

EU Food Agency Re-Opens Risk Review of Bisphenol A

Posted July 05, 2017, 03:31 P.M. ET

By Stephen Gardner

European food regulators are taking the unusual step of calling for input ahead of a 2018 toxicity evaluation of the widely used chemical bisphenol A, which may lead to restrictions on food packaging such as can linings.

The European Food Safety Authority's (EFSA) senior toxicologist Anna Castoldi said in a statement June 30 the authority was staging a public consultation on the structure of the evaluation because bisphenol A had been "an issue of public interest for a very long time." It is the first time EFSA has carried out such a pre-evaluation consultation seeking comments on the parameters for its review.

Bisphenol A is produced in high volumes and used in applications including the manufacture of polycarbonate plastics and tin can linings. However, there has been a long-running dispute about its hazards, in particular whether or not it has hormone- or endocrine-disrupting properties.

Jasmin Bird, communications manager of the Polycarbonate/BPA Group within industry federation PlasticsEurope, told Bloomberg BNA July 4 that industry experts were "in the process of reading and digesting" the consultation's technical documentation, and declined to comment.

Evaluated in 2015

In an evaluation of bisphenol A finalized in 2015, EFSA found that uses of the substance—including in food packaging—posed no risk to consumers. However, EFSA still reduced the safe daily exposure level to bisphenol A from 50 micrograms per kilogram (mg/kg) of body weight to 4 mg/kg, and said it would carry out a new evaluation when new information on the risks of bisphenol A became available.

Castoldi said the 2018 evaluation could lead to a revised safe daily exposure level for bisphenol A. A lower daily exposure level could ultimately lead to restrictions of the use of bisphenol A in, for example, food contact materials. The EU has already limited bisphenol A in thermal paper used in cash register receipts.

In the EU bisphenol A is permitted in the manufacture of food contact materials, such as food storage containers, though it is prohibited in polycarbonate infant feeding bottles. The substance is manufactured in or imported into the EU in annual volumes of up to 10 million metric tons, according to European Chemicals Agency data.

Since the 2015 EFSA evaluation, bisphenol A has been classified as a "substance of very high concern" under the European Union's REACH chemicals law (Regulation No. 1907/2006 on the registration, evaluation and authorization of chemicals), on the basis of its reprotoxic and endocrine disrupting effects. Its classification as an endocrine disruptor means that it is assumed there is no safe level of exposure to the substance.

EFSA said its previous evaluation only considered studies of bisphenol A that were published up to December 2012. Among the new evidence that EFSA was waiting for before re-evaluating bisphenol A is a study being carried out by the U.S. National Toxicology Program, which should be finalized in late 2017.

EFSA said responses to the pre-evaluation consultation should cover the scope of the evaluation, the methodology to be used, and the information sources to be included.

Volvo Vaults to Volts, Planning to Pull Plug on Gasoline Engines

Posted July 05, 2017, 10:51 A.M. ET

By Elisabeth Behrmann, Niclas Rolander and Christoph Rauwald

As it turns out, news of the death of the internal combustion engine may not be very exaggerated after all.

Volvo Car Group said July 5 it expects to soon start phasing out vehicles powered solely by fossil

fuels, joining a parade of manufacturers in shifting toward electrics more quickly than most in the industry expected a few years back.

The automaker says it plans to offer only hybrid or full-electric motors on every new model launched in 2019 or later, including five electrics it expects in its lineup by 2021. Though the company will continue to produce full-combustion versions as it makes the small upgrades automakers introduce with each new model year, when a major revamp occurs (typically every seven years) it will no longer offer that option. That means that by about 2025 Volvo will make its last full-gasoline or diesel car—the first major manufacturer to make such a pledge.

"This announcement marks the end of the solely combustion engine-powered car," said Volvo Chief Executive Officer Hakan Samuelsson. "Volvo's brand will be strengthened by electrification."

Though electric cars have been around since the 1800s and have gotten a lot of attention in the past half-decade or so, they're still just a fraction of the overall market as drivers balk at high prices and limited driving ranges. Battery-powered autos made up about 1 percent of sales in the U.S., Europe and China last year.

Sales Driven by Government Prodding

And even those tepid sales figures are largely driven by government prodding. China, in an aggressive push to fight smog, plans to impose quotas for battery-powered cars that will effectively force manufacturers to sell electrics. In Europe, where regulators have relied on diesel to reduce pollution, stricter rules that take effect in 2020 will cut limits on carbon dioxide emissions by a third—a threshold that's almost impossible to meet without fully or partly electric engines.

In the U.S., though President Donald Trump has promised to scrap rules that would require automakers to almost double gas mileage, California is leading a push for even stricter standards. Its regulations will require about 15 percent of cars and trucks sold in 2025 to be zero-emission—meaning they'll almost certainly run on electricity. At least nine other states have embraced California's lead.

Consumer resistance is starting to ease as tighter regulation forces carmakers to lower costs, improve batteries, and come up with better designs. Goldman Sachs Group Inc. estimates about a quarter of cars sold globally by 2025 will be hybrid or electric.

Of course, Tesla Inc. aims to have a big piece of that. The California company started making its latest model this week—at about $35,000 its most affordable ride yet—as part of a plan to produce 500,000 cars in 2018 and 1 million annually by 2020.

Tesla is scaring traditional automakers into action. BMW says the electric iNext will replace the 7-Series as its flagship in 2021 and expects battery-powered cars to account for some 25 percent of its sales by 2025. Volkswagen, in an effort to overcome revelations that it cheated on emissions tests for millions of diesels, is accelerating its rollout of electrics. The Audi luxury brand will introduce its first all-electric model, an SUV, in 2018, followed by another two battery-powered vehicles by 2020. In 2019, VW's Porsche unit will introduce the all-electric Mission E. Then in 2020 the VW car brand will roll out the first of four electric cars it's planning.

Automakers understand that they must cut prices and improve driving range for consumers to really embrace the technology, and they're starting to deliver. GM late last year introduced the all-electric Chevrolet Bolt, with a range of 238 miles and a price tag of $38,000. And Volvo CEO Samuelsson said vehicles must have a range of at least 350 kilometers before they'll gain broad acceptance, a

target he says his cars will meet.

A big hurdle will be the cost of developing electric technology. Daimler AG has budgeted 10 billion euros to develop 10 new electric models by 2022. BMW's profit margins are at their lowest since 2010 due to increased spending on electrics.

The shift to greener cars will squeeze profits across the industry for years to come as manufacturers develop both electric and traditional combustion engines before battery-powered vehicles become economically viable. That turning point to profitability is likely to come around 2020, according to VW brand chief Herbert Diess.

"For us and for many of our competitors," Diess says, "this time will be an enormous challenge."

Volvo, owned by Chinese billionaire Li Shufu, understands those cost considerations but Samuelsson says he has the financing to make the shift. While the uncertain forecast for prices of batteries makes it difficult to predict the cost of the endeavor, he says he's confident the move will benefit the brand.

"We'll get more attractive cars," Samuelsson said. "This improves our competitive situation. It also goes back to Volvo's brand values of protecting what's important."

Like its recently deceased Swedish cousin Saab, Volvo has built a loyal following with its boxy, no-nonsense design, a reputation for reliability, and cutting-edge safety features (Volvo invented the three-point seat belt in the 1950s.) Volvo has enjoyed a revival in recent years with a focus on SUVs like the XC60—since 2009, its bestselling model.

Volvo in April said its first electric vehicle will be a Chinese-made compact expected to hit the market in 2019. The model, to be sold globally, will be based on the basic design of the company's XC40 compact SUV.

"We want to be a leading brand in terms of responsibility, safety and sustainability," Samuelsson said. "So we think this suits us perfectly."

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New Zealand Exempts Road Fees for Heavy Electric Vehicles

Posted July 05, 2017, 12:53 P.M. ET

By Murray Griffin

New Zealand is exempting heavy electric vehicles from road use charges, a move that could save some truck drivers thousands of dollars a year.

A measure passed by Parliament June 27, which became law the next day, added large electric delivery trucks, buses and vans to the incentives already enjoyed by the country's few drivers of electric passenger cars. It also grants all electric vehicles free access to high-occupancy lanes and bus lanes.

The Ministry of Transport estimates annual savings at NZ$2,480 ($1,806) for a medium-sized two-axle delivery truck, NZ$5,560 ($4,049) for a two-axle waste truck and NZ$6,140 ($4,472) for a

trolley bus.

The value of the existing road user charge exemption for electric passenger cars is about NZ$558 ($406) a year.

'Standing-Still Legislation'

Heavy electric vehicles, defined as any vehicle with a maximum gross weight of more than 3.5 metric tons, will be exempt from road charges until they comprise 2 percent of the heavy vehicle fleet. This would match arrangements already in place for light electric vehicles (up to 3.5 metric tons), which exempt them from road user charges until they make up 2 percent of the light vehicle fleet.

While New Zealand has about 4 million cars and trucks on its roads, fewer than 4,000 are electric vehicles, according to government figures. The country has set a goal of reaching 64,000 electric vehicles by 2021. In 2016, it had only 60 registered heavy electric vehicles, 57 of them electric trolley buses that operate in Wellington, the capital.

The ruling National Party introduced the measure, "an important part of the government's work to improve the efficiency of our energy use and to meet our climate change commitments," minister for energy and resources Judith Collins told Parliament.

But some lawmakers said the changes don't do enough to encourage electric vehicle use.

"This is standing-still legislation," said Labor member of Parliament Megan Woods. "It is not putting in place the kind of transformational change that will see the uptake of EVs happen faster," Woods told Parliament.

G20's Financing of Fossil Fuels Outweighs Renewables, Study Says

Posted July 05, 2017, 9:19 A.M. ET

By Chisaki Watanabe

Fossil fuels received four times more than clean energy in public financing from Group of 20 member countries, according to a report by environmental groups that urged more financing be directed to renewables to address climate change.

Financing for oil, gas and coal projects from G20 public finance institutions and multilateral development banks averaged $71.8 billion per year between 2013 and 2015, according to a report released by Oil Change International, Friends of the Earth U.S., the Sierra Club and WWF European Policy Office. That compares with $18.7 billion annually provided to support clean energy.

The report came after U.S. President Donald Trump vowed to usher in an era of "energy dominance" with plans such as lifting barriers to finance overseas coal energy plants and pulling the U.S. out of the Paris climate change accord. Germany will host world leaders at a G-20 conference in Hamburg the week of July 3-7.

"Our research shows that the G20 still hasn't put its money where its mouth is when it comes to the clean-energy transition," Alex Doukas, senior campaigner at Oil Change International and one of the report's authors, said in a statement. "If other G20 governments are serious about standing up to

Trump's climate denial and meeting their commitments under the Paris Agreement, they need to stop propping up the outdated fossil fuel industry with public money."

Of the $71.8 billion in public finance, $13.5 billion went to exploration for new reserves of oil, gas and coal, according to the report. Japan provided the most exploration finance at $3.4 billion a year, followed by South Korea's $1.6 billion. The U.S. and China provided $1.4 billion each.

The groups analyzed public support for energy projects from G20 public finance institutions such as overseas development aid agencies and export credit agencies, as well as multilateral development banks such as the World Bank.

"If G20 leaders are serious about meeting climate goals, they must undertake rapid and ambitious efforts to shift public finance from 'brown' to 'green' activities," authors of the report said. "This is a significant step they can take even without the cooperation of Donald Trump."

Other findings by the groups included:

• Japan, China, and South Korea were the top providers of public financing among G20 for fossil fuels followed by the U.S. and Germany.

• Top five recipients of public finance for coal included Vietnam, Russia and Australia.

• Brazil, the U.S. and Saudi Arabia were top recipients of public finance for oil and gas.

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Germany's Russian Gas Fix Raises Alarm in Merkel's Backyard

Posted July 05, 2017, 8:52 A.M. ET

By Weixin Zha and Anna Shiryaevskaya

Hidden by pine forests near the deserted site of what was once East Germany's biggest nuclear reactor, two shiny pipelines emerge from the Baltic Sea to mark the spot where Chancellor Angela Merkel is trying to secure the country's energy future.

Not far from the Hanseatic town of Greifswald—an area Merkel represents in parliament—the chancellor wants a $10 billion pipeline expansion built to increase the amount of Russian natural gas imported from Siberia, more than 3,000 kilometers (1,864 miles) away.

The project, led by Russia's state-run Gazprom PJSC, is intended to bolster German confidence that it has enough gas to underpin an unprecedented transition from the coal and nuclear plants, which are being closed, to a future dominated by renewable energy.

But the plan has opponents, both close to home and further afield.

People living in the sparsely populated area have filed almost 160 objections. Local approval is still pending and the site also requires removal of two shipwrecks sunk by the Swedish navy in the 18th century. European allies have also objected—worried that the project will deepen Europe's reliance on supplies from an increasingly antagonistic Russia—and U.S. lawmakers have proposed stiffer sanctions on energy companies that do business with Russia.

"There are not many other places apart from Russia where Germany can get a lot of gas quickly," said Jonathan Stern, chairman and senior research fellow at the Natural Gas Research Programme of the Oxford Institute for Energy Studies.

Already Europe's biggest gas user, Germany gets about 40 percent of what it consumes from Russia, the world's largest exporter, according to industry consultant Wood Mackenzie Ltd. in London. That dependence is only going to increase by 2025 to more than 50 percent, especially with output from the Netherlands, Germany's western neighbor, set to drop in coming years.

The Gazprom project, known as Nord Stream 2, also will allow for deliveries elsewhere in Europe, making Germany an even more important hub for distributions across the continent. Russia already supplies more than 20 countries with gas used to run power plants, heat homes and make chemicals.

Doubling Shipments

The existing link was commissioned in 2011 and runs for 1,224 kilometers under the Baltic Sea from Vyborg, Russia, to Lubmin in Germany. It is able to carry 55 billion cubic meters of gas, or two-thirds of German gas demand, and the expansion will double that.

"Nord Stream 2 isn't only about meeting additional demand, it's also about adjusting gas supplies towards the most cost-efficient routes," Gergely Molnar, an analyst at Wood Mackenzie in London, said by phone.

Transporting gas through Nord Stream to Germany is about 40 percent cheaper than through land-based pipes via Ukraine, according to Molnar. Russian gas at the German border cost $5.07 a million British thermal units in May, up 28 percent from a 12-year low in September but 45 percent below its 10-year average, according to International Monetary Fund data.

Germany, the U.K., France, Belgium and the Netherlands will likely benefit from lower prices, according to Brussels-based think tank Bruegel. Gazprom would also avoid transit fees paid to use pipelines in Ukraine and Poland, Bruegel said. The company plans to reduce flows via Ukraine after 2019.

Germany's approval procedures mean that infrastructure projects can be delayed by local opposition. A hearing is scheduled to start July 17 in Stralsund, Germany, according to the Ministry of Energy and Infrastructure in the state of Mecklenburg-Vorpommern.

Meanwhile, time is running out for Merkel to help Germany meet its 2020 climate goals. Despite the transition known as the Energiewende, the country is at risk of missing its target to reduce carbon emissions by 40 percent from 1990 levels.

After federal elections in September, the new government may have to present proposals for closing down power plants that run on coal, which still provides about 40 percent of the nation's electricity generation. Merkel's ruling Christian Democratic Union foresees a "mid- to long-term" exit from lignite and coal, according to their 76-page manifesto published July 3.

Nuclear Exit

Gas may provide a fifth of Germany's power in five years, almost double current levels, according to HSBC Holdings Ltd.

Germany's journey toward a renewable energy system began almost two decades ago. The policy shift intensified after Japan's Fukushima nuclear disaster in 2011, which led to Merkel's decision to exit atomic energy by 2022.

"In the long term, Europe needs new volumes of imported gas from reliable suppliers, and the Nord Stream project will become that lifebuoy," Gazprom Deputy Chief Executive Officer Alexander Medvedev said in Berlin on June 15.

'Additional Option'

Nord Stream 2 would "definitely be an additional option" to increase imports, according to Stefan Rolle, head of gas and oil markets and crisis prevention at the German Economy Ministry. "Gas is only a transition technology" to meet the nation's climate goals, he said.

Gas demand for power production may peak in 2025 before being replaced with wind and solar, according to Wood Mackenzie. The country aims to produce as much as 80 percent of its electricity from renewable sources by 2050.

Germany's gas network is already well connected, with pipelines linking it to Norway and to liquefied natural gas terminals in Belgium and the Netherlands.

"Current capacities are sufficient even if gas-fired power plants will run more," said Claudia Kemfert, head of the energy unit at the DIW economic institute, a Berlin-based research group. "Nord Stream 2 won't be needed."

Undeterred, Gazprom is forging ahead. About 37,000 12-meter-long pipes are stored at an industrial site bigger than 20 soccer pitches on the island of Ruegen, waiting to be coated with concrete long before being laid on the seabed at an average depth of 50 meters.

While Merkel last month condemned a bill on expanded Russian sanctions approved in the U.S. Senate, she's also one of the harshest critics of Russia. The chancellor, who helped negotiate the Minsk peace agreement aimed at ending violence in Ukraine, has pushed for sanctions to be maintained, arguing that measures can only be dropped once Moscow adheres to the terms of the deal.

"We need gas supplies when coal isn't used anymore," said Klaus-Peter Trapp, a 57 year-old cabinet maker from Greifswald. "This can have consequences if Russia and Germany don't get along well anymore."

—With assistance from Kelly Gilblom, Elena Mazneva and Brian Parkin.

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World's Costliest Gas Clouding China's Quest for Bluer Skies

Posted July 05, 2017, 8:46 A.M. ET

By Bloomberg News

China has promised to make its skies blue again, but having some of the world's most-expensive

natural gas isn't helping.

The biggest energy consumer on earth wants to use more of the cleaner-burning fuel in place of the coal that's choking its skies and causing pollution far exceeding the World Health Organization's daily recommended limit. China has the ability to increase imports and is seeking to raise domestic production, but high prices risk suppressing demand growth and jeopardizing the country's ambitious targets.

The challenge is that producers, importers and distributors in China need the government-controlled prices to be high enough to make money. By cutting them too much, the state risks hurting their margins, threatening investment in future production, and the country's energy security. But be too generous to the industry, and the nation's health is at stake.

"It's a balancing act for the government that requires on one side stimulating gas demand to increase the percentage of clean fuels," said Miaoru Huang, a Beijing-based energy analyst for Wood Mackenzie Ltd. "On the other hand, it needs to ensure reasonable returns for upstream players and transmission and distribution companies that are needed to ensure sustained investment so China can maintain its growth in domestic gas production."

The Chinese government has set a goal of getting as much as 10 percent of its energy from gas by 2020 and 15 percent by 2030, up from 6 percent in 2015. To achieve this, demand will have to grow by about 15 percent a year through the rest of the decade, according to UBS Group AG.

After consumption growth slowed to well below that pace for the past few years, it is once again booming, increasing at a rate of 13.2 percent so far this year. These graphics tell the story of how that's happening and what the future may hold.

The world's sixth-biggest producer of gas, China gets about 64 percent of what it needs domestically, according to Bloomberg calculations based on government data. It imports the rest by pipelines from Central Asia and Myanmar, as well as on seaborne tankers as liquefied natural gas.

The Ordos Basin in Shaanxi Province is the largest gas-producing area in the country, according to Sino Gas & Energy Holdings Ltd. It's where China drilled its first oil well more than 100 years ago. The nation's experience with petroleum dates back 900 years, when the scientist Shen Kuo found near the Yan River oil seeping out of the rocks, which he noted could be used for lighting, according to China National Petroleum Corp.

In the modern era, the National Development and Reform Commission, the country's top economic planner, traditionally set gas prices at the well, making sure they were high enough to cover drilling costs and a small profit for the companies.

Even as production exploded over the last decade, China couldn't keep up with booming demand, so the nation's big three energy companies—CNPC, China Petrochemical Corp., known as Sinopec, and China National Offshore Oil Corp.—became gas importers. CNPC built a pipeline connecting gas fields in Turkmenistan, Kazakhstan and Uzbekistan to western China, while a link from Myanmar started in 2013. CNPC will start receiving gas from Russia on a Siberian pipeline in 2019. The country also has more than a dozen terminals on its eastern and southern coasts to receive LNG cargoes.

But buying the gas overseas proved costly. The companies inked supply deals at prices linked to the cost of oil, so when crude rose into the $100-a-barrel range, the cost of importing ballooned to levels higher than the energy giants were allowed to sell domestically. PetroChina, the country's

largest listed energy firm, has lost money on gas imports every year going back to at least 2013, according to company filings.

The NDRC responded in 2013 and 2014 by raising prices to a level that was high enough to encourage production and help cover the cost of imports. But that increase had an immediate impact on demand, snapping the run of double-digit percentage growth every year from 2003 to 2013.

In 2015, the government cut wholesale prices. By December 2016, gas was cheaper on a wholesale basis than other fuel sources such as fuel oil or propane, a liquefied petroleum gas typically used for heating and cooking, according to UBS analysts including Ken Liu. However, the final cost to industrial users was still higher because of large margins for distribution companies.

So now the government is taking a knife to the middlemen companies that transport the gas from the state-run giants and sell it to individual users, firms like ENN Energy Holdings Ltd., China Gas Holdings Ltd. and China Resources Gas Group Ltd. The NDRC last month capped investment returns for natural gas distributors at 7 percent.

In January, China's latest five-year plan called for using gas instead of coal in industrial boilers throughout four major urban areas: the greater Beijing region, northeast China, the Yangtze River Delta around Shanghai and the Pearl River Delta in Guangdong province. Local governments are supporting the efforts with measures including subsidized gas connections and boiler replacements, as well as price caps, according to Morgan Stanley.

The NDRC issued guidelines July 4 aimed at increasing use of the fuel, including encouraging the participation by private companies in overseas gas investments, expanding LNG import terminals and expanding underground gas storage capacity. Shares of gas companies seen benefiting from rising demand—ENN, China Gas and China Resources Gas—all gained in Hong Kong on July 5.

Provincial governments don't have the budget to keep subsidies going forever, though, so to be able to sustain rapid consumption growth the government will have to find a way to bring gas prices down more, said Michal Meidan, an analyst with Energy Aspects Ltd. in London. Wholesale prices for the fuel in China were the most-expensive among major users in the world last year, according to the International Gas Union.

While lowering prices further may spur more demand, China runs the risk of suppressing production and imports, Meidan said.

Output goals are already going to be difficult to meet because of high costs and difficult geology, according to Bloomberg Intelligence. The government expects most gas production growth to come from unconventional resources, such as shale and coal-bed methane, with production targeted to reach as much as 100 billion cubic meters a year by 2030.

At stake in all of this is the health of the world's most populous nation. Poor air quality has been a source of social unrest and China had more pollution-related deaths than any other country in 2012, according to World Health Organization data.

Coal still accounts for about two thirds of China's total energy consumption. Natural gas produces about half the carbon dioxide and just a fraction of the sulfur dioxides and particulates of coal when it's burned, according to the U.S. Energy Information Administration.

Premier Li Keqiang in March pledged to make China's skies blue again, three years after the

country declared a "war on pollution."

Progress has been steady but slow. Last year in Beijing, average concentrations of PM2.5 -- small particles that pose the greatest risk to human health -- fell almost 10 percent, the biggest annual decrease in the past four years.

That trend is reversing this year as power generation and steel output grow, according to a research note from a Greenpeace analyst in late May, making air quality goals for this year seem increasingly unattainable.

—With assistance from Adrian Leung and Yue Qiu.

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China Seen Scaling Back Carbon Market After Trump's Paris Move

Posted July 05, 2017, 7:57 A.M. ET

By Mathew Carr and Aibing Guo

China may remove industries including steel from the national carbon market it plans to start this year because President Donald Trump wants to pull the U.S. out of the Paris climate deal.

The carbon market, which was to have been the world's largest, may cover power generation, cement, aluminum and possibly aviation, according to Junjie Zhang, the director of the environmental research program at Duke Kunshan University in Jiangsu, China. Iron and steel, petrochemicals, chemicals and paper making may not initially be included in the program, Zhang said by phone.

"China's step back in carbon markets is related to the U.S. determination" to pull out of the 2015 Paris agreement covering the period after 2020, said Zhang.

"The diplomatic value now is negative between the U.S. and China in terms of climate collaboration—negative means the Trump administration does not believe in climate change," so there's no reason for China to continue collaboration.

Global emissions trends indicate the world is headed for a temperature rise of about 4 degrees Celsius (7.2 Fahrenheit) and will miss the target of holding the increase to "well below" 2 degrees established in the Paris deal, according to a report published July 3 by Climate Transparency, an international research group. China's policies are rated highly by experts in the report because the country is decommissioning coal-power plants and aims to increase its renewable energy capacity by 38 percent above 2015 levels by 2020.

China's National Development and Reform Commission, which is in charge of carbon market planning, didn't immediately respond to faxed questions seeking comment. The 21st Century Business Herald reported in May that the steel and chemical industries sectors would be excluded at the launch of China's carbon market.

Even if it scales back its carbon market, China will continue to enact policies seeking to protect the climate, Zhang said. Setting up the carbon market is very complicated, he said.

"China's carbon market is based on not just the diplomatic value of U.S.-China collaboration, but also because of an internal incentive for low-carbon development," he said. "No sector wants to be covered by the carbon market" because of the extra regulation that entails.

China's market was to cover more than 5 percent of global emissions and would have been larger than the European Union program, currently the globe's biggest, the World Bank estimated in a May report.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 6/8/2017 12:07:24 AM
Subject: June 07 -- Energy and Climate Report

Energy and Climate Report

June 07, 2017 - Number 109

News

Climate Change

How Australia Survived a Climate Policy Reversal

Australian businesses and organizations say they know firsthand the damage that can be done if a national government retreats from climate commitments—and they have some suggestions for U.S. companies on how to respond.

Climate Change

If Trump Gets His Way, World May Not Know If U.S. Emissions Rise

President Donald Trump's critics argue that pulling the U.S. out of the Paris climate accord will lead to an increase in greenhouse gas emissions.

Coal Mining

Lawmakers, Regulators Stress Urgency to Renew Mine Cleanup Fee

Congress is already behind schedule in renewing a fee on coal companies that's essential for cleaning up the $10.5 billion worth of abandoned mines across the country, lawmakers and state regulators said June 7.

Coal-Fired Power Plants

Utilities Seek Ohio Subsidies Even as Coal Falls From Power Mix

American Electric Power and other electricity companies want Ohio ratepayers to prop up two of their aging coal-fired power plants until 2040 despite AEP's predictions that coal will drop in its mix for electricity generation.

Congress

House Panel Approves Energy Bills as Pallone Urges Climate Action

A House panel unanimously approved a slew of energy bills June 7, including a measure to increase workforce education and training for energy and manufacturing-related fields.

EPA

PODCAST: What Happens When Empty Desks Run the Government

President Donald Trump blamed Democrats June 5 for "taking forever" to approve his administration's appointees in a tweet, saying that "They are nothing but OBSTRUCTIONISTS!" But, Trump hasn't moved the quickest of the last few presidents on vetting and getting appointees through the confirmation process—in fact, he is the slowest of the last four presidents, according to data collected by the Partnership for Public Service. Of the 559 key positions ...

Endangered Species

Interior to Review Sage Grouse Policy, Consider Changes

The federal government will review conservation plans for the greater sage grouse to determine how it can work more closely with states and use more flexibility and innovation to protect the bird in 11 Western states, Interior Secretary Ryan Zinke said June 7.

Energy

Dark Clouds Hang Over Nuclear Town Torpedoed by Green Energy

In an eerily quiet nuclear reactor hall in southern Sweden, new copper and steel machinery stretching 50 meters and weighing hundreds of tons is just sitting idle.

Energy

Key Shale-Boom Booster Threatened by Trump's Spending-Cut Plans

An agency instrumental to America's surge in energy production would lose half its funding in President Donald Trump's proposed federal budget.

Energy

Top German Court Blocks Nuclear Fuel Tax

Germany's Constitutional Court said June 7 the federal government overstepped its powers when introducing the national nuclear-fuel tax in 2011.

Enforcement

Advocate for Clients Such as BP to Lead Environment at Justice

President Donald Trump's choice to lead the environment section at the Justice Department is a Washington litigator known for his advocacy on behalf of clients such as BP PLC in the Deepwater Horizon oil spill and the U.S. Chamber of Commerce in opposing EPA climate regulations.

Radioactive Waste

Private Storage is Fastest Nuclear Waste Option: Sen. Alexander

The quickest—and possibly least expensive—solution for storing the country's used nuclear fuel would be at privately run interim storage facilities, the Republican heading the Senate panel on the Energy Department's budget says.

Vehicle Fuels

Electric Car Market Goes Zero to 2 Million in Five Years

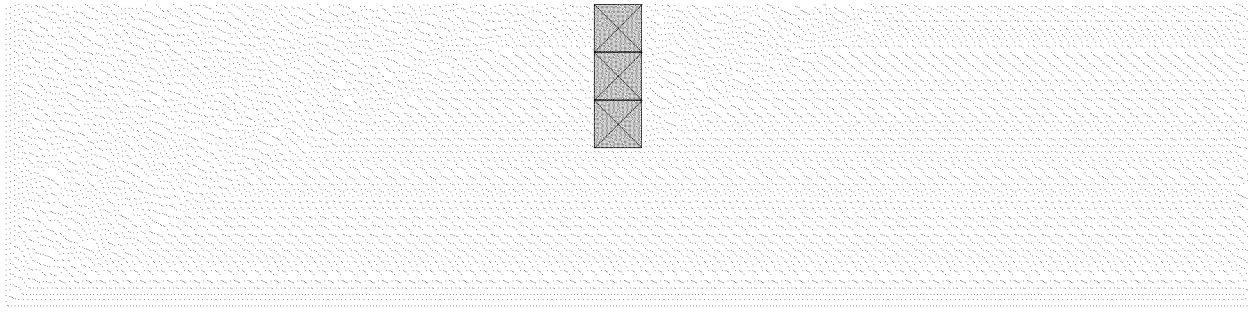
The number of electric vehicles on the road rocketed to 2 million in 2016 after being virtually non-existent just five years ago, according to the International Energy Agency.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Thur 8/31/2017 11:45:45 AM
Subject: SCSD Deputy Slain, DHS: How to Help TX Safely, Mom Dies Saving Toddler, ICE is Hiring & More





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Fri 9/29/2017 10:06:09 PM
Subject: Today on Climate Beat

September 29, 2017

Today on Climate Beat . . .

. . . we went to Congress, where Senate environment committee Democrats are pressing the Republican majority for a "long overdue" hearing on EPA's fiscal year 2018 budget request, saying the lack of a hearing is highly unusual and hinting that they may use this situation to justify opposing consideration of agency nominations.

We also re-upped some of the top stories from this past week, including news about the fight over calculating rules' climate benefits, the Clean Power Plan repeal, vehicle GHG rules and the Trump EPA's climate agenda.

And our daily news roundup looked at how the connection between climate change and more intense hurricanes is gaining wider acceptance in the public.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Mon 6/26/2017 2:05:26 PM
Subject: POLITICO's Morning Energy, presented by Exelon: Put your hands in the air for Energy Week! — Pruitt's got a posse — The trade dispute that could ruin solar

By Eric Wolff | 06/26/2017 10:00 AM EDT

With help from Esther Whieldon, Andrew Restuccia, and Ben Lefebvre

WELCOME TO ENERGY WEEK! WHATEVER THAT MEANS! President Donald Trump aims to make this week Energy Week. You may recall theme weeks from such prior weeks as Tech Week, Workforce Development Week, and Infrastructure Week. The fact that these weeks seem not to have drawn much attention has more to do with the steady drumbeat of news on the Senate health care bill and the ever-widening, ever-deepening Russia scandal, as POLITICO's Andrew Restuccia and Josh Dawsey report in a story going live this morning.

Of course, part of the problem is Trump himself, who can't seem to stay focused. The White House tried to fill his schedule with wonky policy events to create a counter-narrative, but they haven't succeeded in keeping the president on topic. Asked about other theme weeks that may be coming in the future, a senior Trump aide told Andrew and Josh, "Whatever he tweets."

Here's the Energy Week itinerary:

Today Trump will discuss energy with Indian Prime Minister Narendra Modi. India is the third largest coal consumer, and it's appetite is growing, so Trump could take the opportunity to press the case for the U.S. coal industry to get into the market there. But then, Modi has said he is still committed to the Paris climate accord, and his ambitious plans to develop solar power there could alter the course in the power-starved country.

On Wednesday Trump will host Wisconsin Gov. Scott Walker, Maine Governor Paul LePage, and Nebraska Gov. Pete Ricketts along with other local and tribal leaders for a discussion regarding local and state energy.

On Thursday Trump, will give a speech on "Energy Dominance" after meeting with EPA Administrator Scott Pruitt, Interior Secretary Ryan Zinke, and Energy Secretary Rick Perry, who will host the American Energy Dominance Panel at DOE with labor and industry groups.

Not happening: A long-hoped for visit by Trump to an LNG export terminal in Louisiana this week has been scratched. The reasons? Sources tell ME that last week's Tropical Storm Cindy (complete with floating squads of fire ants), the need to be in D.C. to twist arms for the Senate health care bill, and the lack of advance planning made organizing the trip too difficult.

JUST ANOTHER MANIC MONDAY! I'm your fill-in host Eric Wolff, and I want you to know that every week is Energy Week at ME, as we provide you with the latest news with a spring in our step and a song in our hearts. It's been fun pitching in for a couple of days of ME glory, but Ben Lefebvre will take over tomorrow, so while you can send me your comments at

ewolff@politico.com, you should send your ME tips to blefebvre@politico.com. Anthony will be back Wednesday, along with trivia answers, so you can find him at aadragna@politico.com, or follow us on Twitter @ericwolff, @aadragna, @bjlefebvre, @Morning_Energy, and @POLITICOPro.

PRUITT'S POSSE: EPA's Pruitt is relying on a skeleton crew of loyalists with little experience in environmental regulations, augmented by former industry lobbyists, as he pursues an ambitious agenda of seeking to undo the agency's Obama-era rules, your morning host reports. Trump's molasses-slow pace in announcing nominations has left Pruitt running an agency out of the Office of the Administrator, with senior advisers keeping tabs on key policy making offices from the Office of Policy. In filling these jobs he has drawn from his time as Oklahoma Attorney General, bringing in former campaign staff, the former head of both the Republican Attorneys General Association and the Rule of Law Defense Fund, and a gaggle of Sen. Jim Inhofe's ex-aides. Both supporters and opponents question whether the team he's assembled is up to the task.

A tight inner circle: Pruitt hasn't made his life easier by his unwillingness - which he has transmitted to his hand-picked subordinates - to trust career staff. "If you are Pruitt, you have a handful of folks around you that you trust and have confidence in," said Stephen Brown, top lobbyist for oil refiner Tesoro. "You head an agency of 15,000, many of whom can be described as 'the resistance.' What would anyone do except hunker down and deal only with those you trust?"

Golden padlock: Investigative Reports and Editors, a journalists' association, gave Pruitt its "golden padlock" award on Friday for requiring a two-year lawsuit to get him to turnover key emails form his time as Oklahoma Attorney general.

GTM: TRADE DISPUTE COULD CRUSH U.S. SOLAR INDUSTRY: A report out today by GTM Research finds that if Trump implements the solar import trade tariffs solar panel makers Suniva and SolarWorld Americas are seeking, it could wipe out nearly two-thirds of the solar projects set to be built in the U.S. cumulatively from 2018 through 2022. Between 36.1 gigawatts and 47.5 gigawatts might fall to the wayside if Trump sets tariffs and minimum prices for imported solar panels and cells, the report says. It "could send shockwaves through the U.S. solar industry," GTM said in the report.

The largest solar plants, which are in the utility-scale sector, will be hit the hardest because the majority are moving forward under power purchase agreements that may need to be canceled or renegotiated, the report said. Developers are scrambling to pre-order cheap imported modules in case Trump enacts the changes next year. But Cory Honeyman of GTM tells ME that only about 1.3 gigawatts-worth of projects are on track to get modules in time. The U.S. International Trade Commission is slated to rule on the trade complaint by Sept. 22 and send its findings to Trump in mid-November.

ZINKE GOIN' TO THE COUNTRY (PEACH EATING UNCERTAIN): Interior's Zinke will head to the resort town of Lake Tahoe, Nev. to make an announcement on the Trump administration's "commitment to rural communities." Zinke will be addressing the Rule of Law Defense Fund (which, of course, ME mentioned above in connection to Pruitt).

Then on Tuesday Zinke heads to Whitefish, Mont. (the most delicious town to spread on a bagel) to address the Western Governors Association. For Zinke, the event is a chance to head back to the town where he grew up and starred on the high school football team (Go Bulldogs!).

** **A message from Exelon:** Innovation always begins with the spirit of discovery-the search for new ideas and answers to our biggest questions. As America's largest clean energy provider, what happens when 34,000 Exelon engineers, analysts, and innovators put their heads together to tackle the energy industry's biggest challenges? Find out here: http://bit.ly/2szvZN4 **

CITY MAYORS CLIMATE POWERS, ACTIVATE! Former New York Mayor Michael Bloomberg will today announce a $200 million philanthropic effort to help cities fight climate change and to increase their voices at the national level, the New York Times reports. Bloomberg is set to make the announcement as part of a speech at the U.S. Conference of Mayors' annual meeting in Miami Beach, Fla. As part of the effort, cities will be able to apply for six- and seven-figure grants to support policy experimentation.

Form of: Climate resolutions! The mayors will also vote today on resolutions to establish a 100 percent renewables by 2035 target, accelerating the electrification of transportation, and "Supporting a Cities-Driven Plan to Reverse Climate Change." Climate warriors look toward cities and states to carry on the carbon reduction work as the federal government under President Trump pulls the federal government out of the carbon reduction business.

Shape of: G20 demands! The mayors of 46 "megacities", have put out a statement asking the G20 leaders to aggressively push for carbon reductions when they meet in Bonn, Germany in July. "You have the privilege of leadership at a unique moment in history to help realize the potential of the Paris Agreement," the statement says. "The cities of the world and their citizens have a shared vision for a just and sustainable future... Together with business leaders we have already decided on a climate-safe future of opportunity, optimism and innovation -- there is no alternative."

APPROPRIATION JUNCTION, WHAT'S YOUR FUNCTION? Congressional appropriators a cramming in hearings and markups like it's the week before finals, which seems about right for late June (Hey, your host is from New York. The school year **lasts** forever). EPA Administrator Scott Pruitt will meet with Sen. Lisa Murkowski and her band of Interior-Environment appropriators on Tuesday, and the heads of the Bureau of Reclamation and the U.S. Army Corps of Engineers will spend their Wednesday morning with Sen. Lamar Alexander and his subcommittee. Even NASA's budget is getting a hearing on Thursday.

On the House side, the Energy and Water Development appropriation will get a subcommittee markup on the House side on Wednesday.

MARK 'EM UP, DANNO! The House Natural Resources Committee will have a markup today on a slew of mostly minor bills, but there are a couple of noteworthy votes. The committee will take up Rep. Hal Rogers RECLAIM Act that would pump $200 million a year for five years into coal-mine clean up (a program that the Trump budget disappeared), and a bill from Rep. Don

Young to advance the construction of King Cove road, the project long-sought by the Alaska delegation that was stymied by the Obama administration.

QATAR LOVES EXXON: Qatari Emir Sheikh Tamim bin Hamad al-Thani and Exxon Mobil CEO Darren Woods met over the weekend to talk 'continued cooperation' amid increasing tensions in the region, Reuters reports . Exxon has been instrumental in opening up Qatar's natural gas fields, and the tiny country is now the top LNG supplier in the world. Secretary of State Rex Tillerson, Woods' predecessor at Exxon, issued a statement Sunday saying that Qatar has begun a review of the demands from its neighbors Saudi Arabia, the United Arab Emirates, Bahrain and Egypt, which cut ties with Qatar, accusing the country of supporting extremism. "While some of the elements will be very difficult for Qatar to meet, there are significant areas which provide a basis for ongoing dialogue leading to resolution," Tillerson said.

CAP'S LIST: The Center for American Progress is out today with a website listing the fossil fuel affiliations of political appointees working in the Trump administration. "Across the administration, political staff have close ties to the Koch brothers, Exxon, and coal trade associations, among others -- and many of the people tasked with regulating the industry were getting their paycheck from it just months ago," Erin Auel, a research associate for CAP, said in a statement.

NUCLEAR WASTE MERGER DECAYS TO STABLE FORM: Valhi, the parent company of Waste Control Specialists, will not appeal a federal court decision to block a merger with Energy Solutions, a low-level nuclear waste management company. The Nuclear Regulatory Commission on Thursday suspended an application by WCS to build a high-level nuclear waste facility in Texas.

DRY LAKE: BAD FOR FISHING, GOOD FOR SOLAR: BLM hopes to sell solar leases in Dry Lake Nevada, the first leases under a new rule, Pro's Esther Whieldon reports. the agency is conducting environmental reviews in advance of the sale in the hopes of streamlining permitting and construction.

MOVERS, SHAKERS: Jamie Simler, director of FERC's Office of Energy Market Regulation, has retired. Anna Cochrane, deputy director of the office, has been promoted to director. Jette Gebhart has been named acting deputy director.

Stephen Kittredge will be leaving the Electric Power Supply Association to run government affairs for Owens Corning.

QUICK HITS

- Undermined: A local activist fights for the future of coal country, New Yorker

- Texas A&M joins US Department of Energy, India in energy access initiative, The Eagle

- France's Macron to back push for global environment rights pact, Reuters

- AEP renewable-energy charge getting scrutiny, The Columbus Dispatch

- How Four Brothers Survived the Gas Bust to Make Family a Billion, WSJ

- How The Next Generation Of West Virginians Are Building A Way Out Of The State's Coal Economy, Fast Company

THAT'S ALL FOR ME!

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Sent: Thur 9/14/2017 3:41:59 PM
Subject: EIA: Renewable energy growth to 'squeeze out' coal through 2040

By Ben Lefebvre

09/14/2017 11:39 AM EDT

Renewable energy will make up nearly a third of the world's electricity generation output by 2040, putting it on equal footing with coal power, the EIA said in its latest long-term outlook.

Solar, wind and other renewable energy sources will grow at the fastest pace of all fuel sources in the next 22 years until they account for 31 percent of all power generation, the EIA report says.

Meanwhile, coal's use as a generation fuel will drop to 31 percent of total power generation, down from 40 percent in 2015.

In all, renewable energy power generation will nearly double to about 11 trillion kilowatt hours by 2040. Combined with steady growth in nuclear power output, coal will see its importance continue to fall, Ian Mead, assistant administrator of the EIA's Office of Energy Analysis, said during a presentation at the Center for Strategic and International Studies.

"Coal gets squeezed out by those other two shares of generation," Mead said.

A big chunk of the growth will come from China, which is forecast to replace some of its coal power plants with renewable sources, nuclear energy and natural gas.

Overall world energy consumption will climb 28 percent from 2015, reaching 736 quadrillion Btu by 2040, the EIA report said.

The increased use of renewables, even as total energy demand increases, will keep world coal-related CO2 emissions growth at 0.1 percent annually to 2040, compared with the growth rate of 2.3 percent a year from 1990 to 2015.

WHAT'S NEXT: EIA will detail in coming months how Paris Climate agreement impacts energy output.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/eia-renewable-energy-to-squeeze-out-coal-demand-by-2040-092916

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Environment & Energy
Thursday, November 09, 2017

Highlights

Leading the News

No Link Between Roundup and Cancer, Study Finds
By *Tiffany Stecker*
A long-term survey of tens of thousands of U.S. farmers found no significant link between cancer and exposure to glyphosate, best known as the main ingredient in Monsanto Co.'s Roundup herbicide.

Monsanto, DowDuPont Left Hanging as EU Deadlocks on Glyphosate
By Stephen Gardner
Monsanto, DowDuPontWait and other companies that use glyphosate in their pesticide formulations were left frustrated Nov. 9 as the European Union once again failed to make a decision on reauthorizing the chemical.

Senate Sends EPA an Air Chief in Largely Party Line Vote
By *Abby Smith*
The Senate is sending the EPA an air chief—adding to the agency's team its second confirmed political appointee.

EPA Parks Portions of Greenhouse Gas Rule for

Trucks

By *Andrew Childers*

The EPA would exempt some large trucks from its greenhouse gas emissions requirements under a long-expected proposal unveiled today.

U.S. Energy Regulator Lays Out Plan to Keep At-Risk Coal Online

By *Catherine Traywick* (Bloomberg)and *Rebecca Kern* (Bloomberg BNA)

FirstEnergy Corp.'s efforts to save its ailing coal plants are gaining traction with the top U.S. energy regulator.

Today's News

D.C. Claims Right to Prevent Sewer Backups from Mislabeled Wipes

By *Amena H. Saiyid*

Washington, D.C., has the right to try preventing sewer backups caused by disposable wipes mislabeled as flushable, the District said in a court filing defending its labeling rules and disputing claims by manufacturer Kimberly-Clark Corp.

Legislation to Allow Drilling in Arctic Refuge Unveiled in Senate

By *Alan Kovski*

Legislation to allow oil exploration in Alaska's Arctic National Wildlife Refuge was released late Nov. 8 and scheduled for markup Nov. 15 in the Senate Energy and Natural Resources Committee.

Judges Skeptical of EPA's Need For More Time on Kiln Emissions

By *Jennifer Lu*

The EPA's need for two extra years to review its toxic pollution standards for brick kilns met with skepticism from federal judges today.

Los Angeles Emissions Trading Plan Changes Snuffed Out by Court

By *Carolyn Whetzel*

Southern California air quality officials will have to revisit changes to a regional pollution credit trading program approved in 2015, a state court said.

Williams Cleared to Resume Work on $3 Billion Gas

Pipeline

By Lynn Doan and Tim Loh

Williams Partners LP was cleared by a federal court to resume construction on a $3 billion pipeline that will help shuttle shale gas across the eastern U.S.

As Rooftop-Solar Growth Ebbs, Installers Chase Profitability

By Brian Eckhouse

There's long been a Catch-22 about residential solar: Despite staggering market demand, it's been hard to make money doing it. Until now.

Wind Energy Feels the Force of World Markets

By *Anna Hirtenstein*

The prevailing wind has dramatically changed for the world's biggest maker of the swooshing blades that dot landscapes from Argentina to Mongolia.

West Virginia Gets China Energy Deal That Dwarfs State's GDP

By Jim Polson

West Virginia was the biggest recipient of the $250 billion of investments signed during President Donald Trump's visit to China.

EU Reaches Deal to Overhaul World's Largest Carbon Market

By Ewa Krukowska

European Union negotiators agreed to overhaul the region's cap-and-trade program, approving a plan to bolster carbon prices and adjust the emissions market to more ambitious climate goals in the next decade.

Deutsche Bank's Tool Maps Climate-Change Investment Risks

By Emily Chasan

Deutsche Bank AG's asset-management unit is using a detailed map to determine where natural disasters spawned by climate change may pose the greatest risks to its investment portfolios.

U.S. Sets Duties on Argentine Biodiesel as Final Decision Looms

By Jennifer A. Dlouhy and Mario Parker

The U.S. set final import duties on biodiesel from Indonesia and Argentina of as much as 72.28 percent, after concluding that government subsidies are giving an unfair advantage to producers in those countries.

Top Canada Court to Hear Appeal on Abandoned Oil Well Decision

By Allison McNeely

The Supreme Court of Canada has agreed to hear an appeal of a lower court decision that allows bankrupt oil and gas companies to hand off the cost of cleanup to government authorities in order to maximize money for creditors.

China's Appetite for U.S. Energy Falls Short of Binding Deals

By *Dan Murtaugh*, *Aibing Guo* and *Ryan Collins*

China showed its appetite for big ticket investments in U.S. energy production and exports during President Donald Trump's visit, but left the event with almost no binding deals.

Ford Cleared of Asbestos Claims From 1970s Brake Repair

By *Peter Hayes*

Ford Motor Co. won dismissal of lung cancer claims by the widow of a man allegedly exposed to asbestos while working on car brakes.

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Daily Environment Report

June 29, 2017 - Number 124

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Leading the News

Enforcement
Justice Department Environment Pick Downplays BP Defense Work
Past work defending BP PLC after the Deepwater Horizon oil spill and personal opposition to the EPA's climate change efforts would have no bearing on running the Justice Department's environmental office, President Donald Trump's nominee said.

Oil & Gas
Discoveries Boost Hopes for Alaska Oil Output
Oil discoveries on the North Slope of Alaska during the past few years have increased hopes for the economy of the region and the state.

Radioactive Waste
House Strikes Compromise on Yucca, Interim Nuclear Storage
A bipartisan measure to pressure a long-awaited decision on permanent nuclear waste storage, while also paving the way for private interim facilities, will move to the House floor following the Energy and Commerce Committee's approval June 28.

News

Agriculture
China to Treat More Animal Waste to Help Clear Rural Pollution
China, the world's top pork producer, plans to treat more waste from livestock breeding to improve its rural environment and reduce agriculture pollution.

Agriculture
Democratic Appropriators Criticize Cuts to Farm Programs

Democrats on the House agriculture appropriations subcommittee are raising concerns about cuts to programs in the fiscal year 2018 agriculture spending bill that was approved by voice vote June 28.

Asbestos

Take-Home Asbestos Suit Against Pasadena Ruled Untimely

The daughter of a mechanic who worked for the city of Pasadena waited too long to file claims that she developed mesothelioma from exposure to asbestos on her father's work clothes, a California appeals court ruled (City of Pasadena v. Superior Court of Los Angeles Cty., 2017 BL 219050, Cal. Ct. App., 2d Dist., B280805, 6/26/17).

Brownfields

$200 Million Brownfields Bill Easily Clears House Panel

The House Energy and Commerce Committee approved a popular brownfields bill working its way to the House floor.

Chemicals

EU Chemicals Agency Hopes to Increase Imports' Scrutiny

Updated guidance on the notification obligations of companies that import goods containing hazardous chemicals into the European Union could lead to more compliance checks on imports, the European Chemicals Agency told Bloomberg BNA.

Coal Mining

Looking for a Coal Job? Better Work on Those Playstation Skills

While on the campaign trail in West Virginia last year, Donald Trump donned a hardhat and pantomimed digging coal with a shovel. The coal miners in the audience would soon be back to work, he promised: "Get ready, because you are going to be working your asses off."

Coal-Fired Power Plants

Southern Stops Work on the Coal Part of 'Clean Coal' Power Plant

U.S. utility owner Southern Co. has dropped the coal part of what was planned to be a first-of-its-kind "clean coal" plant.

Delaware Law

Spectra Energy Can't Shake Investor Suit Over Pipeline Deals

A Spectra Energy Partners LP investor can move forward with a lawsuit challenging a pipeline transaction between the master limited partnership and its parent, the Delaware Chancery Court ruled June 27 (Morris v. Spectra Energy Partners (DE) GP LP, 2017 BL 221004, Del. Ch., No. 12110-VCG, 6/27/17).

Drinking Water

Michigan Sues to Keep Flint on Detroit Water System

Michigan's Department of Environmental Quality sued the Flint City Council over the local government's decision against a long-term deal to purchase water from a Detroit-area water authority.

Emissions Trading

California Supreme Court Declines Review of Carbon Auction Case

California business groups lost their last chance to convince a court that the state's carbon cap-and-trade allowance auction is an illegal tax.

Energy

China Is About to Bury Elon Musk in Batteries

As Elon Musk races to finish building the world's biggest battery factory in the Nevada desert, China is poised to leave him in the dust.

Energy
House Panel's Spending Bill Cuts Energy Research Program
Rep. Mike Simpson (R-Idaho) said that while he likes the Energy Department's ARPA-E program, which provides early stage investment in innovative energy technologies, his Energy and Water Subcommittee's fiscal 2018 appropriations bill would cut it "because of limited resources."

Energy
Trump Said to Announce Nuclear Review, Coal Exports to Ukraine
President Donald Trump will announce a broad review of U.S. nuclear regulations and the start of coal exports to Ukraine in a speech June 29.

Environmental Reviews
PennEast Gas Line Hits Snag as New Jersey Closes Application
The PennEast pipeline, a $1 billion project that would link America's biggest shale gas basin to major eastern markets, suffered a setback in New Jersey when the state halted a key environmental review.

Forests
Satellite Used to See Atlantic Forest for the Trees in Brazil
The Rio de Janeiro State Environment Secretariat is using satellite images to detect illegal deforestation in the Atlantic Forest, Brazil's most degraded and endangered biome before sending out field teams to verify findings and arrest or fine violators.

Oil & Gas
Pipeline Pinch Adds to Oil-Sands Woes as Keystone Wait Drags
Call it the pipeline pinch, or maybe the Keystone quagmire.

Pesticides
Pesticide Registration Bill May Cover Three Years, Not Six
Lawmakers are seeking to shorten a pesticide registration bill lifespan by half.

Pipeline Safety
Industry, Safety Advocates Building Pipeline Data System
The Pipeline and Hazardous Materials Safety Administration is drawing on industry and state expertise to build a shared information system that will help prevent pipeline accidents.

Regulatory Policy
Senate Takes Up Nomination of Rao, Trump's Regulatory Chief
The Senate formally began considering the nomination of Neomi Rao to be President Donald Trump's chief regulatory officer but delayed a final vote until June 29.

Renewable Energy
China State Grid Chairman Says Clean Energy Will Create Jobs
Thousands of renewable energy plants will create jobs as the world switches to clean power from coal, according to the chairman of the State Grid Corp. of China.

Renewable Energy
Connecticut's Renewable Efforts Get Court Approval
A Connecticut effort to contract for renewable energy does not violate federal law, a federal

judge ruled Wednesday.

Renewable Energy
Green Energy Investing Meets Crowd Funding in African Venture
Gullspang Invest led a group of investors providing 6 million euros ($6.8 million) to Trine Finance Ltd., a company that spurs off-grid solar power in emerging markets including Africa by tapping crowd funding in the U.K. and other advanced economies.

Shareholder Activism
Activist Corvex Ups Pressure on Energen to Explore Oil Deals
Activist investor Corvex Management increased its stake in oil explorer Energen Corp. and said it may push for a "meaningful path" to give shareholders more say, after the company elected to stick to its current business plan rather than pursue a sale.

Toxic Chemicals
Worker Gets Second Shot at Industrial Asthma Case
A California worker's claims of industrial asthma from exposures to a hospital disinfectant shouldn't have been summarily dismissed, a California court of appeals ruled June 27 (Maldonado v. Medivators, Inc., 2017 BL 221442, Cal. Ct. App., 4th Dist., No. G052489, unpublished 6/27/17).

Toxic Substances
North Carolina Slashes Blood Lead-Level Thresholds
North Carolina lowered its thresholds for blood lead levels in children to match federal recommendations and extended those protections to pregnant women in its newly enacted budget.

Transportation
Delay of Transportation Emissions Data Rule Stirs Democrats' Ire
Two top transportation Democrats in the House and Senate criticized the Transportation Department's move to indefinitely delay a requirement that states track greenhouse gas emissions from the nation's highways.

Unfair Practices
Japan to Take 'Strict Action' Against LNG Antitrust Violations
Japan's Fair Trade Commission said existing liquefied natural gas contracts that include resale restrictions may violate antitrust laws and sellers shouldn't include the clauses in new deals.

Vehicle Fuels
California Weighs Making Electric Cars Cheaper Right Off the Lot
The federal tax credit for electric car purchases has an end in sight, but California doesn't want demand for the zero-emissions vehicles to meet the same fate.

Vehicle Fuels
Germany Counters Diesel's Dirty Image with National Task Force
Germany is seeking to counter concerns over the harmful emissions from diesel vehicles by bringing together government and auto-industry experts to devise ways to clean up the technology, which supports thousands of jobs in the country.

Water Infrastructure
Water Infrastructure Cuts Could Hit Commerce, Senators Fear
Proposed cuts to water infrastructure spending could hamper imports, exports, and inland

commerce, Senate appropriators from both parties said June 28.

Water Pollution

Groups Sue Hawaiian Dairy to Halt Illegal Manure Discharges

Groups in Hawaii want a federal court to order a large dairy in Hilo to stop discharging waste into streams and ocean waters.

Practitioner Insights

Chemicals

Practitioner Insights: New Chemical Bias Worse Than Ever

Since the early 1990s until Congress finally amended the Toxic Substances Control Act (TSCA) in June 2016, the statute's most frequent criticism was that it gave EPA inadequate authority to ban dangerous substances that were already in commerce and "grandfathered" when TSCA was passed in 1976 (so called "existing chemicals").

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 10/3/2017 9:44:15 AM
Subject: Morning Energy, presented by Chevron: FERC sets quick timeframe to consider Perry's request — Trump heads to Puerto Rico today — Heavyweights weigh in on solar tariffs today

By Anthony Adragna | 10/03/2017 05:41 AM EDT

With help from Eric Wolff, Lauren Gardner and Alex Guillén

FERC AIMS FOR QUICK WORK: FERC is asking for initial comments on DOE's proposed rule that would benefit nuclear and coal-fired power plants to be submitted in just three weeks — a timeline that suggests the independent commission is eager to move quickly on the Trump administration's proposal that is already generating push-back from a diverse group of major industry players. In a notice out late Monday, FERC set an Oct. 23 comment deadline and said reply comments would be due by Nov. 7.

Energy super-group says slow down: Representatives of oil, natural gas, wind, solar and other sectors urged FERC in a Monday letter to pump the brakes on Energy Secretary Rick Perry's request for a quick turnaround on the new rules, Pro's Darius Dixon reports . "This is one of the most significant proposed rules in decades related to the energy industry and, if finalized, would unquestionably have significant ramifications for wholesale markets under the Commission's jurisdiction," wrote the 11 groups, including the American Petroleum Institute, Solar Energy Industries Association and Electric Power Supply Association. They called Secretary Rick Perry's proposed timeline "unreasonable on its face."

Murkowski seems lukewarm: Senate Energy Chairman Lisa Murkowski also seemed lukewarm to Perry's push, saying in a statement she respects "Secretary Perry for taking an action that he believes is necessary" and "will be following the proceedings closely" at FERC.

DOE's proposal should be a hot topic on the Hill today. The House Science Committee takes a look at grid resilience at a hearing at 10 a.m. in Rayburn 2318. Then this afternoon a House Energy and Commerce subcommittee will hear a wide variety perspectives on reliability in a changing electric sector, including representatives of the coal and nuclear industries as well as several of the groups who signed that letter, at 2 p.m. in Rayburn 2123.

TRUMP HEADS TO PUERTO RICO TODAY: President Donald Trump heads to the devastated island of Puerto Rico today even as information released Monday by the federal government hints at the lengthy recovery road ahead. Puerto Rican Gov. Ricardo Rosselló said at a news conference that just one in 10 of the island's nearly 3.5 million people are likely to have power within two weeks, and only a quarter of the island should have the lights on by next month. It's a similarly dire situation for drinking water: 47 percent of residents have potable drinking water right now, though Rosselló said that number should climb to around 60 percent by the end of the week.

The president summed up his view of the situation Monday. "It's been amazing what's been done in a very short period of time on Puerto Rico. There's never been a piece of land that we've

known that was so devastated," Trump said in Oval Office remarks. "The bridges are down, the telecommunications was nonexistent, and it's in very, very bad shape. The electrical grid, as you know, was totally destroyed. But we've gotten tremendous amounts of food and water, and lots of other things — supplies — generally speaking, on the island." The White House said San Juan Mayor Carmen Yulín Cruz, who drew Trump's wrath over the weekend, has been invited to events with him today.

Disaster relief request coming: Meanwhile, the Trump administration is expected to by the end of this week request between $10 billion to $15 billion to respond to the disaster, Playbook reports.

The Center for American Progress today is out with a policy roadmap for lawmakers as they consider the next round of assistance for Puerto Rico and other areas impacted by hurricanes. They urge Congress to enact policies to improve resiliency, update flood risk information and prioritize underserved communities, among other ideas, rather than just throwing money at the problem.

PERMANENT JONES ACT REPRIVE? Senate Majority Leader Mitch McConnell on Monday fast-tracked potential consideration of legislation S. 1894 (115) that would permanently exempt Puerto Rico from the Jones Act, which bans foreign-flagged ships from traveling between U.S. ports. After sustained pressure, Trump granted a 10-day Jones Act waiver for Puerto Rico last week.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and the American Chemistry Council's Jon Corley was first to ID former Rep. Cynthia McKinney as the 2008 Green Party nominee. For today: What "Love Boat" actor went on to serve four terms in Congress for Iowa? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro .

ITC TO GET AN EARFUL ON REMEDY FOR THAT SOLAR BURN: The U.S. International Trade Commission will hear arguments this morning about how to best level the playing field for U.S. solar manufacturers, and it looks like it's going to be quite a show, with hours' worth of speakers lined up. The commission found last week that U.S. solar manufacturing had been harmed by cheap solar imports, over the objections of the rest of the solar industry.

In this corner, for the installers: The Solar Energy Industries Association, along with solar producer SunPower, told the ITC in its brief that a tariff will result in the loss of 62,800 jobs in 2018 and 80,000 jobs in later years. Sen. Martin Heinrich will bat for the no-tariffs team, along with a laundry list of SEIA witnesses. They will also be backed by representatives from the embassies of China, Korea, Brazil, and Mexico.

And in this corner, for the petitioners: In their public briefs, Suniva and SolarWorld Americas offered the commission two choices: A tariff plus a price floor for solar cells, or a tariff plus a quota. Sen. Ron Wyden and Rep. Suzanne Bonamici , both of Oregon, will speak in support of their home-state SolarWorld, which wants tariffs and a price floor. "I urge the Commission to

recommend a remedy robust enough to repair the serious injury already experienced by the U.S. solar manufacturing sector and to ensure its long-term growth and competitiveness," Wyden will say according to an excerpt of his statement obtained by ME. "In practical terms, that means identifying a remedy that helps to revive a domestic manufacturing sector central to our leadership in energy innovation yet long under siege."

And First Solar shall be first: SEIA also locates a winner if tariffs are imposed, Arizona-based thin film manufacturer First Solar, which does much of its manufacturing in Malaysia. "Thin-film solar directly competes with CSPV solar in the marketplace. Consequently, global trade restrictions on [crystalline silicon photovoltaic] would raise rivals' costs and drive customers toward First Solar's products, strengthening First Solar's already strong hand."

MORE CONCERNS RAISED OVER RFS POTENTIAL CHANGES: Nearly all major biofuel trades and the corn growers are out with a letter this morning to Trump urging him to abandon "drastic, unprecedented changes" to change the Renewable Fuel Standard that they said would benefit a select few petroleum refiners. "The proposed changes are inconsistent with the law and threaten the growth and prosperity of the U.S. biofuels industry," wrote signatories of the letter, including National Corn Growers Association, Renewable Fuels Association and Growth Energy. "EPA's changes are also inconsistent with Administrator Pruitt's assurances to uphold the law and your long-standing support of ethanol and the RFS." EPA released a notice last week suggesting it might reduce the already set 2018 biomass-based biodiesel requirement and shrink the mandate in 2019.

Grassley confirms Trump conversation: Iowa Sen. Chuck Grassley told reporters he discussed his concern over potential changes to the RFS during a Friday phone conversation with Trump. "They're trying to respond to big oil and not take into consideration the needs of alternative energy, biofuels," he said. "Cutting back on the mandate isn't a way you're going to encourage capital and capital is what we need now to get pumps to pump E15 instead of E10."

Seems relevant: The White House previously granted EPA deputy general counsel Erik Baptist, a senior counsel to the American Petroleum Institute for more than six years, an ethics waiver to work on RFS issues given his "expertise in this program and its policy and implementation." Copy of that waiver here.

NO OZONE DESIGNATIONS AS DEADLINE PASSES: EPA appears to have missed the Oct. 1 deadline to say which parts of the U.S. meet the 2015 ozone standard and which don't, a key step toward implementing the regulation. The agency is remaining mum; a spokesperson told ME Monday that there is "no further information" on when the designations will be released. The matter has been controversial for months, ever since Administrator Scott Pruitt said he would delay the designations by a year — a delay he later reversed following lawsuits from Democratic attorneys general and environmental groups. (The 2015 standard itself is also under review, with no specific timeline attached.) It may be a while before green groups can take Pruitt to court. The Clean Air Act requires them to provide EPA with 60 days' notice before filing a lawsuit over a missed deadline, meaning any suit couldn't be filed until December at the earliest.

Also adding uncertainty to the process is a pending proposed rule at OMB that appears to set

new thresholds for how EPA classifies ozone areas. That rule arrived at OMB on Sept. 21. EPA had previously proposed classification details last November that the agency characterized as only minor changes to the implementation rules for the 2008 ozone standard. An EPA spokesperson declined to comment on a rule under review at OMB.

** **A message from Chevron**: When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat—buckwheat. Watch the video: http://politi.co/2fVfOTm **

WHAT ABOUT LOLA? Two House Democrats want Interior's inspector general to expand its newly announced investigation into Secretary Ryan Zinke's non-commercial travel to also include his wife, Lola, in light of her involvement with a GOP Senate campaign in Montana, Pro's Esther Whieldon reports. "Because the secretary's spouse is leading a Senate campaign in Montana, tax-payer funded travel for Mrs. Zinke, especially to or from Montana, deserves heightened scrutiny," Raul Grijalva and Donald McEachin wrote in a letter Monday.

HEARING ROUNDUP! SEEMS LIKE A PATTERN HERE: The Senate Energy and Natural Resources Committee axed a vote slated for this morning on the nominations of Steven Winberg to be assistant Energy secretary for fossil energy and Bruce Walker to be assistant Energy secretary for electricity, delivery and energy reliability. No reason was given.

RALLY AGAINST DOURSON: Ahead of Wednesday's hearing on four EPA nominations, Sens. Tom Udall and Richard Blumenthal are holding a press conference with advocates today at 2:30 p.m. to protest Michael Dourson's nomination to run the agency's chemicals office. Udall, you'll remember, was a key architect of the revamped national chemicals law last year.

LIFELINE FOR NAVAJO GENERATING? Peabody Energy said Monday it had found "a number of highly qualified potential investors" interested in taking an ownership stake in the Navajo Generating Station that would allow it to continue operating beyond 2019. It did not provide further details. The plant's current owners said back in February they planned to close the facility after 2019, several decades before expected. But Zinke said in late June that "one of Interior's top priorities" has been finding a way to keep it operating.

MAINE ATTRACTION: Democrat Lucas St. Clair, who led a successful push to create the Katahdin Woods and Waters National Monument, announced Monday he'll challenge incumbent Rep. Bruce Poliquin, the Bangor Daily News reports. St. Clair is the 39-year-old son of Burt's Bees entrepreneur Roxanne Quimby and resigned his post as president of the Friends of Katahdin Woods and Waters to run for office.

NOT IN SLO'S BACKYARD: Energy company Phillips 66 will drop its lawsuit challenging a California county's denial of a proposal that would have let the refiner bring millions of gallons of oil per week by train to its facility in Santa Maria, environmentalists who opposed it said Monday. The county's decision to reject the project came after the Surface Transportation Board last year declined to prevent another California city from denying Valero Energy's bid to expand crude-by-rail operations. The San Luis Obispo Tribune reports that the parties reached a settlement, which must be approved by a court.

PAUSE BUTTON HIT: Amid the worst mass shooting in modern U.S. history, a broad sportsmen's package with controversial gun silencer provisions is no longer expected to get a House vote in the near future, POLITICO's John Bresnahan and Heather Caygle report. Democrats said the Las Vegas massacre was just one more reason to shelve the bill. "There's a lot we need to do in the wake of this mass shooting. We don't need to make it easier to get hold of items that could make mass casualty events even more deadly," Grijalva said in a statement.

TAKE A GLANCE! STUDY: U.S. PAYS BIG FOSSIL FUEL SUBSIDIES: Oil Change International is out with a report today finding the U.S. provides more than $20 billion toward oil, gas and coal production annually. Those include $14.7 billion in annual federal subsidies and $5.8 billion in yearly state-level incentives.

REPORT: GETTING EASIER TO HIT CLEAN POWER PLAN GOALS: The Institute for Policy Integrity at NYU's School of Law is out with a report today arguing the emissions reduction targets of the Obama administration's Clean Power Plan are more achievable due to changes in the electric sector. If the agency were to redo its regulatory impact analysis with recent developments, the report argues compliance costs would be even lower than originally thought.

MOVER, SHAKER: Peter Tomasi has joined Foley & Lardner LLP's environmental practice as of counsel in its Milwaukee office. He was previously a partner at Quarles & Brady LLP.

QUICK HITS

— In the heart of China's coal country, a city bans most coal: Xinhua. Reuters.

— Residents: Tests find toxic chemicals after Texas plant fire. AP.

— Trump closes WH event to highlight deregulation. Washington Post.

— Can Hollywood Movies About Climate Change Make a Difference? New York Times.

—Gina McCarthy holds out hope on climate policy. High Country News.

— EPA nominee has ties to WV chemical controversies. Charleston Gazette-Mail.

HAPPENING TODAY

9:00 a.m. — "Carbon Capture: A Business Opportunity in the Global Low-Carbon Economy," Global CCS Institute, National Press Club, 529 14th Street Northwest

10:00 a.m. — "Resiliency: The Electric Grid's Only Hope," House Science, Space and Technology Committee, Rayburn 2318

10:00 a.m. — Legislative hearing on H.R. 3400, House Natural Resources Committee,

Longworth 1334

10:15 a.m. — Senate Energy and Natural Resources Committee holds hearing to consider various nominations, Dirksen 366

10:30 a.m. — "Full Committee Hearing to Examine Energy Storage Technologies," Senate Energy and Natural Resources Committee, Dirksen 366

11:30 a.m. — Manchin, Capito, McKinley and Welch introduce the American Miners Pension Act, S-120

2:00 p.m. — "Part II: Powering America: Defining Reliability in a Transforming Electricity Industry," House Energy and Commerce Energy Subcommittee, Rayburn 2123

2:30 p.m. — Senate Energy and Natural Resources Subcommittee hearing on various bills, 366 Dirksen

THAT'S ALL FOR ME!

** **A message from Chevron**: This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat—buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2fVfOTm **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/10/heavyweights-weigh-in-on-solar-tariffs-today-024877

Stories from POLITICO Pro

DOE's Perry pushes FERC to support coal power plants Back

By Darius Dixon | 09/29/2017 02:48 PM EDT

The Trump administration on Friday called on FERC to create new rules to protect coal-fired and nuclear power plants that are being squeezed by cheaper natural gas and renewable sources, saying they were "indispensable for economic and national security."

Energy Secretary Rick Perry, who told miners in Pennsylvania on Thursday that "it's time for coal in this country to be revived," pressed electricity regulators to alter power markets and protect the resilience of the power grid with payments to generators that keep fuel supplies on site, a clear reference to the coal-fired and nuclear power plants.

The proposal, which DOE said gave FERC 60 days to create a final or interim rule, comes just a month after Perry's agency issued a report saying FERC should "expedite" its work with grid operators to ensure the stability of the nation's power network.

"In terms of process, this is a pretty bold move," said Tony Clark, a Republican former FERC commissioner. DOE often conducts studies on issues it believes need attention, he said, but "actually forwarding to the commission something specific for action is a pretty bold way of moving the issue right up the batting order at FERC."

The new proposal, directed at FERC under a rarely used Section 403 authority of the Department of Energy Organization Act, stops short of specifically seeking market incentives for coal. But it calls for full-cost recovery for power generating units that provide essential power and "ancillary" services — and have a 90-day fuel supply on site in case of natural or man-made disruptions. That would exclude most natural gas power plants, which do not typically keep large fuel inventories on hand and instead receive supplies via pipeline.

Perry's request represents a departure from the two decades of U.S. policy that has trended toward more market-based tools, which has helped natural gas to nearly double its power market share. Renewable energy sources like wind and solar, though still modest when compared to fossil fuels or nuclear power, have also grown quickly as federal incentives helped drive down their costs.

But the growth of renewables and natural gas — combined with tighter pollution controls and weak new demand for electricity — has forced hundreds of old coal-fired power plants into retirement. Nuclear power plants in some parts of the country are also under financial pressure, hurt by negative wholesale power market prices that sometimes require the plant owners to pay to deliver their power supplies.

"If this gets the debate started, then my hat's off," said former FERC Chairman Pat Wood, a friend of Perry and a strong advocate for market-based power systems. "But it's a pretty arresting [thing] to wake up and read. That would never have played in Texas. ... If there is a service to be valued, then a market can value that."

In the grid study ordered by Perry and released in August, DOE experts pointed to low power prices and cheap natural gas as the single biggest reason for coal ceding its position as the nation's biggest source of electricity. And that report also called for "reforms" to power markets that would help bolster the electricity network's resilience by easing the financial pressures on many power providers.

In its Friday proposal, DOE cited a spike in demand during the 2014 "polar vortex" that hit much of the U.S., which prompted utilities to run many coal plants that were slated for retirement. Without those plants, as many as 65 million people in the PJM market would have seen their power resources threatened, DOE said.

But the new regulatory pitch from the agency also fueled the growing feud between the gas and coal industries.

Paul Bailey, president and CEO American Coalition for Clean Coal Electricity, commended Perry for "initiating a rulemaking by FERC that will finally value the on-site fuel security

provided by the coal fleet."

But the American Petroleum Institute, which also represents natural gas producers, said DOE drew the wrong conclusions from the 2014 event, and that forcing new mandates on the power market wasn't the solution.

"[A]s we review the proposal we are concerned the agency has mischaracterized the lessons learned from past weather-related events and appears to suggest that additional regulation is the answer where markets have already proven the ability to greatly benefit consumers and give our electric system the flexibility needed to meet constantly, and often rapidly, changing electricity demands," said API Executive Vice President and Chief Strategy Officer Marty Durbin in a statement.

FERC, which has struggled to integrate states' energy policies that aim to boost renewables or support aging nuclear power plants, has long maintained a fuel-neutral stance in the regional markets that it oversees. If it were to follow Perry's directive to create incentives for grid resilience to plants that maintain their own fuel inventories on site, it would be an implicit move at the national level to alter the electricity markets to support the fuels that both Perry and Trump have touted.

Montana regulator Travis Kavulla suggested on Twitter that rather than deal with the pressing issues facing the grid, "Instead, this reform is sort of the @ENERGY equivalent of the Oprah "you get a car, and you get a car. And you? A car!" approach."

However, FERC, whose members are appointed by the president and operate as an independent body, isn't obligated to implement the specific policy pushed by Perry. The commission will so be back to operating with a full five members in the coming weeks, with a Republican majority.

"FERC's going to follow its own procedures," said Marc Spitzer, a Republican former FERC commissioner. "It would be a mistake for people to assume that this is going to be some partisan Republican rubber stamp given the way FERC works."

FERC can spend months or years digging into complex issues that underpin the power markets, and its commissioners tend to seek common ground with each other to ensure that its rules are clear and ensure long-lasting regulations that give utilities stability to plan their operations.

"Is someone really going to invest [billions of dollars] when it's a 3-2 vote that partisans and the parties can flip next year? Is that a good forum for investment as opposed to a 5-0 order?" Spitzer said.

FERC declined to say when the agency last received a rulemaking from DOE using Section 403.

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Gas, oil, renewables, utility groups ask FERC to lengthen debate on DOE pricing rule Back

By Darius Dixon | 10/02/2017 05:43 PM EDT

Nearly a dozen energy-related trade associations are pleading with FERC today to pump the breaks on an Energy Department request for rules that would benefit nuclear and coal-fired power plants, calling the Trump administration's proposed timeline "unreasonable on its face."

DOE last week asked FERC to quickly implement a proposal mandating payments to power plants for their on-site fuel stocks. Today, representatives of oil, natural gas, wind, solar and other sectors were unified in their opposition to that time frame.

"This is one of the most significant proposed rules in decades related to the energy industry and, if finalized, would unquestionably have significant ramifications for wholesale markets under the Commission's jurisdiction," wrote the 11 groups, including the American Petroleum Institute, Solar Energy Industries Association and Electric Power Supply Association. DOE's time frame is "wholly unreasonable and insufficient to allow for an informed consideration of the significant issues proposed therein."

DOE directed FERC to take "final action" on the proposal within 60 days of its publication in the Federal Register, and make it take effect within 30 days after that. Alternately, DOE said regulators should institute it as an interim final rule with the potential for later changes.

The groups, which have asked for FERC to convene a technical conference and offer a 90-day comment period, said the commission "is justified in setting its own schedule for seeking comments on the NOPR, should it choose to notice it or a similar proposed rule for comment at all."

WHAT'S NEXT: The timeline on DOE's proposed rule will start once it's published in the Federal Register, but it is unclear when that might be.

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White House: Trump to allow foreign ships to supply Puerto Rico Back

By Colin Wilhelm | 09/28/2017 08:59 AM EDT

President Donald Trump will grant a 10-day waiver to the Jones Act to allow non-U.S.-flagged ships to transport supplies to Puerto Rico in a bid to speed the commonwealth's recovery from Hurricane Maria's devastation.

White House press secretary Sarah Huckabee Sanders announced the waiver Thursday morning

via Twitter and said "it will go into effect immediately."

Puerto Rico had petitioned the Department of Homeland Security for a waiver as it struggles with shortages of water and fuel. The administration denied that request two days ago, and the president told reporters Wednesday that, "we have a lot of shippers and a lot of people and a lot of people who work in the shipping industry that don't want the Jones Act lifted."

Puerto Rico Gov. Ricardo Rosselló had continued to press the U.S. government for a waiver, including on morning cable news television on Thursday. Senate Republicans John McCain of Arizona and Marco Rubio of Florida also called for the relief, as did most congressional Democrats.

Later Thursday morning House Democrats pushed Trump for more.

"The waiving of the Jones Act was a good idea, but we want to stretch it out to be longer than ... 10 days," Rep. Jose Serrano (D-N.Y.) said. "Much longer than that."

McCain and Sen. Mike Lee (R-Utah) introduced legislation today to permanently exempt Puerto Rico from the Jones Act.

Lawmakers argued that more help was needed from the military as well, needling Trump over reports from Puerto Rico that there's not enough support from the federal government to distribute supplies sitting in the capital of San Juan.

The military response continues to gradually ramp up after the repeated calls from Congress and the commonwealth government.

The deputy commander for the regional Department of Defense command coordinating relief efforts, Brig. Gen. Rich Kim, is scheduled to arrive in Puerto Rico on Thursday. The USS Comfort, a naval hospital ship, will depart Norfolk, Va., on Friday for Puerto Rico.

But that didn't satisfy lawmakers calling for more.

In a letter sent Thursday afternoon, Rubio pushed for Trump to use his constitutional authority as commander in chief to increase the military's involvement in coordinating disaster relief efforts.

"There is no clear command, control, and communication between local officials on the ground and federal agencies, and many roads and bridges remained unpassable, making it even more difficult for repair crews to restore power and communications to areas of the island outside of San Juan," Rubio wrote. That has resulted in "lifesaving supplies sitting in containers rather than being distributed upon arrival," he wrote.

"This unique situation requires a well-coordinated response led by the Department of Defense (DOD), which is the only entity capable of executing a recovery effort of this scale and complexity," he said. "I urge you, as commander-in-chief, to make DOD the lead agency in the ground phase of recovery efforts."

"We have the resources," said Congressional Hispanic Caucus Chair Michelle Lujan Grisham (D-N.M.), referring to the U.S.

The number of Americans affected by Hurricane Maria in the Caribbean is equivalent to "the combined populations of the states of Wyoming, Vermont and Alaska," she added. "I have no doubt that the responses to those states in this situation would be far different than the situation we're having today."

Several states have offered to help deploy their own personnel to help Puerto Rico, and the Congressional Hispanic Caucus chair said House Democrats were looking for ways to expedite that.

In an interview with CBS, Rene Plasencia, a Republican in the Florida state house who accompanied emergency responders to Puerto Rico, said those responders could not get transportation from officials on the ground to provide help.

"We've been trying to get [rescue] planes in [from Florida] since last Friday," Plasencia said.

Democrats also criticized Trump's remarks earlier this week that delivering emergency supplies to Puerto Rico is difficult because it's an island.

"Well, you built a golf course there so you certainly knew where it was," Rep. Luis Gutierrez (D-Ill.) said. He was referring to a Trump brand golf course that went bankrupt a few years after the president began his involvement with the project, leaving the commonwealth government on the hook for millions in debt.

"Mr. President, talk to your national security team," Serrano said. "They certainly had plans for 50 years to invade an island in the Caribbean," he said, referring to Cuba. "So they know how to get troops and the military into an island."

Talk has already begun in Congress around an aid package. Some on the left want a suspension of the law that Congress passed last year to allow the commonwealth to restructure its $70 billion in bond debt that also instituted an unpopular federal oversight board. But Republicans, who have promised ample disaster relief funding when a request comes from the Trump administration, would likely reject that.

Rep. Nydia Velazquez (D-N.Y.) estimated that $50-$70 billion would be needed to rebuild Puerto Rico, and Gutierrez pushed for the federal government to pick up the total bill for the cash-strapped island, likening it to a sick patient in the hospital.

"It's bankrupt," Gutierrez said. "There is no money in Puerto Rico to make copayments."

"This is Katrina 2017," he said.

Seung Min Kim contributed to this report.

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White House praises solar manufacturers in statement on trade decision Back

By Eric Wolff | 09/22/2017 01:15 PM EDT

The White House praised the role of U.S. solar manufacturing in providing "energy security and economic prosperity" in its response to a federal trade panel's finding today that will give President Donald Trump the final word on setting tariffs and quotas on solar imports.

In a unanimous vote, the U.S. International Trade Commission said domestic panel and cell makers had been harmed by cheap imports, agreeing with the petition filed by Suniva and SolarWorld USA.

"The President will examine the facts and make a determination that reflects the best interests of the United States," said Natalie Strom, a White House spokeswoman. "The U.S. solar manufacturing sector contributes to our energy security and economic prosperity."

Solar manufacturing made up 13 percent of the 260,000 jobs in the solar industry was the slowest growing segment between 2010 and 2016, according to the 2016 National Solar Job Census from the nonprofit Solar Foundation.

WHAT'S NEXT: The commission will send recommendations for tariffs to the president by Nov. 13.

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Suniva, SolarWorld modify remedy proposal in trade case Back

By Eric Wolff | 09/28/2017 07:20 PM EDT

Suniva and SolarWorld USA are pressing a U.S. trade panel to recommend that President Donald Trump institute either a floor price for imported solar equipment or tariffs plus a quota that caps the amount of solar panels and cells that can enter the country.

The two solar panel manufacturers filed a joint brief to the U.S. International Trade Commission, and each recommended different remedies, though they said that either option could be selected.

Suniva recommends a price floor for all solar modules that starts at 74 cents per watt and

declines over the four years of the tariff, as well as tariffs for both modules and the solar cells. SolarWorld said it was seeking a a quota of 220 MW on imported cells and 5,700 MW on imported modules.

"Both co-petitioners agree that an effective remedy must include either the co-petitioners' requested tariff plus Suniva's requested module floor price or the co-petitioners' requested tariff plus SolarWorld's requested quota," the companies said in a joint statement.

Briefs were due on Wednesday to the ITC, and the companies publicly released their proposals to today, excluding proprietary company information.

The ITC voted unanimously last week that low-cost imports had harmed the domestic solar manufacturing industry. Under the "safeguard" provisions of the Trade Act, Trump will have the final say in what tariffs to impose.

WHAT'S NEXT: The commission will have a hearing on remedies on Oct. 3.

To view online click here.

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Biofuel producers unite against potential EPA biodiesel cuts Back

By Eric Wolff | 09/27/2017 06:57 PM EDT

Biofuels producers and their farm-state backers in Congress are keeping the pressure on EPA, accusing the agency of betraying President Donald Trump's promises to back the Renewable Fuel Standard after the agency signaled it would cut its biodiesel volume mandates.

EPA's Tuesday notice seeking input on whether to reduce the already set 2018 biomass-based biodiesel requirement and shrink the mandate in 2019 is drawing opposition from both biodiesel and ethanol producers, who say EPA's move marks its second attempt to undermine the program this year.

The new EPA notice has already driven down prices for biofuel credits, which are used by refiners to meet the obligations under the RFS. That's a boon to refiners like CVR Energy, the company owned by former Trump adviser Carl Icahn who had joined with other fuel processors like Valero Energy earlier this year in an unsuccessful effort to shift the compliance burden of the RFS away from their companies.

Trump has repeatedly offered public support for ethanol producers and the RFS, and just last month, he told Sen. Chuck Grassley (R-Iowa) to assure Iowans he had their backs on the RFS — a position Trump staked out early in his presidential campaign and which helped him carry Iowa and other Midwestern states.

On Wednesday, Sen. Joni Ernst (R-Iowa) blasted the new EPA move, saying in a letter to Trump that the biodiesel cut would be "bad for American farmers, American manufacturing and American rural communities," adding that she hoped "that your EPA has not forgotten about the pledges that were made to my constituents and to farmers across the country."

That letter came a day after Grassely said the proposal "seems like a bait-and-switch from the EPA's prior proposal and from assurances from President Trump himself and Cabinet secretaries in my office. ... This all gives me a strong suspicion that Big Oil and oil refineries are prevailing, despite assurances to the contrary."

And biodiesel makers are drawing strong support from the ethanol industry, who see the EPA's move as a step toward undercutting the RFS.

"This would undermine renewable fuel production in the U.S. and cause severe harm to our friends in the biodiesel industry," Robert Walther, vice president of federal advocacy for ethanol producer POET, told POLITICO. "That harm would radiate throughout the entire biofuel value chain from starch biofuel plants, to cellulosic facilities now scaling up, to the corn and soybean farmers who voted overwhelmingly for Trump."

In its Tuesday notice, EPA relied on letters from Valero, the American Petroleum Institute, and the American Fuel and Petrochemical Manufacturers to argue the agency expects biodiesel prices to climb because of the expiration of a tax credit last year — as well as the new tariffs the administration is putting on biodiesel imports from Argentina and Indonesia.

As a result, the agency asked for comment on revising down the amount of biodiesel to be used in 2018 by 15 percent, and on setting 2019 biodiesel requirements possibly as low as the 1 billion gallon floor laid out in the law, less than half the original 2018 level of 2.1 billion gallons.

Biodiesel credits are linked to the ethanol credits — called Renewable Identification Numbers — since U.S. ethanol producers typically fall short of supplying the volumes required under the RFS program. Oil refiners then must buy biodiesel RINs to meet requirements, according to research by University of Illinois economist Scott Irwin.

While corn ethanol credit prices are cheaper than biodiesel RINs, the two tend to move in tandem, so the effect of EPA's notice on RIN prices for ethanol, advanced biofuel and biodiesel was immediate: a 20 percent decline in prices for credits of biodiesel and ethanol after EPA's notice, according to the fuel price tracking service OPIS.

The proposal to cut the biomass-based fuel shocked the biodiesel makers such as Gene Gebolys, CEO of World Energy, who said the industry "froze" as soon as the notice came out.

"The more baffling part is Trump has been consistently supportive of the RFS, over and over and over and over again, he has been supportive of the RFS," he said. "This has been a frontal assault on the RFS. You have to ask yourself, is EPA taking direction from the White House or the oil industry?"

EPA also did not respond to a request for comment. Nor did API or Valero, both of whom EPA cited in its notice, although the AFPM trade association was pleased by the action.

"EPA is on the right track in adjusting renewable fuel requirements," AFPM CEO Chet Thompson said in a statement. "This proposal more appropriately advances Congress's stated purpose of bolstering America's energy independence. American drivers shouldn't have to shoulder more costs to help foreign biofuel producers."

But ethanol producers think EPA may be putting key states in play if it follows through and makes cuts to biodiesel.

"If I am a Democrat thinking of taking Trump on in Iowa and Wisconsin in 2020, I am licking my chops," Walther from POET said.

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Back

Grijalva asks Interior IG to include Zinke's wife in travel probe Back

By Esther Whieldon | 10/02/2017 04:10 PM EDT

Two House Democrats are calling on the Interior Department's inspector general to investigate how often Interior Secretary Ryan Zinke's wife joined him on taxpayer-funded charter or military flights in light of her involvement in a Republican Senate campaign.

Lolita Zinke is chairing the campaign of Troy Downing, a businessman who is vying to unseat Sen. Jon Tester next year.

"Because the secretary's spouse is leading a senate campaign in Montana, tax-payer funded travel for Mrs. Zinke, especially to or from Montana, deserves heightened scrutiny," wrote Raúl M. Grijalva and Donald McEachin in a letter today to Deputy Inspector General Mary Kendall, the top watchdog within Interior. Grijalva is the top Democrat on the House Natural Resources Committee, and McEachin is ranking member of its oversight subcommittee.

POLITICO reported earlier today that the IG's office has opened an investigation into Zinke's travels.

The inspector general's office has not decided on the scope of its investigation but it is "focused on the secretary's travel at this point," said Nancy DiPaolo, IG spokeswoman. The investigation, which was launched Friday, "is at its earliest phases," she said. "We'll likely be looking into travel, modes of travel, costs and schedules, etc."

To view online click here.

Back

STB clears way for California city to block oil train facility Back

By Lauren Gardner | 09/21/2016 06:41 PM EDT

The Surface Transportation Board declined this week to block a California city from rejecting a plan to build a facility that would enable more oil trains to pass through the area, but only because the project's owner was an energy company, not a railroad.

Oil refiner Valero Energy had petitioned the STB to step in and prevent Benicia, Calif., from denying the company permits to build the facility in the city, which is also home to one of the company's refineries.

Environmentalists cheered the Tuesday rejection as a victory in their effort to encourage local governments — which fear catastrophes like the oil train explosion in Lac Megantic, Quebec, that killed 47 people in 2013 — to reject projects that could bring vast quantities of crude oil through their communities.

The regulator is likely to find itself at the center of future high-profile cases like this since trains remain one of the most viable methods of transporting oil, much like the Federal Energy Regulatory Commission has became a hotbed of controversy as green groups have sought to block permits for pipelines that ship fossil fuels.

But STB made it clear that its members rebuffed Valero in this instance only because it was not a rail carrier, nor was it handling transportation services for one, and therefore does not fall under the board's jurisdiction.

STB's decision that interstate commerce law doesn't allow it to preempt the Benicia government from denying the permits to Valero came hours ahead of a unanimous city council vote scuttling the project.

It's not yet clear whether Valero will take its fight to court. A company spokeswoman said executives are "considering our options moving forward."

"After nearly four years of review and analysis by independent experts and the city, we are disappointed that the city council members have chosen to reject the crude by rail project," Valero spokeswoman Lillian Riojas said.

STB's decision included guidance that even if Benicia had approved the permits, the bayside city near San Francisco wouldn't have carte blanche to impose conditions on Valero, since they could "unreasonably" bleed into operations by Union Pacific, the freight railroad the refiner planned to have service the offloading facility.

"As an initial matter, any attempt to regulate UP's rail operations on its lines would be

categorically preempted," STB wrote. "Otherwise, state and local regulation is permissible where it does not unreasonably interfere with rail transportation."

If circumstances changed and the railroad were to build or own the offloading facility project, "then it would clearly be preempted by the federal law," Karen Torrent, federal legislative director at the Environmental Law and Policy Center, said of Benicia's permit denial.

The Association of American Railroads declined to comment on Tuesday's decision, but it had voiced its support for Valero's petition in July, expressing concern that a "patchwork" of rules among states and localities could stymie freight operations.

"This case now presents the Board with the situation where state and local permitting requirements are being applied to rail-served customer facilities with the purpose of controlling — and often preventing — rail transportation," AAR attorney Timothy J. Strafford wrote.

Jackie Prange, a Natural Resources Defense Council staff attorney, said the ruling has broader implications because local governments in California and the Pacific Northwest grappling with similar projects have monitored the Benicia case.

The San Luis Obispo County Planning Commission is scheduled to hold its final hearing Thursday on a proposal by refiner Phillips 66 to bring millions of gallons of crude per week into its Santa Maria refinery by train. The company asked the county last month to delay the hearing, anticipating that STB would not have issued its decision in the Benicia case by now, according to a local report.

Staff at the county commission have recommended that officials reject the project.

To view online click here.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 6/30/2017 10:59:20 PM
Subject: June 30 -- Energy and Climate Report

Energy and Climate Report

June 30, 2017 - Number 126

News

Air Pollution

VW Revamps Zero-Emissions Vehicle Plan to Woo California

Volkswagen agreed to install more electric vehicle charging facilities in California's disadvantaged communities to win state approval of its $200 million investment plan.

Biofuels

South American Ethanol Could Prompt EPA to Rethink Quota

Concerns that refiners will import ethanol from Brazil and biodiesel from Argentina to fulfill renewable fuel requirements prompted U.S. EPA Administrator Scott Pruitt to reconsider quotas for those fuels, according to people familiar with the program.

Climate Change

South Korea to Study, Plan for Climate Impacts on Infrastructure

Eighteen South Korean public and private institutions have agreed to assess the effects of climate change on infrastructure and devise ways to prevent further damage.

Energy

Canada Floats New Environmental Review Rules for Pipelines

Canada is proposing consolidating environmental reviews under a single agency while adding an approval step for proponents of pipelines and other major projects—in what it said is a bid to both strengthen and clarify environmental rules.

General Policy

Week Ahead: G-20 Summit Among International Environment Events

Washington is taking a break during the week of July 3, but foreign nations aren't. A Group of 20 summit in Germany that will focus on climate change highlights the week's international environment and energy events.

Natural Gas

South Korea Is Very, Very Interested in America's Natural Gas

One thing became clear on the fourth day of the White House's Energy Week: South Korea is really, really into U.S. natural gas.

Pipeline Safety

Pipeline Agency Weighs Broader Scope for Data Sharing System

A planned information-sharing system should expand beyond its congressional mandate, a top official at the Pipeline and Hazardous Materials Safety Administration said.

Renewable Energy

Wind Industry Tacks as Trump Shifts the Political Climate

Three days after Energy Secretary Rick Perry directed his staff to find ways to give a boost to coal and nuclear power, the rival wind industry kicked its lobbying response into action.

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Energy and Climate Report

To: Maisano, Frank[frank.maisano@bracewell.com]
From: Maisano, Frank
Sent: Mon 7/10/2017 6:15:42 PM
Subject: Jul 10 PRG Energy Update: Back in Town

Friends,

With the July 4th holiday passing, it means we had some great fireworks (especially in DC) and that the *Tour de France* is rolling in France. With 9 of 21 stages complete, the riders have reached the first rest day today with 4-time champ Chris Froome racing up the *Mont du Chat* yesterday to expand his lead in the yellow jersey. Lots of time and many mountains to still climb. You can watch all the action on NBCSN every day. It was also Super Saturday at Wimbledon with Federer, Murray, Nadal and Djokovic all looking strong on the men's side while Kerber, Halep, Wozniacki and Venus Williams (who has already advance today to the QF with a straight set win) have all advanced to the 4th round. The All-Star break for major League baseball also start today and not too soon for the World Champion Cubs who gave up 10 runs in the first inning in their game yesterday against the Pirates.

Interesting action at the G-20 with some limited focus on climate. On Saturday, G-20 nations reached a compromise on climate change that declared the Paris climate change agreement is "irreversible" and must be implemented "swiftly." The U.S., on the other hand, declared its intention to pull out and forced additional language in supporting fossil fuels alongside support for renewables. And as for the soon-expected grid study from DOE, we hear it won't likely be this week, but we are still keeping our eyes open for paper. And speaking of energy dominance, Platts Capitol Crude addresses the subject on this week's podcast with ClearView's Kevin Book, looking at whether it's hollow rhetoric and what it could mean for policy and markets going forward.

Congress returns this week to more action on healthcare. No expected action on the just re-introduced Senate Energy legislation but Sens Murkowski and Cantwell are hopeful that they will have something passed by August recess. There will be votes on nominations for NRC and EPA on Wednesday, as well as a House Resources hearing on oil and gas development. Also Wednesday, the full House Approps Committee marks up its Ag and Energy/Water budgets. Finally, tomorrow, the annual Congressional Renewable Energy and Energy Efficiency expo will be held in the Rayburn Foyer.

Off the hill, our friend Coral Davenport discusses the Paris Agreement at a forum at the Embassy of Croatia tomorrow evening and Wednesday the Women's Energy Network is hosting CFTC

Commissioner Sharon Bowen for a lunch and learn" event. And today, the EPA is holding a public hearing on methane regulation delays which should bring out the usual suspects on both sides if the debate.

Finally, Bracewell has brought on some new energy expertise in the civil Litigation arena by hiring David A. Super to lead our civil litigation practice in Washington, D.C. Super joins Bracewell from Baker Botts where he practiced for 27 years. Super as new head of civil litigation in DC is a first chair trial lawyer with fantastic experience acting for companies in the energy industry, including disputes with federal regulators on many energy and environmental issues.

I'm out for most of the week in Lancaster, PA, the home of USA Field Hockey, umpiring their National Championships. We are taking a quick break to road trip to Detroit for Metallica on Wednesday. Anyway, I will be fully connected, so feel free to call with questions.

Best,

Frank Maisano

(202) 828-5864

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FRANKLY SPOKEN

"AHRI encourages ratification of the Kigali Amendment, while also instituting the regulatory and tax reforms necessary to ensure predictability for manufacturers, distributors, and installers while providing incentives for consumers and businesses to replace their older, less efficient equipment with updated models. Taken together, these steps can bring about significant energy reduction and environmental benefits."

AHRI's Francis Dietz following a new report by the Institute for Governance & Sustainable

Development (IGSD) that reviews HCFC/HFC regulatory frameworks, energy efficiency standards, and labeling programs in 19 countries that account for roughly 65% of global AC demand.

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IN THE NEWS

New Study Highlights Quest for Improved AC Globally – The Institute for Governance & Sustainable Development (IGSD) in Washington, DC and Paris along with researchers at the U.S. Department of Energy's Lawrence Berkeley National Laboratory released a report that addresses the hydrochlorofluorocarbons (HCFC) and hydrofluorocarbons regulatory frameworks, energy efficiency standards, and labeling programs in 19 countries that account for roughly 65% of global AC demand. The report, "*Opportunities for Simultaneous Efficiency Improvement and Refrigerant Transition in Air Conditioning,*" ranks the HFC transition as the single biggest climate mitigation opportunity available today.

AHRI Sees the Issue As Hugely Important – This is a hugely important transition that the HVAC industry has played a significant role in crafting with other stakeholders. As manufacturers of more than 90% of U.S. – and more than 70% of global – residential and commercial air conditioning and commercial refrigeration units, AHRI member companies are committed to producing more energy efficient products to help reduce global demand for energy, lower costs for consumers, and decrease greenhouse gas emissions. As the LBNL report indicates, there are many global opportunities to accomplish make significant progress on all those goals, beginning with ratification and implementation of the Kigali Amendment to the Montreal Protocol and continuing with efforts to simultaneously reduce the energy impact of AC and commercial refrigeration equipment while increasing its availability and affordability for consumers around the world. Also important are national and regional minimum energy performance standards backed by performance certification programs, such as the AHRI Certification Program, that help assure governments, businesses, and consumers of the accuracy of stated equipment efficiency.

What About Efficiency on Units though? – AHRI's Francis Dietz adds current AC units are already super-efficient and in fact are nearing the technological limits of efficiency. The issue really is getting efficient units in the hands of consumers at prices they can afford. We can accomplish that gradually through MEPS, which is already being done all over the world, but to make bigger leaps through stronger tax incentives and rebate programs to induce people to change out their old equipment for newer, more efficient models.

DOE Releases Walk-In Freezer Rule – The Department of Energy is issuing the final rule for walk-in coolers and freezers, which was held up at DOE for months. It's set to publish in the *Federal Register* today. The rule, issued in December of 2016 by the outgoing Obama Administration was delayed with several others as part of a review by the new Trump Administration. AHRI said it understood why the new administration wanted to review the walk-in coolers and freezers rule before issuing it, but are pleased it is now being issued in the form that was agreed to in the ASRAC negotiations of which AHRI and Other key efficiency and environmental stakeholders played important roles. AHRI's Francis Dietz: "This is one less regulatory ball in the air for our industry and our members can now move forward in preparing for the rule's implementation."

Refiners Send Letter to Trump on Venezuela Crude, Potential Sanctions – Given the troubling political developments in Venezuela, the American Fuel & Petrochem Assn (AFPM) is sending a letter to President Trump and other key foreign policy advisors to highlight one critical consideration: a full or partial prohibition of Venezuelan crude imports. The refiners group says it could have a significant negative effect on U.S. refiners, consumers, and our nation's economy. AFPM Prez Chet Thompson: "Sanctions limiting U.S. imports of Venezuelan crude would disadvantage many U.S. refineries, particularly those in the Gulf Coast and East Coast regions, that have optimized to utilize sour crudes produced in Venezuela. Restricting the supply of crude could also impact the price that U.S. consumers and businesses pay for their fuel." I can forward letter if want to review.

ACI Releases Sustainability Report – The American Cleaning Institute's (ACI) released its 4th Sustainability Report, "Foundations for Transformation," showcases the steps the cleaning product supply chain is taking to address the industry's core material issues. The 2017 Report highlights the progress made by companies throughout the cleaning product supply chain to decrease the industry's environmental footprint over the last two years. Since its inception, ACI's Sustainability Metrics Program has been tracking industry performance in categories including energy, water, waste and climate change/greenhouse gases, to showcase where member companies are doing well, and to highlight the areas in need of attention. The 2017 Report highlights include a 23% reduction during cleaning product formulation since 2011, an increase in renewable energy use by 46% since 2011 and a 64% of the waste from product formulation being reused or recycled in 2015.

Unions Weigh In on E15 Expansion Legislation – Following a hearing recently on legislation to allow year-round sale of E15 percent, the United Steelworkers union sent a letter Thursday to all 100 senators arguing that the RFS needs a complete overhaul rather than the modification in Sen. Deb Fischer's bill. A mark-up is planned for later this month. Happy to forward letter if you need it.

Interior Pushes to Expand Drilling, Speed Permit Approvals – Interior Secretary Ryan Zinke on Thursday issued an order that instructs BLM to hold lease sales every quarter and establishes a 30-day approval time for oil and natural gas drilling permits. The approval time for a permit under the Obama administration was 257 days on average. Christopher Guith at the Chamber's Global Energy Institute said this is a much-needed change in U.S. policy, embracing America's energy abundance and diversity instead of policies that pushed us to depend more on imported energy and exported jobs. Guith: "The law has been pretty clear for a century--the Secretary of Interior is responsible for conducting quarterly lease sales on available BLM land and concluding the review process on an application for a permit to drill within 30 days. The previous administration decided to ignore these legal requirements to the detriment of U.S. energy security and western jobs. Secretary Zinke's re-commitment to following the law is a tremendous step towards harnessing America's status as a growing energy super-power."

ON THE SCHEDULE THIS WEEK

Wilson to Host Discussion on Religion, Climate in Small Island Nations – Today at 2:00 p.m., American University and the Wilson Center will host a forum exploring climate change as a basis for outreach and collaboration in the Caribbean and the Pacific and the added value religious voices might bring to this work. In the small island developing states (SIDS) of the Caribbean and the Pacific, faith-based leaders, community stakeholders, and national policymakers work together to address pressing concerns associated with climate change, such as ensuring livelihoods and sustainability in the face of sea-level rise and other threats. Ambassador to the United States and the Organization of American States for Barbados Selwin Hart will be among the speakers.

Congressional Renewable Expo Set – The 20th annual Congressional Renewable Energy and Energy Efficiency EXPO and Policy Forum will be held tomorrow from at 9:30 a.m. to 4:30 p.m. in Rayburn. Among the speakers will be Sen. Edward Markey and Rep. Paul Tonko.

***NYT's* Davenport to Discuss Paris at WFPG Forum** – The Women's Foreign Policy Group will host a forum tomorrow at 6:00 p.m. at the Embassy of Croatia featuring our friend Coral Davenport of the *New York Times* to discuss President Trump's decision to withdraw from the Paris Climate Agreement. Coral *NYT* colleague Elisabeth Bumiller will moderate.

House Resources to Focus on Oil, Gas on OCS – The House Natural Resources Subcommittee on Energy and Mineral Resources will hold an oversight hearing on Wednesday focused on evaluating federal offshore oil and gas development on the outer continental shelf.

Senate Committee to Vote on Nominees – The Senate Environment Committee will hold votes at 9:45 a.m. Wednesday on nominees to the Nuclear Regulatory Commission, as well as EPA's top enforcement officials. EPW had originally slated the markup for the Wednesday before July 4th recess. NRC nominees Annie Caputo and David Wright, and EPA nominee Susan Parker Bodine are awaiting committee approvals.

Group to Release Smarter Grid Report – Former Trump transition team member and Alliance for

Innovation and Infrastructure Chairman Brigham McCown will hold a press call Wednesday at 10:00 p.m. to discuss the release of Alliance for Innovation and Infrastructure's latest policy analysis, "Building a smarter electric grid: How investing in smarter electricity will energize America."

House Appropos to Mark up Ag, Energy Budgets – The full House Appropriations Committee will meet at 10:30 a.m. to markup the FY2018 Agriculture Appropriations Bill and FY2018 Energy and Water Development Appropriations Bill. Later at 3:00 p.m., the House interior Funding panel will mark up the 2018 Interior budget.

Forum to Feature CFTC Commissioner – The Washington DC Chapter of the Women's Energy Network is hosting a forum at BP featuring U.S. Commodity Future Trading Commission Commissioner Sharon Y. Bowen. The "Lunch and Learn" even will feature Bowen discussing the day's most critical energy issues before the CFTC, as well as sharing her experiences as a trailblazing lawyer, business woman and public servant.

Wilson to Host China Coal Transition Forum – The Wilson Center will hold a forum on Wednesday at 2:00 p.m.to discuss China and its uncertain transition away from coal. Speakers at this China Environmental Forum (CEF) event will discuss the massive reforms that are lessening the pollution and carbon emissions from China's coal-fired power sector and the social and economic challenges. Melanie Hart (Center for America Progress) will speak on how China is transforming its coal sector to improve efficiency, reduce emissions, and reduce the nation's

dependence on coal. Hongxia Duan and Lucy Kitson of the International Institute for Sustainable Development (IISD) will discuss the opportunities and pitfalls of such a large-scale transformation in Shanxi and the lessons China can draw from countries that have undergone the economic and social transition away from coal. Lisa Abbott (Kentuckians for the Commonwealth) will close out the discussion bringing in a comparative discussion on how her group promotes energy diversification in the Appalachians that keeps communities strong.

Forum to Look at Ukraine Energy – The Atlantic Council will hold a forum on Wednesday at 2:30 p.m. on important energy reforms in Ukraine. The Atlantic Council's Dinu Patriciu Eurasia Center and Global Energy Center will bring together top energy experts and policymakers to discuss the status of the Ukrainian energy sector in a series of thematic panels. The discussion will begin with a talk on the state of the hydrocarbon industry and will segue to an exchange on the development, challenges, and way forward for the electricity, coal and nuclear sectors in Ukraine. Among the speakers will be DOE's David Mohler.

Clean Energy Webinar Will Discuss Grid Report – On Thursday at 10:00 a.m., the Analysis Group's Susan Tierney and Paul Hibbard will present findings from their report on market forces driving our changing electric power system, commissioned by Advanced Energy Economy (AEE) and AWEA. The report was submitted to DOE to inform the Department's upcoming review of grid issues.

IN THE FUTURE

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RFF to host Webinar On Cali Cap/Trade – Resources for the Future and other experts will hold an interactive online panel discussion on Tuesday July 18th looking at the proposed changes to California's cap-and-trade program, potential implications for the state's carbon market, and the potential effects on linkage with the programs in Quebec, Ontario, and other jurisdictions that might consider linkage in the future. Speakers include RFF's Dallas Burtraw, James Bushnell of UCal-Davis, Stewart Elgie of the uOttawa Institute of the Environment, Jan Mazurek of the ClimateWorks Foundation Duke Nicholas Institute expert Brian Murray and Dave Sawyer of EnviroEconomics.

WCEE to Host Sustainable City Event – Next Tuesday at Noon, the Women's Council on Energy and the Environment (WCEE) will host a forum with National Geographic's Senior

Manager of Sustainability, Susan Kolodziejczyk. Kolodziejczyk will present an interactive exploration of the intersection of urbanization and sustainability, what that means in terms of society's choices and priorities, and examples of successful, innovative city solutions around the world

Webinar to Focus on NJ Solar Issues – Utility Dive is hosting a webinar on Tuesday July 18th at 2:00 p.m. focused on the PSE&G approach to proactively studying and accommodating the impacts of DER on the PSE&G system. NJ is experiencing some of the strongest solar PV growth in the U.S. NJ-based Public Service Electric and Gas (PSE&G) takes an active role in understanding feeder and substation capacity to accommodate solar PV, and to avoid negative impacts to grid reliability, voltages, thermal capacity, flicker and more. The webinar will cover PSE&G's method to study and accommodate the impacts of DER, in collaboration with Siemens PTI. An overview of the study and its methodologies and the distribution system at PSE&G, available DERs, challenges, the need for the study and the results. Speakers include PSE&G's Ahmed Mousa and Siemens PTI's Hugo Bashualdo.

AGA to Discuss NatGas Supply – The American Gas Association (AGA) and the Potential Gas Committee (PGC) will hold a press conference on Wednesday, July 19 at 9:30 AM EDT, to release the major findings of the PGC's year-end 2016 biennial report: *Potential Supply of Natural Gas in the United*. The report is expected to reveal that domestic estimates of undiscovered natural gas resources continue to grow, due largely to the existence of technologies that continue to unlock energy resources from shale and other producing formations. Alexei V. Milkov, director of the Potential Gas Agency, Colorado School of Mines and AGA's Chris McGill will speak.

Forum to Look at RFS – CSIS will host an update on the U.S. Renewable Fuel Standard on Wednesday July 19th at 10:00 a.m. The event will feature Harvard's James Stock and our friend Kevin Book of ClearView, a Senior Associate of the CSIS Energy & National Security Program.

Cramer to Headline Forum on Innovation – Microsoft and the Center for Climate and Energy Solutions (C2ES) will hold a conversation on Wednesday July 19th looking at clean innovation and why it makes business sense. The discussion will bring together stakeholders from industry, government and civil society to discuss the business drivers for innovation in clean energy and low-carbon technologies across a broad range of industries. Keynoter will be Rep Kevin Cramer, while a panel lead by Bob Perciasepe, will explore the business drivers and challenges associated with clean innovation across multiple sectors and geographies. These issues include growing customer demand, competitiveness concerns, cost pressures, efficiency gains and enhanced performance.

Forum to Feature BP's Finley on Energy Report – The US Association for Energy Economics, National Capital Area Chapter (NCAC-USAEE) will host BP's Mark Finley for its July luncheon on Friday July 21st at the Chinatown Garden. Finley will present the just-released 2017 BP Statistical Review of World Energy.

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Grid Evolution Summit Set – The Grid Evolution Summit is set for July 25th through 27th at the Washington Hilton. The event, sponsored by the Smart Electric Power Alliance, will be a conversation of industry stakeholders that will determine how the electric sector evolves, modernizes the grid and better integrates distributed energy resources. Speakers will include Rep Paul Tonko, House Energy Committee Counsels Rick Kessler and Tom Hassenboehler, PSE&G Renewable VP Courtney McCormick, Xcel's Doug Benvento DOE's Eric Lightner, Maryland PSC Chair Kevin Hughes, Kit Carson Electric Co-op CEO Luis Reyes and Utility Dive Editor Gavin Bade.

-

CSIS to Look at NAFTA Energy Issues – On Wednesday July 26th at 10:00 a.m., CSIS will hold a forum on renegotiating NAFTA, looking at energy challenges and opportunities. The event will feature CSIS experts Dave Pumphrey and Scott Miller.

Community Solar Forum Set for Denver – The Coalition for Community Solar Access will host the first annual National Community Solar Summit in Denver on July 26 – 28. A few highlights for Denver include energy company CEOs including Tom Matzzie of CleanChoice Energy, Jesse Grossman of Soltage, Zaid Ashai of Nexamp, Rick Hunter of Microgrid Energy and Steph Spiers of Solstice. Other speakers include energy company leaders Hannah Masterjohn of Clean Energy Collective, Dan Hendrick of NRG Energy, Adam Altenhofen of US Bank, Adam Capage of 3 Degrees and Lori Singleton of Salt River Project.

FRANK MAISANO
Partner
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 7/18/2017 7:51:13 PM
Subject: July 18 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Liquefied Natural Gas Export Plans Face Years of Oversupply

Posted July 18, 2017, 7:01 A.M. ET

By Alan Kovski

Plans for exports of U.S. liquefied natural gas have multiplied as a global supply glut has developed, raising the prospect that some exporters may lose money for several years.

Analysts say the LNG surplus also increases the likelihood that some contracts could be renegotiated, some projects may be delayed long enough to get past the oversupply period, and some plans may never come to fruition at all.

Fast growth in worldwide LNG demand should eliminate the surplus in five or six years, so there can be good reason to delay projects and become part of a "second wave," analysts told Bloomberg BNA. But until then, markets—rather than lawmakers, regulators or activists—will pose obstacles to profitable exports.

"There are certainly going to be regrets," said Kenneth Grant, executive vice president of Compass Lexecon, a subsidiary of FTI Consulting Inc. "Margins are going to be squeezed for years."

Companies in the competition for LNG exports range from Exxon Mobil Corp. and Royal Dutch Shell Plc to relatively small outfits founded over the last decade with private equity backing.

About 70 percent of global LNG is consumed in Asia, where contract prices typically are indexed to spot crude oil prices. Currently that indexing produces Asian spot LNG prices of about $5.50 per million British thermal units (MMBtu). LNG from the U.S. for sale in Asia costs an estimated $8 to $9 per MMBtu, taking into account the costs of the gas, liquefaction, and transportation.

"Buying LNG at these prices is a guarantee of losing money," Fereidun Fesharaki, chairman of consulting company FGE, said while speaking recently at the Center for Strategic and International Studies, a think tank in Washington.

Market Pressures Felt

U.S. LNG is being exported only from the Sabine Pass facility of Cheniere Energy Inc. in Louisiana. The buyers and sellers using the plant are struggling with global prices well below their estimated

costs. GAIL (India) Ltd., one of the buyers, reportedly has been seeking to renegotiate its contract, although neither GAIL nor Cheniere has confirmed the reports.

GAIL, whose majority owner is the government of India, is not a small fish, but so far, Cheniere has indicated it has no intention of renegotiating anything.

The pressure for renegotiations may grow substantially, however, as top LNG traders like Shell see the growing risk of losses within their contract portfolios.

Fesharaki suggested some buyers, especially the national oil companies of some LNG-consuming countries, may walk away from contracts and trigger legal wrangling if they cannot renegotiate terms.

Cheniere, which started exporting in 2016, may be able to pass off most of its market risks to customers, but it has had its own financial strains, losing money in 2016. It turned a profit of $172 million in the first quarter of 2017, but its long-term debt amounted to $24 billion, a high level for such a specialized company with such a short track record in LNG.

Cheniere's contractual customers include GAIL, Shell, Korea Gas Corp., Total S.A., Spanish company Gas Natural Fenosa, and British utility Centrica Plc. Typically the companies will buy the gas and market the LNG themselves, although Cheniere also is willing to sell LNG overseas through its own marketing affiliate, giving it at least some of the market risk that its six big contractual customers take.

Challenge to Find Customers

Most companies planning to build U.S. LNG export plants need customers to sign 20-year contracts to give banks enough assurance of revenues to justify the loans for the projects. Projects currently under construction are proceeding because of 20-year contracts typically signed when LNG prices were much higher than they are now, before the slump in gas and oil prices that started in 2014.

The U.S. projects under construction are "tolling" arrangements, where the owner of the liquefaction plant provides the service but does not try to take an ownership stake in the LNG. Customers take the market risk.

Now, the challenge is to find customers willing to sign such contracts when everyone can see spot prices are not fully covering U.S. LNG costs. Big customers in Japan, South Korea, China and India have been the special prizes.

President Donald Trump has been talking of LNG sales as a way to improve the U.S. trade balances with China and South Korea and a way to provide Europeans with less reliance on Russian-pipelined natural gas. His remarks do not square with the market conditions, however.

Chinese companies are over-contracted, and Asian demand is so oversubscribed that the surplus has been going to Europe, Fesharaki said. LNG spot prices in Europe are lower than Asian prices, again raising the prospect of sales at a loss for the near term.

The glut shifts negotiating leverage to buyers, Grant at Compass Lexecon said. Buyers might ask for such things as shorter contract terms, fixed prices, and unlimited flexibility on shipping destinations, he said.

Looking farther ahead, Grant said LNG trading likely will shift as it matures to more flexibility in contracts and fewer tolling arrangements. "You can see where it's going," he said.

Much More Supply Soon

Six U.S. LNG export projects are under construction, with in-service target dates spread over 2017-2019, according to Energy Information Administration (EIA) data. The great majority of their capacity already is committed to 20-year contracts, typically take-or-pay contracts where the LNG buyer either takes the amount in the contract or pays an alternative fee to the owner of the liquefaction plant.

Global LNG trade has been running at 34.6 billion cubic feet a day (Bcfd) and growing at about 6 percent a year. The six U.S. projects under construction will add about 9.6 Bcfd of export capacity, said Victoria Zaretskaya, an EIA analyst.

That is a very large capacity addition during a period when Australia also will be expanding its exports, the projects helping to assure an expansion of the global market surplus, Zaretskaya said.

Fesharaki, looking at the global growth, said, "Between 2017 and 2020 we are increasing the global supply by 40 percent. [There is] no way we can increase the demand by 40 percent in three years."

Qatar, the world's largest LNG exporter, sent a tremor through the LNG market July 4 when it said it would increase its LNG exports by 30 percent in five to seven years through an expansion of its North Field natural gas production. Qatar Petroleum, with majority stakes in the nation's LNG export operations, has some big partners in those operations, including Exxon Mobil Corp., Royal Dutch Shell, and Total S.A.

The cost of producing natural gas at Qatar's North Field and liquefying it is $2 to $2.50 per MMBtu under current market conditions, Zaretskaya said. Such low-price competition means lower utilization rates should be expected for U.S. export facilities once the extra capacity comes online, she said.

"It's very hard to compete with Qatar."

Looking at the indexing of Asian LNG prices to crude oil, EIA estimates oil prices would have to climb to the $65-$70 range per barrel for U.S. LNG to be competitive in Asian spot markets, Zaretskaya said. Current prices are below $50 for the benchmark crudes West Texas Intermediate and Brent, though it is commonly expected that they will rise over time.

Prospects for Second Wave

Five U.S. LNG export projects have been approved by the Energy Department and the Federal Energy Regulatory Commission but are not yet at the construction stage, in part because they do not all have customers locked up. Other projects have been proposed but not yet approved.

The projects that have yet to see construction and win permits would form the second wave for U.S. LNG export facilities.

Magnolia LNG LLC, planned for the Lake Charles, La., area, is one of the projects approved but awaiting customer contracts and construction. It is a subsidiary of Liquefied Natural Gas Ltd.

The target for Magnolia LNG is to complete customer contract negotiations and reach a final investment decision by the end of 2018, Greg Vesey, CEO of the parent company and the subsidiary, told Bloomberg BNA.

Vesey's timing might allow most of the glut to pass before his LNG export plant goes into operation. It can take four years to build an LNG export plant, he said. If the construction were to start late in 2018, the plant might be completed around the end of 2022. Analysts have been suggesting the glut will fade by about 2023-2024, although their forecasts preceded the Qatar expansion announcement.

Still, there are quite a few developers aiming for a similar window of opportunity.

"I accept that it is tough competition," Vesey said.

Private Equity Prominent

Magnolia LNG, like many of the projects, has private equity as part of its financial backing. Private equity managers have been diving into energy infrastructure projects throughout the U.S. oil and gas sector.

Stonepeak Infrastructure Partners, a private equity firm, is a partner of Magnolia LNG. Such investment managers look to energy infrastructure investments for their relative long-term stability, Vesey said.

Long-term stability is especially valued by pension funds. IFM Investors Pty Ltd., an Australian investment group owned by pension funds, has invested in one of the projects under construction, Freeport LNG, in Texas. Global Infrastructure Partners, a private equity firm, also owns a piece of Freeport LNG.

Cheniere Energy's institutional investors include BlackRock Inc., The Vanguard Group Inc., The Goldman Sachs Group Inc., Carl Icahn, and hedge fund Baupost Group, among others. And Blackstone Group took a big ownership stake in Cheniere's Sabine Pass project through a Cheniere affiliate.

The developers with projects not yet approved will have trouble catching up because they will find that the Federal Energy Regulatory Commission does not hand out approvals easily even when the five-member commission has a quorum for making such decisions, which it does not now, Vesey said. It took almost three years to get Magnolia LNG through FERC.

West Coast Export Plan

Most of the U.S. export plans are for Gulf Coast sites, and two are for the East Coast. One prominent plan, still at an early stage of permitting at FERC, is for the West Coast—the Jordan Cove project that would ship to Asia from Coos Bay, Ore.

Jordan Cove Energy Project L.P., a subsidiary of Canadian energy infrastructure company Veresen Inc., would build the liquefaction plant and a 235-mile pipeline across Oregon from a gas pipeline hub. A basic selling point would be lower shipping costs and less time than sailing from the Gulf Coast through the Panama Canal to Asia.

FERC rejected the Jordan Cove plan in 2016 because the commission did not see customers solidly

lined up to justify pipeline approval. Now the "pre-filing" stage of the permitting process at FERC has been restarted for the project because 50 percent the liquefaction plant capacity and 66 percent of the pipeline capacity have been contracted.

The biggest buyers for Jordan Cove are JERA Co. Inc. and the Japanese trading giant Itochu Corp. JERA represents two Japanese utilities and is the world's largest buyer of LNG. Australian financial company Macquarie Group Ltd. also has contracted for part of the pipeline capacity through its Macquarie Energy LLC energy trading unit.

Much farther north is a Pacific Coast LNG export plant sitting idle and up for sale. The Kenai LNG plant at Nikiski, Alaska, was idled in 2015 by owner ConocoPhillips Co. and has not shipped anything since, though it is available to do so. ConocoPhillips halted its operations because of "market conditions," it said in 2016, after competing sources of LNG from Australia, Indonesia and elsewhere had surged into the Asian market.

Lining Things Up for FERC

Jordan Cove is talking with other potential buyers and intends to have 100 percent of its capacity under contract within a time frame that should make the project acceptable to FERC, company spokesman Michael Hinrichs said.

"We prefer not to have any more curve balls thrown at us," Hinrichs said, alluding to the company executives' surprise when FERC rejected their plan in 2016.

Fesharaki, though skeptical about projects that are not in construction, said the Jordan Cove project "maybe is still doable."

He was more definite about the Golden Pass project in Texas, with partners Exxon Mobil and Qatar Petroleum, a Qatari government-owned company. Golden Pass appears sure to go ahead because its partners have the money and appear determined to make it happen, Fesharaki said.

Grant at Compass Lexicon implied something similar, though he did not single out Golden Pass. He said the best bets would be the proposals that are well-capitalized and can make use of existing infrastructure. That would describe the Exxon Mobil and Qatar venture.

Canadian Projects in the Wings

There also has been a spate of proposals for LNG exports from Canada, but they have stalled in the face of the same problem of global oversupply.

LNG projects are not in construction in Canada now, although environmental cleanup as a first step in site preparation has begun at a British Columbia coastal site.

That is the location of the planned Woodfibre LNG project. It is owned by Pacific Oil & Gas Ltd., part of a Singapore-based group of companies. It is fully permitted, as are several other Canadian plans.

Woodfibre apparently would be the first Canadian LNG export project out of the gate, maybe with a startup as early as 2020, said Mark Pinney, manager of natural gas markets and transportation at the Canadian Association of Petroleum Producers. It would be an integrated operation, the gas bought and sold by Woodfibre-affiliated companies, not a tolling arrangement.

The biggest question is how robust LNG demand will be, Pinney said. The underlying demand growth has been tremendous, but there can be slowdowns, as happened in 2016 in Japan and South Korea, he said.

Like other analysts, Pinney agreed the glut should be over by 2024 or 2025. "Demand is going to catch up," he said.

James Henderson, director of the Natural Gas Program at the Oxford Institute for Energy Studies, put it tartly in an analysis issued in 2016. "The somewhat simplistic assumption that Asian markets would always obligingly provide consistently high LNG demand growth has become questionable," he said.

California Extends Carbon Trading Program Through 2030

Posted July 18, 2017, 8:48 A.M. ET

By Carolyn Whetzel

Legislation extending California's carbon trading program through 2030, squeaked by both state houses late July 17, secured in part by concessions to industry such as banning local agencies from regulating carbon emissions in certain business sectors.

The thin, super-majority votes to pass A.B. 398—28-12 in the Senate and 55-21 in the Assembly—also required passage of a separate bill, A.B. 617, to tackle localized emissions of harmful pollutants. In the end, eight Republicans and several moderate, business-friendly Democrats supported A.B. 398.

In addition to prohibiting local air agencies from regulating the carbon emissions of oil refineries, power plants, cement producers, and other entities in the program, the bill also provides allowance price caps and an exemption of sales and use taxes for electricity producers on certain new equipment and some construction related expenses. A.B. 398 also suspends a fire prevention fee on rural property owners long opposed by Republicans.

State law enacted last year requires California to reduce greenhouse gas emissions 40 percent below 1990 levels by 2030.

Hard-Fought Victory

Passage of A.B. 398 was a hard fought and important victory for Gov. Jerry Brown (D) who pressed lawmakers to preserve the five-year-old program set to expire in 2020.

"Tonight, California stood tall and once again, boldly confronted the existential threat of our time," Brown said in emailed statement. "Republicans and Democrats set aside their differences, came together and took courageous action. That's what good government looks like."

Brown, industry and business groups, and others believe the trading program is a critical, cost-effective tool in achieving the state's ambitious climate goals and maintaining California's role as a global climate leader.

The governor sought the two-thirds votes on A.B. 398 to help insulate the program from future legal challenges.

A.B. 398 continues the basic framework of the existing program, which sets a statewide annual limit on greenhouse gas emissions and requires the largest stationary sources of carbon emissions to the meet declining annual limits. To comply, covered entities must either install emissions controls to reduce emissions or purchase allowances, or permits.

However, the bill means covered entities must make do with fewer carbon offsets—credits for planting trees and reducing methane emissions. The number of available free allowances under the program will shrink overtime.

The companion air quality bill, A.B. 617, required only a simple majority for passage. Clearing the Senate on a 27-13 vote and Assembly 50-24, A.B. 617, boosts maximum penalties for air quality violations, requires state regulators to update the air toxics program, implementation of community plans to reduce emissions of ozone forming emissions and particulate pollution, and best available retrofit control technology at industrial facilities.

The California Business Roundtable, California Chamber of Commerce, California Manufacturers and Technology Association and dozens of other business and industry groups and labor organizations supported A.B. 398 and A.B. 617.

Large environmental groups including the Environmental Defense Fund and Natural Resources Defense Council supported the bills, but environmental justice and community groups lobbied against the bills, saying the concessions, like allowing the continued use of carbon offsets and free allowances, were unacceptable.

Fewer Nuclear Licenses to Force Layoffs at Nuclear Regulator

Posted July 18, 2017, 9:03 A.M. ET

By Rebecca Kern

Up to 20 administrative support workers at the Nuclear Regulatory Commission may lose their jobs as the agency seeks to cut its workforce to help make up for a funding shortfall resulting from fewer licensing applications, an NRC spokesman told Bloomberg BNA July 18.

The agency, which oversees the safety of U.S. nuclear reactors, has provided 120-day notices of a reduction-in-force to select employees in the Office of Administration, the Office of the Chief Human Capital Officer and the Office of Small Business and Civil Rights, according to a staff-wide email sent by NRC Executive Director of Operations Victor McCree July 12.

The agency is trying to reduce the number of employees that would be laid off to less than 20 by Nov. 6 through other measures such as attrition, the spokesman told Bloomberg BNA.

Funded in part by licensing fees, the agency has received fewer applications from companies to build nuclear reactors, which can cost more than $11 billion. They are struggling to compete in the wholesale energy markets against facilities fueled by low-cost natural gas.

The NRC also has limited its external hiring, offered three rounds of buy-outs to employees and has reassigned employees with potentially affected positions to higher priority work, McCree said in the email.

"Despite these actions, the estimated rate of voluntary attrition through the remainder of FY 2017 will not enable us to meet our FY 2018 workload needs," McCree wrote.

The agency worked with the National Treasury Employees Union ahead of the notifications to avoid the involuntary measures, McCree said in the email.

The NRC is also requesting further staff reductions in its fiscal 2018 budget proposal, which would cut 311 full-time-equivalent employees.

For the past several years, Congress has directed the NRC to reduce its budget and workforce due to fewer nuclear operators planning to build new reactors. NRC's budget has been under scrutiny since it increased staff in 2010 due to an expected influx of new reactor applications, which the agency didn't receive because applicants withdrew them for market reasons.

Clean Energy Is Trouncing Oil, Gas and Coal in Trump Era

Posted July 18, 2017, 9:22 A.M. ET

By Joe Ryan, Christopher Martin and Brian Eckhouse

President Donald Trump took office vowing to revive the coal industry's fortunes. So far, the smart money has been on clean energy.

An index of 40 publicly-traded solar companies, wind-turbine component makers and others that benefit from reduced fossil fuel consumption is up 20 percent this year. That's more than double the S&P 500's 9.8 percent gain. And better than the 8.3 percent rise by an index of leading coal companies.

The eco-friendly stock rally—which comes as oil and natural gas-focused shares have dipped—stems from a constellation of factors, including a Nevada law to boost rooftop solar, China's mass-transit policy and optimism that Elon Musk's Tesla Inc. might deliver its Model 3 sedan on time. In short, Trump's pro-fossil fuel agenda hasn't damaged investor support for clean energy.

"Nothing dreadful has happened, and these companies continue to execute," said Jenny Chase, Bloomberg New Energy Finance's lead solar analyst.

As clean-energy stocks climb, investors have pumped more money into wind and solar. U.S. investments totaled $14.7 billion during April, May and June, up 51 percent from the previous quarter to mark the highest level since 2015, according to Bloomberg New Energy Finance. European investments rose 10 percent, to $8.8 billion.

"We are seeing catalysts for these markets driven by the fact that people increasingly realize clean energy is more profitable than conventional energy," said David Richardson, an executive director at Impax Asset Management, which focuses on sustainability and has about $8.7 billion under management, up 32 percent this year.

Solar stocks are performing especially well under Trump. Sunrun Inc., the largest independent U.S. rooftop panel installer, is up 32 percent, closing July 17 at $7.01. That rally has been fueled in part by a Nevada law passed in June to make solar more affordable for the state's homeowners. Nevada gets more sunshine than almost anywhere in the nation, but it's been a dead-zone for solar since

regulators slashed rooftop panel subsidies in 2015. The new legislation largely restored those credits.

Solar manufacturers are rallying, too. First Solar Inc., the largest American panel maker, has gained 33 percent, to $42.72. Average panel prices, which plunged 35 percent last year, have begun to stabilize, falling just 8 percent since December, to 33 cents per watt. The market shift stems from solar developers aggressively stocking up on panels, fearing that a pending federal trade case could lead to tariffs on imported equipment.

"It created some tailwind for the manufacturers," said Sophie Karp, an analyst at Guggenheim Securities.

Some of the biggest clean-energy gainers include fuel cell manufacturers, which use liquid hydrogen to generate electricity through a chemical process that emits only water. While hydrogen-powered engines have been slow to catch on in cars—largely because of a lack of fueling stations—China has been pushing to use the technology in buses.

As Beijing has beefed up investments this year, fuel cell maker Hydrogenics Corp. has nearly doubled, to $8.70. Ballard Power Systems Inc. is up 73 percent, to $2.86.

Electric car maker Tesla is up 50 percent this year as the company has begun limited production of its Model 3 sedan, its cheapest vehicle yet. Musk says he expects production to reach 20,000 cars a month by December.

In the end, some of the clean-energy gains may be fleeting. The trade case that's driving up solar panel prices may ultimately lead to tariffs that analysts warn could slow overall demand. Fuel cell companies have a long history of ephemeral rallies. And Tesla's stock has been slipping since its June 23 peak after a troubling quarterly sales report and ongoing concern about its ability to mass produce. It closed down 2.5 percent July 17, at $319.57.

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German Diesel Makers Get Reprieve as Home States Reject Bans

Posted July 18, 2017, 10:13 A.M. ET

By Elisabeth Behrmann and Birgit Jennen

Diesel engines received a reprieve in Germany after the home states of BMW AG, Daimler AG and Audi signaled they'd allow upgrades of older motors instead of supporting driving bans that some cities are pushing to cut air pollution.

The state government of Bavaria—where BMW and Audi are based—said July 18 that it agreed to a voluntary recall with carmakers in an effort to avoid bans of diesel-powered vehicles in its cities, of which Munich is the biggest. Baden-Wuerttemberg, home to Mercedes-Benz parent Daimler, indicated it would be open to a similar solution.

Auto manufacturers have been lobbying against the prohibitions and offered to pay for the fixes, which could affect as many as 13 million vehicles. Weighing in with their own views are state and federal authorities, as well as German courts.

Germany is wrestling over the future of diesel autos, with possible driving bans in some localities clashing with an industry that employs tens of thousands to produce vehicles that use the technology. While states appear willing to strike deals that allow carmakers to upgrade older models, city governments and courts are likely to continue pushing back and seek bans.

Efforts by Munich, where BMW is based, and Daimler's hometown of Stuttgart come as some urban areas fail European Union air-quality standards and local governments worry about the impact of cancer-causing nitrogen oxide—of which diesel cars are a major source—on the health of their residents. The technology has been under fire especially since Volkswagen AG's emissions cheating became public almost two years ago, a scandal that's also enmeshed its Audi luxury-auto brand.

Of several municipalities that have deliberated on introducing restrictions, the northern German city of Hamburg is the only one that has succeeded in prohibiting older diesel cars from certain streets.

In France, the government has gone a step farther, outlining plans two weeks ago to end the sale of gasoline- and diesel-powered vehicles by 2040 in a bid to become a carbon-neutral nation.

Diesel bans threaten to upend an industry already challenged by the costs of developing electric vehicles. BMW Chief Executive Officer Harald Krueger contends the shift to cleaner cars isn't possible without keeping the fuel, which burns more efficiently than gasoline, as part of an interim step before combustion motors are eliminated.

In particular, diesel technology plays a major role in Germany, where the models accounted for about 46 percent of sales last year. It also supports thousands of jobs. At Robert Bosch GmbH, the world's biggest car-parts supplier, about 50,000 positions are linked to diesel, with many more employed at Volkswagen and other auto producers.

With a federal election just over two months away, German Transport Minister Alexander Dobrindt has come out against vehicle bans, saying they're an ineffective tool for reducing pollution. Dobrindt has organized a gathering of government and industry executives on Aug. 2 to consider options for updating older diesels.

Political Solutions

"Driving bans can only be a means of last resort because they limit the mobility of people," Hubertus Heil—general secretary of the Social Democrats, Chancellor Angela Merkel's junior coalition partner—said July 17 in Berlin. "The solution must be to organize mobility in Germany in another way. So it is good that all parties involved sit down together and develop a concept for the future."

Even as politicians get behind car fixes, there's the risk of judicially-ordered restrictions. On Wednesday, Stuttgart's administrative court will hold a public hearing on a complaint seeking to ban all diesel cars from driving into the city, which is Baden-Wuerttemberg's capital. Stuttgart, built in a valley, has for many years failed air pollution tests. In Munich, a court compelled the city in March to prepare diesel bans to bring down levels of nitrogen oxide.

Last year, the federal Transport Ministry prodded manufacturers including VW, Audi and Mercedes-Benz to recall 630,000 cars that pushed the limits of emissions regulations. Industry leaders contend that the 13 million-car estimate for new fixes is too high.

How that would work and who will pay for it will be discussed at the task force meeting on Aug. 2. BMW and Audi said last month more than 50 percent of their diesel cars that meet Euro-5 emissions

standards could be upgraded, and on Tuesday, Bavaria said the carmakers had agreed to bear the cost of the recalls.

"We see good prospects to find a federal solution to upgrade Euro-5 diesel cars," said Michael Rebstock, a BMW spokesman.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Thur 7/27/2017 6:17:49 PM
Subject: Murkowski pledges to work with Trump on healthcare, sidesteps details of Zinke call

By Ben Lefebvre

07/27/2017 02:12 PM EDT

Sen. Lisa Murkowski (R-Alaska) said she will continue to work with President Donald Trump on health care reform but did not address reports that Interior Secretary Ryan Zinke threatened projects in her home state in a public statement today.

"While I have disagreed with the Senate process so far, the President and I agree that the status quo with health care in our country is not acceptable and that reforms must be made," Murkowski said in a prepared statement. "I continue working to find the best path for what I believe will achieve that — a committee process where we can work issues in the open and ensure Alaskans have the health care choices they want, the affordability they need, and the quality of care they deserve."

Murkowski confirmed to reporters in the Capitol today that Zinke called her Wednesday, but she did not elaborate on their conversation. She also told E&E News earlier today that Trump had called her Tuesday after she voted against proceeding to legislation to repeal Obamacare.

Murkowski and fellow Alaska Republican Senator Dan Sullivan received calls Wednesday warning them that the administration's support for public lands or energy projects may dwindle after Murkowski's vote Tuesday against taking up a bill to repeal Obamacare. Interior has wide sway over Alaskan energy project because nearly two-thirds of the state consists of federal property. The Alaska Dispatch News first reported the calls.

House Democrats are calling for an investigation into the call Zinke made to the Alaskan senators.

John Bresnahan contributed to this report.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/07/murkowski-pledges-to-work-with-trump-on-healthcare-sidesteps-details-of-zinke-call-091189

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 7/12/2017 12:21:07 PM
Subject: July 12 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

July 12, 2017 - Number 132

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

FOOD SAFETY
New Animal Drug Applications/Withdrawal of Approval
FOOD SAFETY

Notice of the FDA announces the withdrawal of approval of two new animal drug applications for bulk dihydrostreptomycin sulfate (NADA 065-291) and bulk streptomycin sulfate (NADA 065-324). The actions are taken at the request of the sponsor, Zoetis Inc., of Kalamazoo, Mich., because the products are no longer manufactured or marketed. The withdrawals are effective July 24, 2017. Contact: Sujaya Dessai; FDA, Center for Veterinary Medicine; 240-402-5761; sujaya.dessai@fda.hhs.gov. Citations: 21 CFR 514.116

82 FR 32188 (07/12/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Controlled Substances/Removal of Naldemedine
GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Drug Enforcement Administration would remove the opium alkaloid derivative naldemedine and its salts from Schedule II of the Controlled Substances Act. The rule is issued in response to a request by new drug application sponsor, Shionogi Inc., of Florham Park, N.J. The FDA has approved naldemedine for marketing under the trade name Symproic® (0.2 mg tablets) for the treatment of opioid-induced constipation in adults with chronic noncancer pain and has determined that it is unlikely the substance possesses abuse-related indications. Comments and hearing requests are due Aug. 11, 2017. Contact: Michael Lewis; DEA, Diversion Control Division; 202-598-6812. Citations: 21 CFR 1308.12

82 FR 32153 (07/12/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Vermont/Highgate Transmission Interconnection

GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department announces the receipt of an application from Vermont Electric Power Co., of Rutland, Vt., to amend a presidential permit (PP-82) regarding ownership of the Highgate Transmission Interconnection Facility. The amendment specifies that Vermont Transco LLC will acquire 87.03 percent of the ownership interest in the facility, and Stowe Electric Department will acquire 5.27 percent of the ownership. In addition, Burlington Electric Department will remain a joint owner with 7.7 percent interest. Comments or motions to intervene are due Aug. 11, 2017. Contact: Christopher Lawrence; DOE; 202-586-5260; Christopher.Lawrence@hq.doe.gov

82 FR 32182 (07/12/2017)

Regulatory Update

RADIATION

Advisory Committee on the Medical Uses of Isotopes Meeting

RADIATION

Notice of the NRC announces a meeting of the Advisory Committee on the Medical Uses of Isotopes. The agenda includes updates on medical-related events, licensing guidance for yttrium-90 microsphere brachytherapy, category 3 source security and accountability evaluation initiatives, and the patient release project. The committee also will discuss medical event reporting and its impact on safety culture; training and experience requirements for authorized individuals; nursing mother guidelines for exposure to diagnostic and therapeutic radiopharmaceuticals; and the physical presence requirements for the Leksell Gamma Knife® Icon™. The meeting is scheduled for Sept. 11-12, 2017, in Rockville, Md., and via webcast. Comments are due Sept. 6, 2017. Contact: Sophie Holiday; NRC; 301-415-7865; sophie.holiday@nrc.gov. Citation: 10 CFR 35

82 FR 32207 (07/12/2017)

Regulatory Update

WATER

Addressing Cyber Risks at Maritime Transportation Security Act Regulated Facilities

WATER

Notice of the U.S. Coast Guard announces the availability of the draft Navigation and Inspection Circular (05-17) guidance for addressing cyber risks at Maritime Transportation Security Act regulated facilities. The document clarifies existing requirements under the MTSA to incorporate analysis of computer and cyber risks and provides guidance for addressing those risks. The document also addresses incorporation of cybersecurity risks into an effective facility security assessment and policies and procedures that may reduce cyber risk to operators of maritime facilities. The document may be used as a benchmark to develop and implement measures and activities for effective self-governance of cyber risks. Comments are due Sept. 11, 2017. Contact: Jason Warren; USCG; 202-372-1106; Jason.S.Warren@uscg.mil

82 FR 32189 (07/12/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 7/7/2017 5:31:40 PM
Subject: BREAKING NEWS: Trump and Putin had 'robust' exchange about election interference, Tillerson says

President Donald Trump and Russian President Vladimir Putin has a "very robust and lengthy exchange" about interference in the U.S. election, Secretary of State Rex Tillerson told reporters on Friday.

Trump and Putin met for more than two hours during the G-20 summit in Hamburg, Germany, earlier in the day.

Read more: http://politi.co/2txirAn

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 6/16/2017 12:58:52 AM
Subject: BREAKING NEWS: Hospital: Scalise improving but still in critical condition

House Majority Whip Steve Scalise, the Louisiana Republican shot during a congressional baseball practice Wednesday, is doing better but remains in critical condition and will be hospitalized for an extended period of time, according to a statement from his doctors.

MedStar Washington Hospital Center said in a statement Thursday evening that Scalise underwent another surgery "related to his internal injuries and a broken bone in his leg."

"He remains in critical condition, but has improved in the last 24 hours," the statement said. "The Congressman will require additional operations, and will be in the hospital for some time. At the request of the family, we will continue to provide periodic updates."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 11/2/2017 9:42:22 AM
Subject: Morning Energy: First skirmish of latest ANWR kicks off — FERC's Powelson talks grid resiliency proposal — EPW schedules Wheeler, White confirmation hearing

By Anthony Adragna | 11/02/2017 05:40 AM EDT

With help from Tim Starks

KICKSTARTING ANWR OF WORDS: Senate Energy Chairman Lisa Murkowski launches the latest push to open the Arctic National Wildlife Refuge to oil and gas drilling today with a mega three-panel hearing on the topic. Tasked with raising $1 billion over the next decade through budgetary instructions, Murkowski's panel is expected to move forward quickly with legislation that would remove restrictions on drilling in ANWR or other currently off-limits areas.

Who's testifying? The first panel includes Alaskans Sen. Dan Sullivan, Gov. Bill Walker and Rep. Don Young . After that, lawmakers will hear from Lt. Gov. Byron Mallott; Greg Sheehan, acting director of the Fish & Wildlife Service and two other Alaskan officials. And the third panel includes various other interested groups, ranging from representatives of the Wilderness Society to the Arctic Slope Regional Corporation. "I want to make sure that the debate finally catches up with the technology and the high standards that exist in Alaska," Sullivan said, adding critics of ANWR drilling have been using the same "stale, old talking points" for 40 years.

What will opponents say? Led by ranking member Maria Cantwell , critics of ANWR drilling are likely to argue the low price of oil makes raising $1 billion from opening the area unlikely and that the industry has been lukewarm about Arctic exploration. "They're in a hurry for something that the industry hasn't been excited about," she told reporters. "In 50 years, she and I — even though we've worked together as good colleagues — are going to be dead and the only thing that's going to matter is whether we've preserved a place as unique as this." Sullivan, for his part, scoffs at the idea there isn't interest in drilling: "There's plenty of interest. I know that." Cantwell asked Interior Secretary Ryan Zinke in a letter Wednesday to clarify his position on ANWR drilling. She said a markup of legislation is expected next week.

What about the House? The House Natural Resources Committee, which faces the same $1 billion revenue instructions as its Senate counterpart, is also likely to look at ANWR, Chairman Rob Bishop told ME. "ANWR by itself could give us the revenue numbers that we need," he said. "Whether we do anything more than that, I don't know." As a side note, ME saw Bishop and Ways and Means Chairman Kevin Brady energetically chatting at length on the floor during votes Wednesday.

WE'RE LEAPING INTO THURSDAY! I'm your host Anthony Adragna, and Strategies 360's Matt Gall identified Sens. Debbie Stabenow and James Lankford, as well as Rep. Joe Kennedy, as Congress' red heads. For today (a stretch question): There are eight current senators who served as attorneys general in their states. Name them. Send your tips, energy gossip and comments to aadragna@politico.com , or follow us on Twitter @AnthonyAdragna,

@Morning_Energy, and @POLITICOPro.

HE'S GOT THE... POWELSON: Rob Powelson, who joined FERC this summer, said the country's at an "inflection point" for the future of the electricity markets, and called for patience as his agency works through Energy Secretary Rick Perry's controversial grid proposal on top of other tough discussions about state energy policies. "There are a lot of moving parts to this conversation. I don't mind that there's a little bit of impatience," he tells Pro's Darius Dixon in an interview. "This is an issue that has been elevated in the conversation of energy policy. I've been very direct in my position in support for markets."

States' rights guy? Powelson said it's not his job to stand in the way of states seeking to address carbon through mechanisms like the Regional Greenhouse Gas Initiative and California's cap and trade model. "If states want to want to value carbon, they should be able to do it," he said. "States have said, 'Look, in lieu of a hard price on carbon on the national level, there are mechanisms for valuing it.' And it's not my job to tell those states you can't do that."

Blame for 'polar vortex': He chaired the Pennsylvania utility commission during Hurricane Sandy in 2012 and the 2014 "polar vortex," but Powelson isn't buying DOE's line questioning the reliability of natural gas during that cold snap. "There were enough sins in there that everybody had some responsibility," he said.

Oh, and hey Congress: Powelson called for people to be patient as he and Chairman Neil Chatterjee learn the ins and outs of their new roles, but he subtly jabbed Congress for its inaction on two other FERC nominations. "If I could stress one thing, I need everybody in this town to remain calm, understand that the FERC is working hard around these issues," he told Darius. "[But] it'd be nice to have two other colleagues to be part of this conversation."

TWO MORE GET EPW HEARING: The Senate Environment and Public Works Committee plans to hold a hearing Nov. 8 on the nominations of Kathleen Hartnett White to run the White House Council on Environmental Quality and Andrew Wheeler's bid to be EPA deputy administrator, your ME host reports. That comes as Pro's Alex Guillén got his hands on White's financial disclosure form which shows she owns four oil leases but appears to give away most of the income from them.

TWO HURRICANE HEARINGS ON TAP TODAY: The House Transportation Committee gets top billing for hurricane-related hearings today as it convenes top officials from FEMA, the Coast Guard, the Army Corp of Engineers and EPA to discuss "initial lessons learned from the 2017 hurricanes, and identify key challenges and obstacles that may remain in the way of recovery." Lawmakers from affected communities in Florida, Texas, the U.S. Virgin Islands and Puerto Rico will also appear.

Meanwhile, the House Energy and Commerce Energy Subcommittee meets at the same time with Army Corps, Energy, GAO, state and industry officials to discuss energy infrastructure response and recovery efforts. Look for questions about the $300 million Whitefish Energy contract, the slow Puerto Rico recovery and ongoing disaster relief funding requests to dominate the discussion. ME would also look for lawmakers from both parties to discuss the need for

increased consideration of infrastructure resiliency when building (without mention of climate change among Republicans).

More questions for FEMA: Bipartisan House Energy and Commerce leaders sent a letter to FEMA Director Brock Long seeking information about what role his agency has played in repairing the Puerto Rican grid to date. "It would appear that the Agency, until now, was not involved in one of the most significant decisions in the effort to rebuild Puerto Rico's electrical grid," they write. "Efforts by the governor of Puerto Rico and PREPA to cancel the contract with Whitefish underscored the need for federal leadership and strategic coordination of the effort to restore Puerto Rico's electric system."

Today: Senior House Democrats, including Minority Leader Nancy Pelosi and Minority Whip Steny Hoyer, hold an event "in solidarity with the people of Puerto Rico and the U.S. Virgin Islands" on the House East Front Steps at 10 a.m.

Key meetings: Gov. Ricardo Rosselló's rather eclectic set of meetings in Washington on Wednesday included Rep. Sean Patrick Maloney, Sens. Roger Wicker, Orrin Hatch and Tom Carper, Bishop and acting Homeland Security Chief Elaine Duke.

PICTURE THIS SCENE: While riding in a bus up a mountainside over the weekend in Puerto Rico, Bishop took a "very positive" call from Trump about national monuments. Though he said Trump provided few specific details, Bishop said the president vowed to announce his final decision on whether to shrink a host of national monuments "very soon" and spoke positively about Interior Secretary Ryan Zinke's recommendations. And, Bishop said, Trump "basically agreed with us that [the Antiquities Act] has been abused and needs modification."

Oregonians fault report: Sens. Ron Wyden and Jeff Merkley sent White House Chief of Staff John Kelly a letter expressing concern about "numerous factual errors" in Zinke's report that they worry contributed to recommended diminished protections for the Cascade-Siskiyou National Monument.

Won't prejudge Whitefish cancellation: It's too soon to know whether Puerto Rico's decision to pull the plug on Whitefish Energy's $300 million contract to rebuild the island's grid was the right call or not, Bishop told ME. "There's still strange things about it, but there has to be some reasons they did it in the first place," he said. "Procedure is obviously pretty bad because there were so many questions and transparency was not there. But whether ultimately, I don't have enough information [yet]." Natural Resources intends to continue looking into the matter.

ME TOO! Sen. Jeff Flake has also placed a hold on Bill Northey's nomination for a USDA undersecretary post in an effort to land a White House meeting over the Renewable Fuel Standard, his office says.

FOREST MANAGEMENT EFFORT PASSES: House lawmakers cleared legislation on Wednesday that backers say will address fire-borrowing, streamline environmental review processes and minimize litigation related to the U.S. Forest Service and Bureau of Land Management. The vote was 232 to 188. Critics say the measure, H.R. 2936 (115), would

undermine endangered species protections and impede the ability of agencies to respond to wildfires.

Meanwhile, ten Senate Democrats asked Trump and Senate leaders to include funding for wildfire disaster response in the next disaster aid package.

CRAMER: TRUMP URGED SENATE RUN: North Dakota Rep. Kevin Cramer told a radio host Wednesday that Trump called him during dinner on Halloween and "strongly, strongly encouraged" him to run against Sen. Heidi Heitkamp next year. Cramer said he'd make a decision "after we get tax reform done." Clip, flagged by American Bridge, here.

MAIL CALL! HOUSE LAWMAKERS HIT BACK ON RFS: Sixty-four House lawmakers, led by Republican Bob Goodlatte and Democrat Peter Welch, slammed the RFS in a letter to Pruitt as "a well-intentioned but deeply flawed policy that has negatively impacted families and businesses" around the country. They urged EPA to factor in its "significant pitfalls and costs" in future regulatory actions.

UPTON: ENBRIDGE'S RESPONSE 'ABSOLUTELY UNACCEPTABLE': Rep. Fred Upton sent a letter to Enbridge Wednesday seeking documents and a meeting with a top official concerning when the company knew of damage to Line 5 pipeline under the Straits of Mackinac. "Although Enbridge has stated that the safety of the pipeline was not compromised by the loss in coating, it is absolutely unacceptable that the people of Michigan were kept in the dark about this issue for three years," he wrote.

WHATCHA GONNA DO? Nine Senate Democrats wrote Commerce Secretary Wilbur Ross on Wednesday asking for information on what the administration plans to do with two major climate change reports — the Climate Science Special Report and the final National Climate Assessment — expected to be released in the coming days.

TAKE A GLANCE! LET'S GET RESILIENT: Joint Economic Committee Democrats released a report Wednesday arguing the federal government must adapt how it rebuilds following natural disasters to be more resilient and that every dollar spent on disaster preparedness provides almost $4 in future benefits. Take a glance here.

NOT RIGHT AROUND THE CORNER: Southern Co. CEO Tom Fanning said Wednesday increased federal loan guarantees for the Vogtle nuclear power project in Georgia won't be finalized before next spring, Pro's Darius Dixon reports. "Final issuance of the additional loan guarantee is subject to the satisfaction of a number of conditions and is not expected to occur prior to the end of the first quarter of 2018," Fanning said on the company's quarterly earnings call.

FORMER EPA OFFICIAL: PRUITT POSES 'DIRE AND FUNDAMENTAL' THREAT: Former EPA Deputy Administrator Bob Sussman argues in the latest issue of Environmental Law Reporter that Pruitt poses an existential threat to the agency. "EPA's ability to maintain core protections and respond to new threats—the bread and butter of EPA's mission—is rapidly eroding and may suffer irretrievable damage if Pruitt's policies continue," he wrote.

FERC HIT BY CYBERSECURITY ATTACK: The inspector general of FERC said that a "recent security incident involving [FERC's] unclassified cybersecurity program" pointed to the need to better implement certain cyber defenses, without providing specifics about the incident. "We are concerned that certain controls may not have been in place that could have potentially prevented the incident," the IG's office said. Read the report here.

NOT PLEASED: Billionaire environmentalist Tom Steyer's $10 million campaign to impeach Trump isn't sitting well with House Minority Leader Nancy Pelosi who reached out to tell him the effort is a distraction, POLITICO's Heather Caygle reports. Other Democrats agree with her view that the party should focus on showing it can govern. "I certainly don't think that that's a helpful effort," Rep. Ro Khanna said of Steyer's campaign.

TAKE A GLANCE: The U.S. Chamber's Global Energy Institute released a series of videos showcasing the energy industry's response to the recent string of hurricanes.

QUICK HITS

— First coal bankruptcy of Trump era. CNN Money.

— New testimony alleges Gov. Snyder lied under oath about lead in Flint water. WXYZ Detroit.

— Trump pick Sam Clovis blasted schools for 'indoctrinating' students with ideas like 'environmentalism' and 'racism.' CNN.

— Sweden Pays for Trump Whistle-Blower to Attend UN Climate Talks. Bloomberg.

— East Chicago residents file lawsuit over contamination. Chicago Tribune.

— West Virginia again approves Mountain Valley Pipeline. AP.

— Top Chamber of Commerce regulatory official to retire. Axios.

HAPPENING TODAY

9:00 a.m. — "Coastal Restoration: Will we know it when we see it?"Abt Associates, Newseum, 555 Pennsylvania Ave NW

9:30 a.m. — "Full Committee Hearing to Receive Testimony on the Potential for Oil and Gas Exploration in the 1002 Area," Senate Energy and Natural Resources Committee, Dirksen 366

10:00 a.m. — "The 2017 Hurricane Season: A Review of Emergency Response and Energy Infrastructure Recovery Efforts," House Energy and Commerce Energy Subcommittee, Rayburn 2123

10:00 a.m. — "Emergency Response and Recovery: Central Takeaways from the Unprecedented

2017 Hurricane Season," House Transportation and Infrastructure Committee, Rayburn 2167

10:00 a.m. — Legislative hearing on trio of water bills, House Natural Resources Water, Power and Oceans Subcommittee, Longworth 1324

6:00 p.m. — Senator Sheldon Whitehouse speaks at American University on environmental policy, Atrium, School of International Service, American University, 3400 Nebraska Ave. NW.

7:00 p.m. — Sen. Al Franken keynotes "Our Country, Our Courts" event, Newseum Knight Conference Center, 555 Pennsylvania Ave. NW

THAT'S ALL FOR ME!

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/11/first-skirmish-of-latest-anwr-kicks-off-025343

Stories from POLITICO Pro

POLITICO Pro Q&A: FERC Commissioner Rob Powelson Back

By Darius Dixon | 11/02/2017 05:00 AM EDT

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A Republican with a more than eight-year tenure as a Pennsylvania energy regulator, Powelson made headlines recently for saying that he didn't join FERC "to go blow up the markets" after Energy Secretary Rick Perry unveiled a controversial grid proposal aimed at propping up coal-fired and nuclear generation.

His five years as chairman of the state commission included Hurricane Sandy in 2012, and the 2014 "polar vortex" — an event Perry often cites to justify his proposed rule. But where the Energy Department's plan chides the reliability of natural gas during that cold snap, Powelson said "there were enough sins in there that everybody had some responsibility" and that grid operators are adapting to the "new normals of weather."

We're at an "inflection point" for the future of the electricity markets, Powelson told POLITICO in a recent interview. He said he wouldn't stand in the way of states that want to do more to address climate change — "If states want to want to value carbon, they should be able to do it" — but he urged patience from everyone waiting for FERC action on pricing reform and state policies.

This interview has been edited for length and clarity.

Your home state is a big chunk of the PJM market. But last week Pennsylvania's state

legislature approved a resolution supporting the DOE proposal while the utility regulator called the plan "unwieldy, untimely and impractical."

As I often said in my prior life: God forbid the legislature has to make a decision that the PUCs have to make — raise rates, fine companies, revoke licenses. That's why you have independent agencies like FERC and state public utilities commissions that have to do economic regulation and safety regulation.

I think there are forces at play that wanted to put that marker out. When you peel it back, I think now back in Pennsylvania, as of Friday, there's 500 trillion cubic feet of natural gas under the ground. If you're the Marcellus Shale Coalition, you're like "What happened to us in this discussion?"

The legislature put a marker down ... but at the end of the day, the resolution is not binding. It's not an act of law.

Pennsylvania is among the states that may consider out-of-market policies to help nuclear. So, what keeps you up at night more — addressing state subsidies or the pricing issues?

I'm a states' rights advocate, but there are two things that drive what we do here. There's the Federal Power Act, and there's the Natural Gas Act. FERC Order 888 created this wholesale construct in the market. In the mid-2000s, probably 26 or so states ... did [renewable portfolio standards]. Republican states, Democratic states — those RPSs have driven strong investments in renewables. ... Pennsylvania, and other states, are [asking], "Do we embed in the RPS a nuclear standard?" Some are doing that after the fact.

And then there are some who have said these RPSs have caused a distortion in the market as we get to grid parity and we get more scale of renewables and the impact that that's having. ... These state policies obviously drove an outcome. Today, an unintended consequence is that some people say these states have not valued nuclear.

There are a lot of moving parts. To FERC's credit, we look at the markets and how they're functioning and how we value things like resiliency, and how we keep markets functioning. That's what I'm looking at. This is an inflection point. No doubt about it.

For you, is anything other plant retirements driving market policy changes?

If there is a deep concern about grid resiliency, and we can use events like the polar vortex, the recent hurricanes, and we can use derechos — these new weather events, the new normals of weather. The RTOs are saying, "Look, the velocity of these storms and the impact they have on the generation fleet, we think, yeah, we should do a deeper dive and value resilient resources." On the flip side to that is you've had states that have looked at things like microgrids, and they're doing grid resiliency.

The polar vortex was alarming in the sense you had a 24 percent forced outage rate. There were enough sins in there that everybody had some responsibility. But then you go to the next year,

February of 2015, on another very bad cold snap there wasn't a 24 percent forced outage rate and the system performed. Right after 2014, PJM put forth the construct of capacity performance. And, by the way, we're not 100 percent into the capacity performance [process]. We have another auction of capacity performance results and then we're fully into a fully integrated CP. I personally want to see where we stand there. That's a longer term view. I want to see how capacity performance is working and ... how it deals with reliability.

Why isn't there an agreed upon set of facts around the polar vortex?

Capacity performance was a direct outcry of the polar vortex. ... I was told, as chairman, that capacity performance would provide the needed uplift compensation metrics to deal with these types of events going forward — meaning that these baseload resources will be adequately compensated by this.

In your mind, has that turned out to be true?

I'm still waiting. When we get to 100 percent, I think we'll have a story to tell.

You've crossed paths with Perry a couple of times since the proposal came out. Have you made your views clear to him?

To his credit, he's looking at this issue in terms of — as the head of DOE — reliability, resiliency. He's looking at the sustainability of these markets.

There are a lot of moving parts to this conversation. I don't mind that there's a little bit of impatience. Chairman [Neil] Chatterjee and I are the new FERC guys. I get it. This is an issue that has been elevated in the conversation of energy policy. I've been very direct in my position in support for markets.

Commissioner Cheryl LaFleur has often talked about the "doors" to how that conflicts with states gets resolved: planned re-regulation, unplanned re-regulation, litigation and/or some kind of harmonization.

The state policy changes are ongoing with us. ... Personally, I'd like to see us get our hands around that conversation. If states want to want to value carbon, they should be able to do it. They've done it with things like the [Regional Greenhouse Gas Initiative]. California has a cap and trade model. States have said, "Look, in lieu of a hard price on carbon on the national level, there are mechanisms for valuing it." And it's not my job to tell those states you can't do that.

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I don't think so. What we're saying is that if you're going to design constructs, you better make sure they adhere to certain market principles. Trying to answer your question, yes, post-technical conference, there's a genuine commitment to handle the state piece. There are a couple of options, but I'll be straight up with you, I can't get into where they would go.

FERC's authority over the RTOs is fairly absolute. Can you see any scenario where FERC overrides the RTOs and the states to impose something akin to what Perry has proposed?

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I'm trying to be patient here and seeing where we go internally with staff recommendations.

How do you view your role with FERC after eight-plus years at the state-level?

My biggest takeaway is that I respect the independence of FERC. I worked for three governors.

What's very important to me is maintaining the independence of this agency because the people that work here look for that kind of guidance. In my view, not that there's been issues in my short tenure here, but it's important that you maintain that. The same could've said under the Obama administration. Our engagement with the states is now, more than ever, so critical.

Some have argued that it's been the imperialistic FERC, at times — that we've been very top-down.

The DOE NOPR hasn't necessarily helped improve the image of FERC's independence.

The NOPR, based on my cursory review of the state comments — and we're doing forecasting — have been 98 percent against. Obviously, this is a big issue. It's an inflection point for the FERC.

You've said this is an inflection point a few times.

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By Darius Dixon | 11/02/2017 05:00 AM EDT

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Senate EPW to take up White, Wheeler nominations next week Back

By Anthony Adragna | 11/01/2017 05:48 PM EDT

The Senate Environment and Public Works Committee plans to hold a confirmation hearing on Nov. 8 regarding Kathleen Hartnett White's nomination to run the White House Council on Environmental Quality.

In addition, the panel plans to consider Andrew Wheeler's selection to serve as EPA deputy administrator on the same day.

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CEQ nominee owns four oil leases Back

By Alex Guillén | 11/01/2017 05:35 PM EDT

Kathleen Hartnett White, the Texas Public Policy Foundation fellow nominated to run the White House Council on Environmental Quality, owns four oil leases, though she appears to give away most of the income.

One of those properties, in Sugarland, Texas, is leased to CVR, the refiner owned by billionaire investor and President Donald Trump backer Carl Icahn, according to White's financial disclosure. It generated between $201 and $1,000 for White since the beginning of 2016,

according to the form. The other leases provided income between $201 and $5,000 over that period, according to the form, which requires her to report only a range.

However, it is not clear how much of that money White kept. The form indicates that she gifted the interest generated by all four leases to a nephew, but that the leases "generated a small amount of income" over the reporting period.

White's husband reported significant ranch and cattle holdings in Texas via stakes in two different family trusts. In addition to her work at TPPF, White sat on the Texas Emissions Reduction Plan Advisory Board, which was disbanded on Sept. 1. She also reported part ownership of a Jack Russell Terrier breeding business in Texas.

Although White was announced White's nomination on Oct. 13, she appears to have been waiting in the wings for some time before that. White's signature on the financial disclosure is dated Aug. 2.

WHAT'S NEXT: The Senate Environment and Public Works Committee has not yet announced a hearing on White.

To view online click here.

Back

Southern CEO: DOE loan guarantees won't be final till next spring Back

By Darius Dixon | 11/01/2017 04:39 PM EDT

The Energy Department's decision to increase federal loan guarantees for the Vogtle nuclear power project in Georgia isn't expected to be finalized before next spring, Southern Co. CEO Tom Fanning said today.

DOE announced in late September that it had conditionally approved a $3.7 billion loan guarantee increase for the project on top of the $8.33 billion previously authorized by the Obama administration. But DOE's action to cement that decision is still at least four months away.

"Final issuance of the additional loan guarantee is subject to the satisfaction of a number of conditions and is not expected to occur prior to the end of the first quarter of 2018," Fanning said on the company's quarterly earnings call.

Obama's Energy Department originally approved Vogtle project loan guarantees totaling $3.4 billion to Southern Co.'s Georgia Power, $3.1 billion to Oglethorpe Power and $1.8 billion to the Municipal Electric Authority of Georgia. Energy Secretary Rick Perry is primed to offer an additional $1.67 billion to Georgia Power, $1.6 billion to Oglethorpe and $415 million to MEAG.

WHAT'S NEXT: The Georgia Public Service Commission is scheduled to begin hearings on Nov. 6 to discuss the Vogtle project.

To view online click here.

Back

Pelosi moves to muzzle Trump impeachment talk Back

By Heather Caygle | 11/01/2017 01:02 PM EDT

House Minority Leader Nancy Pelosi offered a forced smile recently when asked on MSNBC about a Tom Steyer-sponsored ad that calls for President Donald Trump's impeachment.

"That's a great ad," Pelosi said twice, before rushing to plug the Democrats' Better Deal economic agenda as the TV hit wrapped up.

Pelosi played it off, but privately she was peeved. She told lawmakers at a Democratic leadership meeting soon after that she had reached out to the Democratic megadonor to tell him that his $10 million ad campaign is a distraction. (A source close to Steyer said he hasn't spoken with Pelosi since the ad launched.)

Pelosi is eager to show her party can govern — in contrast to the chaos surrounding Trump — and she believes that a reputation as the "no drama" Democrats is key to taking back the House in 2018 and whisking her backing into the speaker's chair.

While not an official slogan, Pelosi has discussed the strategy broadly in recent leadership and caucus meetings, urging members to avoid talk of impeachment and resist taking Trump's bait on whatever topic is dominating his Twitter feed that day.

"There's nothing any of us can say in Congress that is going to change people's view of Donald Trump," said freshman Rep. Ro Khanna, a Silicon Valley progressive who agrees with Pelosi's strategy. "What they need is us to help them form their view of whether the Democratic Party is ready to lead."

Pelosi and House Minority Whip Steny Hoyer of Maryland both issued cautious statements Monday after former Trump campaign aides were indicted in special counsel Robert Mueller's Russia probe. The House Democratic leaders reiterated their calls for an independent commission while carefully avoiding any speculation about Trump's potential collusion with Moscow in the 2016 campaign.

Privately, Pelosi has suggested that the Russia probe could lead to the unraveling of Trump's presidency, going so far as to say "the proof is in the Putin" at a Democratic leadership meeting earlier this year.

But in public, the California Democrat is encouraging her rank and file to take a measured approach to all things Trump, banking on the strategy that, by next November, the president and congressional Republicans will bomb with voters on their own.

Pelosi has warned lawmakers about wading too deeply into Trump-created distractions, most recently at a leadership meeting last week, where she cited the controversy surrounding NFL players kneeling during the national anthem and the president's attacks on Rep. Frederica Wilson (D-Fla.) over his phone call to a soldier's widow.

Instead, she has urged Democrats to stay focused on policy battles, telling members at their caucus meeting last week they "will be in the majority" if Republicans head into the midterms without a single major legislative accomplishment.

That doesn't mean House Democrats will ignore Trump or his tweets. But Democratic leaders think responding to every culture war salvo from the president will only muddy their message heading into the midterms.

Pelosi has encouraged lawmakers to talk up what a Democratic majority can deliver for voters, plugging their economic message on repeat in hopes that it eventually will break through with voters.

"In my opinion it cannot happen fast enough," said Rep. Cheri Bustos, a moderate Democrat whose northwestern Illinois district was carried by Trump last year. "If we get asked about Frederica Wilson or the NFL or Russia, we can answer that. But then let's get back to what's on people's minds."

The party's Trump-focused message fell flat last year, as Democrats picked up only six seats in the House after boasting about the potential for double-digit gains and lost big in working-class districts that dot the Rust Belt.

This time around, Democratic leaders purposefully avoided including divisive social issues in their agenda rollout this summer. Their "no drama" approach to Trump's controversies is an extension of that strategy.

Keeping Democrats united won't be easy for Pelosi. The caucus ranges from progressive rabble-rousers like Khanna — who ousted a Democratic incumbent last year and called for a primary challenge to Sen. Dianne Feinstein of California — to a dozen Democrats sitting in Trump-won districts like Bustos.

"It is difficult because [Trump's] actions are so outrageous," said Rep. Ruben Gallego (D-Ariz.). "And it's ongoing work, by all of us, not just leadership" to stay focused.

The approach risks angering progressive groups and liberal donors, some of whom have declared all-out war on Trump and have threatened to primary Democratic lawmakers who don't do enough to take on the president.

But some lawmakers say their hands are tied — that the best way to defeat Trump's agenda is by regaining the majority, and the best way to be back in the majority is to avoid focusing too much on Trump.

In terms of the Indivisible Movement to resist Trump's agenda, Rep. John Larson (D-Conn.) said, "There's a role and a place for that. But the vast majority of people are scared to death about their own futures,"

"When you haven't been in the majority since 2010, you want to make sure that given the opportunity we have in front of us to take back the House, that you remain focused," Larson added. "And that's the only way any progressive agenda is going to have the opportunity to see the light of day."

Indivisible, the grass-roots progressive group formed after Trump's election, declined to comment.

Meanwhile, even as the Russia probe heats up, Democratic leaders have been working behind the scenes to quell any chatter about impeachment. For them, the topic is a distraction from defeating Republicans' tax push in the short term and could turn off independent voters down the road.

Democratic leaders pressured Rep. Al Green to relent on forcing a vote on impeaching Trump after the Texas Democrat reignited the issue on the House floor recently. Hoyer was seen having a long, intense chat with Green just off the House floor during the debate.

And then there's Steyer's ad, and many House Democrats agree with Pelosi on that.

"I certainly don't think that that's a helpful effort," Khanna said of the ad.

Steyer said in a statement, "This isn't about me, or Rep. Pelosi. This is about giving a voice to the American people who are demanding the political establishment stand up to Trump."

There is at least one pol who is happy to comment on Steyer's impeachment push.

"Wacky & totally unhinged Tom Steyer, who has been fighting me and my Make America Great Again agenda from beginning, never wins elections!" Trump tweeted.

To view online click here.

Back

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Fri 10/6/2017 9:37:53 AM
Subject: Morning Media: Investigating news orgs? -- Milo's white nationalist ties -- Thrush vs. Abramson -- NYT's Weinstein bombshell -- St. Louis arrests mount

By Michael Calderone | 10/06/2017 05:36 AM EDT

FOR A MOMENT, it looked like the White House was going to knock down President Trump's dangerous suggestion on Twitter that the Senate Intelligence Committee start looking into news networks he dismisses as "fake."

-- "Should Congress investigate news outlets?" CNN correspondent Jim Acosta asked Press Secretary Sarah Sanders, just as she pivoted to another reporter in the briefing room and could be heard saying "No." However, Sanders told me she was calling on Los Angeles Times reporter Noah Bierman rather than answering Acosta. Sanders responded to another question about Trump's tweet by reiterating the White House's view that the news media should be held "to a higher standard."

-- Trump has accused journalists of spreading "fake news" so frequently that it's no longer news. Even his most incendiary comments -- like calling the media the "enemy of the people" and anti-American -- get eclipsed by more shocking statements. Though Richard Burr, chairman of the Senate Intelligence Committee, told POLITICO that Congress is "not going to investigate news organizations," the notion that an idea so antithetical to the First Amendment is being entertained in the White House and given oxygen on social media remains alarming.

-- "If Congress were to start investigating news outlets...we are then something less than the United States of America," Acosta said after the briefing on CNN. "It is just an appalling suggestion to come from the president of the United States."

Good morning and welcome to Morning Media. I won't be in your inbox again until Tuesday, but you can always find me at mcalderone@politico.com and @mlcalderone. Morning Media is edited by Alex Weprin (@alexweprin), with assistance from Daniel Lippman (@dlippman). Archives. Subscribe.

MILO YIANNOPOULOS TELLS BUZZFEED HE'S "NOT A RACIST" and condemns racism, even as reporter Joseph Bernstein revealed through a cache of documents how the former Breitbart technology editor and provocateur has courted white nationalists and helped promote their repellent views through the populist news site. "These new emails and documents, however, clearly show that Breitbart does more than tolerate the most hate-filled, racist voices of the alt-right," Bernstein writes. "It thrives on them, fueling and being fueled by some of the most toxic beliefs on the political spectrum -- and clearing the way for them to enter the American mainstream."

-- There's so much in this 8,000-word blockbuster, as Bernstein relies on the documents and additional reporting to shed light on Yiannopoulos's relationships to Breitbart News chief and former White House strategist Steve Bannon, tech billionaire Peter Thiel, leading white

nationalists, mainstream journalists, and Trump and Breitbart backers Robert and Rebekah Mercer. Bernstein also has a video of Yiannopoulos singing "America the Beautiful" as attendees, including white nationalist Richard Spencer, sieg heil in Nazi fashion.

JOURNALIST ARRESTS MOUNT IN ST. LOUIS: Ten journalists have recently been arrested in St. Louis, according to the latest tally from the U.S. Press Freedom Tracker. The arrests have come during coverage of demonstrations in response to the acquittal of white former police officer Jason Stockley in the 2011 shooting death of Anthony Lamar Smith, who is black.

-- Jordan Chariton, a political reporter for progressive outlet The Young Turks who was arrested Tuesday night, suggested that the lack of wider media outrage over the press crackdown stems from the demonstrations receiving little national attention -- and those arrested largely being from the independent or local media rather than, say, CNN or the New York Times. "I think police can operate with impunity knowing that there's no name-brand press," he said.

-- Police arrested legal observers and journalists, by Chariton's account, as a way to go after the "eyes and ears" on the street before turning to protesters who had blocked a highway. Chariton said he and his cameraman, Ty Bayliss, were fingerprinted, had mugshots taken, and spent 16 hours in jail. They have yet to be charged with a crime.

-- "Corporate media, independent, right, left, all of us need to protect each other because at the end of the day you can't normalize the obstruction of the First Amendment," he said.

GLENN THRUSH ALREADY QUIT TWITTER, but his past tweets about President Trump drew criticism from former New York Times executive editor Jill Abramson. She praised her former employer in the Columbia Journalism Review for its big Trump-related scoops but suggested that the behavior of Times staffers, like Thrush, on Twitter "can be construed by critics as gloating or overkill." In particular, she questioned Thrush tweeting about Trump spreading "demonstrably false information" or having "degraded discourse." Such observations, "while true," she wrote, "are opinions."

-- "Explain that one to me. Isn't a 'true' observation by definition a fact?" Thrush responded on Facebook. "This is boss-speak: It's the aesthetics she doesn't like. It doesn't sound 'right' to say Trump has degraded discourse more than any other president in recent history. But it is undeniably true. Whether it is useful for an institution to have its reporter saying it so bluntly is a matter of editorial discretion and style. It is entirely appropriate for them to constrain my expression should they so choose. But true is true, and observation isn't opinion. That is an alternative fact, Jill."

SPEAKING OF THE PAPER'S WHITE HOUSE COVERAGE: "Is Trump-Whisperer Maggie Haberman Changing The New York Times? -- by Vanity Fair's Joe Pompeo: "With her tabloid pedigree, her Lois Lane mien, her 158,000 thousand tweets to more than 640,000 followers, and her lightning rise to front-page dominance, Haberman is a sui generis creature at the Times, even if she has formidable predecessors."

AND SOME WELCOME NEWS FOR THE NEWS MEDIA: POLITICO's Jason Schwartz

writes that polls indicate the media is increasingly more trusted than Trump. "'Confidence in the media has gone up this year while confidence in the executive branch has gone down,' said Chris Kahn, Reuters' U.S. political polling editor. Kahn added that when the president weighs in on a subject, he usually heavily influences how people feel."

SOUND BITE: "The whole fake news thing doesn't really carry much weight on Capitol Hill, where lawmakers coexist with reporters who work hard to do a job." [Jake Sherman]

MUST-READ: The New York Times' Jodi Kantor and Megan Twohey reveal decades of allegations of sexual harassment and inappropriate conduct against film mogul Harvey Weinstein -- behavior that many around him were aware of and didn't speak out on. "Dozens of Mr. Weinstein's former and current employees, from assistants to top executives, said they knew of inappropriate conduct while they worked for him," they report. "Only a handful said they ever confronted him."

BEFORE THE TIMES' BOMBSHELL DROPPED, Weinstein spoke to a who's who of high-powered lawyers and public relations executives, including former Obama communications director Anita Dunn, according to BuzzFeed. He also consulted Lanny Davis, David Boies, Lisa Bloom, and Charles Harder, who successfully represented Hulk Hogan against Gawker and Melania Trump against The Daily Mail. Harder is now threatening a lawsuit against The Times (though, importantly, he still hasn't filed).

-- "This is a vendetta," Weinstein told Page Six, "and the next time I see [Times executive editor] Dean Baquet it will be across a courtroom."

FACEBOOK VS. "FAKE NEWS" -- per CNBC: "Facebook will start testing fake news warnings, adding context to the traditional news feed and constant sharing on its platform...The new feature will allow Facebook users to tap a button for additional information about the news article and source, including details from the publisher's Wikipedia entry, trending and related content, and information about how the article is being shared."

THE WATERGATE EFFECT: Margaret Sullivan revisits Woodward and Bernstein's influence on a generation of journalists amid today's renewed sense of mission in newsrooms. "Trump coverage may not recruit a new generation of reporters, but it does seem to inspire those who are already in the journalism pipeline," she writes in CJR. "Many of them are fired up by what they see every day."

REVOLVING DOOR:

Washington Post national security reporter **Adam Entous** is joining The New Yorker as a staff writer. I reported yesterday on the expected move, but the news became official following memos from each publication. New Yorker editor David Remnick called Entous "one of the finest and most rigorous investigative journalists in the country," while Post editors touted Entous's "very impressive run" since joining a year earlier from the Wall Street Journal. They also noted Entous will remain at the Post while "he finishes a number of stories."

Maegan Vazquez, most recently a White House reporter for IJR, is joining CNN's politics team as a breaking news reporter. She previously interned at CNN.

Caitlin Huston is the new editor in chief of Broadway News. She was previously a reporter at MarketWatch.

EXTRAS:

-- -- Though Sinclair's controversial merger with Tribune isn't complete, company president Chris Ripley welcomed future colleagues to "the nation's largest broadcast group" in a memo obtained by FTV Live.

-- Megyn Kelly is getting paid $69 million over three years, according to The Daily Mail.

-- ProPublica launches network to support local news.

-- Nicely done NBC Left Field video on a "fake news firestorm in Twin Falls, Idaho."

To view online:
http://www.politico.com/tipsheets/morning-media/2017/10/06/investigating-news-orgs-milos-white-nationalist-ties-thrush-vs-abramson-nyts-weinstein-bombshell-st-louis-arrests-mount-222672

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 7/5/2017 8:33:12 PM
Subject: Pruitt signals new effort to start biofuel rule reset

By Eric Wolff

07/05/2017 04:28 PM EDT

EPA Administrator Scott Pruitt's announcement laying out the proposed 2018 biofuel volumes today appears to foreshadow a forthcoming shakeup of the Renewable Fuel Standard.

In his statement, Pruitt said that EPA will conduct a technical analysis to "inform a future rule" for a reset. The RFS allows EPA to reset volumes when targets set in statute are missed by 20 percent or more two years in a row, or by 50 percent in one year. While conventional biofuels — mostly corn-based ethanol — have kept pace with EPA demand, advanced biofuels, such as cellulosic ethanol, have not.

"The Clean Air Act requires EPA to reset volume targets when certain conditions are met. We expect those conditions to be met in the near future, so we are conducting technical analysis now, to inform future reset rules," Pruitt said.

The announcement also said the agency will be "assessing higher levels of ethanol free gasoline," although the announcement did not make clear what that entailed. Opponents of the RFS have argued that gasoline blended with ethanol poses a danger to small engines like lawnmowers, snow mobiles and small boat motors.

EPA is also taking comment to "address concerns" that some RFS obligations are met with imported fuel from Brazil, Argentina and Indonesia. The National Biodiesel Board, a trade association for biodiesel producers, has lodged a trade complaint against Argentina and Indonesia.

The agency will also seek to "bolster" cooperation between EPA and the Commodities Futures Trading Commission to help manage transactions in RFS credits. RFS opponents, notably including Trump adviser Carl Icahn, have complained about fraud in the credits market.

To view online:
https://www.politicopro.com/agriculture/whiteboard/2017/07/pruitt-signals-new-effort-to-start-biofuel-rule-reset-081783

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From: Bloomberg BNA
Sent: Thur 6/8/2017 12:06:44 AM
Subject: June 08 -- Daily Environment Report



Daily Environment Report

June 08, 2017 - Number 109

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Leading the News

Chemicals
Bathtub Refinishers' Deaths Renew Debate: Label Products or Ban?
Federal and state agencies have attributed the deaths of at least 17 bathtub refinishers since 2000 to the workers' exposure to the paint stripper methylene chloride, prompting government actions.

Enforcement
Advocate for Clients Such as BP to Lead Environment at Justice
President Donald Trump's choice to lead the environment section at the Justice Department is a Washington litigator known for his advocacy on behalf of clients such as BP PLC in the Deepwater Horizon oil spill and the U.S. Chamber of Commerce in opposing EPA climate regulations.

Enforcement
Justice Memo Leaves Environmental Settlement Projects In Peril
A June 7 Justice Department policy memo that prohibits including payments for third-party, not-for-profit groups in settlements could limit the inclusion of certain environmental projects, reversing a decades-long practice, attorneys told Bloomberg BNA.

News

Agriculture
Environmental Group Pushes Back on Calls to Expand Farm Program
A new report from the Washington-based Environmental Working Group takes aim at a USDA program that pays farmers annually to remove sensitive land from production.

Air Pollution

Peru Loosens Air Pollution Rules After Miners Complain

Peru's Environment Ministry modified the country's air quality standards, increasing permissible levels for sulfur dioxide emissions.

Budget

Senators Troubled by Proposed Cuts to Forest Service Budget

U.S. Forest Service Chief Tom Tidwell is pinning some of his budget hopes on the prospect of a wide-ranging federal infrastructure spending plan that could address many issues—including some shortfalls in the Trump administration's budget request for his agency.

Chemicals

Butter Flavoring, Solvent Hazards Mulled in Draft Reports

A butter-flavoring agent blamed for causing lung disease in workers and a solvent are summarized in draft technical reports the National Toxicology Program released for public comment and peer review.

Climate Change

How Australia Survived a Climate Policy Reversal

Australian businesses and organizations say they know firsthand the damage that can be done if a national government retreats from climate commitments—and they have some suggestions for U.S. companies on how to respond.

Climate Change

If Trump Gets His Way, World May Not Know If U.S. Emissions Rise

President Donald Trump's critics argue that pulling the U.S. out of the Paris climate accord will lead to an increase in greenhouse gas emissions.

Coal Mining

Lawmakers, Regulators Stress Urgency to Renew Mine Cleanup Fee

Congress is already behind schedule in renewing a fee on coal companies that's essential for cleaning up the $10.5 billion worth of abandoned mines across the country, lawmakers and state regulators said June 7.

Coal-Fired Power Plants

Utilities Seek Ohio Subsidies Even as Coal Falls From Power Mix

American Electric Power and other electricity companies want Ohio ratepayers to prop up two of their aging coal-fired power plants until 2040 despite AEP's predictions that coal will drop in its mix for electricity generation.

Compliance Programs

VW U.S. Court Monitor to Triple Staff to Halt Rerun of Scandal

Volkswagen AG's U.S. court-appointed monitor might roughly triple the number of experts supervising the German car manufacturer to 60 staffers as investigations into its diesel-emissions scandal weigh on the company almost two years after the cheating emerged.

Congress

House Panel Approves Energy Bills as Pallone Urges Climate Action

A House panel unanimously approved a slew of energy bills June 7, including a measure to increase workforce education and training for energy and manufacturing-related fields.

Drinking Water

Cancer Study Finds No Link to PFOA Exposure in N.Y. Town

A study of Hoosick Falls, N.Y. residents by the New York State Health Department found no statistically significant incidents of cancers normally associated with exposure to perfluorooctanoic acid (PFOA).

Endangered Species

Interior to Review Sage Grouse Policy, Consider Changes

The federal government will review conservation plans for the greater sage grouse to determine how it can work more closely with states and use more flexibility and innovation to protect the bird in 11 Western states, Interior Secretary Ryan Zinke said June 7.

Energy

Dark Clouds Hang Over Nuclear Town Torpedoed by Green Energy

In an eerily quiet nuclear reactor hall in southern Sweden, new copper and steel machinery stretching 50 meters and weighing hundreds of tons is just sitting idle.

Energy

Key Shale-Boom Booster Threatened by Trump's Spending-Cut Plans

An agency instrumental to America's surge in energy production would lose half its funding in President Donald Trump's proposed federal budget.

Energy

Top German Court Blocks Nuclear Fuel Tax

Germany's Constitutional Court said June 7 the federal government overstepped its powers when introducing the national nuclear-fuel tax in 2011.

Enforcement

U.S. Ends Bank Penalty Practice Called 'Slush Fund' by GOP

The U.S. Justice Department is ending an Obama-era practice of allocating some Wall Street settlement money to advocacy groups that Republican lawmakers claimed were backing liberal causes.

Price Fixing

Epic Gas Trading Cartel Case Nears Fork in the Road

Natural gas companies including Xcel Energy Inc., CMS Energy Corp., and Dynegy Inc. may be headed to trial over allegations of fixing prices in the early 2000s, bringing to a close a massive 14-year effort to resolve discovery and other pretrial disputes (In re Western States Wholesale Nat. Gas Antitrust Litig. (Learjet, Inc. v. ONEOK Inc.), D. Nev., No. 2:03-cv-01431-RCJ-PAL Case No. 2:06-cv-00233-RCJ-PAL Case No. 2:07-cv-00987-RCJ-PAL, 6/5/17).

Radioactive Waste

Private Storage is Fastest Nuclear Waste Option: Sen. Alexander

The quickest—and possibly least expensive—solution for storing the country's used nuclear fuel would be at privately run interim storage facilities, the Republican heading the Senate panel on the Energy Department's budget says.

Regulatory Policy

Committee Looks Favorably on Rao as Regulatory Chief

A Senate committee asked technical, friendly questions of Neomi Rao, who is being considered as administrator of the Office of Information and Regulatory Affairs, which reviews all significant federal regulations.

Toxic Substances

Australia Could Overhaul Chemical Assessments, Ban Animal Tests

Six bills introduced to Australia's Parliament would recast the country's assessment regime for industrial chemicals and ban animal testing for cosmetics.

Vehicle Fuels

Electric Car Market Goes Zero to 2 Million in Five Years

The number of electric vehicles on the road rocketed to 2 million in 2016 after being virtually non-existent just five years ago, according to the International Energy Agency.

Podcast & Webinar

Chemicals

Webinar: Reviewing New Chemicals Under Amended TSCA

Bergeson & Campbell, P.C. and Bloomberg BNA present a free webinar Monday, June 12, "Reviewing New Chemicals Under Amended TSCA: Impact on Innovation." Speakers include Lynn Bergeson, managing partner of Bergeson & Campbell; Richard Engler, senior chemist at Bergeson & Campbell; Charlie Auer, senior regulatory and policy adviser at Bergeson & Campbell; Jeffery Morris, director of the Office of Pollution Prevention and Toxics at the EPA; Beth Bosley, president of ...

EPA

PODCAST: What Happens When Empty Desks Run the Government

President Donald Trump blamed Democrats June 5 for "taking forever" to approve his administration's appointees in a tweet, saying that "They are nothing but OBSTRUCTIONISTS!" But, Trump hasn't moved the quickest of the last few presidents on vetting and getting appointees through the confirmation process—in fact, he is the slowest of the last four presidents, according to data collected by the Partnership for Public Service. Of the 559 key positions ...

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 9/29/2017 8:42:15 PM
Subject: BREAKING NEWS: Price has resigned as Health and Human Services secretary

Health and Human Services Secretary Tom Price has resigned amid mounting outcry over his use of private jets and military aircraft for government business, which was first reported by POLITICO last week.

"Secretary of Health and Human Services Thomas Price offered his resignation earlier today and the President accepted," the White House said in a statement.

Read more: http://www.politico.com/story/2017/09/29/price-has-resigned-as-health-and-human-services-secretary-243315

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From: Morning Transportation
Sent: Mon 6/26/2017 2:04:26 PM
Subject: POLITICO's Morning Transportation: House, Senate move forward on FAA, driverless cars — Fact file about DOT's general counsel nominee — FAA wish lists

By Tanya Snyder | 06/26/2017 10:00 AM EDT

With help from Lauren Gardner

ALL ON THE SAME TEAM: After months of disorganization, the House and Senate are now marching forward in lockstep toward two distinct goals: reauthorizing the FAA and setting forth a legislative framework for the integration of autonomous vehicles.

Step one: FAA: The House and Senate are both marking up their FAA reauthorization bills this week - the House on Tuesday, the Senate on Thursday. Why the fast-walking? Because the FAA's current authorization to collect and spend the excise taxes that fuel the aviation system will expire Sept. 30, and lawmakers are trying to get a full reauthorization bill before they have to start breathing the E word. Even last year, House Transportation Committee Chairman Bill Shuster (R-Pa.) managed to get his bill out of committee, and that's likely to happen again this year. The real question mark hovers over floor consideration, which he's pushing for sometime next month.

Step two: driverless cars: The Energy and Commerce Committee will also begin discussing 13 bills they hope to roll into one big legislative package on driverless cars. Here, the House is slightly ahead of the Senate, where Commerce Committee leaders have put forth a set of "principles" regarding driverless car legislation and held a hearing on the issue but don't have any actual bills in front of them yet.

HAPPY MONDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. As always, send us tips, feedback and lyrics: tsnyder@politico.com or @TSnyderDC and lgardner@politico.com or @Gardner_LM.

"I remember searching for the perfect words / I was hoping you might change your mind / I remember a soldier sleeping next to me / Riding on the Metro." h/t Jennifer Mitchell, Virginia Department of Rail and Public Transportation

Want to keep up with MT's song picks? Our Spotify playlist has over 100 followers - you can get listening, too!

Programming note: Morning Transportation won't publish Monday, July 3, or Tuesday, July 4, in observance of the July 4 holiday.

THE WEEK AHEAD:

Tuesday - The House Transportation Committee marks up the FAA reauthorization bill. The House Energy and Commerce Committee holds a hearing on self-driving vehicle legislation.

ITIF hosts a Hill briefing on technological disruption in the labor market.

Wednesday - The Senate Commerce Committee holds a confirmation hearing for Steven Bradbury to be general counsel at the Department of Transportation.

Thursday - The Senate Commerce Committee marks up its FAA reauthorization bill.

ON THE FLOOR: The House this week will consider a bill (H.R. 1726) by Rep. Duncan Hunter (R-Calif.) that would, essentially, clean up the Coast Guard's statutory codes, reorganizing it to be more cohesive.

BRADBURY'S FACT FILE: DOT general counsel nominee Steven Bradbury was a donor and adviser to the campaigns of Jeb Bush and Sen. Marco Rubio (R-Fla.) in 2016. He did not contribute to Trump's campaign, according to Bradbury's Senate questionnaire. And, as Eugene Mulero of Transport Topics pointed out , the two stains on Bradbury's otherwise pristine criminal record involve a $37 fine and one-point violation for failing to yield on a left turn in Montgomery County in 2002, and a $10 fine in 1981 for not paying his subway fare in New York City.

GIVE US A BREAK: The Teamsters are hoping the FAA bill won't get bogged down with non-germane provisions - specifically, one that would preempt state laws requiring rest and meal breaks for truckers. Lawmakers have tried to insert such provisions into the FAST Act, the THUD appropriations bill and the last FAA bill, and failed each time, Teamster President Jimmy Hoffa noted in a letter sent to House Transportation Committee leaders on Friday. Hoffa accuses the trucking industry of trying to "muscle legislation through Congress that would rob their own workers of pay and safety protections."

GIT 'ER DONE: The National Association of Manufacturers wrote to House Transportation Committee leaders urging them to pass an FAA reauthorization by the September 30 deadline to prevent a shutdown, and to make sure a few key provisions are included. The organization is asking Congress to uncap the passenger facility charge so airports can modernize. They also want Congress to help speed up the aircraft certification process; maintain Open Skies agreements; stick to ICAO regulations on the shipping of lithium ion batteries - and pre-empt state laws on trucker rest and meal breaks. The group was silent on the air traffic control proposal, on which they have no public position, and which is the single biggest obstacle to enacting a long-term FAA bill before the deadline.

FLYING THE CYBER SKIES - The Senate FAA bill says that before the FAA should grants authorization for planes to fly, it should consider 1) whether the cybersecurity of plane electronics systems are up to snuff, and 2) whether planes prevent passengers from gaining access to flight guidance or aircraft control via in-flight entertainment systems. The latter provision appears to be a reaction to both controversial research and a disputed incident that raised questions about whether hackers can gain control of a plane via an entertainment system. Our friends over at Pro Cybersecurity have more.

WAY AHEAD OF YOU: Amtrak has already started making "significant progress" on

correcting the problems identified in the inspector general's report we mentioned in MT last week, according to a spokeswoman. Before the IG report was finalized, they reorganized key programs, addressed a vendor performance issue "at the highest levels," and "only projects that delivered value to Amtrak were continued and unused funds were returned to the company." They expect more progress by the time their fiscal year ends September 30.

BUH-BYE B.A.T.: Despite the fervent support of Speaker Paul Ryan, House Republicans are ready to call it quits on his proposal to include a border adjustment tax in their tax overhaul plans, report Ben White and Colin Wilhelm. White House opposition spooked GOP leaders away from supporting the tax, which was estimated to net about $1 trillion in key offsets. Without it, it's unclear how Republicans will be able to push corporate tax rates from 35 percent to 15 percent as promised without adding to the deficit. The border adjustment tax was also public enemy number one for the auto industry, which warned that a BAT would increase the cost of a new car by an average of $2,000 per vehicle.

A DELAY A DAY: NHTSA has pushed back the effective date of a final rule adjusting civil penalties for fuel economy violations to inflation. The rule, issued in December, now won't take effect until July 10, according to a notice set to be scheduled in the Federal Register on Tuesday. The rule only affects vehicles for model year 2019 and beyond.

SHIFTING GEARS: Samantha Greene starts today as communications director for Rep. Julia Brownley (D-Calif.), a T&I member. Greene previously did comms for the Information Technology and Innovation Foundation.

GONE TO THE DOGS: Check out this video of "take your dog to work day," including the inspiration for "Pets on Trains" - Lilly, the dog who owns Rep. Jeff Denham (R-Calif.).

THE AUTOBAHN:

- Bills on high-speed rail, autonomous and electric vehicles teed up in the UK this year. GazetteLive.

- Potholes ahead for states looking to get into the self-driving car game. USA Today.

- "Autonomous high-speed trains expected to operate in France by 2023." Normangee Star.

- Oregon's pay-per-mile program refunds more than it earns in revenue. The Argus Observer.

- "Amazon's beehive idea for drone delivery in thickly populated urban centers." 1redDrop.

- "De Blasio: I'm 'much less hopeful' about working with Trump." POLITICO.

- "Japanese airbag maker Takata files for bankruptcy, gets U.S. sponsor." Reuters.

- "Delays at Reagan National Airport as crews repair patch of main runway." The Washington Post.

THE COUNTDOWN: DOT appropriations run out in 97 days. The FAA reauthorization expires in 97 days. Highway and transit policy is up for renewal in 1,193 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/06/26/house-senate-move-forward-on-faa-driverless-cars-221031

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Energy and Climate Report

June 28, 2017 - Number 124

News

Coal Mining
Looking for a Coal Job? Better Work on Those Playstation Skills
While on the campaign trail in West Virginia last year, Donald Trump donned a hardhat and pantomimed digging coal with a shovel. The coal miners in the audience would soon be back to work, he promised: "Get ready, because you are going to be working your asses off."

Coal-Fired Power Plants
Southern Stops Work on the Coal Part of 'Clean Coal' Power Plant
U.S. utility owner Southern Co. has dropped the coal part of what was planned to be a first-of-its-kind "clean coal" plant.

Delaware Law
Spectra Energy Can't Shake Investor Suit Over Pipeline Deals
A Spectra Energy Partners LP investor can move forward with a lawsuit challenging a pipeline transaction between the master limited partnership and its parent, the Delaware Chancery Court ruled June 27 (Morris v. Spectra Energy Partners (DE) GP LP, 2017 BL 221004, Del. Ch., No. 12110-VCG, 6/27/17).

Emissions Trading
California Supreme Court Declines Review of Carbon Auction Case
California business groups lost their last chance to convince a court that the state's carbon cap-and-trade allowance auction is an illegal tax.

Energy
China Is About to Bury Elon Musk in Batteries
As Elon Musk races to finish building the world's biggest battery factory in the Nevada desert, China is poised to leave him in the dust.

Energy
House Panel's Spending Bill Cuts Energy Research Program
Rep. Mike Simpson (R-Idaho) said that while he likes the Energy Department's ARPA-E program, which provides early stage investment in innovative energy technologies, his Energy and Water Subcommittee's fiscal 2018 appropriations bill would cut it "because of limited resources."

Energy
Trump Said to Announce Nuclear Review, Coal Exports to Ukraine
President Donald Trump will announce a broad review of U.S. nuclear regulations and the

start of coal exports to Ukraine in a speech June 29.

Enforcement

Justice Department Environment Pick Downplays BP Defense Work

Past work defending BP PLC after the Deepwater Horizon oil spill and personal opposition to the EPA's climate change efforts would have no bearing on running the Justice Department's environmental office, President Donald Trump's nominee said.

Environmental Reviews

PennEast Gas Line Hits Snag as New Jersey Closes Application

The PennEast pipeline, a $1 billion project that would link America's biggest shale gas basin to major eastern markets, suffered a setback in New Jersey when the state halted a key environmental review.

Oil & Gas

Discoveries Boost Hopes for Alaska Oil Output

Oil discoveries on the North Slope of Alaska during the past few years have increased hopes for the economy of the region and the state.

Oil & Gas

Pipeline Pinch Adds to Oil-Sands Woes as Keystone Wait Drags

Call it the pipeline pinch, or maybe the Keystone quagmire.

Radioactive Waste

House Strikes Compromise on Yucca, Interim Nuclear Storage

A bipartisan measure to pressure a long-awaited decision on permanent nuclear waste storage, while also paving the way for private interim facilities, will move to the House floor following the Energy and Commerce Committee's approval June 28.

Regulatory Policy

Senate Takes Up Nomination of Rao, Trump's Regulatory Chief

The Senate formally began considering the nomination of Neomi Rao to be President Donald Trump's chief regulatory officer but delayed a final vote until June 29.

Renewable Energy

China State Grid Chairman Says Clean Energy Will Create Jobs

Thousands of renewable energy plants will create jobs as the world switches to clean power from coal, according to the chairman of the State Grid Corp. of China.

Renewable Energy

Green Energy Investing Meets Crowd Funding in African Venture

Gullspang Invest led a group of investors providing 6 million euros ($6.8 million) to Trine Finance Ltd., a company that spurs off-grid solar power in emerging markets including Africa by tapping crowd funding in the U.K. and other advanced economies.

Transportation

Delay of Transportation Emissions Data Rule Stirs Democrats' Ire

Two top transportation Democrats in the House and Senate criticized the Transportation Department's move to indefinitely delay a requirement that states track greenhouse gas emissions from the nation's highways.

Unfair Practices

Japan to Take 'Strict Action' Against LNG Antitrust Violations

Japan's Fair Trade Commission said existing liquefied natural gas contracts that include resale restrictions may violate antitrust laws and sellers shouldn't include the clauses in new deals.

Vehicle Fuels

California Weighs Making Electric Cars Cheaper Right Off the Lot

The federal tax credit for electric car purchases has an end in sight, but California doesn't want demand for the zero-emissions vehicles to meet the same fate.

Vehicle Fuels

Germany Counters Diesel's Dirty Image with National Task Force

Germany is seeking to counter concerns over the harmful emissions from diesel vehicles by bringing together government and auto-industry experts to devise ways to clean up the technology, which supports thousands of jobs in the country.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sat 11/18/2017 3:10:36 PM
Subject: POLITICO Playbook, presented by Chevron: RUSSIAN-OWNED MEGAYACHT makes its way to Palm Beach as Trump readies for Florida -- WHAT AMERICA IS READING -- WH aides give up on trying to control Trump's Twitter -- TOM RICKS: Why I left Washington

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Today's POLITICO Playbook presented by Chevron

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

WHAT AMERICA IS READING -- ANNISTON STAR (Alabama): "Moore's poll numbers down in allegations' wake" http://bit.ly/2iuF2cA ... **DENVER POST:** "Tax bill's winners, losers: Ultra-wealthy do well under plan passed by House this week" http://bit.ly/2jD90i1 ... **DETROIT FREE PRESS:** "Rep. Dingell: I was also harassed ... She says 'prominent' person touched her as allegations mount in D.C." http://bit.ly/2hJiPdZ ...

... CLEVELAND PLAIN DEALER: "'Trickle-down' idea floats back up: GOP says corporate tax cuts would speed growth despite spotty record" http://bit.ly/2mFjjTS ... **AUSTIN AMERICAN-STATESMAN:** "White House relief plan gets panned: Abbot, other Texas leaders blast $44 billion disaster aid proposal" http://bit.ly/2itl40E ... **PALM BEACH POST:** "Russian oligarch's huge yacht docks at Port of Palm Beach: No word on whether Roman Abramovich will meet with Trump" http://bit.ly/2lXAawG

-- FASCINATING, via today's Palm Beach Post's front page: "Days before President Trump flies into town for Thanksgiving, one of the world's most expensive yachts, owned by Russian oligarch Roman Abramovich, sailed into the Port of Palm Beach Friday afternoon.

"The 533-foot Eclipse, valued at $400 million to $500 million, comes equipped with a pool, helipad, submarine and room for a crew of 92, according to marine websites. It made its way past The Bahamas and docked at 1:15 p.m, taking the slip normally reserved for the Grand Celebration, a cruise ship currently on hurricane-relief duty in St. Thomas, Virgin Islands. Originally booked to stay through Dec. 5, the Eclipse may have to leave Dec. 1, as it is being followed by the 644-foot World, billed as 'the largest private residential ship on the planet,' which is scheduled to arrive that day.

"Where will the Eclipse go? According to the MarineTraffic app, she plans to head south on the Intracoastal Waterway, toward downtown West Palm Beach. Note to Transportation Security Administration: That would put a Russian submarine within a mile or so of the winter White House." http://bit.ly/2AbRhp1

TALKER -- TOM RICKS in **FOREIGN POLICY: "Babylon Revisited: Melancholy Thoughts After a Short Trip to Washington, D.C.:** As a young reporter in political Washington in the late 1980s, I noticed that there was a type of person who thrived in the driven, transactional environment of the capital." http://atfp.co/2yXIlKh

HARDSHIP ASSIGNMENT -- JONATHAN MARTIN and **ALEX BURNS** in Austin: **"Republican Governors' 2018 Dilemma: What to Do About Trump?"** http://nyti.ms/2zNR8HS

Good Saturday morning. REALITY FINALLY SETS IN -- "Aides give up on trying to control Trump's tweets," by Annie Karni: "When candidate Donald Trump waged a Twitter war against Khizr Khan, the Gold Star father who rebuked him from the stage of the Democratic National Convention, former House Speaker Newt Gingrich and New Jersey Gov. Chris Christie were sent in for a 'tough love talk' about the efficacy of the tweets, two former campaign officials recalled. Controlling potentially damaging tweets was a job left mostly to the legal team in the early days of the administration. Former attorneys Marc Kasowitz and Jay Sekulow gave Trump one simple rule to guide his tweeting habit: don't comment online about the Russia investigation.

"'The message was, tweet about policy, tweet about politics, but don't attack the special counsel,' recalled another former aide. None of the advice seemed to have any lasting effect on a president who views his own impulses as a virtue. And these days, the staff has basically stopped trying: there is no character inhabiting the West Wing who is dispatched to counsel the president when he aims the powerful weapon of his Twitter feed at himself." http://politi.co/2AYJPdQ

NYT'S PETER BAKER -- "In Mocking Franken Over Claims of Sexual Misconduct, Trump Joins a Debate He Started": "[T]he notion that Mr. Trump himself would weigh in given his own history of crude talk about women and the multiple allegations against him surprised many in Washington who thought he could not surprise them anymore. A typical politician with Mr. Trump's history would stay far away from discussing someone else's behavior lest it dredge his own back into the spotlight. But as Mr. Trump has shown repeatedly during his 10-month presidency, he is rarely deterred by conventional political wisdom even as he leaves it to his staff to fend off the cries of hypocrisy.

"'Like everything else Trump touches, he hijacks it with his chronic dishonesty and childishness,' said Mark Salter, a longtime adviser to Senator John McCain, Republican of Arizona. 'The intense, angry and largely ignorant tribalism afflicting our politics predates Trump's arrival on the scene. But he has infused it with a psychopath's inability to accept that social norms apply to him.'" http://nyti.ms/2hJ8PkX

CLINTON WEIGHS IN ON FRANKEN, MOORE -- "Clinton blasts Trump and Moore over sexual misconduct allegations," by Cristiano Lima: "Hillary Clinton slammed President Donald Trump and Alabama Senate candidate Roy Moore on Friday over their alleged sexual misconduct, criticizing them for not 'accepting responsibility' and 'apologizing' for their reported transgressions as Sen. Al Franken did. Clinton said that Franken, who was accused this week of groping a female broadcaster in 2006, acted responsibly by owning up to his actions and publicly apologizing for them - a far cry from the response given by Trump and Moore, she said.

"The former secretary of state and Democratic presidential nominee said that Franken's request to have the Senate ethics panel investigate his sexual misconduct 'is the kind of accountability I'm talking about.' 'I don't hear that from Roy Moore or Donald Trump,' she added during an interview with New York's WABC radio. 'Look at the contrast between Al Franken, accepting responsibility, apologizing, and Roy Moore and Donald Trump, who have done neither.'" http://politi.co/2hzuE2m

-- CLINTON ON TRUMP'S PRESIDENCY: "Trump 'has disgraced the office' ... Asked whether there was anything she admired about the Trump's tenure in office thus far, Clinton replied: 'No. The answer is absolutely no.' 'I didn't think he'd be as bad as he turned out to be,' she added."

TRUMP RESPONDS -- @realDonaldTrump at 8:31 a.m.: "Crooked Hillary Clinton is the worst (and biggest) loser of all time. She just can't stop, which is so good for the Republican Party. Hillary, get on with your life and give it another try in three years!"

ABOUT THOSE GILLIBRAND-CLINTON COMMENTS -- "Gillibrand remark on Clinton resignation shocks Democrats," by Gabe Debenedetti in New York: "Kirsten Gillibrand is having a moment, whether she meant to or not. Going where no other prominent Democrat had before on Thursday evening by declaring that Bill Clinton should have resigned the presidency during the Monica Lewinsky scandal, the New York senator and potential 2020 presidential contender yet again found herself the face of a national conversation with the potential to dominate headlines and divide her party. ...

"The longtime Clinton ally's answer to the New York Times question neatly encapsulated how Gillibrand has placed herself front-and-center on the dominant issue of the day, even if it forces a debate her own party is uncomfortable confronting. And it highlighted the political dexterity that her critics and rivals often deride as opportunism: A former conservative Blue Dog House member, Gillibrand has reinvented herself as a leading progressive and face of the Trump resistance ahead of a potential presidential run." http://politi.co/2hzVmlj

****** **A message from Chevron:** We're piloting a program that uses drones to keep an eye on Chevron wells, tanks, and pipelines-all to keep DOERS and what they're doin' safer. Watch the video: http://politi.co/2zOnTVE ******

SHOW ME THE MONEY -- "Roy Moore scandal ignites fundraising explosion for Democratic challenger Doug Jones," by NBC News' Alex Seitz-Wald: "The Roy Moore scandal has unleashed a torrent of online donations to Democrat Doug Jones, who was collecting around $250,000 per day in its immediate aftermath ... Democrats may end up in the unlikely situation of dramatically outspending the GOP in the Senate contest in deep red Alabama now that national Republicans have abandoned Moore." http://nbcnews.to/2zSy4FM

PRESIDENT TRUMP WEIGHS IN ON BIG GAME CONTROVERSY -- @realDonaldTrump at 7:47 p.m.: "Put big game trophy decision on hold until such time as I review all conservation facts. Under study for years. Will update soon with Secretary Zinke. Thank you!" ***Trump also retweeted Greta Van Susteren and Piers Morgan this morning supporting his decision on trophy hunting.***

-- STATEMENT FROM INTERIOR SECRETARY RYAN ZINKE: "President Trump and I have talked and both believe that conservation and healthy herds are critical. As a result, in a manner compliant with all applicable laws, rules, and regulations, the issuing of permits is being put on hold as the decision is being reversed."

IT'S ALL ABOUT THAT BASE -- "Trump adds five conservatives to list of possible Supreme Court picks," by Reuters' Jim Oliphant and Andrew Chung: "In a move certain to please conservatives, President Donald Trump on Friday added five names to his list of candidates for a prospective U.S. Supreme Court vacancy as he presses ahead with a campaign to move the federal judiciary to the right. Two of them are appellate judges who were nominated by Trump earlier this year and confirmed by the Senate: Amy Coney Barrett and Kevin Newsom. Another, Brett Kavanaugh, sits on the U.S. Court of Appeals in Washington, long viewed as a stepping-stone to the high court. The others were Britt Grant, a Georgia Supreme Court justice, and Patrick Wyrick, a Oklahoma Supreme Court justice." http://reut.rs/2yVce3h

SOME THINGS NEVER CHANGE -- "Trump still loves polls," by Josh Dawsey and Steven Shepard: "As a TV host, Donald Trump loved ratings. As president, he loves polls-as long as they show him on the upswing. He crowed on Twitter hours after landing back in Washington from his 12-day Asia tour about his Rasmussen number-46 percent-noting it was 'one of the most accurate' in 2016, and decried 'fake news' polls showing his approval in the 30s while also suggesting, with no evidence, that 'some people' think his numbers could be in the 50s. (The Rasmussen poll sank to 42 percent on Friday.)

"Aides in the White House often show Trump polls designed to make him feel good, according to aides and advisers. Usually they're the ones that focus just on voters who cast ballots for him in 2016 or are potential Trump supporters -Trump's base-but occasionally include public polls like Rasmussen, depending on what the numbers say. 'You know, I thought that he'd be a little less in campaign mode than he's been. I think he's never really kind of gotten out of campaign mode and I thought he might,' said New Jersey Gov. Chris Christie, a Trump adviser. 'I guess it's his judgment that that's what

he has to do but that's surprised me a little bit.'" http://politi.co/2jAobZp

A PROBLEM FOR REPUBLICANS -- "In towns and cities nationwide, fears of trickle-down effects of federal tax legislation," by WaPo's Renae Merle and Peter Jamison: "[I]n small towns and thriving cities, in Republican- and Democratic-leaning states, local leaders are warning that the $1.5 trillion tax legislation moving through Congress threatens to undermine their ability to raise money for government services, including police and schools. The Republican measures would eliminate or severely curtail taxpayers' ability to lower their federal tax bill by deducting the cost of their state and local taxes. Without that offset, local leaders say, taxpayers will begin to seek relief closer to home, potentially making it more difficult to provide basic services." http://wapo.st/2j6vAeX

FOR YOUR RADAR -- AP at 9:01 a.m.: "PARIS (AP) - Lebanon's Hariri says he is returning to his country, confirms he is resigning amid political tensions."

ANOTHER TWIST IN THE RUSSIA INVESTIGATION -- "Congressional aides may have answers on pro-Russia GOP platform change," by Kyle Cheney: "As U.S. investigators probe whether President Donald Trump's campaign orchestrated a Russia-friendly change to the Republican Party platform last summer, three senior Capitol Hill aides - including Speaker Paul Ryan's chief of staff - may have answers about how the episode unfolded. The three staffers, who have not been accused of any wrongdoing, advised the GOP convention's platform committee on foreign policy matters and had front-row seats when a low-profile group of delegates, acting in conjunction with Trump campaign officials, spiked a proposal urging a tougher U.S. policy against Russian aggression in Ukraine.

"That change has drawn scrutiny from the House and Senate intelligence committees as they investigate whether any Trump campaign officials cooperated with Russian meddling in the 2016 election. Some witnesses say they expect it to become a topic of interest in special counsel Robert Mueller's parallel criminal probe. Spokespeople for the offices of two of the staffers told POLITICO they have not been in contact with Mueller or his team. But Ryan's top aide, Jonathan Burks, would neither confirm nor deny whether he had heard from the special counsel: 'I'm not going to have any comment,' he said." http://politi.co/2A7atUM

-- "Moscow meeting in June 2017 under scrutiny in Trump probe," by AP's Desmond Butler, Mary Clare Jalonick and Eric Tucker: "Earlier this year, a Russian-American lobbyist and another businessman discussed over coffee in Moscow an extraordinary meeting they had attended 12 months earlier: a gathering at Trump Tower with President Donald Trump's son, his son-in-law and his then-campaign chairman. The Moscow meeting in June, which has not been previously disclosed, is now under scrutiny by investigators who want to know why the two men met in the first place and whether there was some effort to get their stories straight about the Trump Tower meeting just weeks before it would become public ... Congressional investigators have questioned both men - lobbyist Rinat Akhmetshin and Ike Kaveladze, a business

associate of a Moscow-based developer and former Trump business partner - and obtained their text message communications." http://bit.ly/2hKpTqC

KEEPING HIS SENSE OF HUMOR -- @charlie_savage: "At Mayflower Hotel, Sessions jokes: 'Is Ambassador Kislyak in the room before I get started? Any Russians? Anybody been to Russia? Got a cousin in Russia?' #FedSoc2017". ***30-second video*** http://bit.ly/2A9Cvz7

HMM -- "U.S. Flagged Russian Firm Kaspersky as Potential Threat as Early as 2004," by WSJ's Paul Sonne: "A Russian cybersecurity firm whose products current and former U.S. officials suspect Moscow has used as a tool for spying was flagged by U.S. military intelligence as a potential security threat as early as 2004, according to new information the Defense Department provided to Congress. ... The DIA 'began producing threat reporting referencing Kaspersky Lab as a threat actor as early as 2004,' according to the email, reviewed by The Wall Street Journal, raising questions about why other federal agencies continued to use the firm's products." http://on.wsj.com/2mCiHyl

JARED WATCH -- "Kushner failed to disclose outreach from Putin ally to Trump campaign," by NBC News' Ken Dilanian and Carol E. Lee: "President Trump's son-in-law and senior adviser, Jared Kushner, failed to disclose what lawmakers called a 'Russian backdoor overture and dinner invite' involving a banker who has been accused of links to Russian organized crime, three sources familiar with the matter told NBC News. An email chain described Aleksander Torshin, a former senator and deputy head of Russia's central bank who is close to Russian President Vladimir Putin, as wanting Trump to attend an event on the sidelines of a National Rifle Association convention in Louisville, Kentucky, in May 2016 ... The email also suggests Torshin was seeking to meet with a high-level Trump campaign official during the convention, and that he may have had a message for Trump from Putin ...

"Kushner rebuffed the request after receiving a lengthy email exchange about it between a West Virginia man and Trump campaign aide Rick Dearborn ... Kushner responded to the email by telling Dearborn and the handful of other Trump campaign officials on the email that they should not accept requests from people who pretend to have contacts with foreign officials to aggrandize themselves ... 'Pass on this,' Kushner responded ... 'A lot of people come claiming to carry messages. Very few we are able to verify. For now I think we decline such meetings.'" http://nbcnews.to/2AamRDs

-- "Kushner attorney fires back at Senate Judiciary Committee," by CNN's Jeremy Herb and Evan Perez: "In a letter Friday to Senate Judiciary Chairman Chuck Grassley of Iowa and ranking Democrat Dianne Feinstein of California, attorney Abbe Lowell wrote that there were no 'missing documents' as the committee has alleged, while criticizing the panel's leaders for going to the media on Thursday with their accusations 'I would have assumed that, if there were any questions about our productions or exchanges, that would have been communicated to me directly before you made this a media event,' Lowell wrote." http://cnn.it/2isWU7A

PUTTING THE SQUEEZE ON MIDDLE EAST PEACE -- "U.S. puts Palestinians on notice: D.C. office may be shuttered," by AP's Josh Lederman and Matt Lee: "The Trump administration put the Palestinians on notice Friday that it will shutter their office in Washington unless they've entered serious peace talks with Israel, U.S. officials said, potentially giving President Donald Trump more leverage as he seeks an elusive Mideast peace deal. Secretary of State Rex Tillerson has determined that the Palestinians ran afoul of an obscure provision in a U.S. law that says the Palestine Liberation Organization's mission must close if the Palestinians try to get the International Criminal Court to prosecute Israelis for crimes against Palestinians. A State Department official said that in September, Palestinian President Mahmoud Abbas crossed that line by calling on the ICC to investigate and prosecute Israelis.

"But the law leaves the president a way out, so Tillerson's declaration doesn't necessarily mean the office will close. Trump now has 90 days to consider whether the Palestinians are in 'direct and meaningful negotiations with Israel.' If Trump determines they are, the Palestinians can keep the office. The official said it was unclear whether the U.S. might close the office before the 90-day period expires, but said the mission remains open at least for now." http://bit.ly/2yTYzcS

-- "The Mooch is headed to Israel just weeks after 'tone-deaf' Holocaust poll," by Page Six's Kevin Dugan: "A month after Anthony Scaramucci's 'media venture' posted a tasteless poll on the Holocaust, the short-lived White House communications director is taking a four-day trip to Israel, The Post has learned. 'I'll meet everybody,' he told The Post on Friday, hours before he was to take off. 'I'm having dinner with Dave Friedman, the ambassador, who's a great friend of mine.' The one-time hedgie is also heading to Yad Vashem, the Holocaust memorial site in Jerusalem, he said." http://pge.sx/2j6XJCy

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker, whose birthday is today -- ***17 keepers*** http://politi.co/2AQIdlU

Playbook Reads

PHOTO DU JOUR: Maryland lacrosse player Dylan Maltz (right) of Ashburn, Va., shows off his pro-Trump tie to President Donald Trump as the president meets with NCAA championship teams at the White House on Nov. 17. | Evan Vucci/AP Photo

THE GRINCH -- "CIA nixes holiday party invites for media," by Ali Watkins: "CIA Director Mike Pompeo has opted not to invite reporters to the CIA's annual holiday party this year, ending a years-long streak of inviting the intelligence press corps to the upscale event. The event has historically provided a rare opportunity for reporters to mingle with agency officials who typically shun or avoid them - but that the idea has

been nixed by Pompeo, who has been openly critical of the news media, was hardly surprising. ... The party, held in the agency's iconic headquarters lobby, is also a famously bizarre Washington exercise. Reporters, closely minded by the CIA's press staff, are able to mingle in the hors d'oeuvres line with station chiefs, foreign partners and occupants of the CIA's executive offices." http://politi.co/2zPqD48

BRETT TALLEY PROFILE - "Law clerk by day, ghost hunter by night, now Trump's judiciary nominee," by WaPo's Robert O'Harrow Jr.: "Few in memory have been nominated with credentials quite like those of [Brett] Talley, 36, an Alabama native, a political speechwriter, an author of horror books and a fledgling lawyer who has never tried a case. In 2009 and 2010, he was a member of the Tuscaloosa Paranormal Research Group, a volunteer operation that since the early 2000s has held all-night vigils and used infrared cameras, handheld sensors and other devices to search for spectral entities in plantation mansions, abandoned hospitals and other buildings. ... In 2014, when he was a speechwriter on Capitol Hill, Talley took a Post reporter ghost hunting in a District cemetery." http://wapo.st/2ze5jGK

NOT THE ONION - "Candidate for Ohio governor reveals sexual past on Facebook," by AP's Julie Carr Smyth in Columbus: "A state Supreme Court justice running for governor volunteered candid details of his sexual past on Facebook on Friday, saying he was taking a swipe at the 'media frenzy' over sexual misconduct. Democrat William O'Neill's post was immediately attacked as inappropriate and led to calls for his ouster. In it, he wrote that he has been 'sexually intimate with approximately 50 very attractive females," including 'a gorgeous blonde' with whom he 'made passionate love' in a hay loft and a 'drop dead gorgeous red head' from Cleveland." http://bit.ly/2zPfuAH

WES GOODMAN UPDATE -- "How a conservative group dealt with a fondling charge against a rising GOP star," by WaPo's Kimberly Kindy and Elise Viebeck: "On a fall evening two years ago, donors gathered during a conference at a Ritz-Carlton hotel near Washington to raise funds for a 31-year-old candidate for the Ohio legislature who was a rising star in evangelical politics. Hours later, upstairs in a hotel guest room, an 18-year-old college student who had come to the event with his parents said the candidate unzipped his pants and fondled him in the middle of the night.

"The frightened teenager fled the room and told his mother and stepfather, who demanded action from the head of the organization hosting the conference ... Tony Perkins, president of the Council for National Policy [and head of the Family Research Council] ... Goodman, 33, abruptly resigned this week after state legislative leaders learned of what the House speaker called 'inappropriate behavior related to his state office.' Local media outlets have reported the behavior involved a consensual sexual encounter with a male visitor in his legislative office." http://wapo.st/2AYMkgf

DRIP, DRIP, DRIP -- "Rep. Gianforte's account to police on assault of reporter appears to contradict his later apology," by WaPo's Ellie Silverman: "Documents released by law enforcement officials in Montana on Friday show that Greg Gianforte,

then the Republican candidate in the state's special congressional election, told police in May that a reporter from the Guardian had grabbed his wrist during a physical altercation at his campaign headquarters, blaming the 'liberal media' for 'trying to make a story.' His statement appears to contradict the apology he later issued to Ben Jacobs, saying the reporter 'did not initiate any physical contact with me,' raising questions about whether the congressman was truthful with authorities. Travis Hall, a spokesperson for Gianforte, referred The Washington Post to a statement given to the Associated Press, in which he said the information in the documents was 'nothing new.'" http://wapo.st/2jylgPE

****** **A message from Chevron:** This is a story about energy, safety, and some truly high-flyin' doin'. We're piloting a program that uses drones, HD imaging, and thermal mapping to help keep a close eye on Chevron wells, tanks, and pipelines-all to keep DOERS and what they're doin' safer. Watch the video: http://politi.co/2zOnTVE ******

VALLEY TALK -- "The TED talks empire has been grappling with sexual harassment, interviews and internal emails show," by WaPo's Elizabeth Dwoskin and Danielle Paquette: "[B]ehind the scenes, TED owner Chris Anderson and other senior officials [has] been grappling with accusations for much of the year that their own conferences, famed for turning short speeches by leading figures into viral videos, had not been a safe place for women - and that the atmosphere of predatory male behavior was getting worse. At least five people, including a past main stage speaker, told TED officials that they were harassed or groped during the organization's flagship conference in Vancouver in April." http://wapo.st/2iu1DWJ

-- "Y Combinator Cuts Ties With Peter Thiel After Ending Part-Time Partner Program," by BuzzFeed's Ryan Mac: "Billionaire venture capitalist and Facebook board member Peter Thiel is no longer affiliated with startup accelerator Y Combinator, according to an edited company blog post. Thiel was formerly a part-time partner with the accelerator." http://bzfd.it/2zNwd7C

CHRIS FRATES talks to former Obama WH ethics czar and Amb. Norm Eisen about "suing Trump, returning to his mother's homeland as ambassador after she was driven out and sent to Auschwitz by the Nazis, and being the inspiration for a Jeff Goldblum character." "Politics Inside Out with Chris Frates" airs today at 9 a.m. and 9 p.m., Sunday at 1 p.m., and Monday at 2 p.m. on SiriusXM channel 124 and on demand on the SiriusXM app. ***Clips for Playbookers: Eisen on resisting Trump*** https://goo.gl/vhTdtd ... ***Finding Nazi artifacts in the U.S. ambassador's house in Prague*** https://goo.gl/BnchFU ... ***Goldblum*** https://goo.gl/HF8J8A

MEDIAWATCH -- "The Kochs Are Inching Closer to Becoming Media Moguls," by NYT's Sydney Ember and Ken Vogel: http://nyti.ms/2mACNsE

-- "Daily Beast among digital sites eyeing sale," by CNN's Dylan Byers: "Digital media is facing a reckoning. The start-ups that were once the darlings of the industry are facing budget shortfalls and revenue declines as they struggle to survive in an over-

saturated market where Google and Facebook lay claim to the vast majority of ad dollars. Now, the bubble is bursting and many of these companies are looking to sell. In the latest evidence of volatility, CNN has learned that IAC is entertaining potential buyers for The Daily Beast, the news and opinion site launched nearly a decade ago by former Vanity Fair editor Tina Brown." http://cnnmon.ie/2ze19yu

-- CHRIS WALLACE in WaPo, "The media is giving up its place in our democracy": http://wapo.st/2jzPyTf

-- TYLER BRULE's final FT column http://on.ft.com/2zRvgZy

LATE-NIGHT BEST -- BILL MAHER's segment last night pushing back against efforts to conflate Al Franken's action with the sexual abuse allegations facing Roy Moore, Harvey Weinstein, Kevin Spacey, Donald Trump and others. ***7-min. video*** http://bit.ly/2AWQ7Lc

GREAT WEEKEND READS, curated by Daniel Lippman, filing from Middleburg, Virginia:

-- "Your Reckoning. And Mine," by Rebecca Traister in NYMag: "As stories about abuse, assault, and complicity come flooding out, how do we think about the culprits in our lives? Including, sometimes, ourselves." http://bit.ly/2zMLsOp

-- "The Tech Industry's Gender-Discrimination Problem," by the New Yorker's Sheelah Kolhatkar: "The dramatic imbalance in pay and power has created the conditions for abuse. More and more, women are pushing for change." http://bit.ly/2A7pcyZ

-- "How One Woman's Digital Life Was Weaponized Against Her," by Brooke Jarvis in Wired - per Longform.org's description: "After the relationship ended, the harassment began." http://bit.ly/2hJ1uBT

-- "The Meaning of Sharp Power," by Christopher Walker and Jessica Ludwig in Foreign Affairs: "Over the past decade, China has spent tens of billions of dollars to shape public opinion and perceptions around the world, employing a diverse toolkit that includes thousands of people-to-people exchanges, wide-ranging cultural activities, the development of media enterprises with global reach, and educational programs. The most notable of these is the ever-expanding network of Confucius Institutes." http://fam.ag/2zOSvWc

-- "The Lost Genocide," by Doug Bock Clark in Longreads: "Why the United Nations may never be able to prosecute the Rohingya genocide." http://bit.ly/2yTOcWw

-- "On Being Midwestern: The Burden of Normality," by Phil Christman in the Hedgehog Review -- per ALDaily.com's description: "What's it like to be from "an abstract nowhere"? Midwesterners have a regional identity built on the idea of

unqualified normality. But that isn't as simple as it sounds." http://bit.ly/2AXOnRW

-- "Avengers in Wrath: Moral Agency and Trauma Prevention for Remote Warriors," by Dave Blair and Karen House on Lawfare - per TheBrowser.com's description: "We think of remote drone pilots as somewhat akin to high-powered video-gamers, wreaking havoc on a screen. And perhaps they are. But they experience their role as something much closer to real-world combat and killing. The imperative is not 'kill or be killed', as it would be in localised combat, but rather, 'kill or someone else will be killed' - and the stress is almost as great. 'A world without your fire support could easily become a world without your comrades.'" http://bit.ly/2zSat8e

-- "Iraq's Surprise: The Persistence of Democracy," by Yaroslav Trofimov on the cover of WSJ's Review section: "Long fractured, the country stands out in the Middle East for maintaining free elections and a robust press." http://on.wsj.com/2hJP2Sk

-- "The Brothers Who Bought South Africa," by Matthew Campbell and Franz Wild in Bloomberg Businessweek: "The continent's most important economy now appears to function for the benefit of one powerful family." https://bloom.bg/2j37KAO

-- "Two Murder Convictions for One Fatal Shot," by Ken Armstrong in The New Yorker: "In dozens of criminal trials, prosecutors have put the same gun in the hands of more than one defendant." http://bit.ly/2zcvmhe

-- "The myth of the male bumbler," by Lili Loofbourow in The Week: "Allow me to make a controversial proposition: Men are every bit as sneaky and calculating and venomous as women are widely suspected to be." http://bit.ly/2zPE4Br

-- "Rug Money," by the Weekly Standard's Alice B. Lloyd: "Paul Manafort ruined a solid scam, says former middleman for Iranian regime, as well as IRS and Treasury agents." http://tws.io/2jyDbHd

-- "How Did Two All-Americans Fall In With ISIS?" by Mike Mariani in Psychology Today - per Longform.org's description: "In 2015, two bright Mississippi State college students started dating. Months later, they were planning their life together-alongside ISIS." http://bit.ly/2j3W695

--"How an Atlanta power couple's business has heightened Hollywood and Silicon Valley's piracy anxieties," by LATimes' Ryan Faughnder: http://lat.ms/2jBOf6m

-- "Spurned by ESPN, Barstool Sports Is Staying on Offense," by Jay Caspian Kang in tomorrow's NYT Magazine: "There exists a swarm of angry sports fans who maintain that they do not want to talk about Colin Kaepernick or the national anthem, and Barstool has cleared a space for them to gather and talk, mostly, about just how much they don't want to talk about politics. They claim to be an overlooked majority - the vast market inefficiency that will richly reward anyone who will let them watch their games,

memes and funny videos without having to feel bad about themselves. Barstool is their safe space." http://nyti.ms/2hHvY7k

Playbook Reads

SPOTTED: Stephen Miller dining at DBGB last night in City Center ... Larry Rasky, Dick Keil and Mark Paustenbach at the Dead & Co. show last night at the TD Garden in Boston ... Sen. Sherrod Brown (D-Ohio) on an early Friday morning United flight to Cleveland from DCA

REMEMBERING BOBBY BAKER - WaPo's Jon Thurber: "Bobby Baker, a protege of future president Lyndon B. Johnson whose career of wealth and privilege came crashing down in an influence-peddling scandal, died Nov. 12 -- his 89th birthday -- in St. Augustine, Fla. Mr. Baker [was] once the most influential staffer in the U.S. Senate ... 'Mr. Baker, I understand you know where the bodies are buried in the Senate. I'd appreciate it if you'd come to my office and talk with me,' the newly elected Sen. Johnson (D-Tex.) said in his first telephone conversation with Mr. Baker in late 1948. Mr. Baker was just 20 at the time and a staffer for the Senate leadership ... His vast knowledge of the operations of the Senate and his facility in the art of accommodation - moving pet legislative projects ahead for some senators or helping fulfill the proclivities of others for drink, sex or cash - would make him an invaluable asset to Johnson." http://wapo.st/2zNz94k

HAPPENING TODAY -- The Clinton School and Clinton Foundation are hosting a conversation in Little Rock with Bill and Hillary Clinton, moderated by James Carville at 3:30 p.m. ***Livestream*** http://bit.ly/2Aasphn

-- SPOTTED at the Capital Hotel Bar and Grill in Little Rock last night for the 25th Clinton campaign: DeeDee Myers, Gene Sperling, Mary Streett, Stephanie Streett, John Podesta, Tamera Luzzatto, Jim Kennedy, JoDee Winterhof, Jill Alper, David Beaubaire, Kris Balderston, Adrienne Elrod, James Carville, Amanda Crumley, Patrick Mellody, James Greelish, Catherine Cornelius

BIRTHWEEK (was yesterday): Jeff Watters, director of government Relations at the Ocean Conservancy (hat tip: Samantha Bisogno)

BIRTHDAYS: NYT's Sheryl Stolberg ... Megyn Kelly is 47 ... Politico cartoonist Matt Wuerker ... USA Today's Heidi Przybyla ... Margaret Capehart ... ABC News' Gregory Simmons ... Brian Forest, who is joining NAM on Monday as director of strategic messaging and most recently served as McConnell's chief speechwriter ... Carrie Matthews of Hamilton Place Strategies ... Dan Sadlosky, policy adviser to House Majority Whip Steve Scalise ... Politico's Theo Meyer and Patricia Kolby ... Tom Namako, deputy news director at BuzzFeed and a WSJ and N.Y. Post alum ... Andrea Stone, director of career services at CUNY's Graduate School of Journalism ... Cassi

Gritzmacher, head of executive comms at Away ... Robert Dougherty, Rep. Julia Brownley's senior LA and the pride of Syracuse, NY (h/t Samantha Greene) ...

... Cornyn comms. director Drew Brandewie is 33 ... Teddie Norton, director of government affairs operations at the Independent Insurance Agents & Brokers of America (h/t Mike Reilly) ... Abby Tinsley ... Trisha Farr ... Brian Knapp ... Rep. Tom Reed (R-N.Y.) is 46 ... Rep. Bruce Westerman (R-Ark.) is 5-0 ... former Rep. J.C. Watts (R-Okla.) is 6-0 ... Rep. Salud Carbajal (D-Calif.) is 53 ... Nick Ragone ... Nima Faz ... Arshad Hasan ... Waldo Tibbetts ... Nicole Ianucci ... Gregory Kallenberg ... David Frank ... Noelia Rodriguez ... Hanna Skandera ... Richard Maopolski ... Gregg Holman ... Erica DeVos ... Jon Kaplan ... Meg Gage ... Ace Smith (h/ts Teresa Vilmain)

THE SHOWS by @MattMackowiak, filing from Austin:

--**"Fox News Sunday":** Treasury Secretary Steven Mnuchin. Panel: Jason Chaffetz, Jessica Tarlov, Jason Riley and Juan Williams ... "Power Player of the Week" with Rep. Elise Stefanik (R-N.Y.)

--CBS's "Face the Nation": Sen. Tom Cotton (R-Ark.) ... Rep. Jackie Speier (D-Calif.) ... OMB Director Mick Mulvaney. Panel: David French, Jennifer Jacobs, Ruth Marcus and Ed O'Keefe

--NBC's "Meet the Press": Rep. Barbara Comstock (R-Va.) and Rep. Debbie Dingell (D-Mich) ... OMB Director Mick Mulvaney. Panel: Bob Costa, Rich Lowry, Joy Reid and Amy Walter

--CNN's "State of the Union": Sen. Susan Collins (R-Maine) ... OMB Director Mick Mulvaney ... Sen. Bernie Sanders (I-Vt.). Panel: Amanda Carpenter, Neera Tanden, Michael Caputo and Rep. Robin Kelly (D-Ill.)

--ABC's "This Week": Marc Short ... Sen. Susan Collins (R-Maine). Panel: Matthew Dowd, Cecilia Vega, Lanhee Chen, Stephanie Cutter and Megan Murphy

--CNN's "Inside Politics" with John King: Karoun Demirjian, Michael Shear, Eliana Johnson and Rachael Bade (substitute anchor: CNN's Nia-Malika Henderson)

--CNN's "Reliable Sources": Panel: Birmingham News' Anna Claire Vollers, Washingtonian Magazine's Elaina Plott, Michelle Ciulla Lipkin and Marc Fisher ... Bill Carter ... Angelo Carusone ... Jacquelyn Martin ... Anthony Atamanuik

--Fox News' "Sunday Morning Futures": Eric Trump ... Rep. Peter Roskam (R-Ill.) ... Rep. Darrell Issa (R-Calif.) ... Bud Cummins. Panel: Ed Rollins and Mary Kissel

--Fox News' "MediaBuzz": Emily Jashinsky ... Francesca Chambers ... Michael Tomasky ... Susan Ferrechio ... Lynn Sherr ... Leslie Marshall ... Amy Holmes ... Mara Liasson

--CNN's "Fareed Zakaria GPS": Niall Ferguson, The Economist's Anne McElvoy and author and former Polish Defense Minister Radoslaw Sikorski ... Ray Dalio ... Salman Rushdie

--Univision's "Al Punto": Rep. Linda Sanchez (D-Calif.) ... undocumented immigrants and former sanctuary church refugees Jeanette Vizguerra, Jaime Flores and Amanda Morales ... Isabel Allende ... Univision Investiga director Gerardo Reyes and Univision News investigative journalist Peniley Ramírez ... musician Alejandro Sanz

--C-SPAN: "The Communicators": Adam Alter ... **"Newsmakers":** Texas Attorney General Ken Paxton, questioned by the Houston Chronicle's Kevin Diaz and Politico's Josh Gerstein ... **"Q&A":** Musician and author Daryl Davis

--PBS' "To the Contrary": Rep. Marcia Fudge (D-Ohio)

--Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2mCW4tB). Syndicated columnist and American Commitment president Phil Kerpen.

****** **A message from Chevron:** This is a story about energy, safety, and some truly high-flyin' doin'. We're piloting a program that uses drones, HD imaging, and thermal mapping to help keep a close eye on Chevron wells, tanks, and pipelines-all to keep DOERS and what they're doin' safer. Watch the video: http://politi.co/2zOnTVE ******

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Sent: Tue 9/12/2017 12:55:23 PM
Subject: Sep. 11 -- Environment & Safety Resource Center Update

Environment & Safety Resource Center Update

September 11, 2017 - Number 37

Analysis : Safety Guide | Waste Management Guide | Water Pollution Control Guide
Federal Statutes, Regulations and Agency Documents : Federal Chemical Controls Updates | Federal Hazardous Materials Transport Updates | Federal Register Final Rules | Federal Register Notices | Federal Register Proposed Rules | Military Documents
States—Environment : Arizona | California | New Jersey | Oklahoma | Utah | Washington

Analysis

Safety Guide

Federal

State

Minnesota (Boilers and Pressure Vessels). Updated to include a new rule clarifying attendance requirements at high-pressure and unoccupied high-pressure boiler plants and revising attendance horsepower levels to align with the licensing statute. The rule also adds clarifying language, provides for an additional unoccupied plant option, and specifies requirements for boiler attendants to update logbooks. The new rule became effective Sept. 5.

Waste Management Guide

State

Florida (Release Reporting). Updated to reflect Florida's Public Notice of Contamination Act, which requires owners and operators of facilities to report discharges of a reportable pollution release to the Department of Environmental Protection (DEP) within 24 hours. The law also requires owners and operators to report the migration of pollutants off-site to the DEP within 24 hours. The department subsequently must post a notice of the release on a designated public website. The statute took effect July 17.

Water Pollution Control Guide

State

Wisconsin (Effluent Guidelines). Updated to reflect the requirement in Department of Natural

Resources (DNR) regulations for discharge permits to include effluent limitations. The DNR may impose an effluent limit on an internal waste stream if it is impractical or infeasible to do so at the point of discharge.

Wisconsin (Water Quality Management Plans). Updated with the requirement in state law directing the DNR to establish a continuing water quality management planning process.

Wisconsin (Permit Fees). Updated with annual fee requirements for discharge permits for stormwater from municipal systems, industrial sites, and construction sites. In areas with authorized local programs, the municipality pays a $75 annual fee for each construction site approved during the previous year instead of the permit holder paying the fee.

Wisconsin (Monitoring and Reporting). Updated to reflect the requirement for the DNR to determine monitoring frequency for each effluent limitation in a Wisconsin Pollutant Discharge Elimination System (WPDES) permit on a case-by-case basis.

Wisconsin (Stormwater Permits for Industrial Activities). Updated with a statutory requirement for owners or operators to obtain a permit for discharges from stormwater conveyances associated with industrial activity as defined by the DNR.

Wisconsin (Pretreatment Program). Updated to reflect requirements for industrial users discharging to publicly owned treatment works (POTWs) to comply with monitoring and reporting requirements. A POTW subject to pretreatment requirements must develop and implement procedures to ensure compliance by industrial users. POTW pretreatment programs also are subject to reporting requirements.

Wisconsin (

More...

Federal Statutes, Regulations and Agency Documents

Federal Chemical Controls Updates

Working Guidelines on EPA's Section 8(a) Information Gathering Rule on Nanomaterials in Commerce (8/17)

Federal Hazardous Materials Transport Updates

Clarification of the HMR Applicable to the Signage Requirement in § 175.26 (8/22/17)

Clarification of the HMR Applicable to Exceptions for Transportation of Category A Infectious Substances (8/15/17)

Clarification of the HMR Applicable to Plastic Non-Bulk Packagings (7/31/17)

Clarification of the HMR Applicable to Multi-Element Gas Containers (MEGCs) (7/28/17)

Clarification of the HMR Applicable to ISO Standard 11119-2 Carbon Fiber Composite Cylinders (7/27/17)

Federal Register Final Rules

10 CFR 72

82 FR 41873, 9/5/17: List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM Flood/Wind Multipurpose Canister Storage System, Certificate of Compliance No. 1032, Amendment No. 3

21 CFR 112

82 FR 42031, 9/6/17: Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption: What You Need To Know About the Food and Drug Administration Regulation; Small Entity Compliance Guide; Availability

33 CFR 117

82 FR 41887, 9/5/17: Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Little River to Savannah River, Beaufort, SC

82 FR 41889, 9/5/17: Drawbridge Operation Regulation; Rice Creek, Putnam County, FL

82 FR 41891, 9/5/17: Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Sarasota, FL

82 FR 42032, 9/6/17: Drawbridge Operation Regulation; Newtown Creek, New York, NY

82 FR 42447, 9/8/17: Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL

33 CFR 165

82 FR 41893, 9/5/17: Safety Zone; Dredging, Shark River, NJ

82 FR 42033, 9/6/17: Safety Zone; Upper Mississippi River, St. Louis, MO

82 FR 42035, 9/6/17: Safety Zone; Upper Mississippi River, St. Louis, MO

More...

Federal Register Notices

82 FR 41909, 9/5/17: Notice of Decision; Cold Treatment of Grapefruit From Australia

82 FR 41909, 9/5/17: Proposed Posting, Posting, and Deposting of Stockyards

82 FR 41911, 9/5/17: Designation for the Montana Area

82 FR 41911, 9/5/17: Opportunity for Designation in the Memphis, Tennessee, Area; Request for

Comments on the Official Agency Servicing This Area

82 FR 41912, 9/5/17: Opportunity for Designation in the Jamestown, North Dakota Area; Request for Comments on the Official Agency Servicing This Area

82 FR 41913, 9/5/17: Amendment to the Designation of Mid–Iowa Grain Inspection

82 FR 41913, 9/5/17: Opportunity for Designation in the Lincoln, Nebraska, Area; Request for Comments on the Official Agency Servicing This Area

82 FR 41914, 9/5/17: Notice of Solicitation of Applications (NOSA or Notice) for the Multifamily Preservation and Revitalization (MPR) Demonstration Program Under Section 514, Section 515, and Section 516

82 FR 41925, 9/5/17: Proposed Information Collection; Comment Request; 2017–2019 Business Research and Development Surveys

82 FR 41927, 9/5/17: Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

82 FR 41927, 9/5/17: National Defense Stockpile Market Impact Committee Request for Public Comments on the Potential Market Impact of the Proposed Fiscal Year 2019 Annual Materials Plan

82 FR 41929, 9/5/17: Carbon and Alloy Steel Wire Rod From the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination and Preliminary Affirmative Critical

More...

Federal Register Proposed Rules

21 CFR 1

82 FR 42492, 9/8/17: Review of Existing Center for Biologics Evaluation and Research Regulatory and Information Collection Requirements

82 FR 42494, 9/8/17: Review of Existing Center for Devices and Radiological Health Regulatory and Information Collection Requirements

82 FR 42497, 9/8/17: Review of Existing Center for Veterinary Medicine Regulatory and Information Collection Requirements

82 FR 42499, 9/8/17: Review of Existing Center for Drug Evaluation and Research Regulatory and Information Collection Requirements

82 FR 42501, 9/8/17: Review of Existing Center for Tobacco Products Regulatory and Information Collection Requirements

82 FR 42503, 9/8/17: Review of Existing Center for Food Safety and Applied Nutrition Regulatory and Information Collection Requirements

82 FR 42506, 9/8/17: Review of Existing General Regulatory and Information Collection Requirements of

the Food and Drug Administration

21 CFR 2

82 FR 42492, 9/8/17: Review of Existing Center for Biologics Evaluation and Research Regulatory and Information Collection Requirements

82 FR 42494, 9/8/17: Review of Existing Center for Devices and Radiological Health Regulatory and Information Collection Requirements

82 FR 42497, 9/8/17: Review of Existing Center for Veterinary Medicine Regulatory and Information Collection Requirements

82 FR 42499, 9/8/17: Review of Existing Center for Drug Evaluation and Research Regulatory and Information

More...

Military Documents

3150.02: DoD Nuclear Weapons Surety Program (Revised) (8/24/17)

States—Environment

Arizona

State Register Summaries

AZR\ti12\ch15 - Arizona Administrative Register 09/01/2017 - Dam Safety Inspection Fees, Licensing Time Frames

California

State Register Summaries

CAR\ti27\di4\ch1 - California Regulatory Notice Register 09/01/2017 - Safe Drinking Water and Toxic Enforcement Act/Notices of Violation

CAR\ti14\di1\sv4\ch6 - California Regulatory Notice Register 09/01/2017 - Oil Spill Prevention and Administration Fund Fee

New Jersey

State Register Summaries

NJR\ch7:1 - New Jersey Register 09/05/2017 - Department of Environmental Protection Organization

NJR\ch7:25 - New Jersey Register 09/05/2017 - Division of Fish and Wildlife/Game Code

NJR\ch7:26, NJR\ch7:26A, NJR\ch7:27, NJR\ch7:27A - New Jersey Register 09/05/2017 - Sanitary Landfills

Oklahoma

State Register Summaries

OKR\ti165\ch10 - Oklahoma Register 09/01/2017 - Oil and Gas Conservation

OKR\ti165\ch15 - Oklahoma Register 09/01/2017 - Fuel Inspection

OKR\ti165\ch25 - Oklahoma Register 09/01/2017 - Underground Storage Tanks

OKR\ti165\ch26 - Oklahoma Register 09/01/2017 - Aboveground Storage Tanks

OKR\ti165\ch27 - Oklahoma Register 09/01/2017 - Indemnity Fund/Petroleum Storage Tank Releases

OKR\ti165\ch29 - Oklahoma Register 09/01/2017 - Petroleum Storage Tank Releases/Corrective Action

OKR\ti165\ch20 - Oklahoma Register 09/01/2017 - Gas and Hazardous Liquid Pipeline Safety

OKR\ti165\ch5 - Oklahoma Register 09/01/2017 - Corporation Commission Rules of Practice

OKR\ti35\ch30 - Oklahoma Register 09/01/2017 - Combined Pesticides/Emerald Ash Borer Quarantine

OKR\ti35\ch44 - Oklahoma Register 09/01/2017 - Agriculture Pollutant Discharge Elimination System

OKR\ti380\ch50 - Oklahoma Register 09/01/2017 - Abatement of Friable Asbestos Materials

OKR\ti252\ch100 - Oklahoma Register 09/01/2017 - Air Pollution Control/Oil and Gas Sector

OKR\ti252\ch410 - Oklahoma Register 09/01/2017 - Radiation Management

More...

Utah

State Register Summaries

UTR\diR307 - Utah State Bulletin 09/01/2017 - Heavy-Duty Vehicle Tax Credit

UTR\diR307 - Utah State Bulletin 09/01/2017 - Nitrogen Oxide Emission Limits for Natural Gas-Fired Water Heaters

UTR\diR307 - Utah State Bulletin 09/01/2017 - Air Quality/Nonattainment and Maintenance Areas for Particulate Matter

UTR\diR315 - Utah State Bulletin 09/01/2017 - Standards for the Management of Used Oil

UTR\diR315 - Utah State Bulletin 09/01/2017 - Hazardous Waste Management System

UTR\diR315 - Utah State Bulletin 09/01/2017 - Identification and Listing of Hazardous Waste

UTR\diR315 - Utah State Bulletin 09/01/2017 - Hazardous Waste Generators

UTR\diR315 - Utah State Bulletin 09/01/2017 - Transfer Facility Requirements

UTR\diR315 - Utah State Bulletin 09/01/2017 - Hazardous Waste TSD Facilities

UTR\diR315 - Utah State Bulletin 09/01/2017 - Interim Status Standards for TSD Facilities

UTR\diR315 - Utah State Bulletin 09/01/2017 - Management of Specific Hazardous Wastes/Spent Lead-Acid Batteries

UTR\diR315 - Utah State Bulletin 09/01/2017 - Land Disposal Restrictions

UTR\diR315 - Utah State Bulletin 09/01/2017 - Hazardous Waste Permit Program

More...

Washington

State Register Summaries

WAR\ch246-296 - Washington State Register 09/06/2017 - Drinking Water State Revolving Fund Loan Program

WAR\ch173-22, WAR\ch173-26, WAR\ch173-27, WAR\ch173-20, WAR\ch173-18 - Washington State Register 09/06/2017 - Shoreline Management Act

WAR\ch173-95A, WAR\ch173-98 - Washington State Register 09/06/2017 - Water Pollution Control Revolving Fund, Centennial Clean Water Program

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Environment & Safety Resource Center Update

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 6/30/2017 10:58:41 PM
Subject: July 03 -- Daily Environment Report

Daily Environment Report

July 03, 2017 - Number 126

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Leading the News

Chemicals

Confidential Business Data Compounds Some Chemical Cleanups

Federal agencies are working to help state health and environmental regulators better understand which of a particular class of chemicals are contaminating groundwater supplies and other natural resources.

General Policy

Week Ahead: G-20 Summit Among International Environment Events

Washington is taking a break during the week of July 3, but foreign nations aren't. A Group of 20 summit in Germany that will focus on climate change highlights the week's international environment and energy events.

Pesticides

EPA Must Review Species Risks With Pesticides, Court Says

The EPA cannot bypass assessing pesticide impacts on endangered species, even for new, relatively low-risk products, a federal appeals court ruled June 30.

News

Air Pollution

German Court Ruling for Daimler Bucks Trend Against Diesel

German auto giant Daimler didn't misrepresent the effectiveness of pollution control technology in one of its Mercedes diesel vehicles, the Regional Court of Stuttgart ruled June 29.

Air Pollution

VW Revamps Zero-Emissions Vehicle Plan to Woo California

Volkswagen agreed to install more electric vehicle charging facilities in California's disadvantaged communities to win state approval of its $200 million investment plan.

Biofuels

South American Ethanol Could Prompt EPA to Rethink Quota

Concerns that refiners will import ethanol from Brazil and biodiesel from Argentina to fulfill renewable fuel requirements prompted U.S. EPA Administrator Scott Pruitt to reconsider quotas for those fuels, according to people familiar with the program.

Climate Change

South Korea to Study, Plan for Climate Impacts on Infrastructure

Eighteen South Korean public and private institutions have agreed to assess the effects of climate change on infrastructure and devise ways to prevent further damage.

Energy

Canada Floats New Environmental Review Rules for Pipelines

Canada is proposing consolidating environmental reviews under a single agency while adding an approval step for proponents of pipelines and other major projects—in what it said is a bid to both strengthen and clarify environmental rules.

Hazardous Waste

Correction

The June 29 article, "Practitioner Insights: Hazardous Waste Reforms Not in Trump's Sights," misspelled the name of the author Tom Mounteer. The online version has been corrected.

Liable Parties

Filing Flub Tanks Ohio Superfund Complaint

A 22-month delay in serving a Superfund complaint is so prejudicial it requires dismissal of all claims against the defendant, the Southern District of Ohio ruled June 29 (State ex rel DeWine v. Superior Fibers, Inc., 2017 BL 224964, S.D. Ohio, No. 14-cv-01843, 6/29/17).

Liable Parties

Superfund Liability Attaches for Traces of Gasoline in Water

An environmental contractor working for the state of Texas can't escape Superfund liability for the disposal of well water containing traces of gasoline, the Southern District of Texas ruled (USOR Site PRP Grp. v. LEI Rone Eng'rs, Ltd., 2017 BL 226362, S.D. Tex., No. 4:14-CV-2441, 6/29/17).

Natural Gas

South Korea Is Very, Very Interested in America's Natural Gas

One thing became clear on the fourth day of the White House's Energy Week: South Korea is really, really into U.S. natural gas.

Oil & Gas

Rebirth of Canadian Oil Sands From Fire Stymied by Market Slump

In the heart of Canada's biggest oil province, life is slowly returning to normal in Fort McMurray, Alberta. After a fire last year destroyed entire neighborhoods in the town and halted about a million barrels of daily production, green leaves are beginning to bud on charred trees and new construction is replacing homes that were burned to the ground.

Pipeline Safety

Pipeline Agency Weighs Broader Scope for Data Sharing System

A planned information-sharing system should expand beyond its congressional mandate, a top official at the Pipeline and Hazardous Materials Safety Administration said.

Renewable Energy

Wind Industry Tacks as Trump Shifts the Political Climate

Three days after Energy Secretary Rick Perry directed his staff to find ways to give a boost to coal and nuclear power, the rival wind industry kicked its lobbying response into action.

Toxic Chemicals

Vinyl Medical Monitoring Claim Dismissal OK'd

Vinyl factory workers seeking medical monitoring rightly had their class complaint dismissed as time-barred, the Third Circuit ruled June 30 (Blanyar v. Genova Prods., Inc., 2017 BL 227063, 3d Cir., No. 16-1684, 6/30/17).

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Mon 7/10/2017 5:47:45 PM
Subject: Morrisey announces West Virginia Senate run

By Kevin Robillard

07/10/2017 01:43 PM EDT

West Virginia Attorney General Patrick Morrisey announced a challenge to Democratic Sen. Joe Manchin today, setting up a GOP primary showdown with Rep. Evan Jenkins.

Morrisey, who filed lawsuits against President Barack Obama's administration over environmental regulations, plans on running to Jenkins' right. In an announcement video labeling Morrisey a "conservative workhorse," the attorney general takes clear shots at the congressman and incumbent senator.

"Unlike my opponents, I've never supported Hillary or Obama or Obamacare or higher taxes, or cap and trade," Morrisey says to the camera in the video. "You'll never have to worry about me wavering in my conservative values."

The 2:30-long video also features Morrisey promoting gun rights, his work on the opioid epidemic and fights against the EPA.

"I'm proud to be a conservative workhorse, and I want to be your U.S. senator," Morrisey concludes the ad.

To view online:
https://www.politicopro.com/campaigns/whiteboard/2017/07/morrisey-announces-west-virginia-senate-run-090212

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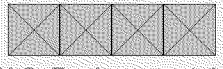
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Subject: July 18 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

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Harm From Low Doses of Chemicals Could Be Overlooked: Academies

Posted July 18, 2017, 02:00 P.M. ET

By Pat Rizzuto

Potential health problems associated with low doses of hormonally-active chemicals could be missed unless the EPA specifically looks for them, according to a National Academies report released July 18.

Determining whether human and animal studies both find evidence that low doses of a chemical cause harm also would be easier if experimental animal studies routinely measured internal concentrations of the chemicals in the test animals, David Dorman, the chairman of the academies committee that prepared the report told Bloomberg BNA. Dorman teaches toxicology at North Carolina State University.

The Dow Chemical Co. already uses a toxicity testing protocol recommended in the report: it measures internal doses of chemicals given to animals during toxicity tests. The National Toxicology Program also routinely measures internal concentrations of chemicals in experimental animal studies. The Environmental Protection Agency takes similar measurements when conducting some of its own research.

The academies report on low-dose toxicity from hormonally-active, or "endocrine-active," chemicals recommends the EPA use a three-pronged strategy to detect health problems that could result from the low doses to which people are exposed. The report defines low doses as meaning chemical concentrations found or estimated to be in people.

It appears the EPA should incorporate the report's recommendations into its Endocrine Disruptor Screening Program, which examines whether pesticides and chemicals in drinking water affect the female or male reproductive hormones, estrogen and androgen, or the thyroid hormone, Nichelle Harriott, science and regulatory director for Beyond Pesticides told Bloomberg BNA based on BNA's summary of the report's key findings. The EPA's current chemical testing protocols could miss health problems that occur at very low doses and during vulnerable stages of development, Harriott said.

Three-pronged Strategy

The academies recommended the EPA first survey scientific studies, work with scientific organizations, and, perhaps, track social media to identify possible health effects that may occur when people are exposed to low doses of chemicals that mimic, block or alter hormone function.

The EPA should also examine experimental animal and human data systematically to investigate whether low-doses of endocrine active chemicals are causing potential effects, the report said.

To help it understand whether such effects are actually occurring at exposure levels in the general public or certain subpopulations, the agency should consider updating chemical toxicity test designs, requiring new data, securing new toxicity or exposure prediction models, and other actions to make sure it is identifying health effects occurring at exposures the public endures, it said.

Plasticizers, Flame Retardants

The committee followed its own recommendations as it analyzed phthalates, a group of which are called plasticizers, because they make plastic soft, and polybrominated diphenyl ethers (PBDEs), a group of flame retardants.

Among its findings, the committee concluded fetal exposure to a plastic softener, diethylhexyl phthalate (DEHP), could cause a reproductive abnormality and decrease testosterone levels in males. Exposure to at least one of the PBDEs could decrease IQ, it said.

The report does not make any statement about the potential, or risks, of these harms occurring for two reasons.

First, it's difficult to compare the results of animal studies to epidemiological studies of people, because most animal studies report only the dose given to the animal whereas human studies use internal measurements of chemicals in serum or other body fluids or tissues, the report said.

Second, conclusions about whether harm was occurring would have necessitated a full risk assessment that examined exposures, which the committee did not undertake, it said.

Dow Measures Internal Doses

Dow began to routinely take internal measurements of new agricultural chemicals used in laboratory animal experiments at least five years ago, James Bus, who has retired from directing toxicology and environmental research at the company, told Bloomberg BNA. Bus is now a toxicological consultant with Exponent, Inc., an environmental and engineering consulting firm. Dow has continued that practice, a company spokesman confirmed July 18.

As a consultant Bus said he now recommends other companies take such internal measurements, because they can help determine whether the problem that's occurring in an animal occurs because the very high dose typically given an animal overwhelmed its ability to break down or eliminate the chemical, he said.

The internal experimental animal measurements also add valuable perspective showing how much lower—often 1,000s or 10,000s times lower—human exposures are, Bus said. He elaborates on these points and discusses their relevance to automated toxicity, or high throughput tests, in a newly

published perspectives article in Current Opinion in Toxicology.

Court Hands EPA Win in Fight Over Dow Pesticide

Posted July 18, 2017, 01:26 P.M. ET

By Tiffany Stecker

A federal appeals court July 18 backed the EPA's decision not to ban a widely used insecticide, saying the agency followed court orders when it denied a request from environmental groups to restrict chlorpyrifos.

The U.S. Court of Appeals for the Ninth Circuit's opinion is a victory for the Trump administration, whose decision not to revoke agricultural uses of chlorpyrifos marked a detour from the path the Obama administration took (Pesticide Action Network N. Am. v. EPA, 9th Cir., No. 14-72794, 7/18/17).

The Natural Resources Defense Council and Pesticide Action Network North America demanded in a 2007 petition that the EPA prohibit spraying of chlorpyrifos on crops because the chemical, manufactured by Dow AgroSciences, has been linked to neurodevelopmental delays in population studies. Chlorpyrifos is used to control pests on corn, soybeans, broccoli, and other crops, as well as on golf courses and turf, according to the Environmental Protection Agency's website.

The groups sued the EPA in 2014 to force the agency's hand on the issue. The EPA repeatedly sought to delay a decision on that petition, but was ultimately given a March 31 deadline by the court.

The EPA in 2015 proposed to revoke tolerances of the pesticide on food crops, which would have ended all agricultural uses of the pesticide, but didn't make a final decision before the end of the Obama administration. EPA Administrator Scott Pruitt denied the environmental advocates' request on March 29.

The NRDC and PANNA swiftly challenged that decision April 5, arguing that the denial was inadequate because it contained no new safety findings and made no final determination on whether the legal tolerances for chlorpyrifos on food crops must be revoked. At the time, the EPA said it would make a final decision on the re-registration of chlorpyrifos by Oct. 1, 2022.

Environmentalists Fight Decision

The three-judge panel disagreed with those arguments. The EPA complied with the court's orders when it issued a "final response" to the petition, they wrote.

"Although EPA dragged its heels for nearly a decade, it has now done what we ordered it to do," judges Diarmuid O'Scannlain, Wallace Tashima, and Margaret McKeown wrote in the opinion.

The environmentalists said the EPA failed to act on the "substance" of the petition. The question before the court, however, was the timing of the decision, not the substance of the agency's regulation, the judges said.

Patti Goldman, an attorney for Earthjustice who represented NRDC and PANNA, said the organizations will shift their attention to fighting the merits of Pruitt's decision.

"We're disappointed in the ruling because what they did is so blatantly illegal," Goldman told Bloomberg BNA.

Goldman is representing the groups on the issue in a separate case being heard before the Ninth Circuit, as well as in administrative objections sent to the EPA. Five states and the District of Columbia have intervened on behalf of the environmentalists in the lawsuit challenging the decision.

According to EPA spokeswoman Amy Graham, "This victory affords EPA the necessary time to conduct a proper evaluation under the law of the science and the studies on chlorpyrifos and provide clarity about the pesticide's safety to the American people."

Dow AgroSciences was not immediately available to respond to the court ruling.

EPA Must Revisit Toxic Air Pollution Standards, Court Says

Posted July 18, 2017, 11:19 A.M. ET

By Andrew Childers

The EPA must provide further evidence that it has adequately regulated air emissions of three toxic pollutants, a federal appellate court ruled today in a victory for environmental advocates.

The U.S. Court of Appeals for the District of Columbia Circuit said that the Environmental Protection Agency must justify how emissions limits for other pollutants also control the three substances in question.

Under Section 112(c)(6) of the Clean Air Act, the EPA must identify sources that account for at least 90 percent of the emissions of seven different hazardous air pollutants and issue emissions standards that control those sources. The agency in 2015 issued a finding that it had met that obligation.

That finding is disputed by environmental advocacy organizations, who say the EPA retroactively claimed it had sufficiently regulated three toxic pollutants—polycyclic organic matter, hexachlorobenzene, and polychlorinated biphenyls—because they were controlled by emissions limits set for other substances. The D.C. Circuit didn't rule on whether the EPA's claims were valid, but found that the agency failed to explain its reliance on those other "surrogate" pollutants.

The advocacy organizations that filed the lawsuit include the American Lung Association and the Sierra Club. The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, founder of Bloomberg L.P. Bloomberg BNA is an affiliate of Bloomberg L.P.

Liquefied Natural Gas Export Plans Face Years of Oversupply

Posted July 18, 2017, 7:01 A.M. ET

By Alan Kovski

Plans for exports of U.S. liquefied natural gas have multiplied as a global supply glut has developed, raising the prospect that some exporters may lose money for several years.

Analysts say the LNG surplus also increases the likelihood that some contracts could be renegotiated, some projects may be delayed long enough to get past the oversupply period, and some plans may never come to fruition at all.

Fast growth in worldwide LNG demand should eliminate the surplus in five or six years, so there can be good reason to delay projects and become part of a "second wave," analysts told Bloomberg BNA. But until then, markets—rather than lawmakers, regulators or activists—will pose obstacles to profitable exports.

"There are certainly going to be regrets," said Kenneth Grant, executive vice president of Compass Lexecon, a subsidiary of FTI Consulting Inc. "Margins are going to be squeezed for years."

Companies in the competition for LNG exports range from Exxon Mobil Corp. and Royal Dutch Shell Plc to relatively small outfits founded over the last decade with private equity backing.

About 70 percent of global LNG is consumed in Asia, where contract prices typically are indexed to spot crude oil prices. Currently that indexing produces Asian spot LNG prices of about $5.50 per million British thermal units (MMBtu). LNG from the U.S. for sale in Asia costs an estimated $8 to $9 per MMBtu, taking into account the costs of the gas, liquefaction, and transportation.

"Buying LNG at these prices is a guarantee of losing money," Fereidun Fesharaki, chairman of consulting company FGE, said while speaking recently at the Center for Strategic and International Studies, a think tank in Washington.

Market Pressures Felt

U.S. LNG is being exported only from the Sabine Pass facility of Cheniere Energy Inc. in Louisiana. The buyers and sellers using the plant are struggling with global prices well below their estimated costs. GAIL (India) Ltd., one of the buyers, reportedly has been seeking to renegotiate its contract, although neither GAIL nor Cheniere has confirmed the reports.

GAIL, whose majority owner is the government of India, is not a small fish, but so far, Cheniere has indicated it has no intention of renegotiating anything.

The pressure for renegotiations may grow substantially, however, as top LNG traders like Shell see the growing risk of losses within their contract portfolios.

Fesharaki suggested some buyers, especially the national oil companies of some LNG-consuming countries, may walk away from contracts and trigger legal wrangling if they cannot renegotiate terms.

Cheniere, which started exporting in 2016, may be able to pass off most of its market risks to customers, but it has had its own financial strains, losing money in 2016. It turned a profit of $172 million in the first quarter of 2017, but its long-term debt amounted to $24 billion, a high level for such a specialized company with such a short track record in LNG.

Cheniere's contractual customers include GAIL, Shell, Korea Gas Corp., Total S.A., Spanish company Gas Natural Fenosa, and British utility Centrica Plc. Typically the companies will buy the gas and market the LNG themselves, although Cheniere also is willing to sell LNG overseas through its own marketing affiliate, giving it at least some of the market risk that its six big contractual

customers take.

Challenge to Find Customers

Most companies planning to build U.S. LNG export plants need customers to sign 20-year contracts to give banks enough assurance of revenues to justify the loans for the projects. Projects currently under construction are proceeding because of 20-year contracts typically signed when LNG prices were much higher than they are now, before the slump in gas and oil prices that started in 2014.

The U.S. projects under construction are "tolling" arrangements, where the owner of the liquefaction plant provides the service but does not try to take an ownership stake in the LNG. Customers take the market risk.

Now, the challenge is to find customers willing to sign such contracts when everyone can see spot prices are not fully covering U.S. LNG costs. Big customers in Japan, South Korea, China and India have been the special prizes.

President Donald Trump has been talking of LNG sales as a way to improve the U.S. trade balances with China and South Korea and a way to provide Europeans with less reliance on Russian-pipelined natural gas. His remarks do not square with the market conditions, however.

Chinese companies are over-contracted, and Asian demand is so oversubscribed that the surplus has been going to Europe, Fesharaki said. LNG spot prices in Europe are lower than Asian prices, again raising the prospect of sales at a loss for the near term.

The glut shifts negotiating leverage to buyers, Grant at Compass Lexecon said. Buyers might ask for such things as shorter contract terms, fixed prices, and unlimited flexibility on shipping destinations, he said.

Looking farther ahead, Grant said LNG trading likely will shift as it matures to more flexibility in contracts and fewer tolling arrangements. "You can see where it's going," he said.

Much More Supply Soon

Six U.S. LNG export projects are under construction, with in-service target dates spread over 2017-2019, according to Energy Information Administration (EIA) data. The great majority of their capacity already is committed to 20-year contracts, typically take-or-pay contracts where the LNG buyer either takes the amount in the contract or pays an alternative fee to the owner of the liquefaction plant.

Global LNG trade has been running at 34.6 billion cubic feet a day (Bcfd) and growing at about 6 percent a year. The six U.S. projects under construction will add about 9.6 Bcfd of export capacity, said Victoria Zaretskaya, an EIA analyst.

That is a very large capacity addition during a period when Australia also will be expanding its exports, the projects helping to assure an expansion of the global market surplus, Zaretskaya said.

Fesharaki, looking at the global growth, said, "Between 2017 and 2020 we are increasing the global supply by 40 percent. [There is] no way we can increase the demand by 40 percent in three years."

Qatar, the world's largest LNG exporter, sent a tremor through the LNG market July 4 when it said it

would increase its LNG exports by 30 percent in five to seven years through an expansion of its North Field natural gas production. Qatar Petroleum, with majority stakes in the nation's LNG export operations, has some big partners in those operations, including Exxon Mobil Corp., Royal Dutch Shell, and Total S.A.

The cost of producing natural gas at Qatar's North Field and liquefying it is $2 to $2.50 per MMBtu under current market conditions, Zaretskaya said. Such low-price competition means lower utilization rates should be expected for U.S. export facilities once the extra capacity comes online, she said.

"It's very hard to compete with Qatar."

Looking at the indexing of Asian LNG prices to crude oil, EIA estimates oil prices would have to climb to the $65-$70 range per barrel for U.S. LNG to be competitive in Asian spot markets, Zaretskaya said. Current prices are below $50 for the benchmark crudes West Texas Intermediate and Brent, though it is commonly expected that they will rise over time.

Prospects for Second Wave

Five U.S. LNG export projects have been approved by the Energy Department and the Federal Energy Regulatory Commission but are not yet at the construction stage, in part because they do not all have customers locked up. Other projects have been proposed but not yet approved.

The projects that have yet to see construction and win permits would form the second wave for U.S. LNG export facilities.

Magnolia LNG LLC, planned for the Lake Charles, La., area, is one of the projects approved but awaiting customer contracts and construction. It is a subsidiary of Liquefied Natural Gas Ltd.

The target for Magnolia LNG is to complete customer contract negotiations and reach a final investment decision by the end of 2018, Greg Vesey, CEO of the parent company and the subsidiary, told Bloomberg BNA.

Vesey's timing might allow most of the glut to pass before his LNG export plant goes into operation. It can take four years to build an LNG export plant, he said. If the construction were to start late in 2018, the plant might be completed around the end of 2022. Analysts have been suggesting the glut will fade by about 2023-2024, although their forecasts preceded the Qatar expansion announcement.

Still, there are quite a few developers aiming for a similar window of opportunity.

"I accept that it is tough competition," Vesey said.

Private Equity Prominent

Magnolia LNG, like many of the projects, has private equity as part of its financial backing. Private equity managers have been diving into energy infrastructure projects throughout the U.S. oil and gas sector.

Stonepeak Infrastructure Partners, a private equity firm, is a partner of Magnolia LNG. Such investment managers look to energy infrastructure investments for their relative long-term stability,

Vesey said.

Long-term stability is especially valued by pension funds. IFM Investors Pty Ltd., an Australian investment group owned by pension funds, has invested in one of the projects under construction, Freeport LNG, in Texas. Global Infrastructure Partners, a private equity firm, also owns a piece of Freeport LNG.

Cheniere Energy's institutional investors include BlackRock Inc., The Vanguard Group Inc., The Goldman Sachs Group Inc., Carl Icahn, and hedge fund Baupost Group, among others. And Blackstone Group took a big ownership stake in Cheniere's Sabine Pass project through a Cheniere affiliate.

The developers with projects not yet approved will have trouble catching up because they will find that the Federal Energy Regulatory Commission does not hand out approvals easily even when the five-member commission has a quorum for making such decisions, which it does not now, Vesey said. It took almost three years to get Magnolia LNG through FERC.

West Coast Export Plan

Most of the U.S. export plans are for Gulf Coast sites, and two are for the East Coast. One prominent plan, still at an early stage of permitting at FERC, is for the West Coast—the Jordan Cove project that would ship to Asia from Coos Bay, Ore.

Jordan Cove Energy Project L.P., a subsidiary of Canadian energy infrastructure company Veresen Inc., would build the liquefaction plant and a 235-mile pipeline across Oregon from a gas pipeline hub. A basic selling point would be lower shipping costs and less time than sailing from the Gulf Coast through the Panama Canal to Asia.

FERC rejected the Jordan Cove plan in 2016 because the commission did not see customers solidly lined up to justify pipeline approval. Now the "pre-filing" stage of the permitting process at FERC has been restarted for the project because 50 percent the liquefaction plant capacity and 66 percent of the pipeline capacity have been contracted.

The biggest buyers for Jordan Cove are JERA Co. Inc. and the Japanese trading giant Itochu Corp. JERA represents two Japanese utilities and is the world's largest buyer of LNG. Australian financial company Macquarie Group Ltd. also has contracted for part of the pipeline capacity through its Macquarie Energy LLC energy trading unit.

Much farther north is a Pacific Coast LNG export plant sitting idle and up for sale. The Kenai LNG plant at Nikiski, Alaska, was idled in 2015 by owner ConocoPhillips Co. and has not shipped anything since, though it is available to do so. ConocoPhillips halted its operations because of "market conditions," it said in 2016, after competing sources of LNG from Australia, Indonesia and elsewhere had surged into the Asian market.

Lining Things Up for FERC

Jordan Cove is talking with other potential buyers and intends to have 100 percent of its capacity under contract within a time frame that should make the project acceptable to FERC, company spokesman Michael Hinrichs said.

"We prefer not to have any more curve balls thrown at us," Hinrichs said, alluding to the company executives' surprise when FERC rejected their plan in 2016.

Fesharaki, though skeptical about projects that are not in construction, said the Jordan Cove project "maybe is still doable."

He was more definite about the Golden Pass project in Texas, with partners Exxon Mobil and Qatar Petroleum, a Qatari government-owned company. Golden Pass appears sure to go ahead because its partners have the money and appear determined to make it happen, Fesharaki said.

Grant at Compass Lexicon implied something similar, though he did not single out Golden Pass. He said the best bets would be the proposals that are well-capitalized and can make use of existing infrastructure. That would describe the Exxon Mobil and Qatar venture.

Canadian Projects in the Wings

There also has been a spate of proposals for LNG exports from Canada, but they have stalled in the face of the same problem of global oversupply.

LNG projects are not in construction in Canada now, although environmental cleanup as a first step in site preparation has begun at a British Columbia coastal site.

That is the location of the planned Woodfibre LNG project. It is owned by Pacific Oil & Gas Ltd., part of a Singapore-based group of companies. It is fully permitted, as are several other Canadian plans.

Woodfibre apparently would be the first Canadian LNG export project out of the gate, maybe with a startup as early as 2020, said Mark Pinney, manager of natural gas markets and transportation at the Canadian Association of Petroleum Producers. It would be an integrated operation, the gas bought and sold by Woodfibre-affiliated companies, not a tolling arrangement.

The biggest question is how robust LNG demand will be, Pinney said. The underlying demand growth has been tremendous, but there can be slowdowns, as happened in 2016 in Japan and South Korea, he said.

Like other analysts, Pinney agreed the glut should be over by 2024 or 2025. "Demand is going to catch up," he said.

James Henderson, director of the Natural Gas Program at the Oxford Institute for Energy Studies, put it tartly in an analysis issued in 2016. "The somewhat simplistic assumption that Asian markets would always obligingly provide consistently high LNG demand growth has become questionable," he said.

D.C.'s Wipes Law: Flush it or Flaunt It?

Posted July 18, 2017, 7:31 A.M. ET

By Amena H. Saiyid

A battle in the District of Columbia over what kinds of disposable wipes can be flushed down the toilet has pitted the city government and municipal wastewater utilities against manufacturers, such as Kimberly-Clark Corp. and Procter & Gamble.

And at least one member of Congress has injected himself into the debate: Rep. Andy Harris (R-

Md.) recently charged that a new District of Columbia law amounted to a ban on flushable wipes, echoing a claim made by manufacturers. Kimberly-Clark, which markets flushable wipes under its Cottonelle, Scott Naturals, and Pull-Ups Big Kid brand names, told Bloomberg BNA in a statement that the "poorly conceived" law could actually worsen the district's sewer problems by limiting consumer choice and increasing reliance on non-flushable products.

However, backers of the city ordinance, which include the region's water and wastewater authority, DC Water, say the the law doesn't impose any ban.

Rather, it directs the D.C. Department of Energy and Environment to write standards for "flushable" wipes, making sure they degrade in sewers in what the law calls a "low period of time" and aren't made of plastic. These standards would take effect Jan. 1, 2018.

"This legislation has nothing to do with banning. It's a piece of legislation that requires companies to be truthful in advertising, and to not say products are flushable when they are not," D.C. Councilwoman Mary Cheh (D-Ward 3) told Bloomberg BNA in a telephone interview.

D.C.'s success in enacting its bill may pave the way for other jurisdictions to do so as well, Cynthia Finley, regulatory affairs director for the National Association of Clean Water Agencies, told Bloomberg BNA.

Gum Up Sewers

Consumers are largely unaware that most varieties of disposable wipes, such as those used to remove makeup and clean babies' bottoms, aren't meant for flushing because they can gum up sewers, leading to blockages that can cost DC Water as much as $50,000 each year to unclog.

Many consumers may not even notice the tiny "do not flush" logo printed at the bottom of most such packages that display a figure dropping a piece of paper in toilet with a slash across it. And they may even be unaware of the existence of wipes that can be flushed, or so some manufacturers claim.

DC Water spokesman Vincent Morris told Bloomberg BNA that the D.C. law merely requires clear, consistent, and prominent labeling for consumers.

"If you examine a packet of wipes, the consumer guidance isn't clear," Morris said. "We want it prominently displayed that either it is safe to flush or not to flush."

To that end, the D.C. law also requires manufacturers to clearly label the non-flushable varieties, including wipes for babies, feminine hygiene, and skincare, which are major culprits in clogging sewer systems.

First of Its Kind

The Nonwoven Disposal Products Act of 2016, the formal name of the D.C. wipes ordinance, is the first of its kind in the nation. Proponents say the law has garnered national attention because it could encourage other cities and states to adopt similar restrictions, creating a patchwork of regulations, which could prove costly for industry.

Other states—California, Maine, Minnesota, and New Jersey—have tried to pass flushable-wipes laws but were unsuccessful, according to the National Association of Clean Water Agencies, which

represents municipal wastewater utilities and backs the D.C. law.

NACWA's goal in backing mandatory standards is to "level the playing field" for all companies, ensuring all wipes labeled "flushable" were actually safe for sewer systems, and those labeled non-flushable wipes are done consistently. "It doesn't make sense for Kimberly-Clark to oppose mandatory labeling if they are following voluntary guidelines, but wipes imported from China and other countries are not," Finley said, adding "legislation will not only protect sewer systems, but it will level the playing field for all wipe brands."

Meanwhile, D.C. is working on draft regulations that it hopes to release for comment as early as this fall and have them in place by the time the law takes effect, Morris said.

Public Education Versus Legislation

Opponents say the law is the wrong approach.

"Public awareness and education, not legislation, is the most effective best way to address these issues," Tonia Elrod, spokeswoman for the Association of the Nonwoven Fabrics Industry (INDA), which includes members such as Kimberly-Clark and Procter & Gamble.

The association, which is part of a coalition called the Responsible Flushing Alliance, advocates voluntary measures that focus on educating the public about the dangers of non-flushable wipes over the mandatory guidelines that municipal wastewater utilities seek to impose.

A month ago, INDA updated its code of labeling practices to ensure manufacturers make clear which products are not flushable, she said.

Harris, during a July 13 markup of a fiscal year 2018 appropriations bill, warned his colleagues on a House Appropriations panel that "everybody's going to flush nonflushable wipes" unless the city council works with the committee to find a workable definition for "flushable." Harris introduced, then withdrew, an amendment to block the D.C. wipes law during that meeting.

Elrod raised the same argument. Companies "may not continue to sell flushable wipes if the definition of flushables is not achievable, or if it is not a viable business for our members," Elrod said.

Consumers then would have no choice but to use non-flushable wipes that they would continue to discard down the toilet, exacerbating the clogging problem, she added.

Opposition to D.C. Law

Procter & Gamble told Bloomberg BNA July 12 that it would defer to INDA, which has consistently advocated for changing public behavior through education and voluntary industry compliance.

Kimberly-Clark Corp. made no bones about its position on the D.C. wipes law in a statement to Bloomberg BNA.

"Kimberly-Clark agrees with INDA and other manufacturers of flushable moist wipes that the DC legislation is poorly conceived since it will not address the District's sewer system problems and will only serve to worsen the situation and harm consumers in the District, since it may leave them no choice but to turn to using, and flushing, more non-flushable items," the company said.

Elrod and Kimberly-Clark cited studies characterizing wastewater samples, saying flushable wipes comprised between 2 percent and 8 percent of the total waste found in New York and Maine sewers, respectively.

The bulk of the products found in the sewer drains were paper towels, baby wipes, skincare wipes, facial tissues, feminine hygiene products, Elrod said, adding "none of these products are meant to be flushed."

The industry won't get any argument on that front from DC Water, which also is engaged with area wastewater utilities in a Metropolitan Washington Council of Governments' "protect your pipes" campaign to educate the public about the dangers of flushing medications, wipes, fats and oil grease down the drains.

"All wipes are a problem if they aren't disposed properly," Morris said.

Cheh said the industry is presenting a "false dichotomy" by making consumers choose between education and legislation. "This is not a zero-sum game. We can do both," she said, noting that the district is already involved in a campaign to educate its consumers about what not to flush.

The association rued the city's "inappropriate" emphasis on flushable wipes.

'Workable' Definition

Harris said the city still has time to come up with a workable definition.

Elrod acknowledged that the language in the D.C. law is compatible with efforts the industry is already taking, which include clear labeling of non-flushable items and a guarantee that flushable items be made from 100 percent plant-based cellulose that biodegrades.

"The real solution is to help us all understand what we can flush and what we should not flush," INDA spokeswoman Elrod told Bloomberg BNA a day before the July 13 debate.

Kimberly-Clark pointed to its Cottonelle wipes, saying their products meet widely accepted industry standards for flushability.

"Our products are engineered to lose strength as they move through properly maintained plumbing, sewage or septic systems," the company said, defending its advertising claims.

However, Kimberly-Clark and Procter Gamble are facing class action lawsuits in federal district courts from New York residents who alleged the flushable wipes didn't degrade, but instead caused basement backups and septic system failures.

Cheh said it is up to the companies to make a product that degrades and doesn't clog up pipes.

"Otherwise, they are making products that are clogging up the system and mislabeling them, and our taxpayers are having to pay to clean up the mess that they have created," Cheh said.

Trump to Nominate Toxicologist to Head EPA Chemicals Office

Posted July 18, 2017, 10:37 A.M. ET

By Tiffany Stecker

President Donald Trump intends to nominate a longtime EPA official and risk assessor with ties to the chemical and tobacco industries to head the agency's chemical safety and pesticides office, the White House said.

Michael Dourson, a professor of environmental health at the University of Cincinnati and founder of the Risk Science Center, spent 15 years at the Environmental Protection Agency's offices in Cincinnati, Washington, D.C., and Region 5 headquarters in Chicago, under Presidents Ronald Reagan, George H.W. Bush, and Bill Clinton.

After leaving the agency in 1995, he founded Toxicology Excellence for Risk Assessment (TERA), a regulatory analysis firm that became the Risk Science Center when it joined with the University of Cincinnati in 2015.

Dourson was considered in 2014 to lead the EPA's Integrated Risk Information System, which identifies and characterizes chemicals' health hazards. The job went instead to Vincent Cogliano, then acting director of IRIS and currently an employee at the EPA.

In 2014, the Center for Public Integrity and InsideClimate News published an investigation of TERA, suggesting it worked closely with the chemical and tobacco industries to fast-track chemical risk assessments. Dourson said in response that the criticism didn't bother him: "We get criticized by everyone. But that doesn't change the fact that TERA is neutral."

The American Chemistry Council praised the decision to nominate Dourson.

"His knowledge, experience and leadership will strengthen EPA's processes for evaluating and incorporating high quality science into regulatory decision making," spokesman Jon Corley said. "The Senate should act on Dr. Dourson's nomination without delay as it comes during a crucial point in the implementation of the Lautenberg Chemical Safety Act."

The Environmental Defense Fund opposed the move.

"We are deeply concerned over the nomination of Michael Dourson to head the toxics office at EPA," Richard Denison, senior scientist with the organization, said in a blog post. "Unfortunately, this nomination fits the clear pattern of the Trump administration in appointing individuals to positions for which they have significant conflicts of interest."

Clean Energy Is Trouncing Oil, Gas and Coal in Trump Era

Posted July 18, 2017, 9:22 A.M. ET

By Joe Ryan, Christopher Martin and Brian Eckhouse

President Donald Trump took office vowing to revive the coal industry's fortunes. So far, the smart money has been on clean energy.

An index of 40 publicly-traded solar companies, wind-turbine component makers and others that benefit from reduced fossil fuel consumption is up 20 percent this year. That's more than double the S&P 500's 9.8 percent gain. And better than the 8.3 percent rise by an index of leading coal

companies.

The eco-friendly stock rally—which comes as oil and natural gas-focused shares have dipped—stems from a constellation of factors, including a Nevada law to boost rooftop solar, China's mass-transit policy and optimism that Elon Musk's Tesla Inc. might deliver its Model 3 sedan on time. In short, Trump's pro-fossil fuel agenda hasn't damaged investor support for clean energy.

"Nothing dreadful has happened, and these companies continue to execute," said Jenny Chase, Bloomberg New Energy Finance's lead solar analyst.

As clean-energy stocks climb, investors have pumped more money into wind and solar. U.S. investments totaled $14.7 billion during April, May and June, up 51 percent from the previous quarter to mark the highest level since 2015, according to Bloomberg New Energy Finance. European investments rose 10 percent, to $8.8 billion.

"We are seeing catalysts for these markets driven by the fact that people increasingly realize clean energy is more profitable than conventional energy," said David Richardson, an executive director at Impax Asset Management, which focuses on sustainability and has about $8.7 billion under management, up 32 percent this year.

Solar stocks are performing especially well under Trump. Sunrun Inc., the largest independent U.S. rooftop panel installer, is up 32 percent, closing July 17 at $7.01. That rally has been fueled in part by a Nevada law passed in June to make solar more affordable for the state's homeowners. Nevada gets more sunshine than almost anywhere in the nation, but it's been a dead-zone for solar since regulators slashed rooftop panel subsidies in 2015. The new legislation largely restored those credits.

Solar manufacturers are rallying, too. First Solar Inc., the largest American panel maker, has gained 33 percent, to $42.72. Average panel prices, which plunged 35 percent last year, have begun to stabilize, falling just 8 percent since December, to 33 cents per watt. The market shift stems from solar developers aggressively stocking up on panels, fearing that a pending federal trade case could lead to tariffs on imported equipment.

"It created some tailwind for the manufacturers," said Sophie Karp, an analyst at Guggenheim Securities.

Some of the biggest clean-energy gainers include fuel cell manufacturers, which use liquid hydrogen to generate electricity through a chemical process that emits only water. While hydrogen-powered engines have been slow to catch on in cars—largely because of a lack of fueling stations—China has been pushing to use the technology in buses.

As Beijing has beefed up investments this year, fuel cell maker Hydrogenics Corp. has nearly doubled, to $8.70. Ballard Power Systems Inc. is up 73 percent, to $2.86.

Electric car maker Tesla is up 50 percent this year as the company has begun limited production of its Model 3 sedan, its cheapest vehicle yet. Musk says he expects production to reach 20,000 cars a month by December.

In the end, some of the clean-energy gains may be fleeting. The trade case that's driving up solar panel prices may ultimately lead to tariffs that analysts warn could slow overall demand. Fuel cell companies have a long history of ephemeral rallies. And Tesla's stock has been slipping since its

June 23 peak after a troubling quarterly sales report and ongoing concern about its ability to mass produce. It closed down 2.5 percent July 17, at $319.57.

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Fewer Nuclear Licenses to Force Layoffs at Nuclear Regulator

Posted July 18, 2017, 9:03 A.M. ET

By Rebecca Kern

Up to 20 administrative support workers at the Nuclear Regulatory Commission may lose their jobs as the agency seeks to cut its workforce to help make up for a funding shortfall resulting from fewer licensing applications, an NRC spokesman told Bloomberg BNA July 18.

The agency, which oversees the safety of U.S. nuclear reactors, has provided 120-day notices of a reduction-in-force to select employees in the Office of Administration, the Office of the Chief Human Capital Officer and the Office of Small Business and Civil Rights, according to a staff-wide email sent by NRC Executive Director of Operations Victor McCree July 12.

The agency is trying to reduce the number of employees that would be laid off to less than 20 by Nov. 6 through other measures such as attrition, the spokesman told Bloomberg BNA.

Funded in part by licensing fees, the agency has received fewer applications from companies to build nuclear reactors, which can cost more than $11 billion. They are struggling to compete in the wholesale energy markets against facilities fueled by low-cost natural gas.

The NRC also has limited its external hiring, offered three rounds of buy-outs to employees and has reassigned employees with potentially affected positions to higher priority work, McCree said in the email.

“Despite these actions, the estimated rate of voluntary attrition through the remainder of FY 2017 will not enable us to meet our FY 2018 workload needs,” McCree wrote.

The agency worked with the National Treasury Employees Union ahead of the notifications to avoid the involuntary measures, McCree said in the email.

The NRC is also requesting further staff reductions in its fiscal 2018 budget proposal, which would cut 311 full-time-equivalent employees.

For the past several years, Congress has directed the NRC to reduce its budget and workforce due to fewer nuclear operators planning to build new reactors. NRC’s budget has been under scrutiny since it increased staff in 2010 due to an expected influx of new reactor applications, which the agency didn’t receive because applicants withdrew them for market reasons.

California Extends Carbon Trading Program Through 2030

Posted July 18, 2017, 8:48 A.M. ET

By Carolyn Whetzel

Legislation extending California's carbon trading program through 2030, squeaked by both state houses late July 17, secured in part by concessions to industry such as banning local agencies from regulating carbon emissions in certain business sectors.

The thin, super-majority votes to pass A.B. 398—28-12 in the Senate and 55-21 in the Assembly—also required passage of a separate bill, A.B. 617, to tackle localized emissions of harmful pollutants. In the end, eight Republicans and several moderate, business-friendly Democrats supported A.B. 398.

In addition to prohibiting local air agencies from regulating the carbon emissions of oil refineries, power plants, cement producers, and other entities in the program, the bill also provides allowance price caps and an exemption of sales and use taxes for electricity producers on certain new equipment and some construction related expenses. A.B. 398 also suspends a fire prevention fee on rural property owners long opposed by Republicans.

State law enacted last year requires California to reduce greenhouse gas emissions 40 percent below 1990 levels by 2030.

Hard-Fought Victory

Passage of A.B. 398 was a hard fought and important victory for Gov. Jerry Brown (D) who pressed lawmakers to preserve the five-year-old program set to expire in 2020.

"Tonight, California stood tall and once again, boldly confronted the existential threat of our time," Brown said in emailed statement. "Republicans and Democrats set aside their differences, came together and took courageous action. That's what good government looks like."

Brown, industry and business groups, and others believe the trading program is a critical, cost-effective tool in achieving the state's ambitious climate goals and maintaining California's role as a global climate leader.

The governor sought the two-thirds votes on A.B. 398 to help insulate the program from future legal challenges.

A.B. 398 continues the basic framework of the existing program, which sets a statewide annual limit on greenhouse gas emissions and requires the largest stationary sources of carbon emissions to the meet declining annual limits. To comply, covered entities must either install emissions controls to reduce emissions or purchase allowances, or permits.

However, the bill means covered entities must make do with fewer carbon offsets—credits for planting trees and reducing methane emissions. The number of available free allowances under the program will shrink overtime.

The companion air quality bill, A.B. 617, required only a simple majority for passage. Clearing the Senate on a 27-13 vote and Assembly 50-24, A.B. 617, boosts maximum penalties for air quality violations, requires state regulators to update the air toxics program, implementation of community plans to reduce emissions of ozone forming emissions and particulate pollution, and best available retrofit control technology at industrial facilities.

The California Business Roundtable, California Chamber of Commerce, California Manufacturers and Technology Association and dozens of other business and industry groups and labor organizations supported A.B. 398 and A.B. 617.

Large environmental groups including the Environmental Defense Fund and Natural Resources Defense Council supported the bills, but environmental justice and community groups lobbied against the bills, saying the concessions, like allowing the continued use of carbon offsets and free allowances, were unacceptable.

Listing Triggers Northwest Territories Protection Plan for Bison

Posted July 18, 2017, 8:47 A.M. ET

By Jeremy Hainsworth

Canada's Northwest Territories is ratcheting up a recovery strategy for wood bison after the species was moved to the territory's List of Species at Risk as a threatened animal.

While the listing adds no protections for North America's largest land mammal or its habitat, it does trigger a requirement to implement a recovery strategy within two years, territorial Ministry of Environment and Natural Resources spokeswoman Dawn Curtis told Bloomberg BNA July 17.

An estimated 2,500 wood bison roam the Northwest Territories. They are vulnerable to threats such as naturally occurring anthrax and introduced bovine tuberculosis and brucellosis.

The listing was made under direction of the NWT Conference of Management Authorities (CMA) and the Species at Risk Committee under the Species at Risk Act.

The committee determined the population could be endangered if nothing is done to reverse declining population trends. "It could disappear from the NWT in our children's lifetimes," the CMA said in its report.

The territorial government, the Tlicho aboriginal government, and the Wek'ezhi Renewable Resources Board share wood bison management authority.

Brazil President Pushes Amazon Deforestation Bill

Posted July 18, 2017, 8:35 A.M. ET

By Simone Iglesias

Brazil's President Michel Temer is ignoring pleas from both supermodel Gisele Bundchen and the Norwegian Prime Minister by submitting a bill to Congress that would reduce protections of a large national forest in the Amazon, just weeks after vetoing similar legislation.

The new bill would downgrade the legal protections governing around 27 percent, or close to 350,000 hectares, of the Jamanxim national forest in the northern state of Para. The original proposal, vetoed last month on the eve of the president's trip to Norway, would have reduced the area under preservation by nearly 600,000 hectares, according to World Wildlife Fund. During Temer's visit, Norway announced plans to cut its funding of Amazonian conservation projects due to Brazil's failure to prevent a rise in illegal deforestation.

Changes to the status of the region will permit land there to be sold, cleared of forest, used for agriculture and livestock as well as for mining activities, according to the state news agency Agencia

Brasil. Legislators from the country's agriculture caucus, a key part of Temer's base, lobbied for the downgrade. The president had vetoed the original bill not because disagreed with the spirit of the proposal but because lawmakers inflated the area to be downgraded, according to two aides who were not authorized to speak on record. Temer needs all the support he can muster at present as he battles to secure enough votes to avoid trial at the Supreme Court.

Environmental organizations, including the WWF, argued that the earlier bill would put biodiversity and water resources at risk. The rate of deforestation in the Amazon rose 29 percent in July 2016, compared with August 2015, according to the National Institute for Space Research, or INPE. Para was the Brazilian state with the highest rate of deforestation.

In June, Temer confirmed his decision to veto the original proposal in a tweet to Bundchen, who is also an environmental campaigner. It was not enough, however, to mitigate the concerns of the Norwegians, who announced their decision to cut their Amazon Fund contribution on June 23.

—With assistance from Samy Adghirni.

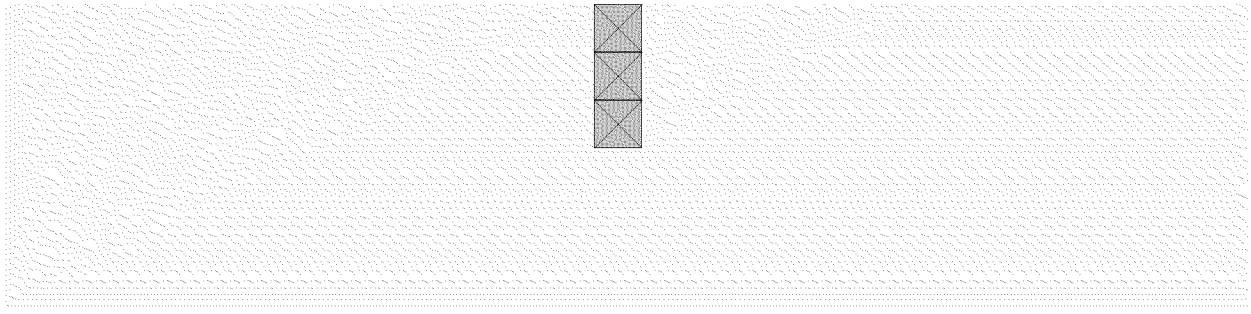
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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Wed 7/12/2017 12:18:01 PM
Subject: Deadly Marine Plane Crash, FBI in Chicago, Big Pharma Pays Big, Phishing for Photos & More





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 6/16/2017 12:07:00 AM
Subject: June 16 -- Daily Environment Report

Daily Environment Report

June 16, 2017 - Number 115

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Leading the News

EPA

No Region Shakeup or Staff Layoffs, EPA's Pruitt Says

The EPA is not aiming to relocate any of its 10 regional offices, and ongoing discussion of that prospect is "pure legend," Admininstrator Scott Pruitt told House appropriators June 15.

Energy

Energy Department Climate Office Closure One of 'Many' Planned

The Energy Department's closure of its Office of International Climate and Technology, which works on global emission reductions, is one of many program offices the agency is eyeing to cut as part of fiscal year 2018 budget reductions, an agency official said.

Pesticides

Monsanto: Hidden Cancer Study is 'Scientific Vandalism'

Disputes over the impartiality of an international cancer research agency are flaring again, as documents suggest that a major study's preliminary data was hidden by a U.S. scientist when reviewing the cancer-causing potential of Monsanto Co.'s Roundup.

News

Air Pollution

N.Y. Subpoenas Fiat Chrysler Over Emissions Cheating Devices

New York's financial regulator subpoenaed Fiat Chrysler Automobiles NV for information about the possible use of any software installed in vehicles to cheat emissions testing in the state, according to a person familiar with the matter.

Chemical Security

Groups Sue Over EPA Delay of Chemical Plant Safety Rules

A coalition of environmental and public health organizations is asking the U.S. Court of Appeals for the District of Columbia Circuit to review EPA's decision to delay new chemical plant security regulations to 2019.

Chemicals

Dow, Dupont Win U.S. Antitrust Nod to Create Chemicals Giant

Dow Chemical Co. and DuPont Co. won U.S. antitrust approval for their $73 billion merger, overcoming one of the last remaining hurdles to a deal that would create a global chemicals giant.

Chemicals

EPA Task: Balance Chemical Trade Secrets With Public Data

The EPA says it's hard pressed to withhold the identities of certain chemicals while also making public any health, worker safety, or environmental risk information about the chemicals under the amended toxics law passed last June.

Chesapeake Bay

Pennsylvania Bill Would Hinder Bay Cleanup, State Official Says

A proposed Pennsylvania budget bill from Republicans would further cripple the state's Chesapeake Bay cleanup efforts by cutting funding to conservation districts that help farmers reduce water pollution, Pennsylvania Agriculture Secretary Russell Redding said June 15.

Climate Change

EU Environment Agency Warns of 'Rapid' Arctic Changes

The European Union should do more to relieve the pressures on the Arctic ecosystem or risk a breakdown of "the Arctic's role in global climate regulation," the European Environment Agency said June 15.

Climate Regulation

California Utilities Must Reduce, Fix Pipeline Methane Leaks

California adopted new standards requiring natural gas utilities for the first time to reduce methane leaks from pipelines.

Climate Science

Trump's Budget Puts Climate Research Program on Thin Ice

The U.S. could fall behind on mitigating expensive and irreversible damage from climate change domestically as a result of the White House's proposed cuts to an interagency research program's budget. Funding worries for the domestic climate and climate-related research program come at a time of uncertainty about the Trump administration's priorities for climate change as it slashes funding for that work across the government. President Donald Trump has pledged that the U.S. will ...

Congress

Nuclear Waste Bill Set to Change After Subcommittee Markup

Draft legislation on rebooting efforts to make Nevada's Yucca Mountain the nation's permanent repository for nuclear waste, which a House subcommittee approved June 15, will likely see changes before it's formally introduced, the subcommittee chairman says.

EPA

Former Arizona Environment Chief Tapped as EPA's COO

A former top aide to Arizona Gov. Doug Ducey (R), is joining the EPA as its chief operating

officer, a position that doesn't require Senate confirmation, according to an agency spokeswoman and Ducey's office.

EPA

Trump Spurs Bipartisanship as Lawmakers Vow to Stop EPA Cuts

President Donald Trump's plan to slash spending on the Environmental Protection Agency was blasted by lawmakers, as Republicans and Democrats took turns telling the agency's head that proposed budget cuts were unlikely to survive in Congress.

Emissions Trading

Singapore's Carbon Tax May Be Felt Throughout Southeast Asia

When Singapore rolls out Southeast Asia's first carbon tax in 2019, the biggest impact may not be on carbon emissions at all—at least, not directly.

Energy

China, India Seen as $4 Trillion Opportunity for Energy by 2040

China and India will be the biggest recipients for new investment in power-generating capacity by 2040, representing a $4 trillion opportunity for the energy sector.

Energy

House Panel Extends $6 Billion in Untapped Nuclear Tax Credits

The U.S. House Ways and Means Committee approved a bill that would extend a $6 billion tax benefit for the nuclear power industry, a potential boon to Scana Corp. and Southern Co., which are building facilities in Georgia and South Carolina.

Energy

Malicious Attacks on Electric Grid Facilities Over-Reported

The incidence of sabotage and vandalism to the U.S. electric grid might be less severe than data reported to the federal government suggest, a Bloomberg BNA data analysis shows.

Energy

Senate Panel Advances Nuclear Regulator Nominee Svinicki

The Nuclear Regulatory Commission is a step closer to retaining its quorum as the Senate Environment and Public Works Committee advanced the nomination of current NRC Chairman Kristine Svinicki for a third term at the agency.

Enforcement

Home Builder to Pay $425,000 Fine Over Stormwater Violations

A national home builder has agreed to pay a $425,000 fine for not obtaining a Clean Water Act permit for discharging stormwater from construction sites in New York and New Jersey, the Justice Department announced June 15.

Forests

House Republican Tries to Win Democratic Support for Forest Bill

A forest management bill has been revised with the hope of attracting more votes from Democrats, Rep. Bruce Westerman (R-Ark.) told Bloomberg BNA after a June 15 hearing on his draft legislation.

Motor Vehicles

EPA Isn't Reviewing California's Clean Air Act Waiver: Pruitt

EPA Administrator Scott Pruitt said the agency isn't reviewing a Clean Air Act preemption waiver granted to California that allows the state to impose air pollution control requirements that are stricter than those of the federal government.

Oil & Gas

U.S. Toughens Stance on Russian Gas as Engie Defends New Pipe

As U.S. lawmakers targeted Russia's controversial $10-billion natural gas pipeline to Europe in a plan for expanded sanctions, French utility Engie SA defended the link that it says is vital for the region's fuel supplies.

Pesticides

EPA Approves Dow, Monsanto Gene-Silencing Tech to Fight Pests

Farmers will soon have access to a novel technology to fight corn rootworm, a devastating pest that has grown resistant to traditional pesticides.

Pesticides

USDA Takes Protective Measures on Cyanide Use After Dog Death

The Agriculture Department is updating guidelines for cyanide predator controls in light of recent accounts of the devices killing and injuring pets and people.

Renewable Energy

Garbage to Light 80,000 Aussie Homes Amid Energy Rethink

Australia's poor recycling track record has an upside.

Renewable Energy

Solar Power Will Kill Coal Sooner Than You Think

Solar power, once so costly it only made economic sense in spaceships, is becoming cheap enough that it will push coal and even natural-gas plants out of business faster than previously forecast. That's the conclusion of a Bloomberg New Energy Finance outlook for how fuel and electricity markets will evolve by 2040. The research group estimated solar already rivals the cost of new coal power plants in Germany and the U.S. and by 2021 will do so in quick-growing markets such as China and ...

Solid Waste

N.C. Lawmakers Approve Spraying of 'Garbage Juice'

Landfill operators in North Carolina would be authorized to spray leachate and wastewater into the air to help manage solid waste under a bill approved by state lawmakers June 15.

Toxic Substances

EU Moves to Limit Chemicals in the Workplace, Electronics

European Union member countries are backing a plan to establish bloc-wide workplace exposure limits on five cancer-causing substances that would protect more than 4 million workers at industrial sites producing chemicals, lubricants, plastics and pharmaceuticals.

Water Pollution

GOP Bill Attempts to Revoke EPA's Water Act Veto Authority

A bill attempting to revoke the Environmental Protection Agency's authority to veto dredge-and-fill permits was introduced June 15 by Rep. Bob Gibbs (R-Ohio).

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Thur 11/2/2017 9:40:58 AM
Subject: Morning Media: WSJ editorial fallout -- NPR's Oreskes resigns -- O'Reilly meeting with Newsmax -- Tapper rips Fox -- NYT's digital gains

By Michael Calderone | 11/02/2017 05:39 AM EDT

THE WALL STREET JOURNAL EDITORIAL BOARD SWIPED at POLITICO Tuesday after a report on how The Journal's opinion section has lately echoed pro-Trump voices at fellow Rupert Murdoch-owned entities Fox News and the New York Post. The Journal editorial page recently called for special counsel Robert Mueller to resign, while running an op-ed urging Trump to issue a "blanket pardon" in response to the Russia probe. Editorial page editor Paul Gigot declined to comment to POLITICO on Monday, but his board responded with an unsigned editorial on Tuesday: "The Press Loves Fusion GPS."

- The editorial focused on POLITICO's including a tweet from former Journal editor Neil King - who said he didn't "know a single WSJ alum who's not agog at where that edit page is heading" - without mentioning that King this year joined Fusion GPS, an investigative firm started by ex-Journal reporters that last year commissioned the infamous Trump-Russia dossier. "Politico quotes an employee of Fusion to attack The Wall Street Journal for criticizing Fusion," the editorial read. Actually, the Journal piece King responded to on Twitter doesn't mention Fusion. Still, in the interest of disclosure, POLITICO updated the original story to note that King works at the firm.

- Now that that's settled. It's striking the Journal editorial board didn't mention another tweet included in the POLITICO story: Columbia journalism professor and former senior Journal editor Bill Grueskin suggested that the "WSJ edit page has gone full bats- t" for "hosting an op-ed suggesting Trump pardon everyone, including himself." And the Journal editorial also didn't respond to a third critical tweet in the POLITICO piece: New York Times Magazine writer Nikole Hannah-Jones calling the Mueller editorial "embarrassing for every good reporter at that paper."

- Criticism of The Journal's editorial line has recently come from commentators across the political spectrum, including Wednesday from a prominent conservative columnist and reporters inside the paper. Vanity Fair's Joe Pompeo asked whether a "civil war" was breaking out between the news and editorial divisions at The Journal after speaking to staffers there. One Journal reporter said it was "frustrating" to see the editorial page undermine its reporting. Another said some of the Journal opinion writers' claims could be disproved "if they just read our own reporting."

- "One need not conclude that 'Fox is taking over' The Journal or that Murdoch and sons personally are editing opinion columns to recognize that the Journal has changed in the Trump era," Washington Post "Right Turn" columnist Jennifer Rubin wrote Wednesday. "The perceived shift in the Journal's editorial board, not unlike the further decline into journalistic insanity at Fox, is symptomatic of the intellectual rot that has eaten away at the right, and at the Republican Party specifically. On the right, years of bashing liberal media turned from criticism to paranoia

and a sense of victimhood."

Good morning and welcome to Morning Media. Congratulations to the World Champion Houston Astros (and to Sports Illustrated for this incredibly prescient cover). Please send tips to mcalderone@politico.com and @mlcalderone. Jason Schwartz (@JasonSchwartz) and Daniel Lippman (@dlippman) contributed to the newsletter. Archives. Subscribe.

TOP NPR EDITOR MICHAEL ORESKES RESIGNED Wednesday after two women leveled sexual harassment allegations, including unwanted kissing, during his tenure two decades ago at the New York Times. "The worst part of my whole encounter with Oreskes wasn't the weird offers of room service lunch or the tongue kiss but the fact that he utterly destroyed my ambition," one woman told The Washington Post. An NPR employee, Rebecca Hersh, had filed a former complaint in October 2015 after Oreskes turned "a career counseling session into a three-hour-long dinner that delved into deeply personal territory," as NPR's David Folkenflik reported.

- "I am deeply sorry to the people I hurt," Oreskes said in a statement. "My behavior was wrong and inexcusable, and I accept full responsibility. To my colleagues, I am grateful for every minute I've had to work with each of you. Thank you. NPR has an important job to do. Public radio matters so much and I will always be your supporter."

- NPR CEO Jarl Mohn told staff Wednesday that he asked "Oreskes for his resignation because of inappropriate behavior" and received it. "Some have asked me if it took published news reports for us to take action," he wrote in a memo. "The answer is that it did not. We have been acting. Some of the steps we took were visible and others weren't. We have a process in place and we followed that process."

- Yet some NPR staffers are questioning that process, as CNN's Brian Stelter reports: "In interviews with CNN, nine staffers said they believe Mohn did not take the Oreskes harassment accusations seriously enough. 'There were repeated complaints to management going back more than a year, and nothing ever happened,' one of the sources said on condition of anonymity."

SOUND BITE

"The way media organizations shift sexual predators around often without warning the next employer reminds me a bit of the Catholic Church. Halperin and Oreskes had long careers, bounding from one outlet to the next, each time leaving a sea of victims in their wake." [Hilary Sargent]

BILL O'REILLY TO NEWSMAX? The former Fox News star, who lost his cable news perch following revelations of settlements to women alleging sexual harassment, is meeting next week with executives at Newsmax, an upstart conservative TV rival, POLITICO's Darren Samuelsohn and Jason Schwartz report.

- "We don't think Bill O'Reilly's career is over," Newsmax CEO Chris Ruddy told POLITICO. "He does have a market. We're very interested and exploring looking at that," Ruddy